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AGENDA

Committee	PLANNING COMMITTEE
Date and Time of Meeting	THURSDAY, 15 MARCH 2018, 10.00 AM
Venue	COMMITTEE ROOM 4 ,COUNTY HALL, ATLANTIC WHARF, CARDIFF
Membership	Councillor Keith Jones (Chair) Councillors Gordon, Ahmed, Asghar Ali, Congreve, Driscoll, Goddard, Hudson, Jacobsen, Jones-Pritchard, Lay and Keith Parry

1 **Apologies for Absence**

2 **Minutes**

To approve as a correct record the minutes of the meeting held on 7 February 2018

3 **Declarations of Interest**

To be made at the commencement of the agenda item in question, in accordance with the Members Code of Conduct.

4 **Petitions**

Petitions have been received in relation to the following applications in accordance with Committee Meeting Procedural Rule 14.2. The petitioners have been advised of their right to speak and the applicants/agents of their right to reply:

Application no, 15/02960/MNR, 30 Springfield Gardens, Radyr

Application no, 16/03067/MNR, Land off Mill Road, Tongwynlais

Application no, 17/02784/MNR, Land at Howard Gardens, Adamsdown

Application no, 18/00027/MJR, Former Ian Williams Ltd, Sanatorium Road, Canton.

5 Development Control Applications

Part 1 of Meeting 10:00AM

- a 18/00123/MJR, Part of the former Phoenix Estate, Caerphilly Road, Heath
- b 17/03101/MJR, Former Travis Perkins Trading CO Ltd, 1 Malvern Drive, Llanishen
- c 17/03102/MJR, Travis Perkins Trading CO Ltd, 1 Malvern Drive, Llanishen, removal of conditions
- d 18/00027/MJR, Former Ian Williams Ltd, Sanatorium Road, Canton
- e 18/00034/MNR, 105 Romilly Road, Canton
- f 17/02784/MNR, 15 Ty-Draw Road, Penylan

Part 2 of Meeting 2:00PM

- a 15/02960/MNR, 30 Springfield Gardens, Radyr
- b 16/03067/MNR, Land off Mill Road, Tongwynlais
- c 17/02129/MNR, 639 Newport Road, Rumney
- d 17/01417/MJR, Bradley Court, 11 Park Place, Cathays
- e 17/01418/MJR, Bradley Court, 11 Park Place, Cathays
- f 17/01419/MJR, Bradley Court, 11 Park Place, Cathays
- g 17/02618/MJR, Land at Howard Gardens, Adamsdown
- h 17/02404/MJR, Former Browning Jones and Morris Dumballs Road, Butetown
- i 17/01672/MJR, ITEC Training Solutions Ltd, Crawshay Court, 6 Curran Road, Butetown
- j 17/02936/MJR, Land to the west of Clive Lane, Grangtown
- k 17/02936/MJR, 116-118 City Road

7 Planning Committee Delegations

8 Urgent Item (s) (if any)

9 Applications decided by Delegated Powers

10 Date of the Next Meeting

The date of the next scheduled meeting of the Planning Committee is Wednesday 11 April 2018 at 1:30PM.

Davina Fiore

Director Governance & Legal Services

Date: Friday, 9 March 2018

Contact: Kate Rees, 029 2087 2427, krees@cardiff.gov.uk

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PLANNING COMMITTEE

7 FEBRUARY 2018

Present: Councillor Keith Jones(Chairperson)
Councillors Gordon, Ahmed, Asghar Ali, Congreve, Driscoll,
Goddard, Hudson, Jacobsen, Jones-Pritchard, Lay and
Keith Parry

59 : APOLOGIES FOR ABSENCE

None

60 : MINUTES

The minutes of the 13 December 2017 and 10 January 2018 were approved as a correct record. Subject to an amendment to Councillor Jones-Pritchard declaration to 17/01735/MJR.

61 : DECLARATIONS OF INTEREST

COUNCILLOR	ITEM	REASON
Ali Ahmed	17/00489/MNR	Ward Councillor
Asghar Ali	17/00489/MNR	Owns property Next door
Hudson	17/02464/MJR	Spoke as Ward Councillor
Jones-Pritchard	16/03067/MNR	Objecting as Ward Councillor

62 : PETITIONS

Application: 15/02960/MNR, 30 Springfield Gardens
Application: 17/01963/MJR, Land off Mynachdy Road
Application: 17/01935/MJR, The Michaelston, 105 Michaelston Road
Application: 17/02464/MJR, Former Highfields Centre, 18 Allensbank Road
Application: 16/03067/MNR, Land off Mill Road

63 : DEVELOPMENT CONTROL APPLICATIONS

The Committee considered the schedule of development control applications submitted in accordance with the Town & Country Planning Act 1990.
RESOLVED: That pursuant to this Committee's delegated powers the following development control applications be determined in accordance with the recommendations as set out in the report of the Director of City Operations subject to any further amendments as detailed below and notification be given of the decision in

accordance with Section 74 of the Planning (Listed Building & Conservation Area Act 1990)

APPLICATIONS GRANTED

17/03008/MNR – CATHAYS

27 RHIGOS GARDENS

Variation of Condition 2 of 12/00280/DCI – amended layout to previous approval & retention of extension and rear dormer

APPLICATIONS GRANTED ON EXECUTION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990:

17/02615/MJR – BUTETOWN

LAND ON THE NORTH AND SOUTH SIDE OF JOHN STREET.

Hybrid application comprising of full application for mixed use commercial building on the south site (No.1 John Street) and outline application for mixed use commercial and leisure hotel on the north site (No.2 John Street) including associated parking, public realm and landscape works.

Subject to an amendment to Condition 36 to read:

‘Unrestricted vehicular access to the railway arches and existing Network Rail assets from a publicly adopted highway and the access road immediately in front of units 1-8 in accordance with dwg. No.3034-PL122A, shall be maintained at all times’

17/01963/MJR – GABALFA

LAND OFF MYNACHDY ROAD

Erection of 5 blocks of three storey student accommodation, comprising a total of 350 bedrooms, along with hard and soft landscaping cycle parking, bin storage, disabled vehicular parking and community centre with associated vehicular parking.

17/01292/MJR – BUTETOWN

LAND AT SUFFOLK HOUSE, TRADE STREET

Outline Planning Permission for the demolition of existing buildings and redevelopment of the site for new student residential accommodation.

Subject to an amendment to Condition 17 to read:

‘Prior to commencement of the development a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from demolition and

construction activities on site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase'

17/02464/MJR – HEATH

FORMER HIGHFIELDS CENTRE FOR THE ELERLY AND PHYSICALLY DISABLED, 18 ALLENSBANK ROAD
42 dwellings comprising 12 X two bedroom houses and 20 X two bedroom apartments for open market and 10 X affordable apartments (5 X one bedroom and 5 X two bedroom), car and cycle parking and associated landscaping.

APPLICATIONS REFUSED

17/00489/MNR – CATHAYS

51 LLANTRISANT STREET
Retention of 8 bedroom house in multiple occupation

17/02538/MNR – CATHAYS

70 GELLIGAER STREET
Change of use from C4 (six occupants) to a HMO SUI Generis (seven occupants)

REASON:

The proposals will further exacerbate the unacceptable cumulative adverse impacts on the amenities of the area by virtue of:

- A higher number of transient residents leading towards less community cohesion and undermining the objectives of securing a sustainable mixed use community, contrary to Policy KP5 (Good Quality and Sustainable Design) and H5 (Sub-Division or Conversion of Residential Properties of the Cardiff Local Development Plan (2006-2016) and the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (2016);
- A higher portion of transient residents leading to an increase of cumulative demand on social, community and physical infrastructure, contrary to Policy KP5 (Good Quality and Sustainable Design) and H5 (Sub-Division or Conversion of Residential Properties of the Cardiff Local Development Plan (2006-2016) and the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (2016)

The change of use of the property from a C4 House in Multiple Occupation to a 7 person SUI Generis House in Multiple Occupation will further exacerbate the negative impacts caused by Houses in Multiple Occupation in respect of crime and anti-social behaviour, contrary to Policy H5 (Sub-Division or Conversion of

Residential Properties of the Cardiff Local Development Plan (2006-2016) and the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (2016)

17/03055/MNR – CATHAYS

69 BRITHDIR STREET

Change of use from a dwelling to a house in multiple occupation with 5 bedrooms.

APPLICATIONS DEFERRED

17/02129/MNR – LLANRUMNEY

639 NEWPORT ROAD

Change of use to a transit stay care home ancillary to adjacent care home with side and rear extensions, loft conversion with rear dormer and ramp for disabled access.

REASON: As a result of a site visit to this location to take place.

16/03067/MNR – WHITCHURCH/TONGWYNLAIS

LAND OFF MILL ROAD

Proposed residential dwelling

REASON: As a result of a site visit to this location to take place.

15/02960/MNR – RADYR

30 SPRINGFIELD GARDENS

4. no new build detached dwelling houses in land to the rear of 30 Springfield Gardens, (including demolition of detached garage structure and associated external works)

REASON: In order for officers to draft reasons for refusal based on affect on amenities, neighbours and future occupiers.

APPLICATIONS WITHDRAWN

17/01935/MJR – ELY

THE MICHAELSTON, 105 MICHAELSTON ROAD

Change of use from public house (A3) to retail (A1) with back of house extension with refurbishment of existing first floor flat new build mixed use storey block with ground floor retail (A3) and 6 no flats above all associated parking & landscaping alterations.

REASON: A request by the applicant.

64 : URGENT ITEM (S) (IF ANY)

None

65 : DATE OF NEXT MEETING

15 March 2018

66 : APPLICATIONS DECIDED BY DELEGATED POWERS

January 2018

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LOCAL MEMBER SUPPORT / OBSERVATIONS

COMMITTEE DATE: 15/03/2018

APPLICATION No. 18/00123/MJR APPLICATION DATE: 19/01/2018

ED: **HEATH**

APP: TYPE: Full Planning Permission

APPLICANT: UNITED WELSH GROUP

LOCATION: PART OF FORMER PHOENIX ESTATE, CAERPHILLY ROAD

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE FOR 53 AFFORDABLE DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND DRAINAGE WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **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 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. Plans

Drawing No. 100 Rev. N (Planning Layout);
 Drawing No. 101 Rev A (Location Plan);
 Drawing No. 102 Rev C (External Works Layout (Sheet 1));
 Drawing No. 103 Rev C (Materials Layout);
 Drawing No. 104 Rev C (Storey Heights Layout);
 Drawing No. 105 Rev C (Enclosure Layout);
 Drawing No. 106 Rev C (Waste Collection Strategy Layout);
 Drawing No. 107 Rev C (Parking Strategy Layout);
 Drawing No. 108 rev C (External Surface Material Layout);
 Drawing No. 110 Rev B (Street Scene);
 Drawing No.165 (Olive House type floor Plans and Elevations Plot 39 only);
 Drawing No. 150 (Olive House type Floor Plans and Elevations);
 Drawing No. 151 (Olive Gable House type Floor Plans and Elevations);
 Drawing No. 152 (Larch house type Floor Plans and Elevations);
 Drawing No. 153 (Alder house Type floor Plans and Elevations);
 Drawing No. 155 Rev D (Willow House Type Ground Floor Plans);
 Drawing No. 156 Rev D (Willow House Type First Floor Plans);
 Drawing No. 157 Rev D (Willow House Type Second Floor Plans);
 Drawing No. 158 Rev D (Willow House Type Elevations Sheet 1);

Drawing No. 159 Rev D (Willow House Type Elevations Sheet 2);
Drawing No. 160 (Enclosure Details Sheet 1);
Drawing No. 161 (Enclosure Details Sheet 2);
Drawing No. 162 Rev B (Enclosure Details Sheet 3 Bin/cycle Stores);
Drawing No. 163 (Larch house type Floor Plans and Elevations (Render));
Drawing No. 164 (Beech House Type Floor Plans and elevations (Render));
Drawing No.07889-HYD-A1-DR-TP-01 Revision P4 (Internal site Layout Swept Path Analysis)
Drawing No. 100 Rev PO (Plan on Proposals)
Topographical Survey (20434E)

Documents

Planning Statement, WPM Planning & Development, December, 2017;
Design & Access Statement, WPM Planning & Development, December, 2017;
Ecological Appraisal, report reference EDP4350_02e (dated January, 2018);
Arboricultural report and tree constraints plan, undertaken by Treescene dated 19th October, 2017;
Drainage Strategy Report;
Transport Statement, Hydrock, (C-07889-C.001 Issue 06) January, 2018
Statutory Pre-application Consultation Report, January, 2018.
Site investigation Report, Integral Geotechnique (12106/PGB/17/SI/Rev.1)

Reason: The plans and documents form part of the application.

3. Prior to their installation samples of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan

4. No development, other than demolition and site clearance, shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained, the means of disposal of surface water and indicate how foul flows will communicate to the existing public sewerage system. Details shall also be submitted on the management/maintenance of the proposed foul pumping station in the event that Welsh Water does not adopt the pumping station. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the building and no further surface water 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 in accordance with policy EN10 of the Cardiff Local Development Plan

5. Prior to the commencement of site clearance in respect of the approved development, a Green Infrastructure Statement (GIS) shall be submitted to and approved in writing by the Local Planning Authority. The GIS shall include avoidance, mitigation and enhancement measures to be delivered for the benefit of green infrastructure as defined by Local Development Plan Policy KP16, and shall include but not be limited to:
 - I. Maintenance / creation of habitat connectivity around the perimeter of the site in accordance with the Proposed Ground Floor Plan (Ref (90)004G);
 - II. A sensitive habitat clearance methodology, and if necessary, translocation methodology, for protected reptile species such as Slow-worms;
 - III. A sensitive habitat clearance methodology to minimise disturbance to badgers this shall include an 8 metre exclusion zone around the entrance setts and appropriate protection;
 - IV. A brief lighting scheme to demonstrate that light spillage onto retained trees and bushes is minimised, as described in section 5.33 of the Ecological Appraisal;
 - V. A series of roosting and nesting facilities for bats and birds respectively, to be attached to or incorporated into the structure of the new buildings, to include no less than 2 x bat boxes for crevice-dwelling bats, and 1 x double House Martin cup, and 1 x House Sparrow terrace;
 - VI. Details of timing of vegetation clearance to avoid harm to nesting birds, such that no site clearance of vegetation to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in this these features immediately (48 hrs) before their removal.
 - VII. Details of the long term maintenance and management of the proposed public open space.

The approved GIS shall be implemented and carried out strictly in accordance with the approved programme for implementation of the works unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the protection of green infrastructure and protected species of wildlife, in accordance with LDP Policy KP16.

6. No development, other than demolition, shall take place until full details of landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A landscaping implementation programme.
- Scaled planting plans prepared by a qualified landscape architect.
- Proposed finished levels.
- Earthworks.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement (including profile depths). Site won soil shall only be used for landscaping purposes where a Soil Resource Survey and Plan, prepared in accordance with the 2009 DEFRA Code, is submitted and approved, demonstrating that site won soil is fit for purpose.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with policy KP5 of the Cardiff Local Development Plan

7. 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 policies KP5 and EN8 of the Cardiff Local Development Plan

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

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

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

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

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

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.

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

Reason: The trees are of value in the local environment and should be protected and maintained in good condition in accordance with policy EN8 of the Cardiff Local Development Plan

10. No demolition of buildings, felling of trees or clearance of structural vegetation shall take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this building/tree/vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

11. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the demolition and construction period. The CMS shall provide for: (i) The parking of vehicles of site operatives and visitors; (ii) Loading and unloading of plant and materials; (iii) Storage of plant and materials used on constructing the development; (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) Details of highways/footway closures; (vi) Wheel washing facilities; (vii) A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction; and (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.
Reason: In the interests of highway safety and public amenity.
12. No part of the development hereby permitted shall be occupied until a travel plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; control of resident car parking within the site, provision of a named travel plan co-ordinator has been submitted to and approved by the Local Planning Authority. The plan shall be presented to all new residents and be monitored for a period of five years following occupation of the final dwelling.
Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway in accordance with policy T5 of the Cardiff Local Development Plan
13. No part of the development hereby permitted shall be commenced until a scheme of public realm reinstatement/improvement works to Phoenix Way and Waun Ddyfal (footpath) meeting Phoenix Way has been submitted to and approval in writing by the LPA. The scheme to include the removal, re-kerbing and reinstatement as footway on Phoenix Way; the reinstatement/resurfacing as required of the remainder of the footway abutting and leading to the site, to include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.
Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with policy T6 of the Cardiff Local Development Plan
14. The rating level of the noise emitted from fixed plant and equipment from the pumping station on the site shall not exceed the existing background noise level at any time by more than -10dB(A) at any residential property when measured and corrected in accordance with

BS 4142: 1997(or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of future and existing occupiers are protected in accordance with policy EN13 of the Cardiff Local Development Plan.

15. Prior to the commencement of any construction works, unless otherwise agreed with the LPA, the applicant is required to undertake an odour assessment addressing any potential adverse impact from odour generated by the proposed on site Foul Pumping Station. The report shall quantify the potential impact of generated odour upon existing and future residents' amenity utilising methodology set out in the Institute of Air Quality Management's (IAQM) best practise guidance; "Guidance on the assessment of odour for planning." Should the assessment indicate that existing or future residents will be made vulnerable to adverse odour then appropriate mitigation measures must be must be proposed and approved by the Local Planning Authority. These mitigation measures shall be implemented to the satisfaction of the Local Planning Authority prior to the development commencing and thereafter retained.

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

16. Prior to occupation of any part of the development 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.

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 Cardiff Local Development Plan

17. Prior to the construction phase of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified

competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) not required.
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present;
- (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 Cardiff Local Development Plan.

18. Prior to the construction phase of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all

works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. 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 Cardiff Local Development Plan

19. The remediation scheme approved by condition 17 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 Cardiff Local Development Plan

20. 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

21. Any topsoil [natural or manufactured], subsoil, or 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 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 Cardiff Local Development Plan

22. 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.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the 1st floor rear elevation of plot 39.

Reason : To ensure the privacy of the adjoining neighbours in accordance with policy KP5 of the Cardiff Local Development Plan.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no structure or extension shall be placed within the curtilage of any dwelling or alteration to any roof.
Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2 : R1 Construction Site Noise

RECOMMENDATION 3 : R4 Contamination and Unstable Land Advisory Notice.

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

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Detailed planning permission is sought to redevelop a redundant industrial site into 53 affordable dwellings with associated access, car parking, landscaping and drainage works.
- 1.2 The affordable housing would be a mixture of houses and flats.
- 1.3 The block of flats would be “L” shaped and three storey in nature, under a hipped roof. The proposed materials would be on the ground floor white render with part of the upper floor being a combination of red brick and rough-cast render.

The flats would be sited at the entrance to the site facing east/west. The cycle/bin storage block sited to the east of the flats, and to the south would be twenty parking spaces that are accessed from the cul-de-sac sited to the east of the block. The block would accommodate 15 x 1 bedroom and 3 x 2 bedroom flats.

- 1.4 The house types are a mixture of terraced and semi-detached. The houses would be finished in a mixture of red brick with the gables finished in rough cast render (painted in cream). Both house types would have parking to the front of the properties and all have enclosed rear gardens.
- 1.5 The following reports have been submitted to accompany the application:

Ecological Appraisal, report reference EDP4350_02e (dated January, 2018);

Arboricultural report and tree constraints plan, undertaken by Treescene dated 19th October, 2017;
 Drainage Strategy Report;
 Transport Statement, Hydrock, January, 2018
 Statutory Pre-application Consultation Report, January, 2018.
 Site investigation Report, Integral Geotechnique

1.6 The Planning Committee undertook a site visit on the 26th February, 2018.

2. **DESCRIPTION OF SITE**

2.1 The site measures 0.97ha in area and is generally level. It was formerly used for industrial use. However, the site has been vacant for at least 10 years and as a result, the buildings on the site have fallen into a state of disrepair with evidence of fly tipping within the grounds.

2.2.1 The site has a single access off Waun Ddyfal. Along the western/ north-western boundaries are a number of protected trees that have grown to a significant height. There are three badger setts within the site.

3. **SITE HISTORY**

3.1	98/01894/N	Class A1 Discount Foodstore Development, Car Parking, Access and Associated Highway Works	Withdrawn
3.2	02/00612/N	Change of Use to Builders Suppliers	Withdrawn
3.3	02/02542/N	Mixed Use Scheme Comprising Residential Development, Sheltered Housing, Doctor's Surgery with Ancillary Pharmacy and Associated Highways Works	Approved

3.4 17/1490/MJR	The Demolition of Existing Buildings and Erection of a Class A1 Foodstore (1,717sq.m Gross Floor Area) with Associated Access, Car Parking and Landscaping	Approved
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4. **POLICY FRAMEWORK**

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

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.

4.2.4 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;*
- 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
10	Tree Preservation Orders
11	Noise
12	Design
16	Sport, Recreation and Open Space
18	Transport
21	Waste

4.3 Local Development Plan (January 2016):

KP5	Good Quality and Sustainable Design
KP7	Planning Obligations
KP8	Sustainable Transport
KP12	Waste
KP14	Healthy Living
KP15	Climate Change
KP16	Green Infrastructure
KP18	Natural Resources
H3	Affordable Housing
EN5	Designated Sites
EN6	Ecological Networks and Features of Importance for Biodiversity
EN7	Priority Habitats and Species
EN8	Trees, Woodlands and Hedgerows
EN10	Water Sensitive Design
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T2	Strategic Rapid Transit and Bus Corridor Enhancement
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
R7	Retail Provision Within Strategic Sites
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 Supplementary Planning Guidance to the Adopted Local Development Plan (Jan 2016):

Waste Collection and Storage Facilities (October 2016)
Planning Obligations (January 2017)
Residential Design Guide (January 2017)
Location of Waste Management Facilities (January 2017)

4.5 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)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The Operational Manager, Transportation: No principled objection to the proposed development, and makes the following observations:

I have reviewed the transport statement Rev 6 (dated 25 January 2018). We have already been in discussion with the transport consultant regards access, parking and layout, during the pre-application process. A number of issues were amended and agreed.

The TS sets out the background of the development, the nature of the surrounding network (vehicular, pedestrian, cycling, public transport) demonstrating that the site offers a sustainable location offering the opportunity to use a variety of alternative modes of transport. The “sustainable nature of the site has been reinforced and promoted Which will assist with constraining car use” (para 6.1.1). As detailed the site is well served by local amenities, which should support a sustainable lifestyle and the use of alternative modes of transport.

The TS indicates that the site will be served by a 6.8m wide shared space. Servicing and delivery vehicles can be accommodated within the layout.

The parking strategy layout indicates a mixture of curtilage and courtyard parking places to be provided. The TS details the on-site parking provision, within the current parking standards (Access, Circulation & Parking Standards – January 2010). The TS outlines that parking is provided at 1.1 space per household, whereas the proposal is suggesting that 64 spaces would be provided for the 53 properties, at 1.2 per household. Nine visitor spaces would also be provided, giving a total of 73 parking spaces. Visitor parking has been determined making use of research (Dept. Communities and Local Government – Residential Parking Research (2007)) which indicates that 11 spaces would be appropriate (at 0.2 spaces per household). The provision of 9 spaces is justified as “it is unlikely that every resident would be occupying their allocated space at all times (indeed some residents may not own a car) and as such some visitor demand is likely to be accommodated within the allocated spaces” (para 4.4.5).

Anticipated trip generation (chapter for the proposed site is provided and agreed. Junction assessment (taking the approved Aldi site into account) is provided (chapter 5) and again is agreed

- 5.2 The Operational Manager, Environment (Contaminated Land): No objections subject to assessment of land and remediation conditions
- 5.3 The Council's Tree Officer No objection subject to tree assessment/ protection conditions
- 5.4 The Operational Manager, Waste Management : No objection

- 5.5 The County Ecologist: No objections subject to a Green Infrastructure Statement condition
- 5.6 The Operational Manager, Environment (Noise & Air): No objections subject to condition
- 5.7 Team Leader, Neighbourhood Regeneration: No objection subject to the applicant entering into a legal agreement to contribute towards community facilities at Maes-y-Coed Community Centre and the old bowls Pavilion at Llwynfedw Gardens (the amount is outlined in paragraph 9 of this report)
- 5.8 The Chief Schools Officer: On tracking the recent uptake of places in the Llanishen High School, it was recognised that even though the demand for English-medium secondary education from within the catchment in which the development is going ahead is significantly higher than the capacity of the school, this demand is not currently manifest in the uptake pattern of places in Llanishen High School. It has therefore been considered appropriate to reduce the obligation request proportionate to reflect this apparent capacity surplus. The Nursery request has been removed as has been conceded.

Revised developer obligation request as follows:

Education type	Obligation sought
ALN	£9,628
English-medium Primary	£52,183
Welsh-medium Primary	£13,046
Welsh-medium Secondary	£11,930
Welsh-medium 6 th Form	£3,449
Total	£90,236

- 5.9 The Operational Manager, Drainage Division: No comments received
- 5.10 The Operational Manager, Parks and Sport: Overall I welcome the design changes made since the pre-application stage, with a much more meaningful open space provided, which provides some amenity, along with biodiversity benefit, protection of existing /scope for new tree planting, and a buffer to the existing housing adjacent.

I also welcome the design of the streets to provide a shared surface designed to allow an environment less dominated by car users.

The Parks Section also notes that the management of the open space may be offered to the Council (Parks) for adoption. Although I welcome the offer, it is recommended that the open space is to be included under the management company responsibility. This would have some benefit in providing a more long term approach to the open space based on a management plan. Maintenance of other landscape elements on site, including the tree planting

between parking spaces, is designated to be carried out by the management company.

Open Space Provision

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

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

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **95.3**. This generates an open space requirement of **0.232 ha** of on-site open space based on the criteria set for Housing accommodation.

Based on the information/drawings submitted a contribution of **£43,073** is sought.

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. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Hill Snook Park, Llwynfedw Gardens and Heath Park.

- 5.11 The Housing Development (Enabling) Team: Supports the application as it will meeting the Council's affordable housing requirements

6. EXTERNAL CONSULTEES RESPONSES

- 6.1 Dwr Cymru Welsh Water: No comments received
- 6.2 Natural Resources Wales: No objections subject to contaminated land conditions
- 6.3 The South Wales Police Crime Prevention Design Advisor: No comments received
- 6.4 The South Wales Fire and Rescue Service: No comments received

7. REPRESENTATIONS

7.1 Neighbouring properties have been notified and site/press notices have also been undertaken in accordance with procedure. 8 letters of representation have been received. 7 no. objections to the proposal. The following statements have been submitted:

- The height of the boundary trees are reduced to a safe level;
- A box junction is introduced onto Caerphilly Road and
- The proposal has the south-west corner of the development backing onto the north-west corner of the Phoenix Way estate (numbers 50-64). It looks as though there will be relatively little distance between both developments, so it would be good for there to be a boundary fence of appropriate height in that part of the estate to ensure privacy between the two developments

2 letters of objection have been received raising the following

- i. The Foul Water Pumping Station (FPS) and associated sewage tank are positioned only the bare minimum 15m distance from existing dwellings on Waun Ddyfal. The objector considers this to be inconsiderately placed without thought for the existing residents, in terms of noise and smell. In addition the objector states that the siting of the Foul Water pump station breaches their human rights;
- ii. The planned development is excessively dense.
The objector states:
“ 53 dwellings totalling 104 bedrooms is very high for the available area, and could easily exceed 208 residents in an area of only 0.97 Ha (assuming 2 adults or children per bedroom). The Electrocoin Automatics Ltd site, Caerphilly Road, has previously been indicated as a non-strategic private housing site (Local Development Plan 2006-2026, site ref. H1.8, pages 46 & 92, and JHLAS 2017 p.9). Only 20 dwellings were estimated for this site of 0.61 Ha., representing a density of 32.8 dwellings per hectare. In contrast, the proposed Phoenix Brickworks development is for 53 dwellings in 0.97 Ha, representing a density of 54.6 dwellings per hectare. A development density of 32.8 dwellings per hectare, as previously planned for site ref. H1.8, would permit only 32 or 33 dwellings on the 0.97 Ha site.”
- iii The planned development will be 100% social rented housing, which is unsustainable and will have negative consequences for both the occupants and on neighbouring dwellings.
The objector states:
“The affordable housing target is 20% on brownfield sites, according to Cardiff’s Local Development Plan (LDP) 2006-2026 (pages 12, 93 & 95). The LDP cites evidence supporting the statement that “affordable housing is viable at 30% on greenfield sites and 20% on brownfield sites” (p. 95, point 5.12). This 20% target is also specified in the Cardiff

Housing Strategy 2016-2021 (p.18), and applies “for the life of the new LDP [until 2026]”.

According to Planning Policy Wales (2016; point 9.1.2), “local authorities should promote mixed tenure communities”. According to Planning Policy Wales (2016; point 9.3.5), “applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing”.

The Phoenix Brickworks planning documents omit any justification for 100% social housing in terms of local circumstances and creation of sustainable communities, simply stating that it is “in response to local demand for affordable housing” (Design & Access Statement, point 4.11), with no supporting evidence and no discussion of why “affordable” in this instance should constitute 100% social rented as opposed to other forms of affordable housing (e.g. assisted home ownership, key worker housing).

100% social rented housing is neither viable nor desirable, and there is ample evidence (e.g. Joseph Rowntree Foundation publications) that integration of tenure types is essential for a community to be sustainable over the long term. Developments where the occupancy is solely social rented lack stability and are far more likely to experience problems, which adversely affect not only the residents but the wider area (Rebalancing Communities, Joseph Rowntree Foundation 2003). The Phoenix Brickworks site should be developed with no more than 20% of the dwellings earmarked for affordable housing (equating to a maximum of 10 or 11 dwellings out of 53), thereby facilitating social and income mix, and longer-term sustainability.”

- iv. Car ownership has been underestimated, and insufficient parking provision provided. The objector states:
“The Transport Statement (point 4.4.2) cites 2011 census data showing average car ownership of 1.1 cars per household, and the Planning Statement (point 5.18) cites a report from 2007 that states “households occupying rented accommodation can have up to 0.5 fewer cars than owner-occupied households”. It is wholly inappropriate to use 2007/2011 data for planning purposes, when more recent data are available. Car ownership has increased nationally since 2007 and 2011, and the Department for Transport’s Vehicle Licensing Statistics for July – September 2017 demonstrate over 38 million vehicles licensed and on the road in Great Britain in 2017, compared to 34.2 million at the end of 2011 and only 21.2 million in 1994. While these are national rather than local figures, planning should be based on current and likely future demand, not on statistics from up to a decade ago”.

- v. The only vehicular access for the planned development will be via Phoenix Way and Waun Ddyfal.
The objector states:

“Both roads are already used extensively for on-street parking on both sides, throughout the day and night, and the width of Waun Ddyfal permits only a single vehicle at a time to pass between the parked cars. Road capacity is just sufficient to accommodate the current weight of traffic entering and exiting the Waun Ddyfal carparks, provided all drivers exercise extreme caution, but cannot accommodate the greatly increased traffic generated by the planned development. The point made in the Transport Statement (point 4.1.4) that “the site would have historically generated vehicle trips” is irrelevant and misleading, because this refers to many years ago, before Phoenix Way/Waun Ddyfal were developed for residential use. This is not satisfactorily addressed by PAC Report 5.38.”

- vi. The traffic generated by the planned development has been underestimated and will have a negative impact on Waun Ddyfal and Phoenix Way in terms of congestion, noise and vehicle pollution, and likely conflict between vehicles and pedestrians

The objector states “The Transport Statement (points 2.1.5 and 4.1.4) states that “the site has historic employment use which would have generated vehicle trips onto the surrounding highway network, including HGV movements”. This may be technically correct but is very misleading, and is not satisfactorily addressed in PAC Report 5.38. The majority of the site has been disused since before the current housing on Phoenix Way and Waun Ddyfal was built, and the entire site has been derelict for many years (at least since 2005). There has never been co-existence of substantial employment-related traffic including HGVs with the residential development on Phoenix Way/Waun Ddyfal, and this misleading statement should not be used to support the new proposed development.

The width of Phoenix Way/Waun Ddyfal and their use for on-street parking, coupled with the proximity of housing, make them highly unsuitable for the proposed through-traffic. The Transport Statement estimate of 248 two-way vehicle movements over a 12-hour period (point 4.2.8) is likely to be a conservative estimate, but even so equates to one vehicle passing through Waun Ddyfal every 3 minutes, continuously over 12 hours. The Transport Statement has neglected to model forecast proposed vehicle trips overnight, during the period 19:00 – 07:00. The estimate also only takes into account trips undertaken by residents, and does not consider visitors to the site and their associated traffic, including but not limited to: friends and family, social workers, emergency services, refuse collection vehicles, site maintenance vehicles, supermarket delivery vans, Royal Mail/ Post Brenhinol vehicles, and taxis. Funnelling all vehicular access along Waun Ddyfal and Phoenix Way will have an unacceptably negative impact on residents of these streets. PAC Report 5.36 states that the TRICS trip generation analysis is the industry standard; this is not contested, but what remedial action will be taken if 248 trips in 12 hours turns out to be an underestimate?

It would be preferable to reopen the junction between Waun Ddyfal and Caerphilly Road. The response that the bus stop cannot be moved because it is on a bus route (PAC Report 5.42) makes no sense given that there is another bus stop on Caerphilly Road just 145 meters to the south. The bus route itself would be unaffected by moving the stop."

- vii. The planned speed bump at the entrance to the site (*Transport Statement* point 3.2.3) will not necessarily reduce vehicle speed within the planned development, but it will increase traffic noise, fumes and pollution
- viii. Massing is out of scale with neighbouring dwellings.
- ix. Based on the proposed site layout, it is very unlikely that the residents of the apartment block will go to the back of the site to use the Public Open Space for all outdoor activities. The objector believes it is more likely that they will congregate towards Waun Ddyfal/Phoenix Way, the car parks, and the ALDI car park, with attendant noise and nuisance including litter and dog fouling, during the day and overnight;
- x. There is very limited evidence provided of measures taken to design out crime.

The objector states:

"According to Cardiff's Local Development Plan 2006-2026 (page 169, point 5.321) "developers are encouraged to ... emphasise and clearly demonstrate the proposed measures taken to design out crime"; this should refer to impact on neighbouring streets as well as on the development itself. Point 4.31 of the Design & Access Statement indicates that the development has been planned "in accord with Secured by Design principles", however the only measure mentioned is natural surveillance, which is insufficient and is overemphasised both in the application and in the PAC Report (5.48). The PAC Report considers the proposed development itself, but not on minimising crime and other impacts on neighbouring streets. PAC Report 5.48 states that routes will be "supervised", but there is no mention of who will ensure long-term capable guardianship.

The Phoenix Brickworks documents include no information on how public order offenses as well as more serious crimes will be minimised. The derelict site suffers from criminal activity; 35 crimes were reported between January 2015 and December 2017, which equates to an average of 1 crime per month (Police.UK website <https://www.police.uk/south-wales/W05000864/crime/>). This is a problem, but hardly "numerous instances" as asserted in PAC Report point 5.49. The statement that "redevelopment of the site will benefit local residents of surrounding streets ... with an active and attractive residential development" is just opinion, with no supporting evidence. To have any weight at all, evidence should be provided of the number

of crimes committed per month on and near comparable United Welsh sites over an extended period. Is the crime rate below 1 incident per month, over at least a 3-year period? This information could no doubt be readily collated from the Police.UK website.

Published studies into the experiences of residents of housing association estates, e.g. by Joseph Rowntree Foundation, find that crime is a major local problem [on and nearly such estates], with vandalism and drug use cited as common nuisances. Cardiff Council considers criminal offending, substance misuse/drugs and alcohol dependency to be lead needs for allocation of social housing (Cardiff Housing Strategy 2016-2021, p. 33). Housing criminal offenders is more likely to lead to an increase in crime, not a decrease, and neighbouring households will be the victims of this. The proposed lack of tenancy mix means there will be no stabilising influence (the lack of right to buy or market housing means anyone with aspirations will leave).

The only development that would actually benefit the area would be one of a standard 80% market housing, 20% affordable (mixed tenures including assisted home ownership, key worker housing etc.) split. This would be far more sustainable, as well as facilitating integration and social mobility;”

- xi. The planned development will have a substantial negative impact on the surrounding area (on Phoenix Way/Waun Ddyfal in particular), and will bring no positive benefits

Negative impacts include:

- the number of units,
- the density,
- transport and access,
- the plan for 100% single type tenancy,
- the positioning of the Foul Water Pumping Station and sewage tank,

all as discussed above. There are no positive benefits.

Overall, the development as proposed will have an excessive and adverse effect on the residential amenity and character of the neighbourhood. For all the reasons listed above, I am against the proposed development of Phoenix Brickworks, as put forward by WPM Planning & Development on behalf of United Welsh Group.

A further objector from Maes-Y-Crofft, Morganstown, raises the additional concern: the proposal would reduce existing residents' property values.

- 7.2 Local members have been notified. Councillor Hinchey makes the following points:

- i. A mix of tenure to be a recommendation to United Welsh Housing Association to ensure a community balance of families, couples and single persons in this new development

- ii. The appearance of the proposed development is in keeping with the character and design of existing neighbouring properties in Waun Ddyfal estate and Caerphilly Rd
- iii. The rear Public Open Space part of this development, which borders with Thornbury Close and Philip Close/Mavis Grove, is welcomed and retains a green buffer of public open space to ensure privacy and amenity is maintained.
- iv. The introduction of 75 parking spaces (for 53 units), the design and family gardens is a welcomed feature of this development
- v. I would suggest recommending that new low height trees should replace the existing overgrown conifers in the POS area. Other existing overgrown trees to be reduced in height but maintained to allow more sunlight into neighbouring properties whilst keeping privacy
- vi. The foul drain pumping station, needed to connect to main sewers, be positioned as far away from existing properties as possible and made safely obscured by trees, fencing and foliage
- vii. S106 Highways contribution - The Waun Ddyfal / Caerphilly Rd junction to be improved and have a new yellow box hatched area to allow existing and new residents easier access and egress during peak traffic times, the current double yellow lines be upgraded with "straps" to prevent waiting and a new bus shelter be located at the nearby southbound stop outside 344 Caerphilly Rd.
- viii. Section 106 community contribution be divided equally between the two nearest CAT community run centres MYC (Maes y Coed Rd) and FLG at Llwynfedw Gardens, both of which are in the Ward and within easy walking distance
- ix. S106 Education contribution should be used to establish a new nursery provision at nearby Birchgrove Primary school
- x. Given this site has been completely derelict for almost a decade and attracted significant anti-social behaviour I welcome this development which brings forward a good range of much needed affordable housing.

7.2.1 Councillor Bowden makes the following observations:

- i. I have looked at the transport statement and am concerned about the trip generation & its impact on egress from Phoenix Way. Given that Caerphilly Road is at full capacity, and that the Aldi traffic has yet to be felt on the network, I feel that these additional movements will be difficult. It also needs to be borne in mind that when Aldi submitted its planning application, the Council had not asked them to provide any assessment on the impact of traffic at the Phoenix Way junction;

- ii. I note the accident rate along Caerphilly Road related to 2016. Since the opening of the bus lanes on Caerphilly Road, the number of accidents has increased significantly; some have been serious;
- iii. In terms of parking, I note the references to less car ownership among social housing developments. I hope that is the case as the level of parking in Phoenix Way during the day is usually at 80% occupancy. Add to the fact that Caerphilly Road residents who currently have use of the parking bays in front of the Aldi site will be displaced once the entrance way is developed, these vehicles are likely to move to Phoenix Way & Threipland Drive and take up whatever residual parking spaces are available during the day & night;
- iv. Siting of the foul water pumping station so close to local residents in Waun Ddyfal is inappropriate. The developer is aware of the potential for noise & smells arising from the pumping station as they have stated that they would be “willing to accept a condition to provide details of measures to control potential noise and odours from the FPS should the local planning authority consider this necessary” (Pre-Application Consultation (PAC) Report 5.22). I agree with one of my residents who has submitted a letter of opposition to this development that ‘ information concerning the foul water pumping station should already have been provided as a matter of course, and made available to the public’;
- v. I am concerned that the site is 100% social housing. While I appreciate that within a brownfield site a minimum of 20% of the properties must be social housing, and that there is a need to increase the housing supply, but to extend this to be 100% could cause social integration problems.
- vi. I mentioned at the site visit the issues of school provision & access to GP surgeries. I note from the documents that there is an assumption that children from the proposed development will go to Ton Yr Ywen Primary School; generally, the children from this part of the Ward attend Birchgrove Primary School. In either case, these schools are full and are likely to remain so, If this is the case, then parents are going to have to take their children out of the area & will presumably be dependent upon a car to get to school. In addition, I think it unwise to assume that Whitchurch High School will have capacity to accommodate a significant number of additional pupils.
- vii. In terms of GP surgeries, we have recently lost a surgery in Birchgrove & patients have been allocated surgeries out of the local area. The developer is making a sweeping assumption that the remaining surgeries in Heath & Birchgrove can accommodate the significant numbers that will be occupying the proposed development.

8. ANALYSIS

8.1 The key planning considerations are:

- I) Principle of development;
- II) Impact upon the character of the area;
- III) Impact upon neighbouring properties
- IV) Impact upon the future occupiers
- V) Impact upon parking and highway safety
- VI) Impact upon protected species and trees
- VII) Other matters raised

8.2 Principle of development

Part of the site is allocated within the adopted plan for housing under LDP Policy H1. The principle of residential on this element of the site has been established.

The remainder of the site (the larger part) has no allocation within the LDP and its last use was industrial. Therefore, the remaining site has been assessed against policy H6 'Change of Use or Redevelopment to Residential Use'. This states that change of use of redundant premises or redevelopment of redundant previously developed land for residential use will be permitted where:

- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;*
- ii. The resulting residential accommodation and amenity will be satisfactory;*
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;*
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and*
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to end users.*

The site was formerly used for industrial purposes, but has been vacant for in excess of ten years. The site has not been allocated under policy EC1 as a site identified for protection for employment uses. It is considered, therefore, that there is no need to retain the site for its previous use.

Given that part of the site is allocated for housing and the site's location adjacent to residential uses, the redevelopment of the site for residential purposes is considered acceptable in land use policy terms.

8.3 Impact upon the character of the area

The general thrust of Policy KP5 of the adopted Cardiff Local Development Plan 2006- 2026 (2016) (LDP) seeks to ensure that all new development is of a high quality, sustainable design that makes a positive contribution to the

creation of distinctive communities. Detailed advice on this policy is contained with the council's approved 'Residential Design Guide' SPG.

The proposed mixture of building types i.e. 2 storey housing and a 3 storey block of flats would add variety to the site and would complement that of the surrounding residential properties, which are also of a similar height and design, and is considered to link well with the established pattern of development.

The submitted plans break up the hardscape with proposed soft landscaping and a green open space that is screened by the protected trees. This design philosophy ensures that the development provides an acceptance level and mix of hard and soft landscaping. Conditions have been imposed for the developer to gain detailed consent on species of trees and landscaping management of the green areas. Given the above it is considered that the proposal is not an overdevelopment and accords with national and local policies which seek efficient use of brownfield land.

The scale, siting, massing, use of the materials and landscaping of the proposed development are considered to preserve the character and appearance of the surrounding area and would accord with the Council's design policies.

8.4 Impact upon neighbouring properties

Policy KP5 (X) of the adopted Cardiff Local Development Plan 2006- 2026 (2016) (LDP) seeks to ensure development does not have any undue effect on the amenity of neighbouring occupiers. Detailed advice on this policy is set within the Council's approved 'Residential Design' SPG, which seeks, amongst other matters, to ensure suitable privacy distances from adjoining residential properties and that the scale, massing and design of a proposal would not result in development being overbearing or un-neighbourly on adjoining properties. This policy and guidance accords with national guidance, as outlined in Planning Policy Wales that seeks, inter alia, to ensure development does not cause damage to an area's character or amenity (This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing) and these points have been assessed below.

8.4.1 Privacy

The proposed separation of the houses (plots 40-53) from the properties to the north are sited 10.0 metres from the boundary. Whilst the guidance suggests a distance of 10.5 metres, in this context the overlooking would be to a block of garages or to tall trees, protected by Tree Preservation Order, and not to any adjacent residential neighbours. Given this relationship, the separation distance is considered acceptable.

In terms of window-to-window distances between habitable rooms of the properties on Philip Close and the application site, they are sited in excess of

35 metres. This distance and interim screening exceeds the Council's minimum separation distance of 21 metres.

In relation to the dwellings to the south (Phoenix Way) the properties are designed so that there will be no direct overlooking of these properties. Plots 19/20, which would face the side gable end of no. 46 Phoenix Way, does not propose any windows facing this property. Plot 39 was originally shown with first floor windows in close proximity to the rear boundary (a distance of approximately 8 metres). However, amended plans have been received that relocates the first floor window to ensure compliance with the Council's privacy standard.

8.4.2 Scale, massing and design

The proposed siting and design of the development from the adjoining properties would ensure that the proposal is not overbearing or un-neighbourly upon the existing properties.

In summary, it is considered that the siting and design of the development would accord with the Council's policies and would not adversely impact on the existing residences.

8.4.3 The location of the foul water pumping station

The pumping station would be sited approximately 7 metres from the nearest existing residential property. The siting of the station is determined by the topography of the land i.e. must be sited at the lowest part of the site, as drainage systems are design by gravitational pull and technical requirements outlined in WRc document Sewers for Adoption (SFA) Edition 7. SFA provides nationally agreed guidance for the design and construction of sewers that will be adopted by Sewerage Undertakers in England and Wales in accordance with Section 104 of the Water Industry Act 1991. The Councils' Pollution Control section has raised no objection to the siting of the station. Conditions have been imposed for details of drainage flows/connections, noise limitation and future maintenance of the station, these conditions will ensure that the station would not have a detrimental impact upon future or existing residents. Most of the machinery will be underground with those elements above ground would be enclosed by a brick wall and accessed by locked gates. It is considered that, visually the pumping station would not harm the aesthetics of the area.

8.5 Impact upon the future occupiers

8.5.1 Internal/external amenity space

Both national guidance and local policies seek to ensure acceptable living standards for future occupiers. The proposed levels of internal space, for both the houses and flats, along with their outlook are considered acceptable. The proposed gardens servicing the houses are also considered appropriate in scale and usability to their proposed occupancy.

In terms of the flats, the block will have an element of functional space available for the residents, which given the nature of the block, being primarily one bed roomed flats, is considered acceptable. In terms of recreational space, the developer has provided a green open space that will be shared with other residents and existing properties within the area. This approach to recreational space is supported by officers.

8.5.2 Impact from commercial use of the adjoining site

Officers note that a new Aldi retail store is being built to the east of the application site and that the proposed flats (sited approximately 11 metres from the common boundary) and plots 52 & 53 would be the closest properties to the store (plot 53 abuts the common boundary with the Aldi site). The planning permission, reference 17/01490/MJR also imposed conditions to ensure the amenities of neighbouring residential properties were protected, these conditions are:

[17]. Members of the public shall only be admitted to or allowed to remain on the premises between the hours of 08:00 and 22:00 Monday to Saturday and 10:00 and 17:00 on Sundays.

Reason: To ensure that the use of the premises does not prejudice the amenities of the area.

[18]. Deliveries shall only be taken at or dispatched from the site between the hours of 07:30 and 22:00 Monday to Saturday and 09:00 and 17:00 on Sundays. No refrigerated vehicles with refrigeration units running shall be parked on the site between the hours of 22:00 and 07:30.

Reason: To ensure that deliveries, loading and unloading do not cause unreasonable nuisance to neighbours.

[19]. Prior to its installation, details of the fixed plant and machinery serving the development, and any mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 40dB(A) between 07:00 and 23:00 hours and 35dB(A) at all other times. The rating levels shall be determined by the objective acoustic feature methodology of BS4142:2014 and calculated to the nearest noise sensitive premises.

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

[20]. Prior to its installation on site a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be designed to avoid light spill into neighbouring residential properties. All external lighting shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity.

[21]. *The lighting scheme approved under Condition 20 shall only be illuminated between the hours of 07:30 and 22:30 Monday to Saturday and 10:00 to 17:30 on Sundays.*

Reason: To ensure that the use of the premises does not prejudice the amenities of the area.”

Given the above conditions, it is considered that the amenity of the residential properties will not be undermined by the new store. Furthermore, given the former industrial use of the site, conditions have been imposed for the remediation of the land to ensure that the future health of residents is protected.

8.6 Impact upon parking and highway provision

The proposed parking is at the upper end of the parking standards but it is in accordance with the council's adopted parking standards and is therefore acceptable.

In terms of highways safety, the application has been supported by a Transport Statement that has assessed the impact of the proposed development upon the transport network and the Transport Statement concludes as follows:

“the Phoenix way/Caerphilly Rd priority junction operates well within theoretical capacity and the development would have a negligible impact on this junction.

The development is forecast to generate less than 1 vehicle every 4 minutes through the Maes-Y-Coed Rd/ Ty Wern. Caerphilly Rd junction. This would be imperceptible to existing users and would not have a material impact upon its operation.

Based on the information contained within the Transport Statement it is considered that the development will not have a material impact on the operation or safety of the surrounding highway network.”

The council's Transportation Section has assessed the application and submitted Transport Statement and raises no objection to this proposal. In forming this view officers have also confirmed that they have had regard to the location of the doctor's surgery and commercial uses on Caerphilly Road.

The Transportation Section notes the request from residents and ward councillor for a box junction onto Caerphilly road but given the number of vehicles proposed it is considered the need for a box junction is not justified.

The main spine road within to the estate will be adopted by the council and will link into the existing adopted road network.

8.7 Impact upon protected species and trees

8.7.1 Protected species

Within the site there are a number of badger setts. Badgers and their setts are protected under The Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981. Policies EN6 and EN7 of the adopted LDP requires consideration of the protected species and their environment. The applicant has submitted an Ecological Appraisal from EDP dated January 2018 that concludes:

“Overall therefore, given the small scale of the development proposals and the scope of those proposed mitigation measures (buffer zones and on site monitoring), EDP considers that the scheme is capable of compliance with relevant planning policy for the conservation of the natural environment at all levels”

Both the Council's Ecology Officer and Natural Resources Wales raise no objection to the impact on ecological grounds subject to a Green Infrastructure statement condition; such a condition has been included above.

8.7.2 Trees

There are a line of semi-mature/mature trees that delineates the north western and western boundaries of the application site that are subject to a Tree Preservation Order (City of Cardiff TPO87 (Phoenix Brickworks) 1977). Policy EN8 of the adopted LDP, the approved 'Green Infrastructure' SPG and TAN 10 requires an assessment of the impact on any development upon protected trees. The submitted plans indicate that the trees are to remain and therefore officers believe that suitably worded conditions can be imposed to ensure the development would not conflict with policy to protect the trees during and after development.

Officers note requests from adjoining neighbours for the trees to be removed/cut back. However, at this stage the submitted tree report advises limited pruning and removal of the poorer trees only. Given their protected status, it considered appropriate to attempt to better manage the trees and a condition has been imposed for the long-term management of this area, which may result in more works to be undertaken to the protected trees.

8.8 Other matters not assessed above

8.8.1 Welsh Minister for Environment and Rural Affairs in her letter to Chief Planning Officer dated 23 February, 2017 advised the following:

“The delivery of housing remains one of the highest priorities of this Government. It is essential for the planning system to facilitate the provision of additional housing through robust evidence based Local Development Plans (LDPs). We have an ambitious target of delivering 20,000 affordable homes over this term of Government. If we are to realise our ambition, it will

be necessary to use all available policy levers to their full potential, including the planning system.

I reiterate all such applications should be assessed against relevant policy considerations, including the need to increase housing land supply and the principle of sustainable development.

The Welsh Government remains committed to increasing housing land supply by requiring Local Planning Authorities to give it considerable weight as a material consideration when dealing with planning applications for housing. However, this is subject to the development otherwise complying with development plan and national planning policies, as clearly set out in paragraph 6.2 of TAN 1.

This includes ensuring development proposals are well related to the existing settlement form and do not lead to unacceptable impacts on local economic, social and environmental infrastructure. The principles of sustainable development and the creation of cohesive communities, which forms the basis of the Welsh Government's planning policy, remains and should not be undermined by the need to increase housing land supply.”

The proposal meets this objective as set within the letter.

- 8.8.2 In terms of loss of house values, boundary matters and views, para 3.1.4 of Planning Policy Wales (2016) states:

*“Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2). The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the **substance of local views must be considered**, the duty is to decide each case on its planning merits.”*

Whilst officers note these matters are of concern to nearby owners they are not matters that can be considered through the planning process. The development is considered acceptable in respect of its likely environmental and amenity impact.

- 8.8.3 Any traffic disruption during the construction period will be temporary in nature and is a feature of all development proposals and not ground for refusal. However, a condition has been imposed for a construction management plan to be submitted for approval to ensure construction activities are not unduly detrimental to amenity.
- 8.8.4 Policy H3 (Affordable housing) seeks a 20% and 30% for affordable housing the policy does not exclude 100% affordable housing.

- 8.8.5 The suggestion that 100% affordable housing on this site would result in negative consequences is not supported. The proposal must be seen in the context of the area as a whole and as well of the household types within the site as such would accord with the desire for mixed communities. The notion that this development would result in negative effects upon the existing community is again not supported.
- 8.8.6 Article 1 (Right to peaceful enjoyment of possessions and protection of property) of the Human Rights Act has been raised. These rights are not absolute and are balanced against the public interest e.g. the right of others to have a home. Having regard to national requirements to promote sustainable development and acknowledging that this proposal will provide 53 affordable housing units, it is not considered that approval of this proposal would conflict with the Human Rights Act.
- 8.8.7 The granting of this consent would have considerable benefits as it would provide much needed homes; ensure the site is not used for fly tipping or antisocial behaviour and would improve the aesthetic of the area from a currently derelict site.
- 8.8.8 Officers note concern over access to social facilities i.e doctors, dentist and schools. To reiterate the Chief Officer Schools believes that the proposed pupils can be accommodated within the current framework and in terms, of doctors and dentist are a national matter with n evidence to suggest the future residents could not access such facilities within Cardiff.

9. **SECTION 106 AGREEMENT**

- 9.1 The following contribution requests have been made:

Parks – A contribution of **£43,073.00** is requested towards the provision of open space in the vicinity of the site (this figure has taken account of the proposed on site public open space) .

Neighbourhood Regeneration – A contribution of **£52,818.99** is requested towards the provision/maintenance of community facilities in the vicinity of the site.

Transportation – A contribution of **£5,000** is requested, to review and pay for additional traffic orders within the area.

Education requirements – A contribution of **£90,236.00** is requested to mitigate the impact upon school places within the area.

Limiting the use of the properties to affordable housing only

Having regard to the legal test set within Regulation 122 of Community Infrastructure Levy Regulation 2010 (as amended), the policy sets set out in W/O circular 13/97 'Planning obligations' and the requirements outlined in

Policy KP 7 (Planning obligations) of the adopted Cardiff Local Plan. The requested contributions meet those requirements. The amounts are calculated using the formula contained within the Council's approved Planning Obligations SPG.

The triggers for payment will be agreed during the S106 process.

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

10. **CONCLUSION**

- 10.1 The proposal will utilise a brownfield site for affordable housing. The proposed siting, scale and design ensures that the development would accord with the character of the area without having a detrimental impact upon the existing residential properties.
- 10.2 Conditions have been imposed to deal with remediation matters and maintenance of the site. The conditions imposed meet the tests of valid conditions as outlined in national guidance.

11. **RECOMMENDATION**

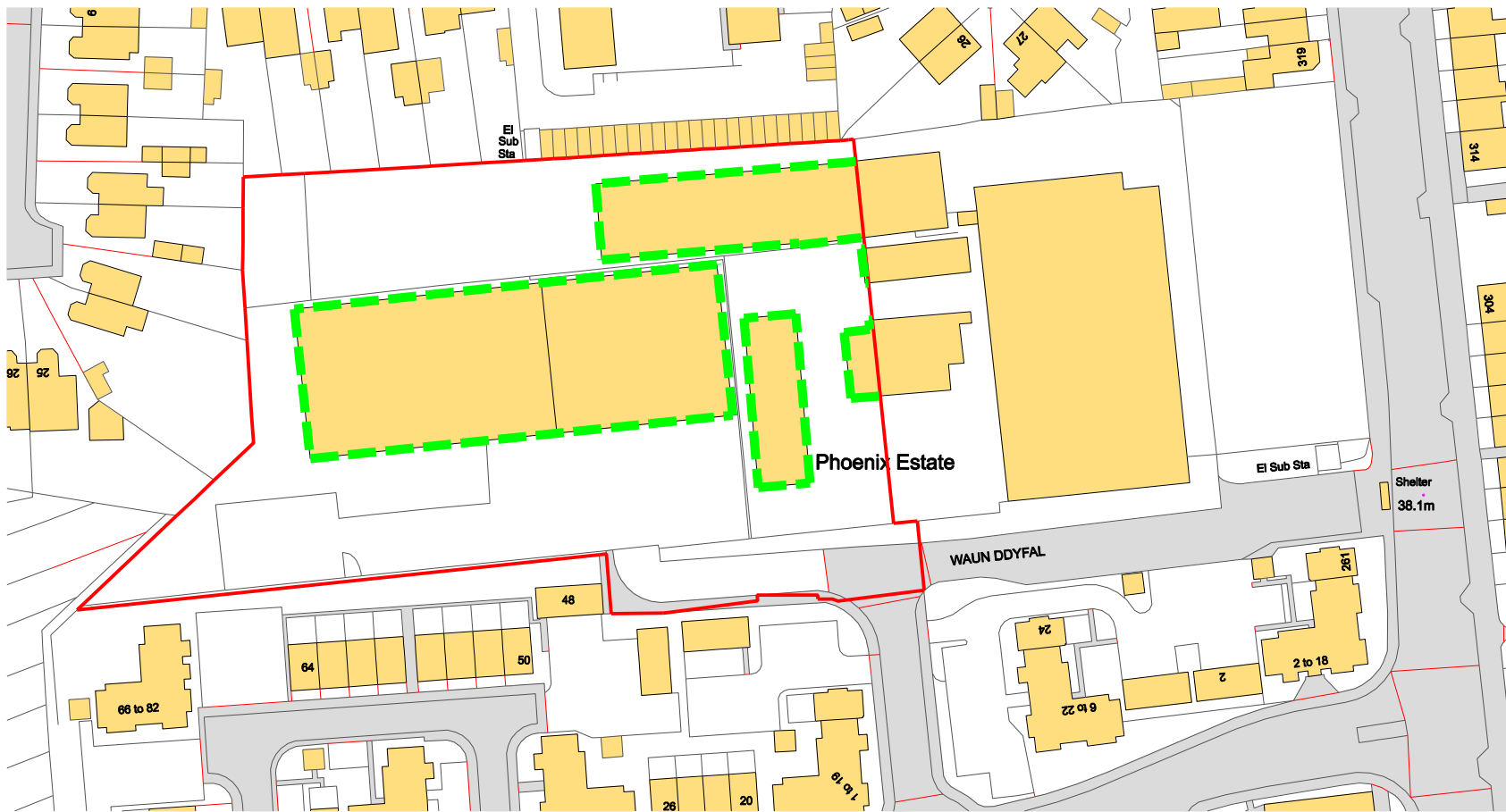
- 11.1 The application is recommend for **approval** subject to the applicant signing a legal agreement and the imposed conditions.

12. **Legal duties imposed on the Local Planning Authority**

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

would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

- 12.4 Environment (Wales) Act 2016- Section 6(1) states a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. It is considered that subject to conditions the proposal will maintain the biodiversity on site and therefore this duty has been considered.



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 This Drawing is not intended to show details of Foundations, Ground conditions or Ground Contaminants. Each area of ground relied upon to support any Structure designed (incl. drainage) must be investigated by the contractor. A Suitable method of foundation should be provided allowing for existing ground conditions. Any earthwork constructions be further investigated by a suitable expert.
 Where existing trees are shown to be retained they should be subject to a full Arboricultural Inspection for safety. A suitable method of foundation is to be provided to accommodate proposed tree planting.

General Notes



Rev	Date	By	Comment
A	06.11.17	IB	Buildings to be removed & legend added to Client comment

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Client
United Welsh Group

Project Title
**Caerphilly Road
 Cardiff**

Drawing Title
Location Plan

Drawing Status

Drawn By	Scales	A4	Date
	1:1250		Nov 2017
Job No.	Drawing No.	Rev.	
1427	101	A	

LEGEND

— Application Boundary

— Denotes Buildings to be Removed



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General Notes

L	25.01.18	IB	Willow Accommodation Schedule changed to LPA comments
K	17.01.18	IB	Layout Revised to Client and LPA comments
J	12.01.18	IB	Layout reived to Clients and LPA comments
H	06.12.17	IB	Parking spaces 1-2 moved to Clients comments
G	05.12.17	IB	Layout revised following comments from LPA and Client
F	14.11.17	IB	FPS added and layout updated to Client comments
E	08.11.17	IB	Offsite footpath link & plot handings added to Client comment
D	03.11.17	IB	FPS omitted at Client request
C	02.11.17	IB	Layout updated to indicate gates, paths and boundary fences
B	27.10.17	IB	Layout revised to Client comments
A	18.10.17	IB	Layout revised to Client comments

Rev	Date	By	Comment
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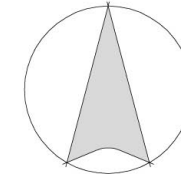
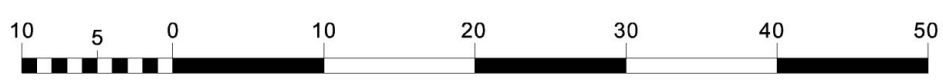
Project Title
**Caerphilly Road
Cardiff**

Drawing Title
Planning Layout

Drawing Status		
Drawn By IB	Scales 1:500	Date A2 Aug 2017
Job No. 1427	Drawing No. 100	Rev. L

ACCOMMODATION SCHEDULE

Alder	Al	1 Bed	570	2
Olive	OI	2 Bed	861	21
Larch	Lh	3 Bed	998	9
Beech	Be	3 Bed	998	3
Willow	W	1 Bed	499	15
		2 Bed	624	3
Total				53



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General Notes

Rev	Date	By	Comment
C	17.01.18	IB	Revised to layout 1427.100 rev K
B	12.01.18	IB	Revised to layout 1427.100 rev J
A	06.12.17	IB	Revised to layout 1427.100 rev H



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United Welsh Group

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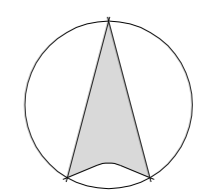
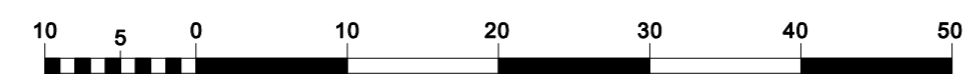
Drawing Title
Storey Heights Layout

Drawing Status

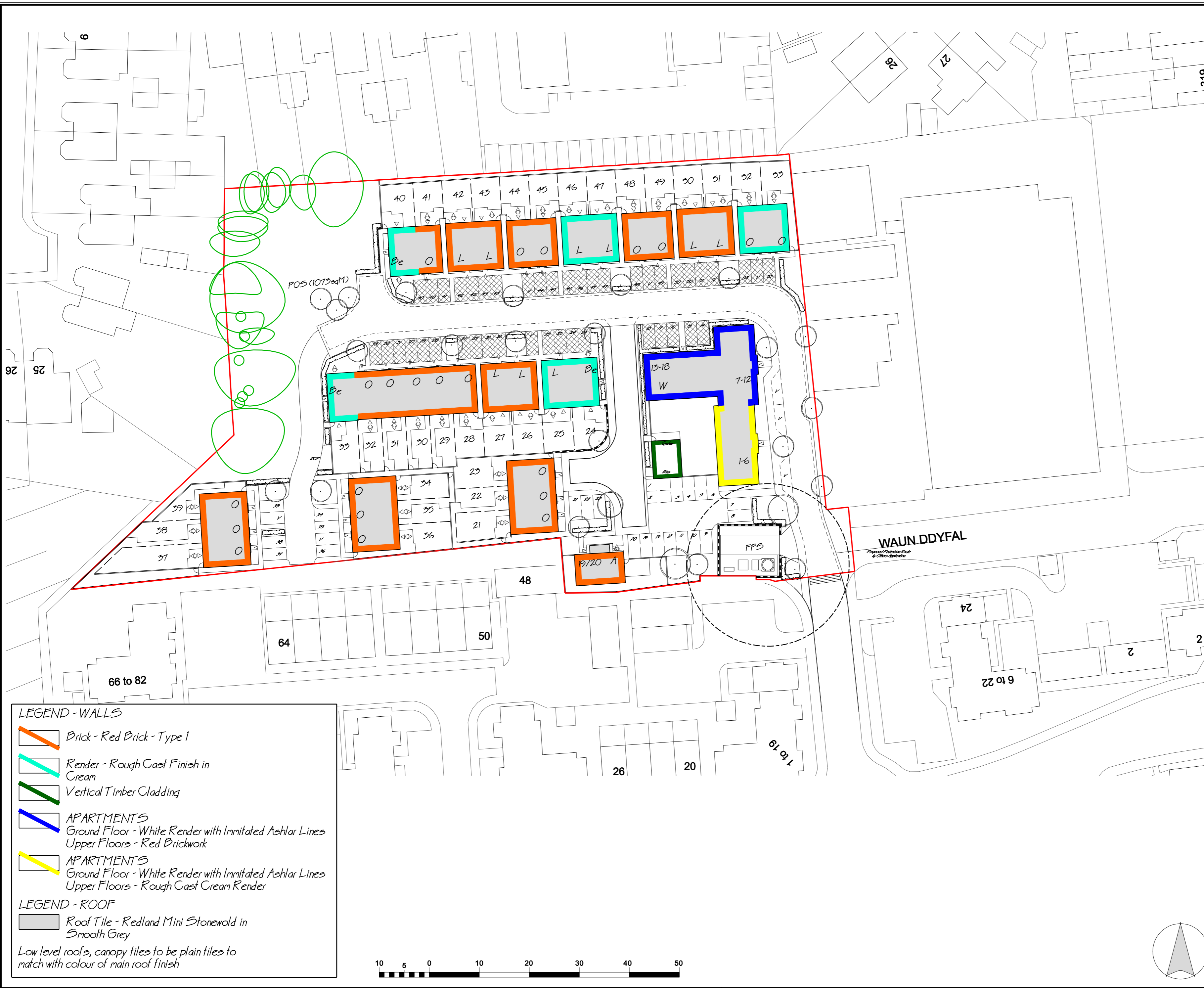
Drawn By IB	Scales 1:500	Date A2 Nov 2017
Job No. 1427	Drawing No. 104	Rev. C

LEGEND

- Single Storey
- Two Storey
- Three Storey



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General Notes

Rev	Date	By	Comment
C	17.01.18	IB	Revised to layout 1427.100 rev K
B	12.01.18	IB	Revised to layout 1427.100 rev J
A	06.12.17	IB	Revised to layout 1427.100 rev H

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Project Title
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Materials Layout

Drawing Status

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Job No. 1427	Drawing No. 103	Rev. C

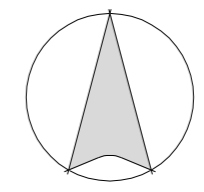
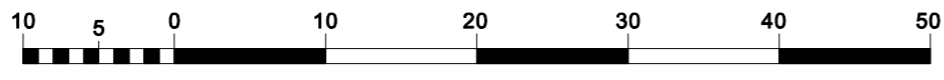
LEGEND - WALLS

- Brick - Red Brick - Type 1
- Render - Rough Cast Finish in Cream
- Vertical Timber Cladding
- APARTMENTS
Ground Floor - White Render with Imitated Ashlar Lines
Upper Floors - Red Brickwork
- APARTMENTS
Ground Floor - White Render with Imitated Ashlar Lines
Upper Floors - Rough Cast Cream Render

LEGEND - ROOF

- Roof Tile - Redland Mini Stonewold in Smooth Grey

Low level roofs, canopy tiles to be plain tiles to match with colour of main roof finish



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 Where existing trees are shown to be retained they should be subject to a full Arboricultural Inspection for safety. A suitable method of foundation is to be provided to accommodate proposed tree planting.

General Notes

Rev	Date	By	Comment
B	17.01.18	IB	Revised to layout 1427.100 rev K
A	12.01.18	IB	Plots 7-12 stepped back, additional planting added, to Client comment

RESIDENTIAL DESIGN
 PLANNING
 CIVIL ENGINEERING DESIGN

Hammonds Yates

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Client
United Welsh Group

Project Title
**Caerphilly Road
 Cardiff**

Drawing Title
Street Scene

Drawing Status

Drawn By IB	Scales 1:100	A3 Date Dec 2017
Job No. 1427	Drawing No. 110	Rev. B

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Foul Pumping Station

Path

Plots 1-12

Foul Pumping Station

Plot 52

STREET SCENE



LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/03/2018

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

APP: TYPE: Reserved Matters

APPLICANT: WYG PLANNING & ENVIRONMENT

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

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

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

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

Plans

P01 OS Plan

P02 Rev B - Proposed Block Plan

P03 Rev M - Proposed Site Plan

P04 Rev B – Proposed Block A Ground Floor Plan

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

P06 Rev C – Proposed Block B Ground Floor Plan

P07 Rev C – Proposed Block B 1st – 3rd Floor PlanP08 Rev C – Proposed Block B 4th Floor Plan

P09 Rev A – Proposed Elevations 1 – A Block

P10 Rev A – Proposed Elevations 2 – A Block

P11 Rev A – Proposed Elevations 1 – B Block

P12 Rev A – Proposed Elevations 2 – B Block

P17 Rev E – Terraced House Elevations

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

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

P20 – Entrance Elevation

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

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

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

Documents

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

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

Images

P15 – Proposed Street Scenes

P16 – Proposed Perspectives

P21 Proposed Perspectives - Houses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION 3: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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

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

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

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

parking.

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

the following minor changes to the scheme;

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

2. **DESCRIPTION OF SITE**

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

on the Coryton to Radyr line.

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

3. **SITE HISTORY**

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

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, November 2016.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design
 - TAN 18: Transportation
- 4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-
- KP5: Good Quality and Sustainable Design
 - KP7: Planning Obligations
 - KP8: Sustainable Transport
 - KP14: Healthy Living
 - KP15: Climate Change
 - C5: Provision for Open Space, Outdoor Recreation, Childrens' Play & Sport
 - EN8: Trees, Woodlands and Hedgerows
 - EN12: Renewable Energy and Low Carbon Technologies
 - EN13: Air, Noise, Light Pollution and Land Contamination
 - T1: Walking and Cycling
 - T5: Managing Transport Impacts

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

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

- Access, Circulation and Parking Requirements Jan. 2010

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

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

5. **INTERNAL CONSULTEE RESPONSES**

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

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

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

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

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

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

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

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

Change to open space provision from outline application

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

On site amenity space

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

Drainage

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

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

Footpath into properties H1-H9

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

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

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

Tree planting between car parking spaces

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

Consultation process and improvements to existing open space

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

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

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

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

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

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

6. **EXTERNAL CONSULTEE RESPONSES**

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

7. **REPRESENTATIONS**

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

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

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

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

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

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

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

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

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

7.6 Any further comments received will be reported to Committee.

8. **ANALYSIS**

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

8.2 **Principle of Development**

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

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

8.3 Affordable Housing

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

8.4 Parks

Change to open space provision from outline application

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

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

On site amenity space

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

Drainage

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

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

Footpath into properties H1-H9

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

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

Tree planting between car parking spaces

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

Consultation process and improvements to existing open space

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

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

8.5 Transportation

Access and Highway Capacity

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

Junction Design

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

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

Vehicular Parking

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

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

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

Cycle Parking

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

8.6 Design

Density, Scale and Massing

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

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

Houses

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

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

porches added.

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

Flats

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

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

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

Outlook

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

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

Overlooking / Overshadowing / Overbearing

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

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

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

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

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

Materials and Detailing

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

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

Amenity Space

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

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

Trees and Landscaping

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

8.7 **Other matters not covered above**

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

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

9. **OTHER CONSIDERATIONS**

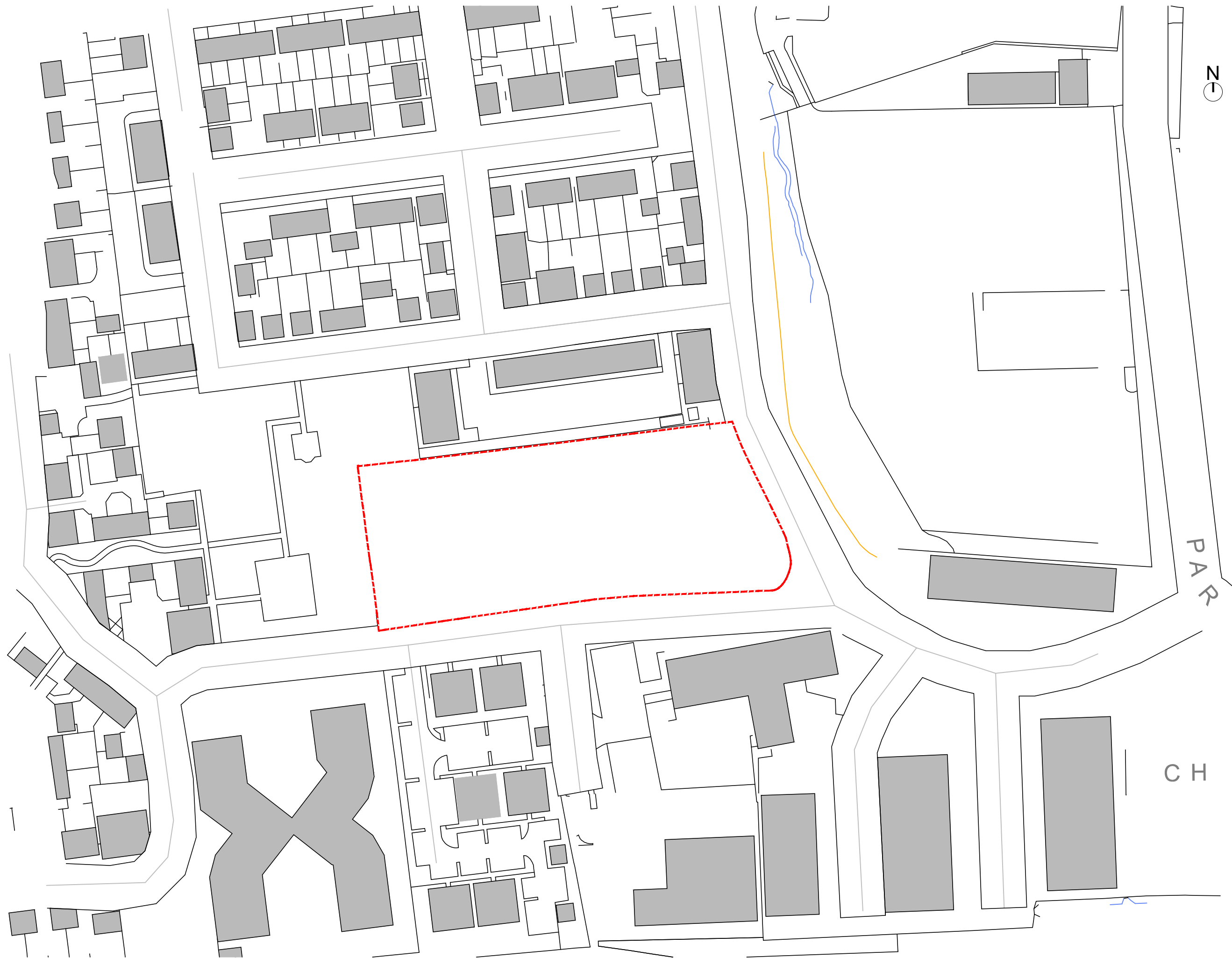
- 9.1 Crime and Disorder Act 1998 - section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and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

10. **PLANNING OBLIGATIONS – SECTION 106**

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

11. **CONCLUSION**

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



PAR

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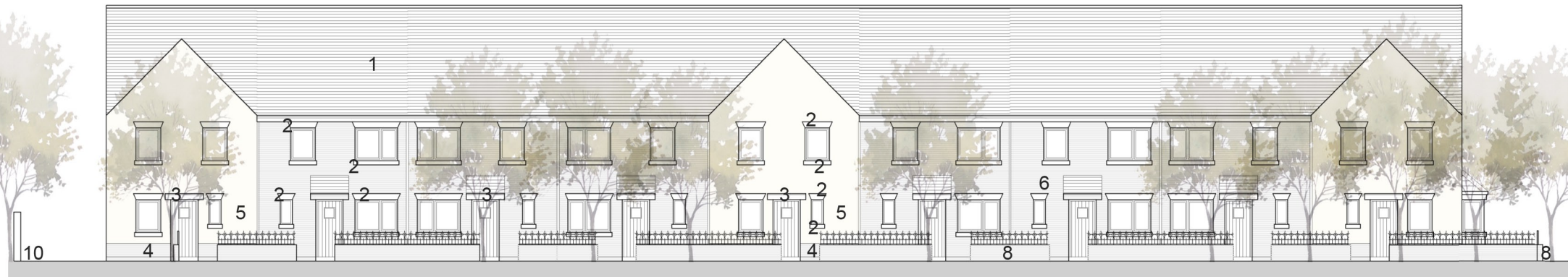




- 1 - Artificial Slate / Concrete Roof Tiles
- 2 - Reconstituted Stone
- 3 - Porch
- 4 - Brick Plinth
- 5 - Off White Through Colour Render
- 6 - Red Brickwork
- 7 - Timber Fence 1800mm
- 8 - Low Wall & Railings 1100mm
- 9 - Low Wall with Close Board Fencing 1800mm
- 10 - Brick Wall 1800mm



Rear Elevation



Front Elevation

CONNECTIONS DESIGN

ARCHITECTURE & INTERIORS

Project

Malvern Drive, Cardiff

Drawing Title

Terrace House Elevations

Scale

1:200 @ A4

Job No.

J16/53

Dwg No.

P17

Rev

E



PROPOSED ASHBOURN WAY STREET ELEVATION

scale - 1:250 @ A3



PROPOSED MALVERN DRIVE STREET ELEVATION

scale - 1:250 @ A3



LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/03/2017

APPLICATION No. 17/03102/MJR APPLICATION DATE: 21/12/2017

ED: **LLANISHEN**

APP: TYPE: REMOVAL OF CONDITIONS

APPLICANT: WYG PLANNING

LOCATION: TRAVIS PERKINS TRADING CO LTD, 1 MALVERN DRIVE,
LLANISHEN, CARDIFF, CF14 5DR

PROPOSAL: REMOVAL OF CONDITIONS 5, 6, 7, 16 AND 21 OF
14/00283/DCO

RECOMMENDATION 1: That, subject to relevant parties entering into a deed of variation to the **SECTION 106** agreement within 6 months of the date of this resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in section 9 of this report, outline planning permission be **GRANTED** subject to the following conditions:

1.
 - A. Approval of the details of the access, layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the access, layout, scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
 - C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

 - A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 1995.
 - B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The details submitted for approval in compliance with condition 1 of this permission shall provide for the storage of waste/recycling and its collection in accordance with guidance contained in the Council's Supplementary Planning Guidance : Waste and Collection and Storage

Facilities 2007 (or any subsequent revision of the guidance) unless otherwise agreed in writing by the local planning authority.

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

3. The details submitted for approval in compliance with condition 1 of this permission shall provide for the parking of vehicles and bicycles in accordance with guidance contained in the Council's Supplementary Planning Guidance Access, Circulation and Parking Standards 2010 or any subsequent revision of the guidance) unless otherwise agreed in writing by the local planning authority.

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.

4. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the local planning authority. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development.

5. **Condition removed – Number retained for consistency**

The buildings hereby approved shall meet the BRE Code for Sustainable Homes (Version 3) Level 3, and shall obtain a minimum of 1 credit under Ene 1 (Dwelling Emissions Rate).

Reason: To ensure that the development is constructed in accordance with national planning sustainable building standards.

6. **Condition removed – Number retained for consistency**

Construction of the dwelling units hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Version 3) Level 3 and a minimum of 1 credit under Ene 1 (Dwelling Emission Rate) shall be achieved.

Reason: To ensure that the development is constructed in accordance with national planning sustainable building standards.

7. **Condition removed – Number retained for consistency**

Prior to occupation of the individual dwelling units hereby permitted, a Code for Sustainable Homes (Version 3) Level 3

'Final Certificate' shall be submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Version 3) Level 3 and a minimum of 1 credit under Ene 1 (Dwelling Emissions Rate) has been achieved for the dwelling(s).

Reason: To ensure that the development is constructed in accordance with national planning sustainable building standards.

8. 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 to 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.

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

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

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

10. Any site won recycled aggregate material 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 recycled material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the local planning authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

11. Discharged under application ref: 17/00988/MJR, dated 20/02/2018.

Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.*

A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered

Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

12. Discharged under application ref: 17/00988/MJR, dated 20/02/2018.

Prior to the commencement of the development, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), 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 2.63 of the Cardiff Unitary Development Plan.

13. The remediation scheme approved by condition 12 shall 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 shall 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 / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), 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 2.63 of the Cardiff Unitary Development Plan

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall 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 shall be undertaken in accordance with the requirements of condition 11 (above), and where remediation is necessary a remediation scheme and verification plan shall be prepared in accordance with the requirements of condition 12 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 shall be submitted to and approved in writing by the Local Planning Authority in accordance with condition 13 (above).

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 2.63 of the Cardiff Unitary Development Plan

15. **Discharged under application ref: 17/00988/MJR, dated 20/02/2018.**

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*

16. Condition removed – Number retained for consistency

Vehicular access to the site shall be provided from a point to the west of the existing bus gate on Malvern Drive.

Reason: A means of access at this point would be preferable in terms of highway safety.

17. No development shall take place until plans showing details of the proposed floor levels of any building in relation to the existing ground level and the finished levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

Reason: These details are not included with the application and are required to ensure an orderly form of development.

18. The details submitted for approval in compliance with condition 1 shall have particular regard to the preservation of the amenities and privacy of the occupiers of the adjoining properties.

Reason: To ensure that the privacy and amenities of the occupiers of the adjoining properties are protected.

19. This consent relates to the application as supplemented by the information contained in the letter from the agent dated 30th April,2014 and the attached illustrative plan ref 09 dated 23rd April,2014, together with the e-mail communications from the agent dated 6th June, 2014.

Reason: The information provided forms part of the application.

(This has been superseded by Reserved Matters application ref: 17/01301/MJR)

20. This permission does not give approval to the layout of the

development as shown in the indicative illustrative plan submitted in support of the application.

Reason: For the avoidance of doubt as the plans are for illustrative purposes only and issues of layout, scale, landscaping and appearance will need to be fully addressed in accordance with the Council's guidance on residential design at the reserved matters stage.

21. **Condition removed – Number retained for consistency**

The development of shall include an area open space to be provided at the western end of the site, adjoining the existing public open space area, as shown for illustrative purposes on drawing 09, submitted in support of the application. The open space shall be available at all times for public access and there shall be no means of enclosure erected to separate the area from the adjacent exiting public open space.

Reason: To provide a satisfactory level of open space for the benefit of future occupiers in accordance with Policy 31 of the adopted City of Cardiff Local Plan and Supplementary Planning Guidance: Open Space (2008 including May 2011 update).

22. Any existing accesses to the site which become redundant as a consequence of the proposed development shall be re-instated as footways prior to the beneficial occupation of the development in accordance with details that shall be approved by the Local Planning Authority.

Reason: In the interests of pedestrian safety and convenience.

23. The application hereby approved shall not accede 121 units of accommodation.

Reason: The development, including financial contributions, have been assessed on the basis of this number of units, in accordance with policy KP7 of the adopted Cardiff Local Development Plan 2006 -2026.

RECOMMENDATION 2: The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management 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 3: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

1. **DESCRPITION OF PROPOSED DEVELOPMENT**

- 1.1 Outline Planning Permission (ref: 14/00283/DCO) was granted, subject to conditions and a s106 legal agreement, for the residential development of the application site. Permission is now sought to remove conditions 5, 6, 7 (Code for Sustainable Homes), condition 16 (access) and condition 21 (Open Space).
- 1.2 This application should be read and considered in conjunction with reserved matters application 17/03101/MJR which will also be put before committee for consideration.

2. **DESCRPITION OF SITE**

- 2.1 The application site comprises approximately 0.8 ha of land which was formally occupied by a builders' merchants (Travis Perkins). The existing buildings on the site have been demolished with the site now comprising of a large area of hardstanding enclosed by a palisade fence, approximately 2.4m in height.

- 2.2 A portion of the site along its eastern perimeter is occupied by an area of informal landscaping and a small number of mature trees, with other trees being dotted along the remaining boundaries.
- 2.3 The site is bounded by Malvern Drive to the south, from which it is accessed, and Smith Road. Malvern Drive and Smith Road are separated by a bus gate which is located just to the west of the existing entrance into the application site. The vehicular entrance into the site is located to the east of the bus gate.
- 2.4 The surrounding area is mixed in character, primarily comprising residential and commercial uses.
- 2.5 To the north of the site lies a large residential area of houses and flats accessed via Ashbourn Way and developed in recent years on former employment land by Bellway Homes and Persimmon Homes. The northern boundary of the site adjoins three and four storey flats at Tatham Road and their associated car parking/amenity areas.
- 2.6 To the west and south west lies a further large area of residential development comprising a mix of houses and flats which was formerly occupied by the AWE Royal Ordnance Factory. Immediately adjoining the western boundary of the site lies an area of public open space incorporating a playground, which was provided in association with the residential developments referred to above.
- 2.7 To the south of the site, on the opposite side of Malvern Drive lies a development of four storey 'ipad' apartments on Pentland Close and a cleared business site which has planning permission for residential development.
- 2.8 A number of industrial/warehouse units and offices occupy land to the east and south east of the site, on the opposite side of Ashbourn Way and Malvern Drive, forming part of Cardiff Business Park.
- 2.9 Ty Glas Railway halt is located approximately 170 metres to the south of the site on the Coryton to Radyr line.
- 2.10 The topography of the site is relatively level with a slight fall in a north-south direction. Previous development cutting into the site to allow level access from Malvern Drive, results in embankments along its northern, eastern and western boundaries.

3. **SITE HISTORY**

- 3.1 18/00198/MJR – Discharge of Condition 4 (Drainage) of 14/00283/DCO – Under Consideration.
- 3.2 17/03101/MJR – Submission of details for approval of access, appearance, landscaping, layout and scale for no. 121 dwellings pursuant to outline consent 14/00283/DCO – Under Consideration

- 3.3 17/00988/MJR – Discharge of Conditions 11 (Contamination), 12 (Remediation Scheme) and 15 (Gas Investigation) of 14/00283/DCO – Approved.
- 3.4 14/00283/DCO – Residential development and associated development (including demolition of existing buildings) Approved.
- 3.5 Applications at the site relate primarily to the builders yard (Class B8) including the erection of a new shopfront, fencing and external decorations (local planning authority ref. 89/2242N) and change of use of the forecourt to storage area (local planning authority ref. 91/1390N and 91/1068N).

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales Edition 9 (November 2016).
- 4.2 Technical Advice Notes (TAN's)
- TAN 12: Design.
TAN 18: Transport.
- 4.3 Relevant policies of the Adopted Cardiff Local Development Plan (2006-2026) include:
- KP5: Good Quality and Sustainable Design
KP6: New Infrastructure
KP7: Planning Obligations
KP8: Sustainable Transport
KP16: Green Infrastructure
T1: Walking and Cycling
T5: Managing Transport Impacts
T6: Impact on Transport Networks and Services
C5: Provision for Open Space Outdoor Recreation, Children's Play and Sport
- 4.4 The following Adopted Supplementary Planning Guidance is also relevant:
- Planning Obligations (2017)
 - Residential Design Guide (2017)
 - Green Infrastructure (Nov 2017)
- 4.5 Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, T5 and W2 and can be used to help inform the assessment of relevant matters –

- Access, Circulation and Parking Standards (January 2010);

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The Operational Manager, Transportation states that the submitted Transport Assessment indicates that the traffic impact (assuming the use of an access point to the east of the bus gate) would not result in any undue concerns on the network. In addition, the bus gate is now enforced via cameras, and there should be no issues regarding vehicles attempting to get through the bus gate and causing damage. As such, he raises no objection to the proposed removal of condition 16.
- 5.2 The Operational Manager, Parks and Open Space states that the outline scheme included provision of an additional area of land to form part of the existing Watkins Square open space. Although the option of being able to extend the existing open space was attractive, Parks would in principle accept a reserved matters submission with the site fully developed for housing, and improvements being made to the existing open space in lieu of this, providing the payment below is agreed. As such, he raises no objection to the removal of the condition 21.

Open Space Provision

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

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

Based on the information provided on the number and type of units and on site amenity space provision, a financial contribution of £173,372 would be required towards improvements to **Watkins Square Open Space** as a result of the proposed development.

- 5.3 As the removal of the conditions sought as part of this application would result in change to the outline planning application, a deed of variation is required to the section 106 agreement to reflect this changes made and ensure that the application remains policy compliant. As such, the following comments have been received from the following internal consultees.
- 5.4 The Housing Strategy Officer (Enabling) supports the development of this site for 100% affordable housing, given the high levels of need for affordable housing in the area. However, in the event that the site and/or units are not purchased by a Housing Association for social rented accommodation, then an affordable housing contribution would be sought in line with the current planning policy as outlined in the Planning Obligations – SPG (2017).

5.5 The Director of Education and Lifelong Learning raise no objection to the application proposal subject to the revised financial contribution proposed.

5.6 The Group Leader Neighbourhood Regeneration raises no objection to the application subject to the financial Communities Facilities contribution remaining as previously agreed.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 None undertaken

7. **REPRESENTATIONS**

7.1 Local Members have been consulted on the application. Councillor Bale has raised an objection to the proposed development on the following grounds;

- The amended plans and assessments incorrectly state the local 86 bus service runs every 60mins during the day. Cardiff Bus have cut this service to just one bus every hour and a half now even though many elderly residents rely on the bus service more than the train due to their concessionary bus passes.
- There is considerable loss of open space on the new plans, facing the square and playground. The original outline plans would have seen the perimeter of the Square made symmetrical. This public open space is in need of further investment to improve the drainage off the grass and provide better facilities for the local community.
- I have not seen any evidence that the applicant has put in place any measures to prevent seagulls on the roof of the new buildings. This has been a long standing problem in this area, perhaps due to the proximity of Memory Lane Cakes, and therefore the design of the roof spaces needs to minimise this risk as it will lead to considerable noise nuisance for existing and new occupants to the development site.
- The height of the development should not lead to loss of light or privacy for existing nearby residents.

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

7.2 Neighbouring and nearby occupiers have been notified of the application. The application has also been advertised by the display of site notice. No objections have been received to the application.

8. **ANALYSIS**

- 8.1 The key planning considerations in the determination of this application are the acceptability of the removal of conditions and the requirements of the revised S106 agreement.

Removal of Conditions

8.2 **Conditions 5, 6 & 7 - Code for Sustainable Homes**

A letter from the Minister for Housing and Regeneration, dated 05 June, 2014 sets out the procedure for dealing with conditions relating to code for sustainable homes, this letter states the following;

“Development Management - All planning applications need to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. National planning policy in the form of PPW and TANs are such considerations in this process. An adopted LDP may contain specific policies on a strategic site requiring higher sustainable buildings standards, these policies should continue to be given the due weight afforded to them by law. Any applications determined after the 31 July 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions requiring the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes and any existing adopted LDP policy which may require a higher standard.”

A further letter from the Welsh Government Chief Planner, dated 31 July, 2014 which states the following:

“The [9th] edition of PPW incorporates amendments to Section 4.12, ‘Planning for sustainable buildings’ withdrawing the national planning policy requirement for sustainable building standards and Technical Advice Note (TAN) 22: Planning for Sustainable Buildings has now been cancelled.”

- 8.3 Having regard to national advice detailed above, and given that there are no particular policies within the adopted Local Plan which would seek to retain the Code for Sustainable Homes Conditions, their removal is considered acceptable.

8.4 **Condition 16 - Vehicular Access**

The Operational Manager, Transportation accepts the content of the submitted Transport Assessment, in terms of the resulting traffic impact on the local network resulting from a revised access location (assuming an access point to the east of the bus gate). He also notes that the bus gate between Smith Road and Malvern Drive is enforced by cameras thereby deterring vehicles attempting to pass through it, causing damage or creating conflict

with an alternative site access. Taking this into consideration, the removal of condition 16 is considered acceptable in highways terms. The proposed development would remain policy compliant as a result of the removal of this condition.

8.5 Condition 21 - Open Space

Condition 21 required that an area of land along the western edge of the site be provided as Public Open Space and integrated into the adjacent Watkins Park Open Space. The committee report for the outline planning application states the following;

'Public open space provision is to be provided by extending the existing open space area which directly adjoins the western boundary of the application site, as indicatively shown on the illustrative layout plan. The development would enable the 'rounding off' of the pos, increase the public surveillance of this area and remove the incongruous relationship which currently exists between the park and the employment site. The transfer of the area to the Council would be subject to the approval the approval of its detailed design and payment of an appropriate commuted sum for its future maintenance and management.' (Para 8.20)

Whilst the provision of this area of land for POS was agreed as part of the outline planning application, the inclusion of this space was not fundamental to the positive determination of the application.

It is considered that a reserved matters scheme which proposes development on this particular area of land, as is the case under reserved matters ref: 17/01301/MJR (considered simultaneously with this application), could still effectively round off the adjacent park through creating a strong built edge and active frontage along its eastern boundary. Whilst the size of the park would remain unaltered through such an approach, it is considered that a financial contribution in lieu of the provision of this additional space would allow for improvements to be made to the existing park making it more useable, permeable and generally attractive. This approach is considered to be acceptable.

As such, subject to the provision of a financial contribution in lieu of the provision of this space being provided towards enhancement to the existing park as part of the deed of variation to the s106, the application proposal is considered policy compliant in terms of open space provision.

8.6 Other Matters Not Considered Above

Councillor Bales' comment with regard to the adjacent open space are acknowledged. It is however considered that a financial contribution towards improvements to the park, in lieu of the provision of the additional open space required as part of condition 21 (open space), would represent an acceptable and policy compliant alternative.

9. **S106 - Deed of Variation - Head of Terms**

9.1 A deed of variation will be required to the S106 agreement to reflect the revised development proposal resulting from this application and application ref: 17/03101/MJR.

9.2 The deed of variation should reflect the requirement for the area of open space towards the western edge of the site, previously agreed as being transferred to the council, from being required, with a financial contribution made in lieu of the provision of this space.

9.3 Given the increased number of units proposed (see application ref: 17/03101/MJR), the financial contribution sought have been amended as follows:

- Community Facilities £25,000
- Parks £173,372
- Highways and Transportation £22,000
- Economic Development £50,000
- Education £66,369
- Affordable Housing Development to comprise of 100% affordable housing

9.4 The deed of variation will need to reflect that in the event that the site and/or units are not purchased by a Housing Association for social rented accommodation, then an affordable housing contribution would be sought in line with the current planning policy as outlined in the Planning Obligations – SPG (2017).

9.5 Given circumstances particular to this application and that of application ref: 17/03101/MJR, a reserved matters scheme for the site containing 100% affordable housing, it is considered that a reduced Education contribution would be acceptable in this instance given the revised breakdown of units now proposed and the likely number of school places required as a result.

9.6 The Community Facilities, Economic Development and Highways and Transportation contributions would remain the same as that previously agreed.

9.7 Having regard to policy and legal tests, it is considered that the requested contributions meet the necessary requirements. The agent has confirmed that their client is willing to enter into an agreement to secure these contributions.

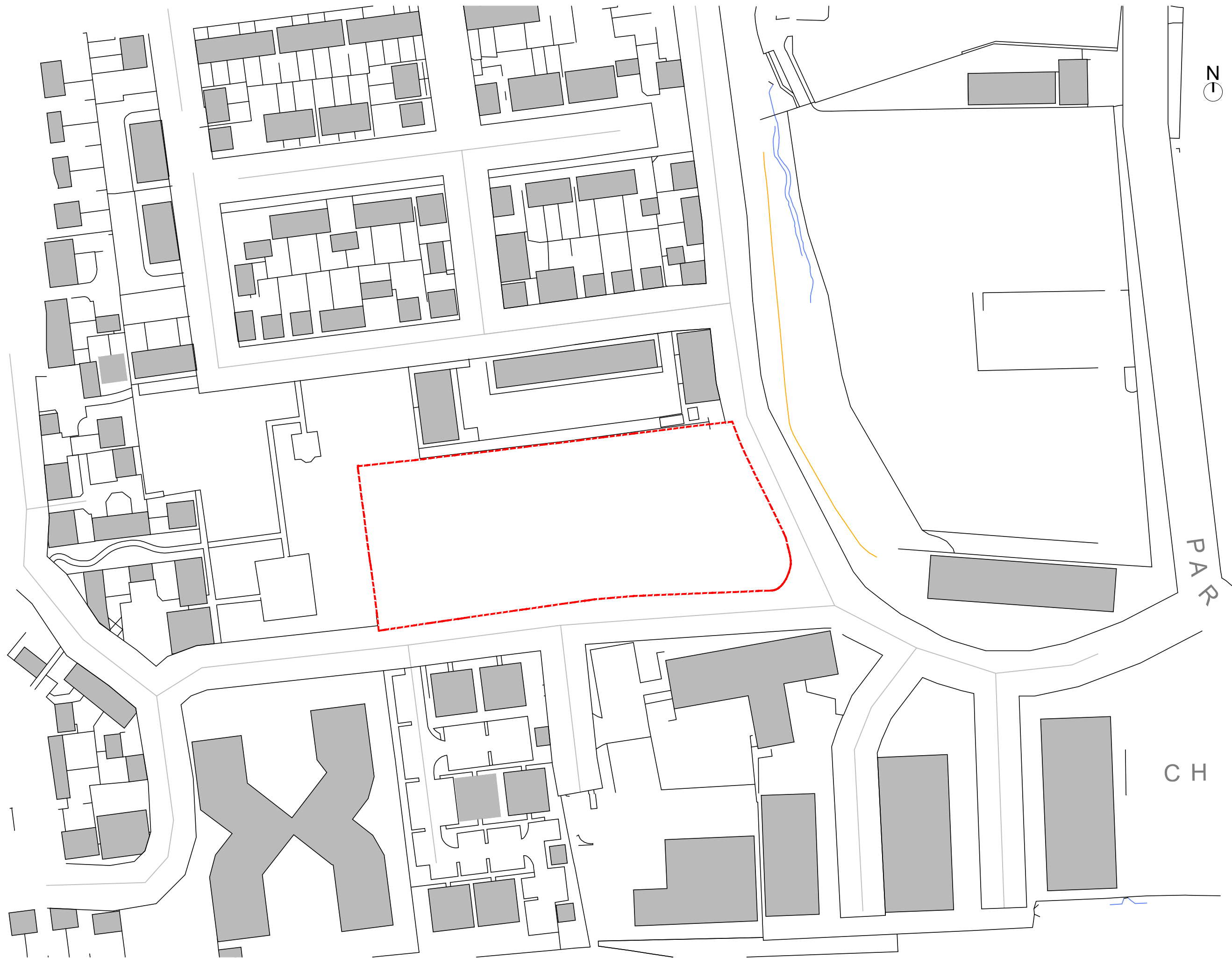
10. **Conclusion**

10.1 Subject to the signing of a Deed of Variation to the S106 agreement in line with para 9.1 – 9.5 above, it is considered that this application proposal would remain policy compliant notwithstanding the proposed removal of conditions

5, 6, 7, 16 & 21. It is therefore recommended that this application be approved.

10.2 As this is a Section 73 application, in accordance with case law the previous conditions have been re-imposed to ensure compliance.

10.3 An additional condition (Condition 23) has been added which limits the numbers of units to ensure compliance with the S106.



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PETITION & LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 15/03/2018

APPLICATION No. **18/00027/MJR** APPLICATION DATE: 08/01/2018

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: The Ahmadiyya Muslim Association
LOCATION: FORMER IAN WILLIAMS LTD, SANATORIUM ROAD,
CANTON, CARDIFF, CF11 8SU

PROPOSAL: ALTERATIONS AND EXTENSIONS TO EXISTING
MOSQUE (USE CLASS D1, NON-RESIDENTIAL
INSTITUTIONS) INCLUDING TWO-STOREY MOSQUE
WITH MINARET, DOME, ATTACHED TWO- STOREY
IMAM'S RESIDENCE AND SINGLE STOREY DETACHED
COMMUNITY FACILITY TOGETHER WITH PARKING AND
ASSOCIATED WORKS

RECOMMENDATION 1 : That 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 following approved plans and documents:
 - (i) Site Location Plan (JPW0352:001);
 - (ii) Block Plan (101);
 - (iii) Existing Site Plan Showing Proposed Structure to be Removed (121 Rev PL1);
 - (iv) Floor Plans and Exterior (ASP 1395-1);
 - (v) Elevations (ASP 1395-2);
 - (vi) Existing Hall – Floor Plan, Front and Rear Elevations (15-008-115);
 - (vii) Proposed Site Layout & Hard Landscaped Plan (15-008-201 Rev PL2);
 - (viii) Proposed Mosque Ground Floor Plan (15-008-203 Rev PL2);
 - (ix) Proposed Mosque First Floor Plan (15-008-204 Rev PL0);
 - (x) Proposed Front Elevation as Viewed from Sanatorium Road (15-008-205 Rev PL2);
 - (xi) Proposed Side Elevation (15-008-206 Rev PL1);
 - (xii) Proposed Rear Elevation, View from Community Hall (15-008-208 Rev PL1);
 - (xiii) Proposed Side Elevation (15-008-209 Rev PL1);
 - (xiv) Proposed Community Hall – Floor Plan, Front and Rear Elevations (15-008-215 Rev PL2);
 - (xv) Proposed Site Section (15-008-220 Rev PL1);

- (xvi) Proposed Site Layout Showing Change of Use and Proposed New Floor Area – Ground Floor (221 Rev PL2);
- (xvii) Proposed Site Layout Showing Change of Use and Proposed New Floor Area – First Floor (222 Rev PL2);
- (xviii) Proposed Community Hall – Front and Rear Elevations and Floor Plans (15-008-315 Rev PL1);
- (xix) Proposed Side Elevations for Community Hall (15-008-216 Rev PL2);
- (xx) Bin Store Plan and Details (SD/013 Rev A);
- (xxi) Imam Residence Double Bin Store Plan and Details (SD/014);
- (xxii) Transport Assessment, Phil Jones Associates (January 2018);
- (xxiii) Travel and Event Management Plan, Phil Jones Associates (January 2018);
- (xxiv) Flood Consequence Assessment, RPS (February 2018).

Reason: The plans and documents form part of the application.

3. The buildings hereby permitted shall be used for the purpose specified in the application and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class D1 could prejudice the amenities of the area.

4. No development shall take place until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority, to include as required but not limited to site hoardings, site access, delivery facilities and procedure, wheel washing facilities, welfare facilities, phasing, quality survey of surrounding highway (including photographs). Construction of the development shall be managed strictly in accordance with the approved scheme.

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

5. No development shall take place until a scheme of public realm reinstatement/improvement works to Sanatorium Road footway and carriageway adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the removal, re-kerbing and reinstatement as footway of the existing vehicle dropped kerb; the reinstatement/resurfacing as required of the remainder of the footway abutting the site, to include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The approved scheme shall be implemented to the written satisfaction of the Local Planning Authority prior to beneficial occupation of the development.

Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.

6. The proposed car parking and manoeuvring areas shall be laid out in accordance with the details shown on the 'Proposed Site Layout and Hard Landscaped Plan' (drawing no. 15-008-201 Rev PL1) before the development is brought into beneficial use and shall be thereafter maintained and retained at all times for those purposes in association with the development.
Reason: To make satisfactory provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.
7. No part of the development hereby approved shall be occupied until the Travel/Event Management Plan has been amended to take account of the extended facility and submitted to and approved in writing by the Local Planning Authority. The Travel/Event Management Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to the site, and to promote travel by sustainable modes, particularly at the times of the year when the Eid Festivals are due to take place. The Travel/Event Management Plan shall be implemented in accordance with the timetable set out in the plan, unless otherwise agreed in writing with the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel/Event Management Plan shall be submitted annually to the Local Planning Authority, commencing from the first anniversary of beneficial occupation of the extended development and continuing for five consecutive years thereafter. The existing travel/event plan (associated with the change of building use - Condition 6 of permission no. 14/01523/DCO) and travel targets will remain operational until the beneficial occupation of the extended facilities.
Reason: To accord with the Council's adopted Access, Circulation and Parking Standards SPG by encouraging sustainable transport and effect modal shift to non-car modes in order to maximise travel to/from the site by sustainable modes of transport
8. Prior to the development hereby permitted being brought into beneficial use details showing the provision of 16 no. (minimum) covered and secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the covered and secure parking of cycles.
9. The refuse storage facilities hereby approved on drawings numbered 15-008-201 Rev PL2, 15-008-203 Rev PL2, 15-008-205 Rev PL2, SD/013 Rev A, and SD/014 shall be implemented prior to beneficial use and retained thereafter.
Reason: To secure an orderly form of development and to protect the amenities of the area.

10. No external public address system shall be used in order to call worshippers to prayer.
Reason: To protect the amenities of occupiers of nearby residential accommodation.
11. The Mosque shall not be used for the purposes of worship between the hours of 23:00 and 04:00.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected.
12. The Community Hall shall only be used between the hours of 08:00 and 23:00.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected.
13. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997(or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy 2.24 of the deposit Unitary Development Plan (October 2003).
14. Prior to amplified music being played in any room it shall be insulated for sound in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The room(s) shall be insulated in accordance with the approved details and retained thereafter.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
15. The extraction of all fumes from the community hall food preparation area hereby approved shall be mechanically extracted to a point to be agreed in writing with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to and approved in writing by the Local Planning Authority and the equipment shall be installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, which shall first have been agreed in writing by the Local Planning Authority.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
16. No development shall take place until 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, has been submitted to and approved in writing by the Local Planning Authority.

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 by the Local Planning Authority. If no protection measures are required than no further actions will be required.

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

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

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

17. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document "Land Contamination: A guide for Developers" (2012), unless the Local Planning Authority agrees to any variation.

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

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

- 18. No development shall take place until 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 has been 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 shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), 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 Cardiff Local Development Plan.

- 19. The remediation scheme approved by condition 17 shall 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 shall 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 shall be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), 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 Cardiff Local Development Plan.

20. 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

21. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of

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

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

22. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

23. 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 Cardiff Local Development Plan.

24. The dwelling hereby approved shall not be occupied at any time other than for purposes ancillary to the Class D1 use hereby approved.

Reason: The creation of a separate dwelling unit would be unacceptable in this location.

25. Prior to their installation on site, samples of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area.

26. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, hard surfacing materials, proposed and existing services above and below ground level, 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 details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance.

27. 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.

28. The means of enclosure to the proposed amenity area for the Imam's residence shall be constructed in accordance with the details hereby approved prior to the development being put into beneficial use. The enclosures shall be retained thereafter.

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

29. Prior to their installation on site details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

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

30. No development shall take place until a scheme for the drainage of foul and surface water from the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development.

31. Prior to beneficial occupation of the development hereby approved, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate that all persons on the premises can either evacuate the site safely or have a safe haven on the site for the duration of an extreme flood event. The premises shall operate at all times in accordance with the approved plan. Reason: To safeguard persons on the premises from flooding consequences.

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

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

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

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

RECOMMENDATION 4 : That the applicant be advised to note the comments of Network Rail dated 6 February 2018 in which they set out their requirements for the safe operation of the railway and the protection of their land. These comments have been forwarded to the agent.

RECOMMENDATION 5: Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be

contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:- Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:- 5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Permission is sought for alterations and extensions to the existing mosque (Use Class D1 – Non-Residential Institutions) including first floor extension with minaret, dome, attached two-storey Imam’s residence and single-storey detached community hall together with parking and associated works at the former premises of Ian Williams Ltd, Sanatorium Road, Canton.
- 1.2 Planning permission was refused by Planning Committee for a similar scheme in March 2017 (see paragraph 3.2). The applicant appealed to the Planning Inspectorate on 18 September 2017 against the Council’s decision and a Public Inquiry to hear the appeal was due to take place from 24 – 26 January 2018. However, the Planning Inspectorate agreed to hold the appeal in abeyance pending the determination of this application.
- 1.3 The proposed alterations and extensions to the main building include:
 - (i) Reconfiguration of ground floor layout;
 - (ii) First floor extension to create men’s prayer room, guest sitting area, office, store, lobby and toilet facilities;
 - (iii) Increase in building height from approximately 6 metres to approximately 7.5 metres;
 - (iv) A minaret to the roof (up to 18 metres above ground level);
 - (v) A dome to the roof (up to 13 metres above ground level);
 - (vi) Amendments to window and door openings;
 - (vii) Through coloured render applied to external walls;
 - (viii) Reconstituted stone detail course added at eaves level and first floor level.
- 1.4 The two-storey three bedroom Imam’s Residence would be attached to the rear (north) elevation of the main building and would abut the east site boundary. This new build element would be dual access, with its principal entrance onto

Sanatorium Road. The dwelling would be approximately 6 metres high to eaves and 7 metres high to roof ridge. The pitched roof would be screened by parapet walling to all sides to a height of approximately 7 metres.

- 1.5 At ground floor the dwelling would contain a study, lounge, store, w.c., kitchen and dining room. Three bedrooms would be located at first floor (including one ensuite bedroom), with a family bathroom, together with a family bathroom. A private external amenity area of approximately 57 square metres would adjoin the west elevation.
- 1.6 The proposed detached single-storey Community Hall would be located at the rear of the site adjacent to the north site boundary. The hall would be approximately 3.5 metres to ridge and comprises a total floor space of approximately 230 square metres, of which approximately 98 square metres comprises an extension to include kitchen, storage, toilet facilities and circulation space. Approximately 136 square metres will comprise a community/dining hall. The building would be finished in through coloured render. The proposed floorspace measurements are listed in the table below:

	Floorspace (sqm) (GIA)
Ground Floor	205
First Floor	252
Imam Dwelling (Ground)	125
Imam Dwelling (First)	70
Community Hall	234
TOTAL	886

- 1.7 14 no. car parking spaces would be provided within the site, of which 3 no. would be disabled spaces and 2 would be designated for the Imam's residence. 16 no. secure cycle parking stands are proposed.
- 1.8 The application confirms:
- (i) The Ahmadiyya Muslim Association (AMA) number approximately 160 people in Cardiff. Since 2002 they have held their prayer meetings at St. Thomas' Church Hall, Pantbach Road;
 - (ii) Five prayer services will occur each day and would vary according to the season: 05:00, 13:30, 17:30, 20:15 and 21:00. A Friday lunchtime service will also take place between 13:00 and 14:00. The timing of each service will alter slightly according to the sunrise and sunset. The duration of each service will last between 15 and 20 minutes.
 - (iii) The Friday Service is the best attended prayer service with an average of 30 people attending;
 - (iv) In addition to a place of worship, a hall will be provided for community use. This will be used for a wide range of events, typical of a community hall attached to a place of worship. No commercial activities, such as large-scale weddings, will take place. External groups will not be charged for the use of the community hall facilities.

- (v) Eid celebrations will be held at the Community Hall twice a year. It is assumed all 161 members will attend for both celebrations. However, the proportion travelling on foot will be higher than expected based on the modal split as in an act of Sunnah Muslims are recommended to walk to the place of prayer if reasonably practical, taking a different route for the journey there and back.

1.9 The Transport Statement accompanying the application states:

- (i) 82 no. on-street parking spaces are available within a 5 minute walk (400m);
- (ii) The nearest bus stops are within 150m;
- (iii) No Personal Injury Collisions (PICs) were recorded for the 5 year period between 2012 – 2016;
- (iv) 82 people attended Friday Zuhr (after true noon) prayers on 1 September 2017; 86% travelled by car (average of 2.39 occupants per vehicle), 13% travelled by bus and 2% walked;
- (v) 42 people attended Zuhr prayers on 15 December 2017 in which 81% travelled by car (2.13 occupants per vehicle), 12% on foot and 7% by bus;
- (vi) Attendance for dawn prayers (Fajar) in August – September was 2 – 16 attendees;
- (vii) Evening prayers (Afternoon) had 14 – 32 attendees;
- (viii) Their Cardiff membership has ranged between 153 – 172 since 2013;

1.10 A Flood Consequences Assessment (FCA) has been submitted in support of the application which indicates that the site would remain flood free for events up to the 1 in 100 year plus climate change. 1 in 1,000 year defended model outputs illustrate that the site would be at risk to c.0.4 metres flood depth. The FCA concludes that the site is at low risk of fluvial tidal flooding and confirms that there is no history of flooding at the site and that the risks of future flooding events are low. It therefore advises that the development is appropriate for the site, subject to a condition requiring a suitable flood evacuation plan to be provided to ensure users and residents can either evacuate the site safely or have a safe haven for the duration of an extreme flood event.

2. **DESCRIPTION OF SITE**

2.1 The site extends to approximately 0.15 Ha and includes one and two-storey buildings. The applicant commenced the use of the premises in December 2017.

2.2 A railway embankment approximately 5 metres high adjoins the rear site boundary with residential properties further north, approximately 43 metres away.

2.3 The surrounding uses include a primary school, doctor's surgery and pharmacy, children's nursery, and a printing company. A veterinary practice, residential, and other commercial uses are located in the vicinity.

- 2.4 Vehicular access to the site is off Sanatorium Road with courtyard parking. The nearest bus stops are located on Broad Street within 150 metres of the site.
- 2.5 Construction has commenced on the initial phases of approximately 800 houses on the former Arjo Wiggins site to the north east of the application site.
- 2.6 The site is located within Flood Zone C1 on the Development Advice Map.

3. **SITE HISTORY**

- 3.1 16/02821/MJR: Permission granted in December 2017 for the discharge Condition 5 (Cycle Parking), the partial discharge of Condition 6 (Travel/Event Management Plan) and the discharge of Condition 7 (Refuse Storage) of planning permission no. 14/01523/DCO.
- 3.2 16/02196/MJR: Permission refused in March 2017 for change of use, alterations and extensions to form Class D1 (Non-Residential Institutions) Place Worship including two-storey mosque with minaret, dome, attached two-storey Imam's residence and single-storey detached community hall together with parking and associated works for the following reasons:
 - 1. *The application fails to address the vehicular trip generation that is likely occur from the proposed development and therefore fails to demonstrate that the development will not cause unacceptable harm to safe and efficient operation of the local highway network, contrary to the provisions of Policies T6 and C1 (iv) of the Cardiff Local Development Plan (January 2016).*
- 3.3 The applicant appealed to the Planning Inspectorate on 18 September 2017 against the Council's decision to refuse planning permission. A Public Inquiry to hear the appeal had been arranged for 24 – 26 January 2018, however the Planning Inspectorate agreed to hold the appeal in abeyance pending the determination of this application.
- 3.4 15/02643/MJR: Permission refused in February 2016 for change of use, alterations and extensions to form Class D1 (Non-Residential Institutions) Place Worship including two-storey mosque with minaret, dome, attached two-storey Imam's residence and single-storey detached community hall together with parking and associated works for the following reasons:
 - 2. *The application fails to address the vehicular trip generation that is likely occur from the proposed development and therefore fails to demonstrate that the development will not cause unacceptable harm to safe and efficient operation of the local highway network, contrary to the provisions of Policies T6 and C1 (iv) of the Cardiff Local Development Plan (January 2016).*
 - 3. *The proposed dwelling, by reason of its siting and orientation, and provision of an inadequate amount of private amenity space, would result in a poor quality living environment for future occupiers, contrary*

to paragraph 9.1.2 of Planning Policy Wales (8th Edition, 2016), paragraphs 5.11.2 and 5.11.4 of Technical Advice Note 12 and Policy KP5 of the Cardiff Local Development Plan (January 2016).

- 3.5 14/01523/DCO: Permission granted in March 2015 for change of use from Class B1 (Business) to Class D1 (Non-Residential Institutions).
- 3.6 13/01645/DCO: Permission granted in October 2013 for proposed extensions to existing office accommodation.
- 3.7 97/01987/R: Permission granted in December 1987 for pitched roof.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales, Edition 9 (November 2016):

4.1.3 The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development. In carrying out this duty, actions which public bodies must take include:

- *setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals; and*
- *taking all reasonable steps (in exercising its functions) to meet those objectives.*

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; and*
- *A globally responsible Wales.*

4.2.1 The Planning (Wales) Act 2015 introduced a statutory purpose for the planning system in Wales – any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015. The planning system is therefore necessary and central to achieving the sustainable development of Wales.

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.

4.2.4 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 *The Well-being of Future Generations (Wales) Act* establishes a 'sustainable development principle' which means that a defined public body must 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. 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;
- 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*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding*
- *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.*
- *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):

- 11 Noise (1997)
- 12 Design (2014)
- 15 Development and Flood Risk (2004)
- 18 Transport (2007)
- 21 Waste (2014)

4.3 Local Development Plan (January 2016):

- KP5 Good Quality and Sustainable Design
- KP8 Sustainable Transport
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP15 Climate Change
- EN10 Water Sensitive Design
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk
- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- C1 Community Facilities
- C3 Community Safety/Creating Safe Environments
- C6 Health
- 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:

Waste Collection and Storage Facilities (October 2016)
Residential Design Guide (January 2017)

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The **Operational Manager, Transportation** makes the following comments:

- (i) The Transport Assessment (TA) has identified that the local road network enjoys a good cycle and pedestrian infrastructure, in terms of footways, access to cycleways, pedestrian crossing facilities (signal controlled, bridges). The site is also well connected to public transport, with bus stops within 150m. There is the opportunity to access the rail system at Ninian Park station (11 minute walk). No personal injury collisions have been recorded on Sanatorium Road (nor at the junction with Broad Street and Heol Terrell) during the last 5 years;
- (ii) There is parking available on-site. The applicant has also undertaken an on-street parking survey (spot count) on 8 September, between 12:30 and 13:45 (during the busiest prayer meeting period). This survey identified 82 available parking places within a 5 minute walk of the site. The council undertook a similar spot count to verify the data and recorded 94 available parking spaces within the same 5 minute walk area.
- (iii) Typically the applicant would expect approximately attendance at prayer meetings to be 16 attendees at dawn (Fajar), 32 attendees at evening (Asar) and 40 – 70 at afternoon (Zuhr);
- (iv) The applicant has undertaken travel surveys to attend prayers at its previous address (St Thomas church community hall) and at its current address (Sanatorium Road). The surveys were undertaken during the Zuhr prayer session. A survey was undertaken (at St Thomas) on 1 September 2017 which falls within the school holidays and a day before Eid. These circumstances meant that greater numbers (including children) of the Cardiff AMA membership attended the meeting. The survey recorded 82 people attended the meeting, and that 86% of the attendees travelled by car, although on average each car was occupied by 2.39 people, equating to 34 cars. 13% of attendees used the bus and 2% walked.
- (v) Further surveys were undertaken (at St Thomas') to review typical attendance on a Friday (Zuhr meeting). The applicant undertook a survey on 8 September 2017 (outside the school holidays). 44 people were recorded attending, of which 82% came by car, with 52% driving (equating to 23 cars). This data was provided as part of the process to discharge a planning condition associated with the application to transfer use of the building. As part of this process the Council undertook an

arrival/departure survey on 24 November 2017 to validate the data recording 38 attendees using 23 cars.

- (vi) Following the transfer of activities to the new mosque in Sanatorium Road in December 2017 the applicant undertook a further travel survey, on 15 December 2017. This survey recorded 38 attendees with 81% arriving by car, at an occupancy of 2.13 people per car, equating to 16 vehicles.
- (vii) The TA provides three scenarios to address the potential for traffic generation at the extended mosque and new community facility:
- (viii) **Scenario 1**, based upon an increase in floor space compared to the original 2014 application and consent to change the use of the building. The TA assumes that floorspace associated with the amended layout (this application) would increase by some 30% (compared with the existing structure). Traffic flows in this scenario are based upon those provided in the original Transport Statement which have subsequently been found to be wanting, although no objection was raised at the time. The council does not consider this scenario to be acceptable.
- (ix) **Scenario 2**, develops vehicle trip generation figures based upon the different uses within the site. To derive the anticipated vehicle movements the Zuhr prayer survey data collected at St Thomas' community hall, Pantbach and the mosque, Sanatorium Road has been applied. The TA indicates that on a typical Friday 16 vehicles (32 trips) and during the summer 24 vehicles (48 trips) would be expected. These traffic movements would not take place during the peak periods of traffic movement.
- (x) TRICs database of UK traffic surveys by land use has been applied to estimate usage of the community hall. Application of the TRICs database indicates that typically the hall would generate 16 vehicle trips a day, with two occurring during the AM and PM peaks.
- (xi) It is anticipated that during the Eid celebrations (marking the beginning and the end of Ramadan) all members of the AMA in Cardiff would attend. Given the religious recommendation to walk to prayers at Eid it is anticipated a greater number would walk than recorded during the travel surveys. It is assumed that all living within 3km of the mosque would walk (equating to 37 attendees). Taking account of the additional walkers and the increased car occupancy rate it is assumed that 32 vehicles (64 trips) would be generated.
- (xii) Application of TRICs for residential dwellings it is anticipated that five vehicles trips would be generated a day to/from the residence.
- (xiii) **Scenario 3**, is scenario 2 with additional traffic growth. This would increase the number of AMA members within Cardiff to 193. Therefore

the number of people driving to the mosque for Eid celebrations would increase to 38 vehicles (72 vehicle trips).

- (xiv) It is worth noting that no consideration has been given to any transfer of attendees to alternative modes of travel generated by the approved travel plan (Condition 6 of permission no. 14/01523/DCO) or the amended travel plan accompanying this application.
- (xv) Having reviewed the data provided in the TA and data provided (and validated) to discharge Condition 6 of permission no. 14/01523/DCO, highways officers have no concerns that the proposed amendments to the mosque on Sanatorium Road would result in excessive traffic (less than 4% of the existing PM peak traffic) and parking demand. As accepted within the permission for the change of use (14/01523), the majority of traffic movements would be expected to take place outside of the peak morning and evening periods.
- (xvi) Analysis of the data demonstrates that the proposed development would not constitute a traffic problem for the local highway network, and that adequate on-street parking would be available within five minutes walking distance of the mosque if required during busy periods.
- (xvii) Regarding the community hall, it is considered extremely unlikely that the community hall would be used by a different group when the mosque was at its busiest, however, in this instance the events could generate 145 cars. These vehicles could be accommodated on-site and parking on-street within a 10 minute walk of the site.
- (xviii) The proposed community hall is also likely to generate additional traffic. The TA has shown that only eight vehicles would be expected to arrive during the day. However, in a worst case scenario, should the hall be occupied to capacity (potentially up to 220 people according to floorspace, rather than the 90 seating spaces illustrated in the site proposal) this could generate up to 129 cars (assuming all attendees arrive by car and there are typically 1.7 people per car, based on the DfT statistics of car occupancy for leisure purposes 2016). It is, however, considered unlikely that all attendees would drive to the hall. If the modal split indicated in the TA is applied (table 5.6 of the TA derived from TEMPRO) then he could anticipate that 31% of attendees would drive to the venue. This would generate some 40/45 vehicles.
- (xix) Typical Friday Zuhr prayers (attracting some 40 people) have been demonstrated to generate some 23 cars (PJA surveys November and December 2017 & CC survey November 2017), which occur outside the background traffic peak hours.
- (xx) The TA (with growth scenario) considers a potential mosque attendance of 193 people during an Eid ceremony. Application of the anticipated modal split (detailed in the TA) would result in 50 vehicles, which could be accommodated within the mosque car park and on-street within an

acceptable distance. These vehicles would be arriving and departing at times outside the background peak hours.

- (xxi) In the unlikely event that the mosque were to be occupied to capacity (applying potential occupancy by floorspace at Men's Prayer room 312 (at 0.5sqm pp) and Women's Prayer room 128 (at 0.5sqm pp)) there could theoretically be a maximum of 440 people in attendance. Application of the same travel patterns as above then some 105 vehicles could be in attendance. These vehicles could be accommodated within the on-site and parking on-street within a 5 minute walk of the site. These vehicles would be arriving and departing at times outside the background peak hours.
- (xxii) There is no transportation objection to the proposal to extend the mosque, provide a community hall facility and a residence for the Iman. He is satisfied that the vehicle trip generation arising from the development can be satisfactorily addressed, subject to relevant conditions.

- 5.2 The **Operational Manager, Environment (Contaminated Land)**, in reviewing available records and the application for the proposed development, notes that the site has been identified as formerly commercial/industrial. Records also indicate the property to be on the site of a former landfill. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. 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 requests the inclusion of relevant conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan.
- 5.3 The **Operational Manager, Waste Management**, is content with the amended plans showing refuse storage provision for the Imam's residence. She refers to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information. She also advises that developers of all new residential units are required to purchase the bin provision and these bins have to meet the Council's specifications.
- 5.4 The **Operational Manager, Environment (Air)** has been consulted and any comments received will be reported to Committee.
- 5.5 The **Operational Manager, Environment (Noise)** recommends conditions in the event that planning permission is granted similar to those he recommended for the original application in 2014.

- 5.6 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.7 The Council's **Drainage Officer** has been consulted and any comments received will be reported to Committee.
- 5.8 The **Operational Manager, Building Control**, has been consulted and any comments will be reported to Committee.
- 5.9 The Council's **Ecologist** would not normally ask for a bat survey on these buildings because they are comprised primarily of prefabricated steel and sheet materials which are generally less conducive to roosting bats. For example single-skin corrugated roof sheeting does not have the right thermal properties for bats, in that the roof space gets too hot in summer and too cold in winter. Furthermore, the application is for extensions to these buildings rather than demolition, so the risk of an impact upon any bats present is correspondingly lower. However, there does remain some bat roost potential, and the surrounding habitat is suitable for bats, so he recommends that a bat advisory note is attached to alert the applicant to the fact that there is a small risk that bats may be present.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water (DCWW)** has been consulted and any comments received will be reported to Committee.
- 6.2 The **South Wales Police Design Out Crime Advisor** refers to his previous comments dated 23 February 2016 and 7 October 2017 regarding vehicle parking in the vicinity of the site, particularly during the hours of worship. He has nothing further to add to these original comments. In his comments dated 23 February 2016 he expressed concerns regarding vehicle parking in the vicinity of the proposed site of the Mosque particularly during the hours of worship. He advised that the site is located in an area which is already experiencing parking problems particularly during school hours and opening times for the nearby Lansdowne surgery, pharmacy and veterinary surgery. Nearby commercial units also add to the parking problem. Sanatorium Road may also provide access to the future housing development at the former Arjo Wiggins site which will again add to the problem. He questions whether the site can provide sufficient parking, anticipated visitor numbers, how many will travel by car, and what assurances will be put in place to ensure the parking problem will not worsen. Regarding the proposed buildings and in order to reduce the chances of crime and anti-social behaviour, he recommends certain design principles are adopted by developers including good permeability, high surveillance levels, lighting, enclosures, door and window security, emergency procedures.
- 6.3 **Natural Resources Wales** have been consulted on the application and their comments will be reported to Planning Committee.
- 6.4 **Network Rail** has no objection in principle and makes a number of detailed

comments regarding requirements for the safe operation of the railway and the protection of their adjoining land. These comments include:

- (i) Fencing – Unless already present, the provision and future maintenance of a suitable trespass proof fence (of at least 1.8m in height) adjacent to their boundary. Vegetation on their land must remain undisturbed;
- (ii) Drainage – all surface water should be directed away from their land to the public mains system. Soakaways are not acceptable where excavations could undermine their structural support zone, where there is a risk of accidents, or where works could adversely affect the water table;
- (iii) Site Layout – all buildings should be at least 2m from the boundary fence for maintenance purposes;
- (iv) Excavations/Earthworks – must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary compounds are to be located adjacent to the operational railway these should be included in a method statement for approval;
- (v) Environmental Issues - The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway;
- (vi) Plant, Scaffolding and Cranes – Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.
- (vii) Signalling - The proposal must not interfere with or obscure any signals that may be in the area.
- (viii) Lighting - No lighting is to be directed towards the railway at any time during or after construction and must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.
- (ix) Access Points – Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

7. **REPRESENTATIONS**

7.1 A joint objection from **Councillors S Cunnah, S Elsmore and R Patel** has been received raising concerns on the following matters:

- (i) They write on behalf of local residents to register their continued objections the new planning application;
- (ii) Residents remain concerned about the impact of the increase in traffic volume from both worshippers and visitors to the application site, in what is already a busy area: with two schools in the immediate vicinity – rolls

of 700 at Ysgol Gymraeg Treganna ('Treganna') and 1500 at Fitzalan High School; as well as GP surgery and pharmacy, veterinary surgery, nursery and gym. Taken together with the commercial units located within metres of the application site, which have frequent visitors and deliveries in motor vehicles, means traffic congestion adjacent to and in the vicinity of the site is an issue at all times. We have seen nothing in the Transport Assessment, submitted with the new application (Phil Jones Associates, January 2018), which serves to allay the concerns of residents.

- (iii) Congestion is such that as local members they regularly receive complaints from both local businesses, and Treganna-related from teachers, governors and parents, about current access and the inability to park, and illegal on-street parking amounting to obstruction. Given the proximity of Treganna to the application site, there is a reasonable expectation that at certain times issues of congestion and parking would be exacerbated.
- (iv) Given the new housing development "The Mill" on Sanatorium Road, which will create a completely new housing community with 800 homes within metres of the application site, residents are also concerned that demand on traffic, in terms of volume and congestion, will increase exponentially.
- (v) And, in terms of parking generally, as ward councillors they fully support the residents in their concerns that the application site would add further pressure to parking within the locality, in what is already a heavily oversubscribed area.
- (vi) Equally, they are concerned that as Broad Street/Sanatorium Road are not served by public transport (e.g. buses), and the only means of accessing the site would be on foot or by car, the already concerning levels of pollution impacting the air quality of the immediate vicinity would deteriorate even further.

7.2 A letter of concern has been received from **Kevin Brennan MP and Mark Drakeford AM** who ask Committee members to take the concerns of their constituents full into account when considering this application. They have been made aware of concerns relating to the increase in traffic and the resulting impact on the area, which already supports a number of businesses and schools. There are also concerns relating to the development of The Mill, which will create approximately 800 houses, leading to a further increase in traffic and further congestion.

7.3 A **petition** of over 500 signatures has been received objecting to the development for the following reasons:

- (i) Current levels of traffic and congestion are excessive causing parking problems;
- (ii) Not in keeping with the area;
- (iii) Queries why a large facility is needed for a small faith community;
- (iv) Queries why a minaret is required if there is no call to prayer;
- (v) The applicant has recently purchased the adjacent building;
- (vi) Building will be more than just a place of worship;

- (vii) Revised Travel Management Plan will soon be obsolete;
- (viii) Ely Mill development has not been factored into the application;
- (ix) Imminent closure of Wedal Road will increase traffic to Bessemer Road;
- (x) Mill development will have its own community hub;
- (xi) Cardiff City's possible promotion will increase traffic, together with a possible new Blues stadium at Leckwith.

7.4 Approximately **58 no. objections** have been received from residents of Lansdowne Avenue West, Lansdowne Avenue East, Wembley Road, Verallo Drive, Flindo Crescent, Broad Street, Broadstairs Road, Broadhaven, Heol Terrell, Clos Halket, and Sanatorium Road. The grounds for objection are summarised as follows:

- (i) Traffic volume and congestion will increase, particularly at peak times, exacerbating existing parking and access problems;
- (ii) The Mill housing development will add to traffic problems;
- (iii) Resulting concerns regarding pedestrian safety;
- (iv) There is very little public transport and no bus service on Sanatorium Road so mosque users will drive;
- (v) Nearby uses include a school, doctor's surgery and business which all generate traffic;
- (vi) Noise impact through day and night;
- (vii) Anti-social behaviour occurs in the locality;
- (viii) There are sufficient mosques in the City already;
- (ix) The building is already being used for prayers from 6am to late night;
- (x) Tenants are living above the building;
- (xi) The junction improvements to Sanatorium Road/Broad Street have not improved traffic flows;
- (xii) The application has not satisfied criterion (ii), (iii) and (iv) of LDP Policy C1 (Community Facilities);
- (xiii) Scale of proposed development is excessive;
- (xiv) Local places of worship with high structures shown in the application were built without planning controls;
- (xv) Loss of peace and amenity;
- (xvi) Hours of prayer would disturb sleep;
- (xvii) Frustration that previous objections and petitions have counted for nothing;
- (xviii) Recent refusal of permission for a place of worship on Cowbridge Road East in October 2017 (Winner's Chapel International) had the same reasons for refusal;
- (xix) Recent permission for the former Sacred Heart Church in Grangetown has led to closures of places of worship;
- (xx) The area is overdeveloped;
- (xxi) The new Transport Assessment (TA) contains inaccuracies suggesting parking is available on-street in Heol Terrel and its associated spurs. The suggested capacity of 45 spaces is unfounded.
- (xxii) The TA should promote active travel principles more explicitly;
- (xxiii) Increased air pollution;
- (xxiv) Detrimental impact upon safety for vulnerable groups;
- (xxv) The site is in an industrial area;

(xxvi) There is little change from the previous application.

7.5 One unaddressed general comment has been received which states that previous proposals did not include a call to prayer. This would have a noise pollution impact in the local community. They seek guarantees that their peace and quiet will not be adversely affected.

7.6 4 no. representations in **support** of the application have been received from residents of Woolaston Avenue (Lakeside) and Chapel Wood (Llanedeyrn) who make the following points:

- (i) The applicants need a mosque for their activities;
- (ii) They will ensure their neighbours are not disturbed;
- (iii) The neighbours will benefit greatly from the mosque;
- (iv) Members of the Local Council should stop further agitating residents;
- (v) A change of use has already been granted;
- (vi) The previous occupier would have generated more noise;
- (vii) Objections are based on a lack of information;
- (viii) The football stadium will cause greater congestion and more noise;
- (ix) There is on-site parking which meets the Council's parking criteria;
- (x) The applicants should be able to have a mosque in a society that preaches tolerance and open-mindedness;
- (xi) The applicants are not welcome in other mosques.

8. **ANALYSIS**

8.1 The key issues for the consideration of this application are the design and appearance of the proposed alterations, extensions and Imam's residence, transportation considerations, residential amenity and flood risk.

Principle of Development

8.2 The principle of a place of worship occupying the site has been established through the granting of permission in March 2015 for the change of use of the former business premises occupied by Ian Williams Ltd. The applicant successfully discharged their pre-commencement conditions and occupied the premises in December 2017.

Design and Appearance

8.3 In respect of the alterations to the Mosque building fronting onto Sanatorium Road, the alterations and extensions are considered to be satisfactory. The proposed scale and height is considered to be acceptable, mindful of the scale and height of surrounding buildings. The existing building appearance reflects its previous as a business premises and the introduction of appropriate external finishes, fenestration design, and dentil course is considered to improve the appearance and enhance this section of Sanatorium Road.

8.4 The dome, which has a maximum height of approximately 13 metres, and the minaret, which would be approximately 18 metres in height, are considered to

be satisfactory in design terms, being typical features for the intended use. Both features will be prominent in the street scene and would also be visible from the upper floors of residential properties on Lansdowne Avenue West, north of the site beyond the railway line.

- 8.5 The proposed Imam's residence has a frontage onto Sanatorium Road with a private amenity space of approximately 57 square metres. This arrangement is considered to be consistent with policies and guidance for new residential development. The finished appearance of the dwelling is considered to be acceptable.
- 8.6 The design and appearance of the Community Hall is considered to be acceptable.

Transportation Considerations

- 8.7 The Operational Manager, Transportation, has considered the Transport Assessment (TA) and the Travel/Event Management Plan submitted with the application and his comments are summarised in full in paragraph 5.1. The submitted TA contains results of recent attendance surveys and travel patterns which have not been submitted with previous applications. Surveys of on-street parking options within the vicinity of the site have also been undertaken.
- 8.8 Having reviewed the data provided in the TA and data provided (and validated) to discharge Condition 6 (Travel Plan) of permission no. 14/01523/DCO, highways officers do not consider that the proposed amendments to the mosque would result in excessive traffic (less than 4% of the existing PM peak traffic) and parking demand. As accepted within the permission for the change of use in March 2015, the majority of traffic movements would be expected to take place outside of the peak morning and evening periods.
- 8.9 Analysis of the data demonstrates that the proposed development would not constitute a traffic problem for the local highway network, and that adequate on-street parking would be available within five minutes walking distance of the mosque if required during busy periods. Regarding the community hall, it is considered extremely unlikely that the community hall would be used by a different group when the mosque was at its busiest, however, in this instance the events could generate 145 cars. These vehicles could be accommodated on-site and parking on-street within a 10 minute walk of the site.
- 8.10 The proposed community hall is also likely to generate additional traffic. The TA has shown that only eight vehicles would be expected to arrive during the day. However, in a worst case scenario, should the hall be occupied to capacity (potentially up to 220 people according to floorspace, rather than the 90 seating spaces illustrated in the site proposal) this could generate up to 129 cars (assuming all attendees arrive by car and there are typically 1.7 people per car, based on the DfT statistics of car occupancy for leisure purposes 2016). It is, however, considered unlikely that all attendees would drive to the hall. If the modal split indicated in the TA is applied (table 5.6 of the TA derived from

TEMPRO) then he could anticipate that 31% of attendees would drive to the venue. This would generate some 40/45 vehicles.

- 8.11 Typical Friday Zuhr prayers (attracting some 40 people) have been demonstrated to generate some 23 cars (PJA surveys November and December 2017 & CC survey November 2017), which occur outside the background traffic peak hours.
- 8.12 The TA (with growth scenario) considers a potential mosque attendance of 193 people during an Eid ceremony. Application of the anticipated modal split (detailed in the TA) would result in 50 vehicles, which could be accommodated within the mosque car park and on-street within an acceptable distance. These vehicles would be arriving and departing at times outside the background peak hours.
- 8.13 In the unlikely event that the mosque were to be occupied to capacity (applying potential occupancy by floorspace at Men's Prayer room 312 (at 0.5sqm pp) and Women's Prayer room 128 (at 0.5sqm pp)) there could theoretically be a maximum of 440 people in attendance. Application of the same travel patterns as above then some 105 vehicles could be in attendance. These vehicles could be accommodated within the on-site and parking on-street within a 5 minute walk of the site. These vehicles would be arriving and departing at times outside the background peak hours.
- 8.14 The Operational Manager, Transportation, is satisfied that the vehicle trip generation arising from the development can be satisfactorily addressed, subject to relevant conditions.
- 8.15 In responding to third party objections regarding on-street parking he advises:
 - (i) The availability of parking shown in Figure 3-2 in the Transport Statement (TS) is illustrative. Given the mix of potential availability in Heol Terrell and adjoining roads it would not be possible to indicate where parking could not be accepted (such as across driveways) given the scale of the plan. It is easier to indicate that parking could only be accepted along one side of Lansdowne Avenue. If both sides were parked then access along the road could be compromised. Parking behaviour within Heol Terrell group of roads appears to be less regimented with vehicles using different sides of the road depending upon local convenience. In total council staff identified some 80 potential on-street parking places (excluding locations where footway parking is necessitated to maintain traffic flow) within the Heol Terrell group of roads, with 43 identified on Heol Terrell (including Norrell Close & Clos Gedrych).
 - (ii) The detail of available on-street parking identified during a spot-survey (when each road is counted once) will undoubtedly lead to variation from count to count. The council undertook a similar spot-count of available parking space on a Friday, to verify the statement within the TS) following the official transfer of prayers from St Thomas' church to

the Sanatorium Road site. The council's spot-survey identified 94 potential parking spaces within the same 5 minute walk area of the mosque. When the council counted available spaces fewer than 34 spaces were identified within the Heol Terrell group of roads, but more elsewhere.

- (iii) A further count was undertaken on 16 February 2018 which identified 79 spaces overall (within the identified 5 minute walk) and 36 within the Heol Terrell group of roads.
- (iv) The current travel to site data does indicate that in excess of 80% of mosque attendees (at both St Thomas' Church and the Sanatorium Road mosque) arrive by car. It should however be noted that each car carries at least two people, so fewer than half the people arriving by car are car drivers, they are in effect car sharing. Surveys undertaken by the transport consultants and the council at St Thomas' church noted some 40 to 44 attendees on a Friday, despite 82% to 86% arriving by car, 21 cars were used on each occasion. A similar survey undertaken since the relocation to Sanatorium Road recorded 16 cars bringing 81% of the 42 attendees.
- (v) Part of the planning consent allowing the conversion of the offices to a mosque required an approved Travel Plan to be introduced. The Travel Plan is to encourage alternative modes of transport to be used (such as public transport, walking & cycling). The Travel Plan was approved by the Local Planning Authority in December 2017, prior to the mosque becoming operational and prayers being transferred from St Thomas' church hall later that month. There are measures within the agreed Travel Plan aiming to achieve annual modal shift targets from private car to other modes of transport.

Residential Amenity

- 8.16 LDP Policy C1 encourages proposals for new religious facilities, subject to five criteria, of which number (ii) places a requirement on such developments not unduly prejudicing the amenities of neighbouring and nearby residential occupiers. It is noted that the neighbouring occupiers include a school, a doctor's surgery and pharmacy, a child day care facility and a printing company. The nearest residential properties are located immediately north of the application site on Lansdowne Avenue West beyond the railway embankment (approximately 5 metres high) and further away to the east (Broad Street) and southeast (Heol Terrell).
- 8.17 It is considered that the amenities of the existing residential properties in the vicinity of the application site can be adequately safeguarded through relevant conditions restricting the hours of use of both the Mosque and the Community Hall and preventing any amplified call to prayer from the minaret.
- 8.18 It is not considered that the proposed development would result in an adverse loss of light for neighbouring properties.

Flood Risk

- 8.19 Flood mapping data held by Natural Resources Wales (NRW) indicates that the site would remain flood free for events up to the 1 in 100 year plus climate change. 1 in 1,000 year defended model outputs illustrate that the site would be at risk to c.0.4 metres flood depth. The Flood Consequences Assessment (FCA) concludes that the site is at low risk of fluvial tidal flooding. The FCA also confirms that there is no history of flooding at the site and the risks of future flooding events are low. The FCA therefore concludes that the development is appropriate for the site, subject to a condition requiring a suitable flood plan to be provided to ensure users and residents can either evacuate the site safely or have a safe haven for the duration of an extreme flood event.
- 8.20 It is considered that the risks and consequences of flooding can be managed in accordance with TAN15 subject to a relevant condition requiring an evacuation plan as advised in the FCA.

Third Party Representations

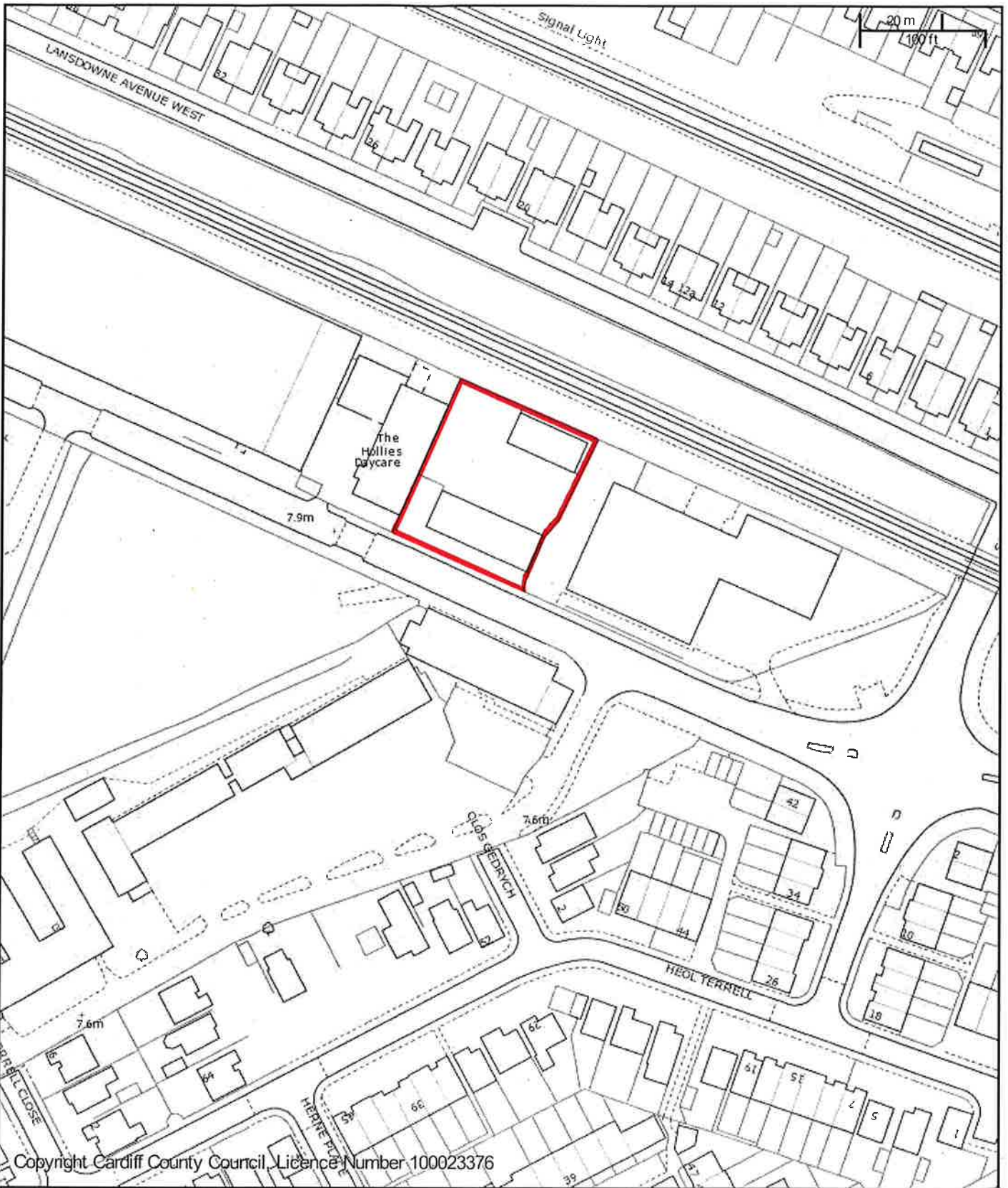
- 8.21 In respect of the third party representations which have not already been addressed in this report:
- (i) It is noted that 'The Mill' development will result in an increase of traffic along Sanatorium Road and this has been considered during the consideration of the impacts of the application. However, ultimately, each application must be determined on its own merits;
 - (ii) Regardless of the scale and design of the development, each application must be determined on its own merits;
 - (iii) Public transport is located in close proximity to the application site (i.e. within 150 metres);
 - (iv) It is considered that conditions could adequately control the noise impact of the development;
 - (v) Increase activity and natural surveillance on Sanatorium Road may assist in reducing incidents of anti-social behaviour;
 - (vi) The applicant is seeking permission to create its own premises. Due to doctrinal differences, the applicant states that they cannot worship in other mosques;
 - (vii) All representations received under previous applications have been considered prior to the determination of the application;
 - (viii) Other recent planning decisions in the locality are noted however each application is unique and generates site specific issues therefore each application must be determined on its own planning merits;
 - (ix) Whilst the area does have an industrial/business history of uses, more recently a number of developments have brought a change to the area, which is now largely residential and mixed use in nature;
 - (x) It is not considered that the approval of permission would result in increased levels of pollution from traffic emissions within the locality or within the established Air Quality Management Area (AQMA) of Ely Bridge, which is located two miles west of the proposed site.

Other Considerations

- 8.22 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. The applicant has been reminded of practical ways in which the development can be designed to reduce opportunities for crime, disorder and anti-social behaviour (see paragraph 6.2).
- 8.23 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.
- 8.24 Section 3 of the **Well-Being of Future Generations Act 2016** 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.

Conclusion

- 8.25 In conclusion, the application has demonstrated to officers' satisfaction, that the development will not cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks. It is therefore considered to be compliant with LDP Policy T6 (Impact on Transport Networks and Services).
- 8.26 The application is also considered to be compliant with the 5 criterion of LDP Policy C1 (Community Facilities), in that the site is readily accessible to non-car modes, the amenities of neighbouring occupiers can be satisfactorily protected through conditions, the development would not detract from the character and appearance of the area, it would not generate unacceptable parking or traffic problems and the facility can accommodate community uses in addition to its primary use.
- 8.27 It is recommended that planning permission be granted, subject to relevant conditions.



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CARDIFF
 CAERDYDD



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Existing Post and wire Steel boundary fence

Proposed Community Hall

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PL2
 Proposed secure bin store

Proposed Concrete kerbing along parking area.

Proposed Amenity area for Imam Residence. Proposed Concrete block paved

Proposed tarmac car park area.

Proposed Minaret

Proposed 600mm high raised planters

Proposed 600mm high raised planters

Sanatorium Road

Proposed Paved Path
 Proposed 600mm high wall with Close boarded timber fencing between pillars, with access gate

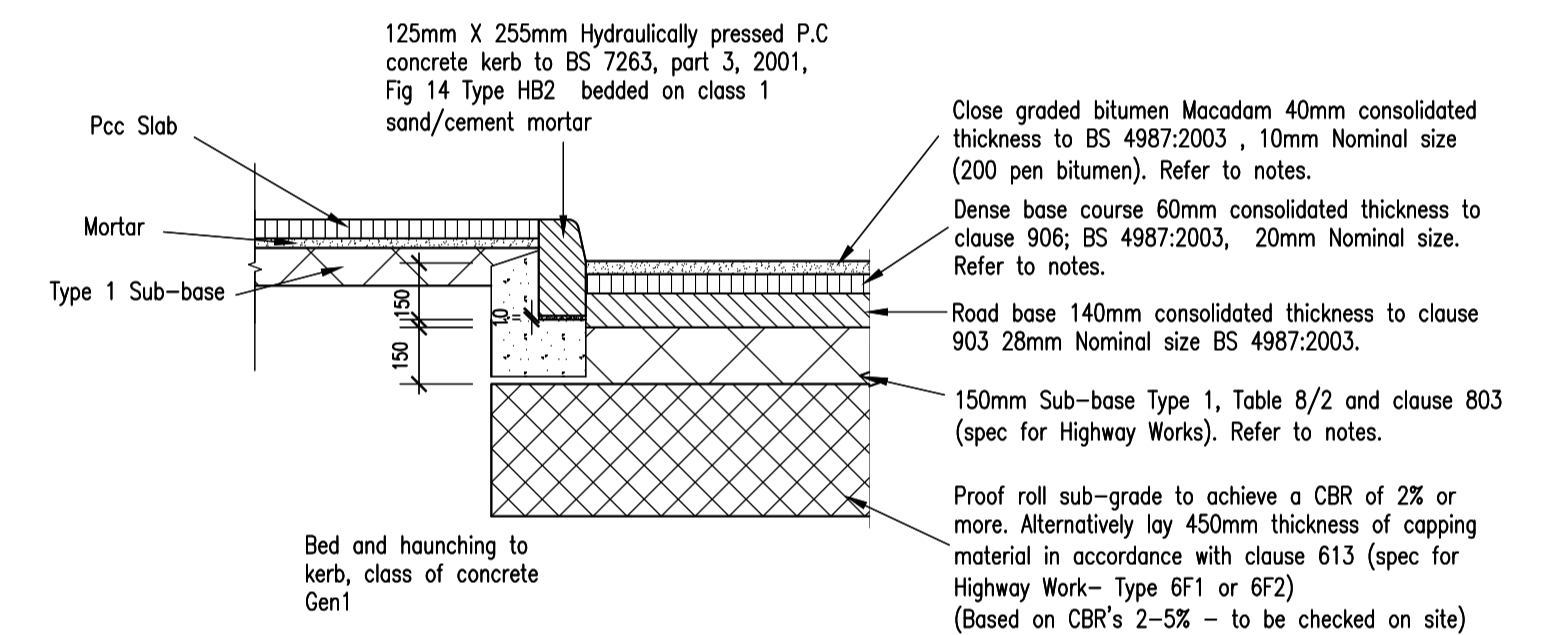
Proposed Steel Pallisade replacement boundary fence

Proposed Imam Residence

Proposed Dome

PL2
 Proposed secure bin store for Imam residence.

Proposed Imam Residence car parking spaces



LIGHT VEHICLE AREA / CAR PARKING
 MACADAM ROAD CONSTRUCTION

PL2 Bin Stores Shown.	18/01/18
PL1 Imam's Amenity space boundary wall amended	22/12/17
REV. DESCRIPTION	DATE

GAP ARCHITECTURAL & ENGINEERING DESIGN SERVICES

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CLIENT Ahmadiyya Muslim Association UK	
PROJECT TITLE The Cardiff Mosque at Sanatorium Road, Cardiff.	
DRAWING TITLE Proposed Site Layout & Hard Landscaped Plan	
SCALE 1/20, 1/100 @ A1	
DRAWN BY SBH	PROJECT - DRAWING NO.
DATE JUNE 2016	15-008-201
FILE	REV. PL2

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **18/00034/MNR** APPLICATION DATE: 11/01/2018

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: SPL TA HOLDINGS LTD
 LOCATION: 105 ROMILLY ROAD, CANTON, CARDIFF, CF5 1FN
 PROPOSAL: CHANGE OF USE FROM 3 BED DWELLING TO 7 BED HOUSE IN MULTIPLE OCCUPATION AND CONSTRUCT NEW SINGLE STOREY EXTENSION AND DORMER TO LOFT CONVERSION

RECOMMENDATION 1 : That 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 following approved plans:
 - 0170200-SPLTA
 - 0170200 - SPLTA

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. Notwithstanding the submitted plans the dormer roof extension hereby approved shall be finished in hanging tile to match those used on the existing building.

Reason : To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

4. Prior to the use of the property as a 7 person HMO 7 secured cycle parking spaces shall be provided and shall thereafter be retained and maintained at all times.

Reason: To ensure that secure cycle parking facilities are provided to encourage other modes of transport over the private car in accordance with Policy T5 of the Cardiff Local Development Plan 2006 - 2026.

5. No more than 7 occupants shall reside at the property at any one time.
Reason: To ensure a suitable level of internal and external amenity space is retained for future occupiers to use in accordance with Policy

6. Prior to the use of the property as a 7 person HMO a refuse storage area shall be provided within the curtilage of the property. The refuse storage area shall thereafter be retained and maintained at all times.

Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Cardiff Local Development Plan 2006-2026.

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 that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to change the use of the property from a C3 Residential dwelling into a 7 person Sui Generis HMO together with the erection of a dormer roof extension and a ground floor rear extension
- 1.2 Internally the property accommodates three en-suite bedrooms and a kitchen/living room on the ground floor; three en-suite bedrooms on the first floor and one en-suite bedroom in the second floor dormer loft conversion.
- 1.3 Externally an amenity space of approximately 60 square metres is provided to the rear of the property.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey building located within a terrace of two storey properties within the Canton Ward of Cardiff.

3. **SITE HISTORY**

None

4. **POLICY FRAMEWORK**

4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016.

4.2 **Relevant National Planning Guidance:**

Planning Policy Wales (Edition 8, 2016)
Planning Policy Wales TAN 12: Design
Planning Policy Wales TAN 21: Waste

4.3 **Relevant Cardiff Local Development Plan Policies:**

Policy KP5 : Good Quality and Sustainable Design
Policy KP13 : Responding to Evidenced Social Needs
Policy H5 : Sub-Division or Conversion of Residential Properties
Policy T5 : Managing Transport Impacts
Policy W2 : Provision for Waste Management Facilities in Development

4.4 **Relevant Supplementary Planning Guidance:**

Access, Circulation & Parking Standards (January 2010)
Residential Extensions & Alterations (June 2015)
Houses in Multiple Occupation (HMO's) (October 2016)
Waste Collection and Storage Facilities (October 2016)

Prior to January 2016 the Supplementary Planning Guidance's were approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice contained within the SPG's is pertinent to the assessment of the proposal and remains consistent with the aims of both the Cardiff Local Development Plan Policies and guidance in Planning Policy Wales and are therefore afforded significant weight. Any Supplementary Planning Guidance approved since January 2016 are approved as supplementary guidance to the Cardiff Local Development Plan 2016.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Waste Management have advised that an increase in the number of habitable rooms will lead to an increase in the production of waste. The landlord/owner should provide additional bins to accommodate this. Waste must also not be stored on the highway.

5.2 Shared Regulatory Services have requested the following condition be imposed and that the owner be made aware of the Control of Pollution Act with respect to noise from construction activities.

Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms shall be subject to sound insulation measures to ensure that all such

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

1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to

2) a lower rate of between 10 and 17 litres per second against zero back pressure.

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

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

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police have been consulted and have raised no objection to this application.

7. **REPRESENTATIONS**

- 7.1 Neighbours have been notified and over 20 objections have been received from neighbouring occupiers and residents living in Presylfa Street opposite. Some objections have been individually submitted and some are in the form of a generic letter of objection. A summary of the objections is as follows:

1. Increased waste as a result of the change of use resulting in the possibility of 14 wheelie bins being stored at the property;
2. Parking issues associated with the use and the potential for 7, possibly 14 occupants if the rooms are double, to park in an already heavily parked area;
3. Noise disturbance resulting from multiple occupancy;
4. Altercations between residents and neighbours as HMO's are likely to lead to anti-social behaviour;
5. The change in the character of the area which is predominantly family homes and flats;
6. The living space for occupiers is inadequate as only one kitchen is provided. This may lead to people cooking in their bedrooms posing a significant risk to health and safety of occupiers and neighbours;
7. Lack of fire protection facilities;
8. Inadequate amenity space;
9. No rear access to the property will make it difficult for the provision of 7 cycle parking spaces;
10. Non compliance with Planning Policy and Policy H5 of the Cardiff Local Development Plans which relates to the sub division or conversion of residential properties;

11. Security issues if the rear access is re-opened;
12. Lack of privacy from the rear dormer roof extension;
13. Work has already commenced before planning permission has been granted.

7.2. Councillors Cunnah, Elsmore and Patel object to this application for the following reasons:

We believe the proposed change of use from a single family dwelling to an HMO is out-of-keeping with Romilly Road and surrounding streets in Canton, which are predominantly family homes.

With regard to the potential to cause problems, we believe the proposed change of use is likely to create pressure on on-street parking and waste collection, to the detriment of current residents. If fully occupied the HMO will have a minimum of seven residents – potentially more if any of the seven rooms are occupied by more than one person. HMOs naturally differ from family dwellings in both the density of residents, but also the fact that the seven residents are more likely to be adults of working age in need of their own transport and with their own separate utilities and waste.

It appears highly likely there will be an increase in the number of vehicles parking on the street, at a time when parking spaces are already at a premium. Even if the issuing of new Residential Parking permits is restricted for the new residents at 105 Romilly Road, these new residents will park on unreserved spaces on the same street or nearby. In addition, with seven new residents, there is a strong likelihood of an increased number of visitors to the street, who may also require on-street parking. This concern is particularly exacerbated with regard to the nature of Romilly Road. Romilly Road is busy at all times, being a through road and on a bus route, as well as accommodating Thompson Park and the people who visit the park.

Also, the collection of waste from seven separate residents appears likely to cause problems with an increased amount of waste and storage difficulties which may result in refuse being left on the street. This may be due to insufficient space in the bins/bags provided, waste not being collected due to it being left in the wrong bin or bag, or waste collection dates being missed.

If the planning permission is granted, we would request that a contribution be made by the applicant to increase residential parking on Romilly Road and surrounding streets from 50% to 75%, and also that adequate provision be made to store cycles at the property.

8. **ANALYSIS**

8.1 This application seeks planning permission to erect a ground floor rear extension and a dormer roof extension to facilitate the change the use of a C3 residential dwelling into a Sui Generis 7 person House in Multiple Occupancy (HMO).

- 8.2 In respect of the dormer roof extension and the ground floor rear extension these are considered acceptable in regards to their scale and design and will provide subservient additions to the dwelling and will not prejudice the general character of the area. The dormer as originally submitted proposed grey welded rubber cladding for the side walls however the applicant has been advised that materials must match the existing roof and condition 3 has been imposed accordingly. The scale of the dormer roof extension and the ground floor rear extension and their relationship with the existing dwelling and that of neighbouring properties is considered acceptable and it is not considered that they would be overbearing or generally un-neighbourly which would justify concern for the Local Planning Authority. It should also be noted that as the property is presently a C3 residential dwelling it therefore benefits from Permitted Development rights and in this respect both the dormer roof extension and ground floor rear extension could be built without the need for Planning Permission.
- 8.3 With respect to the use, as the property is to be occupied by 7 persons such a use would be considered to be classed as *Sui Generis* in that the use does not fall into any use category. As such the main issue for this application is the impact the change of use of a C3 residential dwelling into a 7 person HMO will have on the character of the area and the surrounding neighbouring properties.
- 8.4 The approved Supplementary Planning Guidance on HMO's aims to provide background information on, and provide a rationale for how the council will assess applications for planning permission to create new C4 and *Sui Generis* HMOs. It aims to identify the threshold at which it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community. It is recognised that HMOs can provide an important source of housing, and it is recognised that demographic change has driven many of the changes that have seen traditional family homes become HMOs. HMOs are popular accommodation source for many groups, including students, young professionals, migrant workers and often people on lower incomes.

However, in spite of the above, concentrations of HMOs, clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems, including, but not limited to, those listed below. It is considered that this may conflict with policy KP13 of the LDP which aims to improve the quality of life for all.

- Increased population density, leading to greater demand for infrastructure, such as waste collections and on-street parking.
- Higher proportion of transient residents, potentially leading to less community cohesion, undermining existing community facilities
- Areas of higher HMO concentrations becoming less popular with local residents, with many properties taken out of the owner-occupier market.
- A proliferation of properties vacant at certain points of the year
- Subsequent impact on crime, local centre viability, as a result of the number of properties temporarily vacant for long periods.

Having identified some of the issues caused by HMOs it is necessary to

determine the threshold at which new HMOs may cause harm to a local area. This threshold will resist further HMOs in communities that already have a concentration above this limit, while also controlling the growth of HMOs in communities below this threshold. A two-tier threshold will therefore be applied to determine when an area has reached the point at which further HMOs would cause harm. In Cathays and Plasnewydd the figure of 20% is to be applied' and in all other wards, the figure of 10% is to be applied.

This means that within Cathays or Plasnewydd, if more than 20% of the dwellings within a 50m radius of the proposed HMO are already established HMOs (i.e. either C4 or sui generis in Planning terms) then this development would be considered unacceptable. In other wards the figure would be 10%.

Having regard to the "cumulative impact" of such conversions, in respect of this application, an analysis has been made on the extent of HMO's (including those defined as such under Sections 254 to 259 of the Housing Act 2004 and those covered under the Additional Licensing Scheme which operates within the Cathays and Plasnewydd Wards of Cardiff) against the threshold limits identified above. As the application site is located within the Canton Ward of Cardiff a 10% threshold limit will be relevant and having undertaken such checks within 50m of the application site it was found that there were no properties registered as HMO's within 50m of the application site which equates to 0%.

- 8.5 It should also be noted that two recent planning applications which the council refused were allowed on appeal to the Planning Inspectorate for the change of use of a C3 residential dwelling into a C4 HMO (14 Llandough Street) and the change of use of a C3 residential dwelling into a 7 person Sui Generis HMO (74 Daniel Street).

The Planning Inspector who considered the appeal at 14 Llandough Street advised that :

"Policy H5 of the Cardiff Local Development Plan (LDP) permits HMO conversions subject to a number of criteria, the most relevant in this case being that the cumulative impact of such conversions should not adversely affect the amenity and/or character of the area. There is generally no dispute that the proposal would comply with the other criteria relating to residential amenity standards, neighbouring amenity and parking provision, and I do not disagree. LDP Policy KP5 is also relevant insofar as it seeks good quality and sustainable design by, amongst other things, providing a diversity of land uses to create balanced communities. The Council's adopted Supplementary Planning Guidance (SPG) on HMOs provides background information on the issues associated with HMOs, which include a high proportion of transient residents potentially leading to less community cohesion and greater demands on social, community and physical infrastructure. The SPG has been subject to public consultation and is adopted, and it is therefore an important material consideration.

There is no substantiated evidence that directly links the proposal to any

significant loss of community cohesion or character, which is already largely determined by the existing concentrations of HMOs in this particular location. The proposal would not materially change the number of transient residents living in the immediate area, and any infrastructural requirements arising from the proposal would be localised, and diluted in the light of existing demands. Although the SPG stipulates a threshold of 20% within a 50 metre radius, because the existing concentration of HMOs already significantly exceeds this, there would be no fundamental change to the existing community balance in this particular part of the Ward.

The SPG indicates that some 58% of properties in the Cathays Ward are in HMO use. Relative to the immediate environment of the appeal site, this suggests that there is a more balanced mix of housing in the Ward as a whole. 'Area' is not defined in the context of LDP Policy H5 however the character and nature of an Electoral Ward will usually vary across it. In this instance, because the appeal property is contained within a dense pocket of HMOs, the effects on the local community, cumulatively or otherwise would not be significant. In other parts of the Cathays Ward or the City, it would be open to the Council to demonstrate in the particular circumstances of an individual case that harm would be caused.

I acknowledge that changes to the Use Classes Order sought to address problems associated with high concentrations of HMOs. Nonetheless, each area has its own particular set of circumstances, and my duty is to determine this appeal on its merits in the light of the development plan.

I also note the comments received from the Police. However the evidence of crime relates to a wide area and there is little to suggest that the proposal would directly contribute to any material increase in the risk to personal safety or property, especially in the context of this dense residential environment.

I conclude that, whilst the development would not comply with the threshold set out in the SPG, there would be no significant adverse effects on the amenity and / or character of the area, cumulatively or otherwise."

The Planning Inspector who considered the appeal at 74 Daniel Street advised that :

The appeal property is a terrace house in an accessible location close to a busy shopping area and other facilities in Crwys Road. Daniel Street itself contains generally well maintained houses, and has a pleasant ambience with little physical evidence of any significant environmental problems often associated with very high concentrations of HMOs. In particular, there is little indication of poor waste management practices or poorly maintained frontages, and there is nothing to suggest that existing residents are experiencing amenity issues related to noise or anti-social behaviour. Evidence from the police suggests that the Cathays Ward has a high incidence of crime generally, and some data is provided for a more localised area around Daniel Street. However this relates to several postcodes, and given the proximity of bars and restaurants on Crwys

Road where incidents are more likely, I have very little information before me to substantiate any significant links between the appeal development and crime or anti-social behaviour.

The Council's concerns as to the effect on local community cohesion and infrastructure are similarly unsubstantiated. The waste collection and pollution control departments have provided no objections to the proposal and given the accessibility of the site and the provision for cycle parking, there would be no serious additional demands placed on local parking facilities. I also have no information to suggest that the long term future of any local community facilities are being jeopardised by the existing concentration of HMOs or that the proposal itself would result in any direct harm to this effect. By their nature, HMOs are likely to result in transient residents, and students in particular will mean empty properties at certain times of the year. Nonetheless, given that the area around the appeal property has a healthy mix of uses, and in the absence of information to suggest otherwise, I have no reason to believe that the proposal would upset the existing community balance or lead to any unacceptable loss of community cohesion.

The Council's Supplementary Planning Guidance (SPG)¹ provides general empirical evidence on the issues associated with high concentrations of HMOs and Welsh Government (WG) research² provides a similar picture. However, none of these problems seem particularly prevalent in the vicinity of the appeal property. There is no dispute that the 20% threshold for HMOs stipulated in the SPG would be breached but in my view it is not sufficient just to say that a breach would occur without demonstrating that harm would be caused. In particular, Policy H5 of the Cardiff Local Development Plan (LDP) permits HMOs providing, amongst other things, the cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.

From my own observations and on the available evidence, the area around Daniel Street contains a balanced and sustainable mix of housing with good access to a healthy range of services and facilities. I acknowledge the cumulative effects that HMOs can have and I note the English appeal decisions that have been drawn to my attention. However, in the latter cases it was demonstrated that either a community imbalance would occur or existing issues would be worsened. In this case, I have little evidence to suggest that the proposal either by itself or cumulatively would exacerbate any existing problems or result in any material harm to the character and amenity of the area. Moreover, it would be open to the Council to demonstrate in the individual circumstances of any other case that harm would be caused.

There is concern from local representatives as to the amount of amenity space at the property, However, the size of the space falls only marginally short of the Council's standard, and I observed it to be a well laid out feature with sufficient provision for refuse and cycle storage. The property itself also provides a good standard of living and amenity for its future occupiers.

I conclude that the proposal would comply with the objectives of LDP Policy H5.

It would also concur with the aim of LDP Policy KP5 to seek good quality and sustainable design by, amongst other things, providing a diversity of land uses to create balanced communities.

- 8.6 Waste Management have not objected to this application but have recommended that suitable waste and recycling receptacles be provided at the property and in this respect condition 5 has been imposed.
- 8.7 In respect of the comments made by Shared Regulatory Services given that the property is already in use as a C3 residential dwelling it is felt that a condition in respect of road traffic noise would be unreasonable. However Recommendation 2 has been included to bring to the applicant's attention the Control of Pollution Act in respect of noise from construction activities.
- 8.8 The Council's Existing Supplementary Planning Guidance on Access, Circulation and Parking Standards identifies that 1 secured cycle parking space per bedroom is required. As this application seeks planning permission for a seven person HMO then it would be unreasonable to insist that seven cycle parking spaces be provided and in this respect condition 4 has been imposed.
- 8.9 In respect of amenity space approximately 60 square metres will be available for occupiers to use to the rear of the property which is felt is sufficient for a property of this size. It should also be noted that the minimum amenity space requirement as specified in the HMO SPG is 27.5 square metres.
- 8.10 In respect of the comments made by neighbouring occupiers which are not covered above the following should be noted:
1. Waste Management have not objected to this application;
 2. Highways have not objected to this application and as long as 7 cycle parking spaces are provided the proposal will be compliant with planning policy. The rear garden is large enough to comfortably accommodate seven cycle parking spaces whilst leaving a large rear garden for occupiers to use;
 3. If occupiers create a noise nuisance then there is separate Environmental legislation which would cover this;
 4. Anti-social behaviour is a matter for the police;
 5. The proposal is compliant with the SPG on HMO's which seeks to limit the siting of future HMO's to protect and preserve the character of the area;
 6. The proposal is compliant with Licensing standards and issues such as Health and Safety would be covered under Licensing and Building Regulations;
 7. Fire protection is a matter for Licensing and Building Regulations;
 8. The proposal requires 27.5 square metres of amenity space. Over 60 is to be provided which is compliant with the SPG on HMO's;
 9. Most terraced properties do not have a rear access and it is not unusual for occupiers of such properties to take their cycles through the house to the rear garden;

10. It is the Council's opinion that the proposal complies with current Planning Policy and Policy H5 of the Cardiff Local Development Plan which relates to the sub division or conversion of residential properties. This has also been supported by Planning Inspectors as stated in the recent appeal decisions ;
11. The re-opening of the rear access is a civil matter in which the council, as Local Planning Authority, has no powers to intervene. However, the owner has indicated that he is no longer pursuing this course of action;
12. The dormer roof extension is compliant with current planning policy and there is more than 10.5m from the rear elevation of the dormer to the rear boundary;
13. It is not a breach of planning control to undertake refurbishment works to a property or to remove existing outbuildings before planning permission has been granted. Works to the dormer roof extension and ground floor rear extension have not yet commenced.

8.11 In respect of the objections from the local Ward Members and the neighbouring occupiers it should be noted that the proposal is in compliance with the SPG on HMO's and the Cardiff Local Development Plan. As such, and in light of the similarities between this application and the two recent appeal decisions, it would not be appropriate for the Council to resist this application which seeks to change the use of the property from a C3 residential dwelling into a seven person sui generis HMO.

9. **OTHER CONSIDERATIONS**

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

10. **RECOMMENDATION**

- 10.1 Having taken all of the relevant factors into consideration it is concluded that in this particular instance there are insufficient grounds to refuse this application. It is therefore recommended that planning permission be granted, subject to conditions.



TITLE NUMBER
WA984876



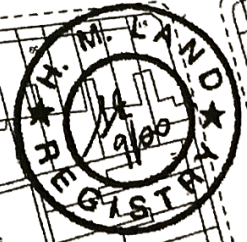
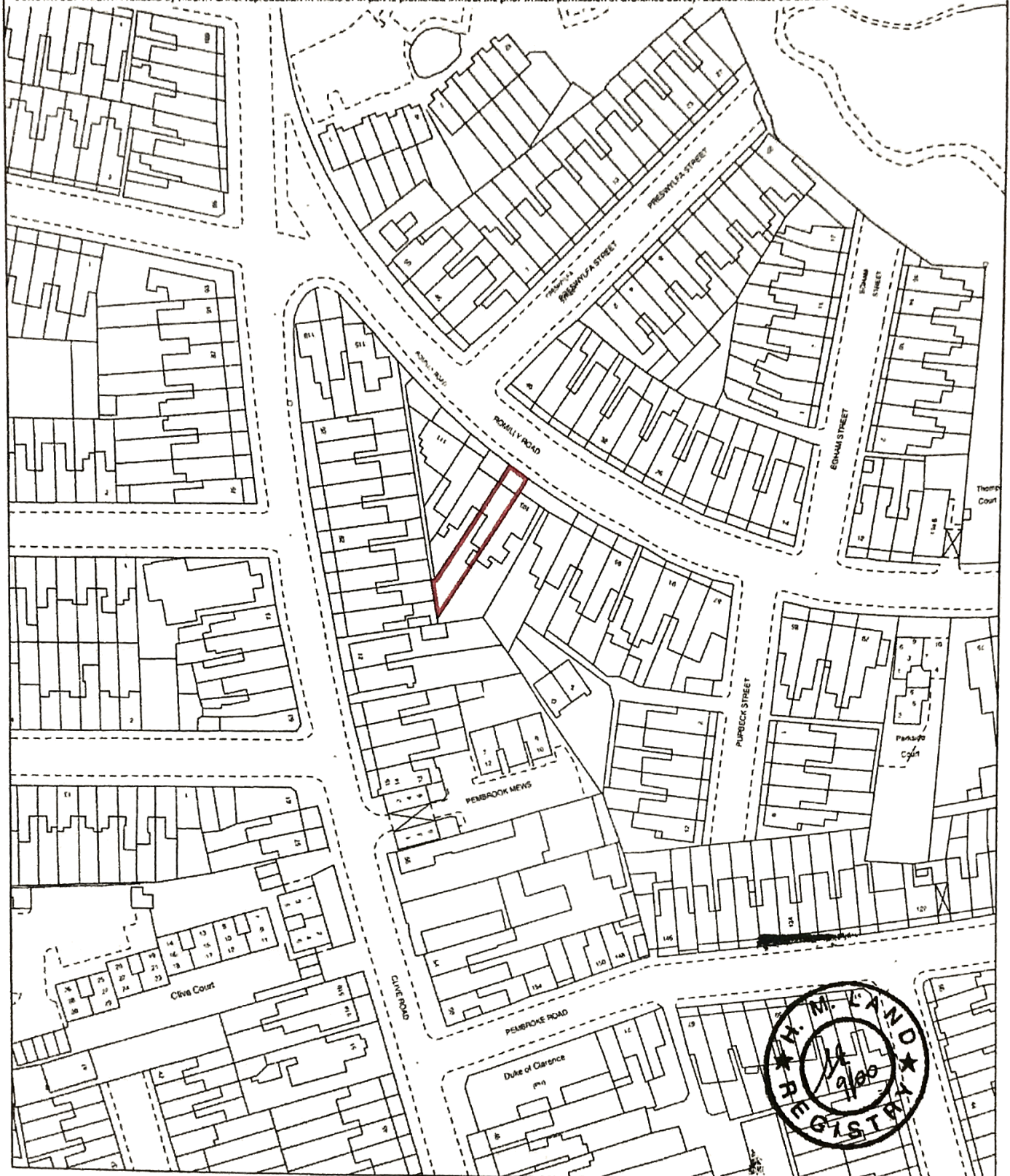
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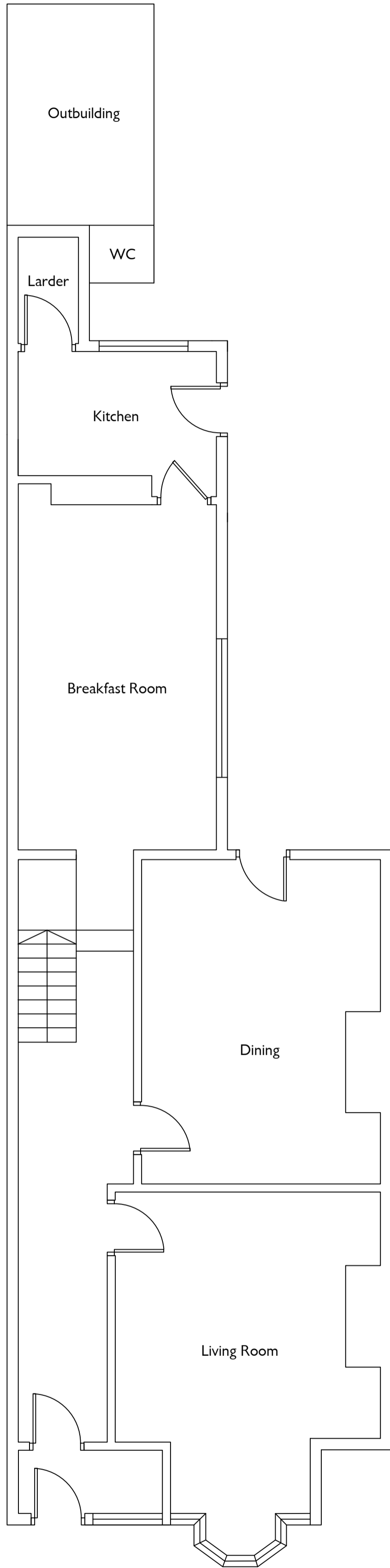
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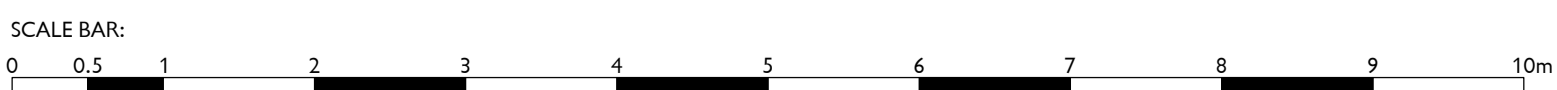




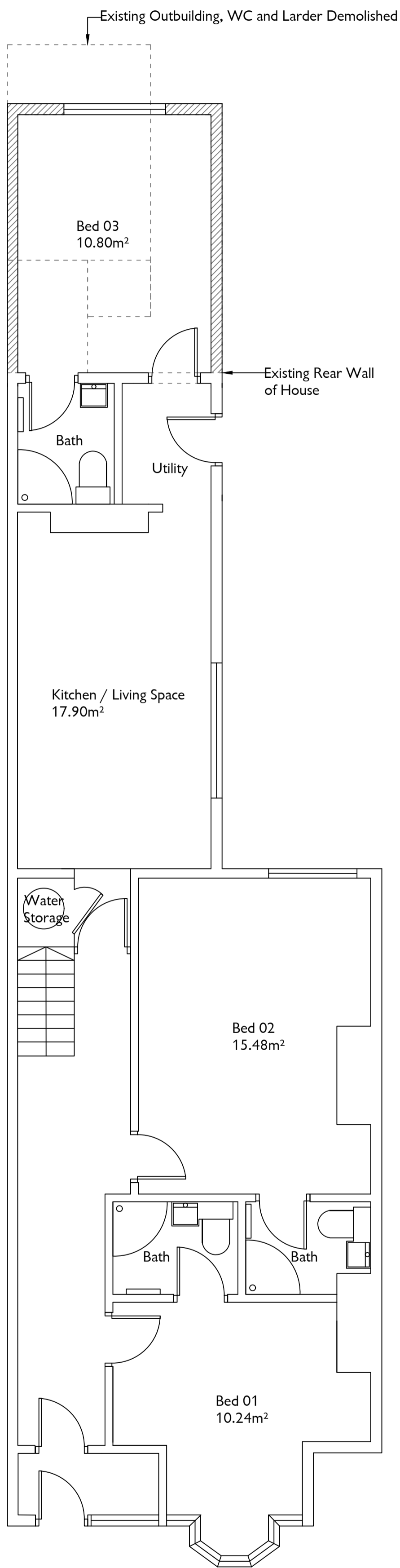
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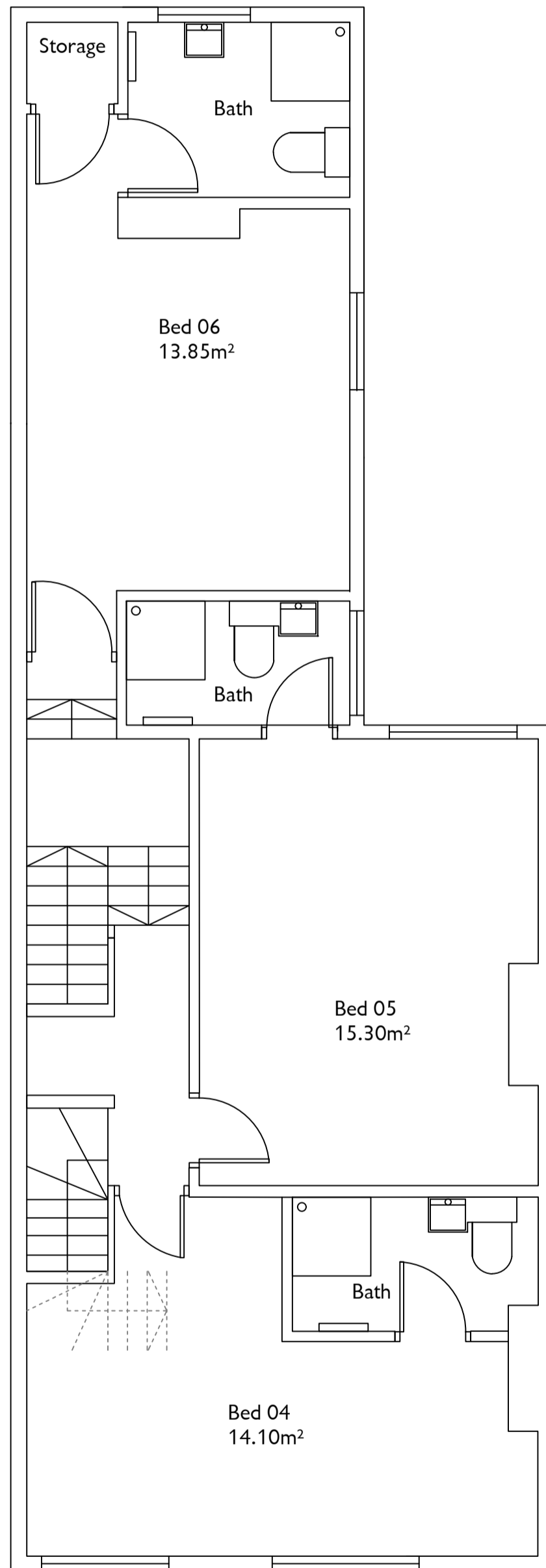
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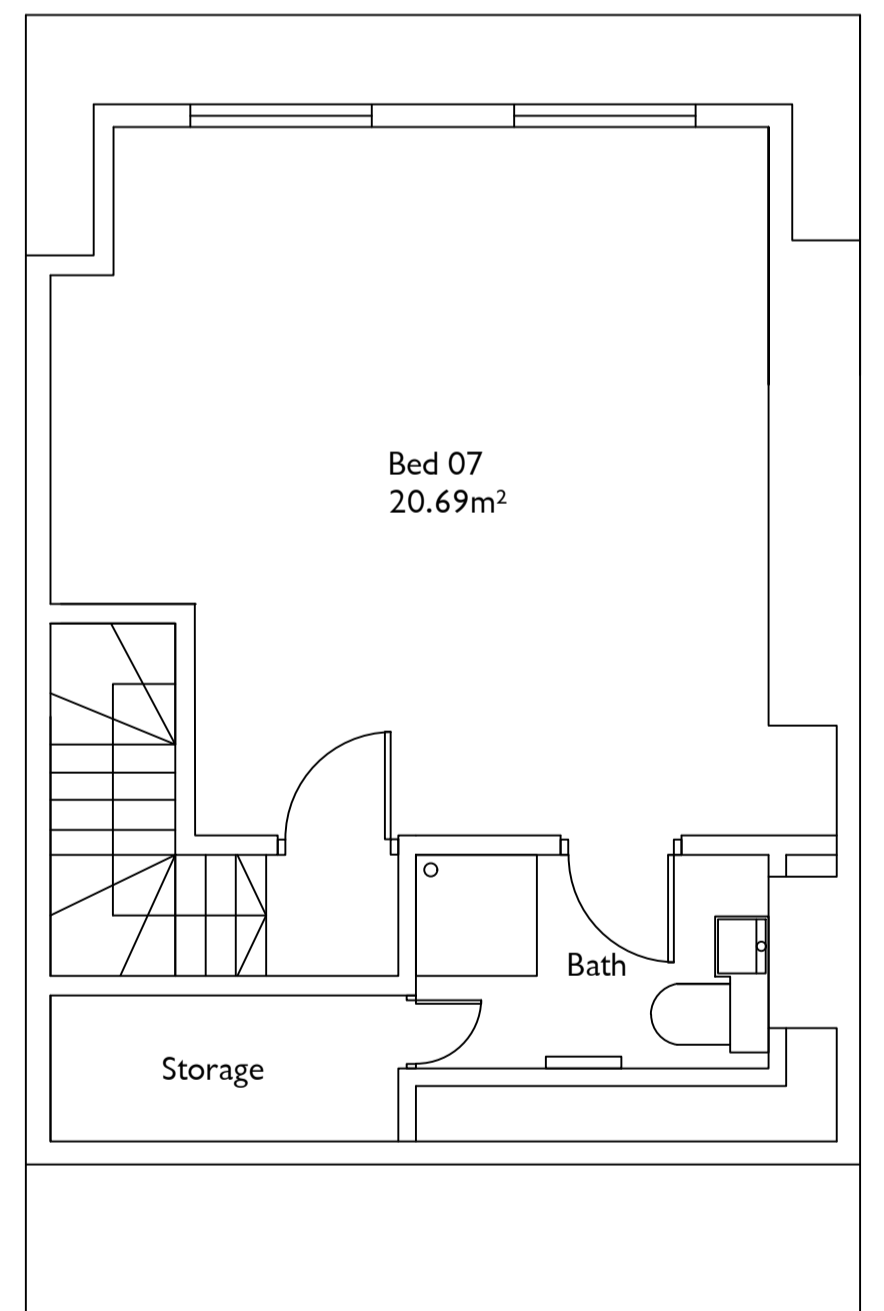
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o drawing no.	o revision	o scale	o drawn
0170200 - SPLTA	001	1:50 @ A2	o approved
<small>SB Project Number Originator Zone Level Type Role Number</small>			o date
			Dec 2017



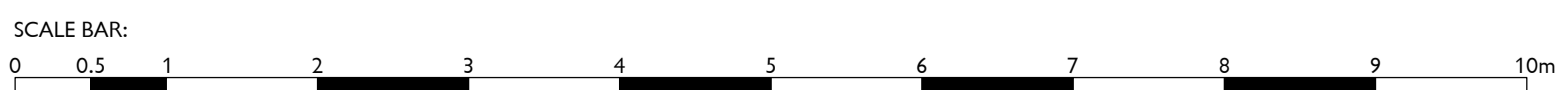
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



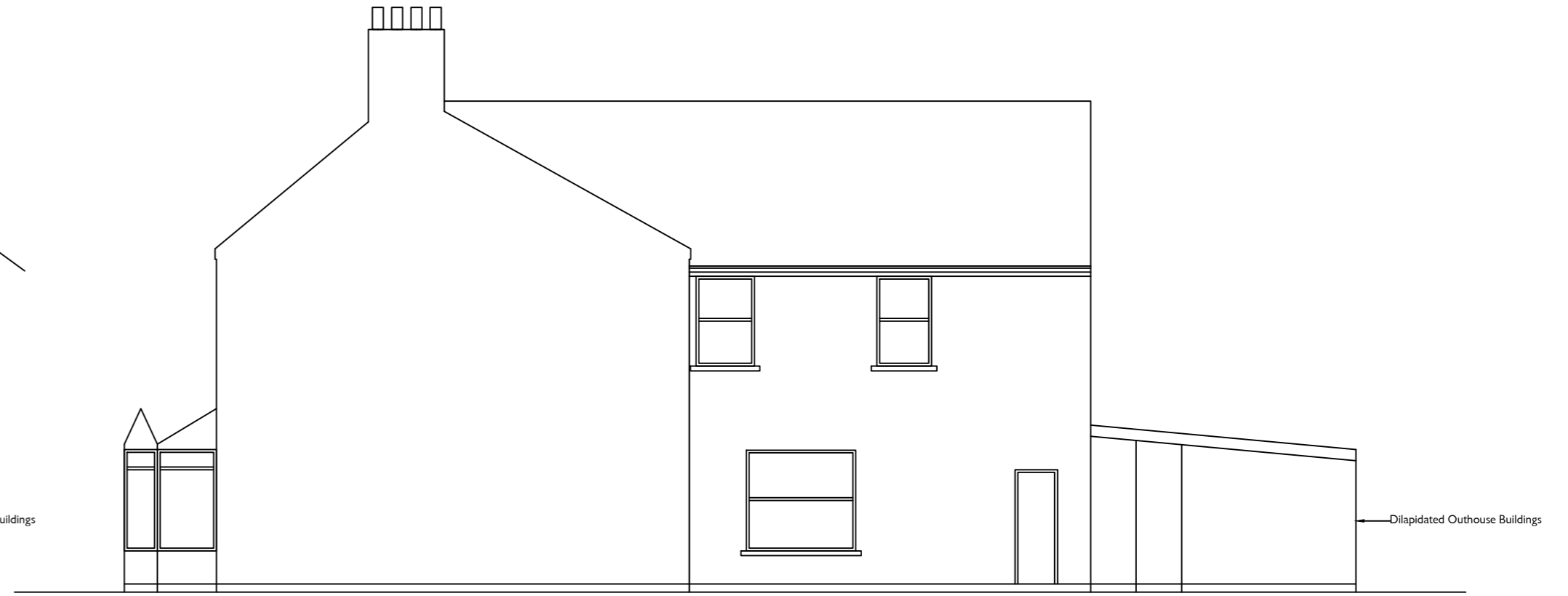
o client/project	o drawing		
SPL TA	105 Romilly Road Proposed 7 Bedroom HMO		
o drawing no.	o revision	o scale	o drawn
0170200 - SPLTA	002	1:50 @ A2	o approved
<small>SB Project Number Originator Zone Level Type Role Number</small>			o date
			Dec 2017



Existing Front Elevation



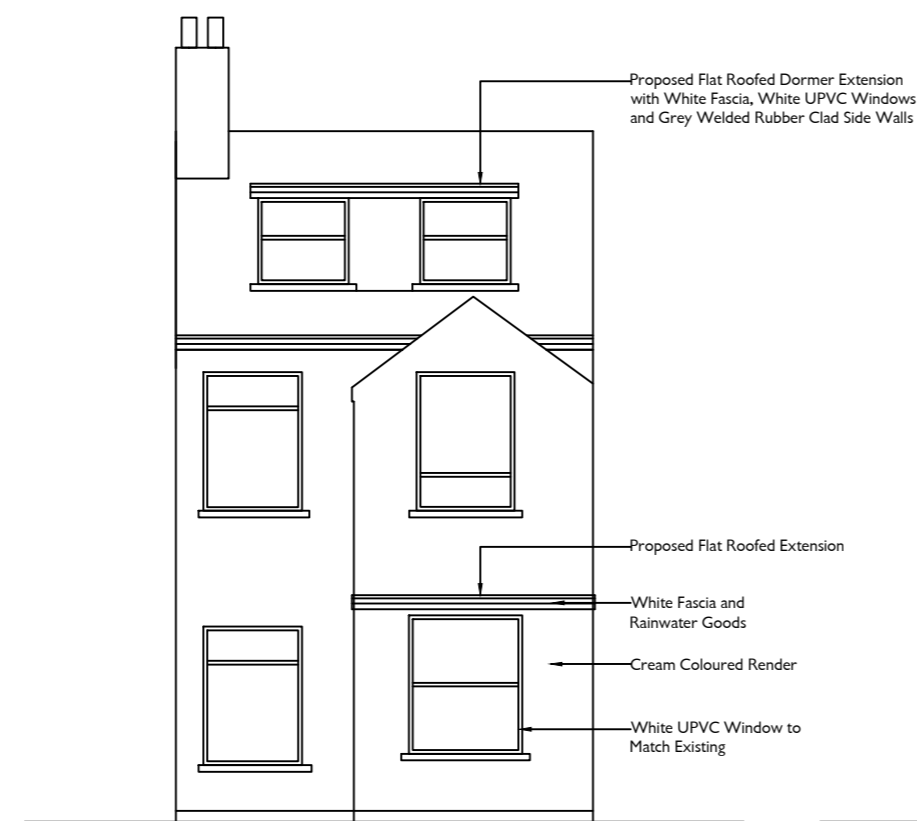
Existing Rear Elevation



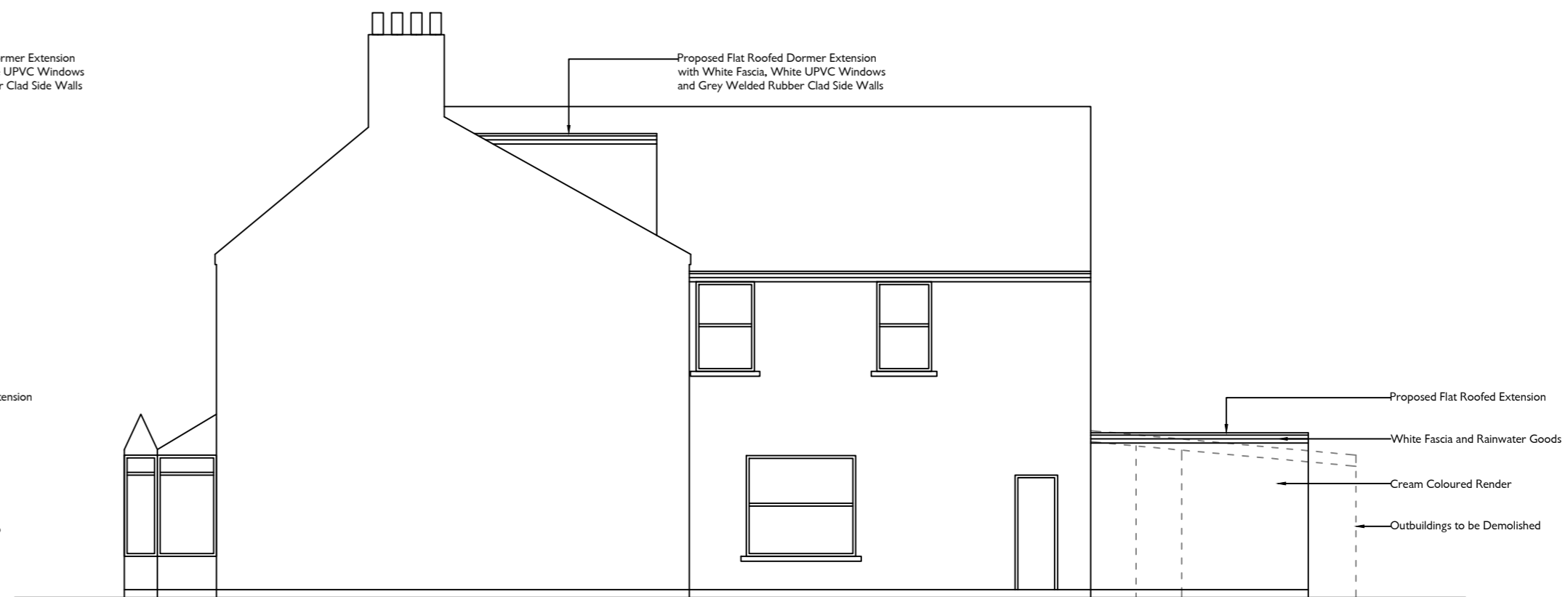
Existing Side Elevation



Proposed Front Elevation



Proposed Rear Elevation



Proposed Side Elevation



o client/project	o drawing	
SPL TA	105 Romilly Road Existing and Proposed Elevations	
o drawing no.	o revision	o scale
0170200 - SPLTA	003	1:100 @ A2
SB Project Number	Originator	Zone
Level	Type	Role Number
	o approved	o date
		Dec 2017

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/02784/MNR** APPLICATION DATE: 16/11/2017

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: SARHAN INVESTMENTS

LOCATION: 15 TY-DRAW ROAD, PENYLAN, CARDIFF, CF23 5HB

PROPOSAL: CONVERSION OF DWELLING TO GUEST HOUSE AND
CONVERSION OF GARAGE TO KITCHEN AND REAR
DORMER AND THE INSTALLATION OF ROOFLIGHTS INTO
THE FRONT, REAR AND SIDE ROOFSLOPES

RECOMMENDATION 1 : That planning permission be **REFUSED** for the following reasons :

1. The rear dormer window and the rooflights on the front and rear elevations would due to their design, appearance, size and siting have a prejudicial impact upon the character and appearance of the Roath Park Conservation Area, contrary to Policies KP5 and EN9 of the Cardiff Local Development Plan (2006-2026).
2. The submitted plans (existing and proposed) contain a number of inaccuracies and limited detailing of the proposal which is within the Roath Park Conservation Area, thus not allowing for a fully considered determination of the application, contrary to Policies KP5 and EN9 of the Cardiff Local Development Plan (2006-2026)

RECOMMENDATION 2: That the Head of Legal Services be given authorisation to progress with Enforcement Action to reinstate the chimney that has been removed from the property.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to convert the existing dwelling house into a Guest House (C1 Use Class)
- 1.2 The proposal entails internal alterations to convert the property from a 5 bed dwelling house to a 13 bed Guest House (with 8 en-suite bathrooms and 3 shared bathrooms) with associated Lounge/dining and kitchen area.
- 1.3 The amended plans submitted show that externally, it is proposed to insert a pitched roof dormer and two rooflights into the rear roofslope and two rooflights into the side roofslopes of the front gable projection.

- 1.4 The submitted plans also show the provision of a ground floor side extension and conversion of the garage/outbuilding into part of the kitchen/dining area for the proposed Guest House. Note that the ground floor extension was approved under application 15/01087/DCH and works have recently started by the applicant to implement this extension

2. **DESCRIPTION OF SITE**

- 1.1 The application property known as 15 Ty-Draw Road, sited on the junction of Ty-Draw Road and Linden Avenue. The property is two-storey with a front gable projection and double bay window on the elevation fronting Ty-Draw Road and the bay windows at ground floor and first floor levels on the elevation fronting Linden Avenue. The site also has a single storey annexe/extension to the side elevation adjoining 16 Ty-Draw Road and 1 Linden Avenue.
- 1.2 The property is currently vacant but was previously used as 5 bed dwelling house
- 2.3 The surrounding area is a combination of two-storey terrace, semi-detached and detached dwellings on Ty-Draw Road with two-storey semi-detached properties on Linden Avenue. To the South-West of the site is Roath Park
- 2.4 The site is located within the Roath Park Conservation Area

3. **SITE HISTORY**

- 3.1 15/01087/DCH – Single storey side extension and alterations to rear lean-to. Approved

4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan
- 4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:
 - Policy KP5 (Good Quality and Sustainable Design)
 - Policy H4 (Change of Use of Residential Land or Properties)
 - Policy EC5 (Hotel Development)
 - Policy EN9 (Conservation of the Historic Environment)
 - Policy T5 (Transport Impacts)
 - Policy W2 (Provision for Waste Management Facilities in Development)
- 4.3 Supplementary Planning Guidance: Residential Extensions and Alterations (2017)
- 4.4 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)

4.6 Roath Park Conservation Area Appraisal

4.7 Technical Advice Note 12: Design

4.8 Planning Policy Wales 2016

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Transportation – No objections

5.2 The Operational Manager, Environment and Public Protection – No objections

5.3 The Operational Manager, Waste Management – No objections, advise that details of refuse store to be submitted and that a commercial waste collection contract is required

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 None

7. **REPRESENTATIONS**

7.1 Neighbours have been consulted and a site notice erected (expiry 04/01/2018), letters and e-mails have been received 33 neighbouring properties, which include the occupiers of 2, 6, 8, 12, 13, 14, 16, 17, 18, 19, 20, 21, 21a, 22, 26, 27, 28, 46, 48, 51, 58, 60 and 62 Ty Draw Road, 1, 2, 3, 6, 7, 8 Linden Avenue, 6, 10 Pen-Y-Lan Place, 21 Clos Derwen and 8 Boleyn Walk, who object for the following summarised reasons;

- i) Proposal will lead to increased parking problems/highway safety issues
- ii) Submitted plans are inadequate
- iii) Submitted application form is incorrect
- iv) Potential noise/disturbance from users of guest house/construction works
- v) Proposal would impact upon the Conservation Area
- vi) Design/appearance of proposed Dormer and the insertion of rooflights within Conservation Area
- vii) Provision of a commercial use within a predominant residential area.
- viii) Loss of privacy/overlooking of adjacent neighbours
- ix) Noise and smells from potential kitchen fume extraction system
- x) Alterations/development has already started on site
- xi) Chimney has been removed from roofslope
- xii) Potential use of properties as a House of Multiple Occupation (HMO)
- xiii) Lack of amenity space
- xiv) Precedent for further change of use applications
- xv) Concerns over refuse storage and collection
- xvi) Sewage/Drainage problems from additional bathrooms

7.2 A 135 name Petition has been received, objecting to the proposal for the following summarised reason;

- i) Detrimental impact upon local amenity (traffic, noise, highway safety etc) and be harmful to the character and appearance of the Conservation Area,

7.3 Ward Councillors Joe Boyle and Rodney Berman, object for the following summarised reasons;

- i) Lack of Parking/Highway safety
- ii) Overlooking/loss of privacy to adjoining properties
- iii) Impact of proposed alterations upon the Conservation Area
- iv) Potential use of property as House of Multiple Occupation
- v) Quality of submitted drawings/limited details
- vi) Refuse storage details/collection

8. ANALYSIS

8.1 The main planning issues relate to:

- (i) The impact of the amenities of neighbouring occupiers.
- (ii) Highway safety/parking issues.
- (iii) Impact upon the Conservation Area

8.2 Amended Plans have been received due to concerns regarding the proposed alterations as the property is within the Roath Park Conservation Area. The amended details received show the dormer window altered from a flat roof style to a smaller pitched roof design. The amended plans also show the removal of two rooflights from the front roofslope facing onto Ty-Draw Road, though 4 rooflights will still remain within the proposal.

8.3 The Councils Conservation Officer raises objections to the proposal as the proposed dormer and rooflights as amended would not maintain the character and appearance of the Conservation Area and would have a prejudicial impact upon it.

The Roath Park Conservation Area Appraisal states the following'

Rooflights and dormer windows require planning permission wherever they are located on the roof. The insertion of new rooflights and dormer windows on elevations that prominently face a public highway can appear incongruous and undermine the character of the Conservation Area. There will normally be a presumption against new rooflights and dormer windows on these prominent elevations. However, where rooflights are few in number, small in size, discreetly located and are the 'conservation' style of rooflight i.e. one that does not project above the slates or tiles on the roof, and where dormer windows are small in size, allow light into a roof space rather than allow additional head room and use materials and details that are sympathetic to the character and

appearance of the Conservation Area, they may be acceptable. It is important to note that the Local Planning Authority will expect consideration to have first been given to locating rooflights and dormer windows on discreet rear elevations where they are more likely to be acceptable.

The amended plans show that dormer would be pitched roof on the rear roofslope, with two rooflights on the rear roofslope and two rooflights within the side slopes of the front gable elevation, it is considered that these proposed alterations would neither preserve or enhance the character and setting of the Roath Park Conservation Area and would thus conflict with the aims of the Roath Park Conservation Area Appraisal and policies EN9 and KP5 of the Cardiff Local Development Plan (2006-2026).

- 8.4 The submitted plans (existing and proposed) contain a number of inaccuracies, including the following:
- i) both chimneys not shown on existing or proposed plans
 - ii) pitched roof above the double bay window on left side of frontage (which has a parapet flat roof),
 - iii) window detailing is incorrect
 - iv) Front gable projection is incorrectly sized/scaled
 - v) No plans submitted showing existing/proposed elevation facing Linden Avenue

Provision of an ground floor extension on the existing plans (when no works had started on this development when the application had been submitted)
The front pitched gable is incorrectly drawn and is shown as being smaller than existing

Concerns are also raised at the lack of detailing within the plans and that these architectural details could be lost if approved. The property is in a prominent position within the Roath Park Conservation Area and it is reasonable to expect these details to be shown on the submitted plans so that they can be considered as part of any redevelopment proposals. The case officer has advised the agent of these discrepancies at the early stages of determination with further amendments sought to ensure the accuracy of the submission. To date the inaccuracies and level of detailing has not been rectified to the satisfaction of the Local Planning Authority.

- 8.5 Whilst determining the application, it has been noted that the applicant has removed the chimney sited on the north-western elevation and that it has been removed without formal planning consent. The chimney was a prominent feature of the property and within the wider Roath Park Conservation Area. The applicant and agent have been advised that these works require planning consent and that they should either submit an application to remove the chimney (which is unlikely to be successful) or to replace the chimney as per the original. To date, no response has been forthcoming from the agent or applicant in regard to this matter and it is considered necessary to take this matter further and to authorise Enforcement Action to replace the chimney as per the original (see recommendation 2)

The Roath Park Conservation Area Appraisal states the following;

The demolition of a chimney usually requires planning permission. The removal of a chimney which makes a contribution to the Conservation Area will not normally be supported. It is important to ensure that steps are taken to maintain stonework or brickwork, the mortar and any details such as clay pots, even where the chimneys have become redundant.

8.6 The Operational Manager (Transportation) has no objections to the proposal. Note that the Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010) advises that the proposed guest house use has a requirement of no operational parking spaces to be associated with it. The site has an existing driveway with two off-street spaces, which could be utilised by staff or other users and it is noted that the proposal is near to available public transport and the Albany Road/Wellfield Road District Centre. It is noted that other than double yellow lines adjacent to the Junctions on Ty-Draw Road/Linden Avenue there are no other current parking restrictions in place.

8.7 In land use terms the application site falls within the settlement boundary, as defined by the Cardiff Local Development Plan (2006-2026) Proposals Map. The site has no specific allocation but is currently in residential use. The application should be assessed against Policy EC5 'Hotel Development'. This states that proposals for hotel development will be permitted:

- i) Within the Central and Bay Business Areas of the City Centre;
- ii) In appropriate locations for the conversion of suitable residential or commercial properties;
- iii) At other locations within the urban area, if there is no need to preserve the site for its existing or allocated use, assessed against the relevant policies of the plan;

Subject to considerations of scale, location, design, amenity and transportation being acceptable.

Given the site's location and property size the application would not raise any land use policy concerns, however, the acceptability of the scheme will be subject to an assessment of the likely impact upon residential amenity, given the site's location amongst residential properties.

In terms of both the property and its location, importance will be attached to the need to safeguard amenity of residential areas (Para 5.63)

8.8 In regards to comments made by neighbours and other interested parties, which are not covered above, the following should be noted:

- i) The Operational Manager, Transportation raises no objections to the proposal
- ii) See para 8.4
- iii) Amended application form has been submitted which overcomes the inaccuracies on the original submitted
- iv) Dealt with under separate legislation
- v+vi) See para 8.3

- vii) The use of the property as a guest house in itself is likely to be considered acceptable as would be in compliance with Policy EC5 (Hotel Development) and it is noted that there are a number of other non-residential uses within the area and its proximity to the Albany Road/Wellfield Road District Centre.
- viii) The proposed rear dormer and rooflights are sited approximately 1.5 metres from the boundary with 1 Linden Avenue and in order to be acceptable they would need to be obscurely glazed and non-opening below 1.7 metres internal floor level
- ix) The issues of noise and smells would be dealt with under separate legislation. Note that the provision of an external fume extraction system may require a separate planning permission.
- x) Noted, some of these works relate to the previous approved extension
- xi) Noted, see para 8.5 and recommendation 2
- xii) The Local Planning Authority can only deal with the application before it and cannot look at other potential uses. The conversion of the property to a House of Multiple Occupation would require separate planning permission
- xvii) The use of the property as a guest house would not require the provision of amenity space in itself, though note that the property has an element of amenity space associated with it to the frontage and is sited opposite a large area of public open space (Roath Park)
- xviii) Each submitted application is dealt with on its own individual merits
- xix) The Operational Manager, Waste Management raises no objections to the proposal, advising that refuse storage is required (this could be further conditioned) and that a commercial refuse collection contract is required.
- xx) Dwr Cymru/Welsh Water have not commented on the proposal at the time of writing of this report

8.9 **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.

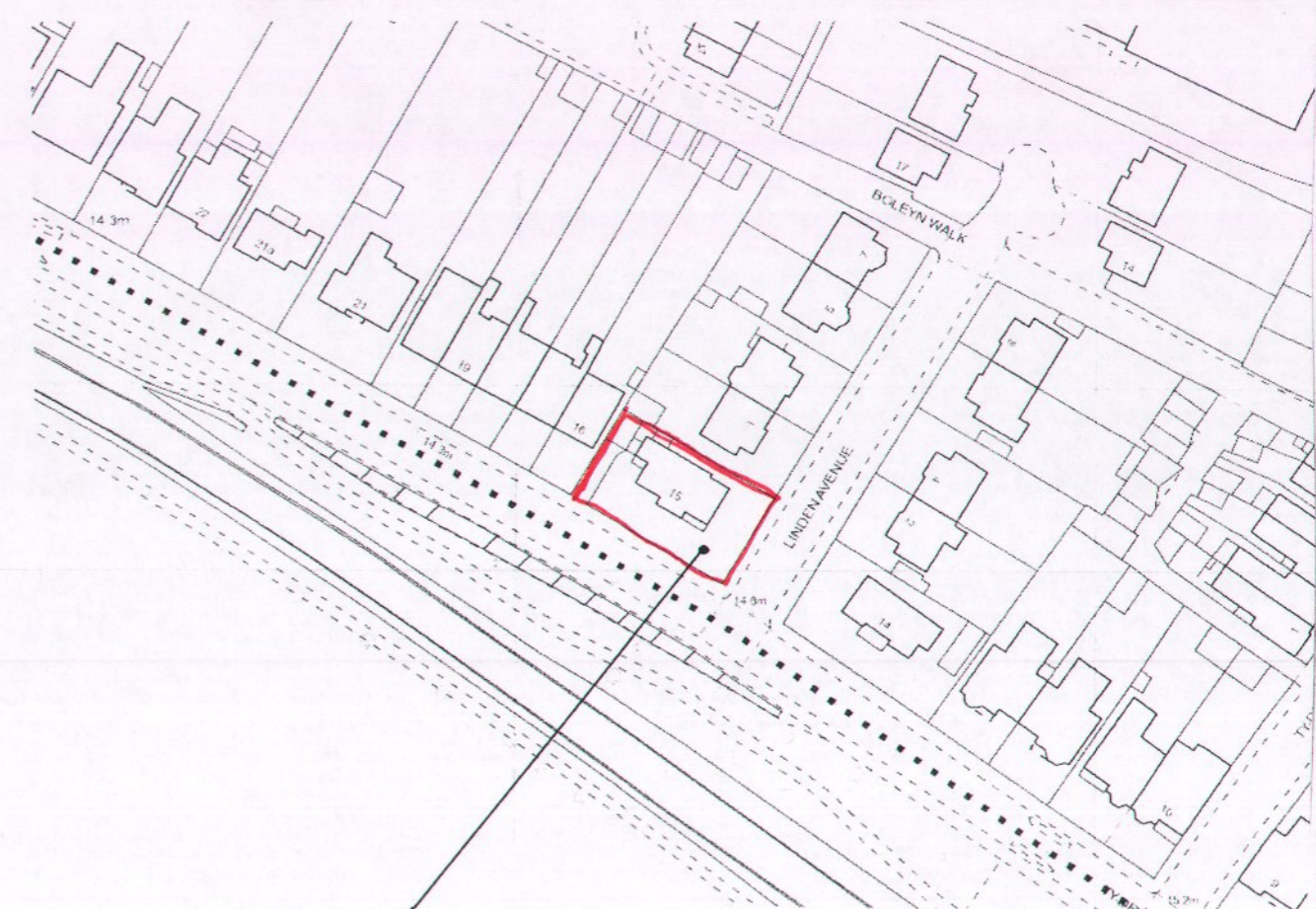
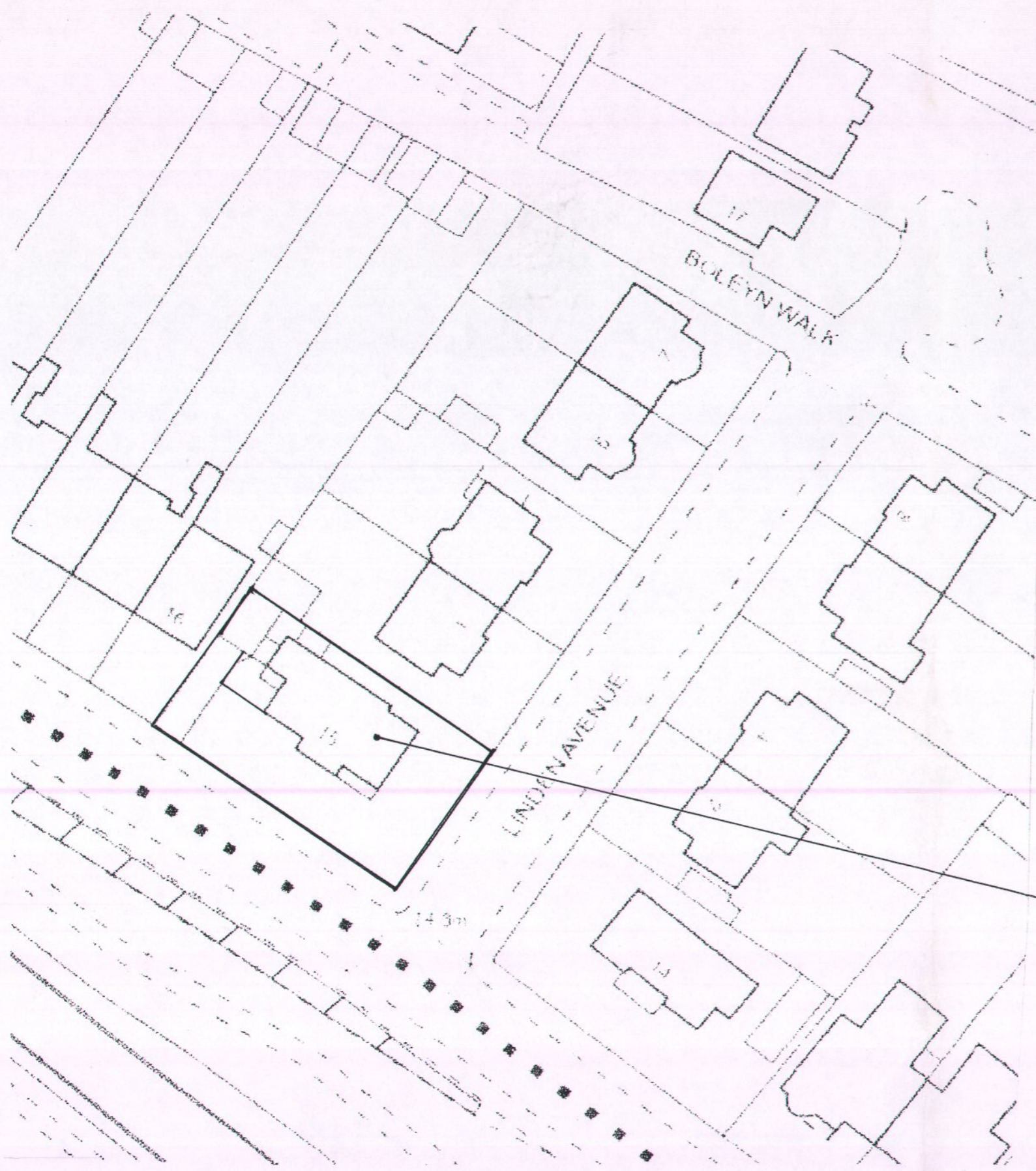
Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with

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.

8.10 **Conclusion**

Having regard to the policy context above, the proposal as amended is considered to be unacceptable and refusal of planning permission is recommended for the reasons stated.

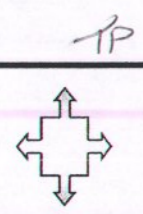
In regard to the removal of the Chimney, authorisation is sought to instruct the Head of Legal Services to proceed with Enforcement Action to seek the reinstatement of the chimney to no. 15 Ty-Draw Road, Penylan.



SITE PLAN 1:500

SITE LOCATION PLAN 1:1250

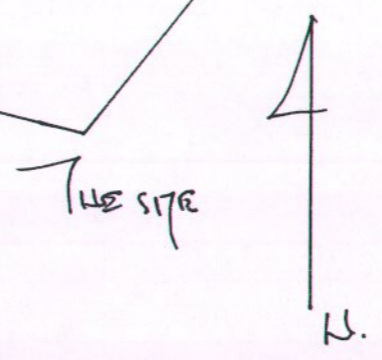
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 FAX 029 2069 4101

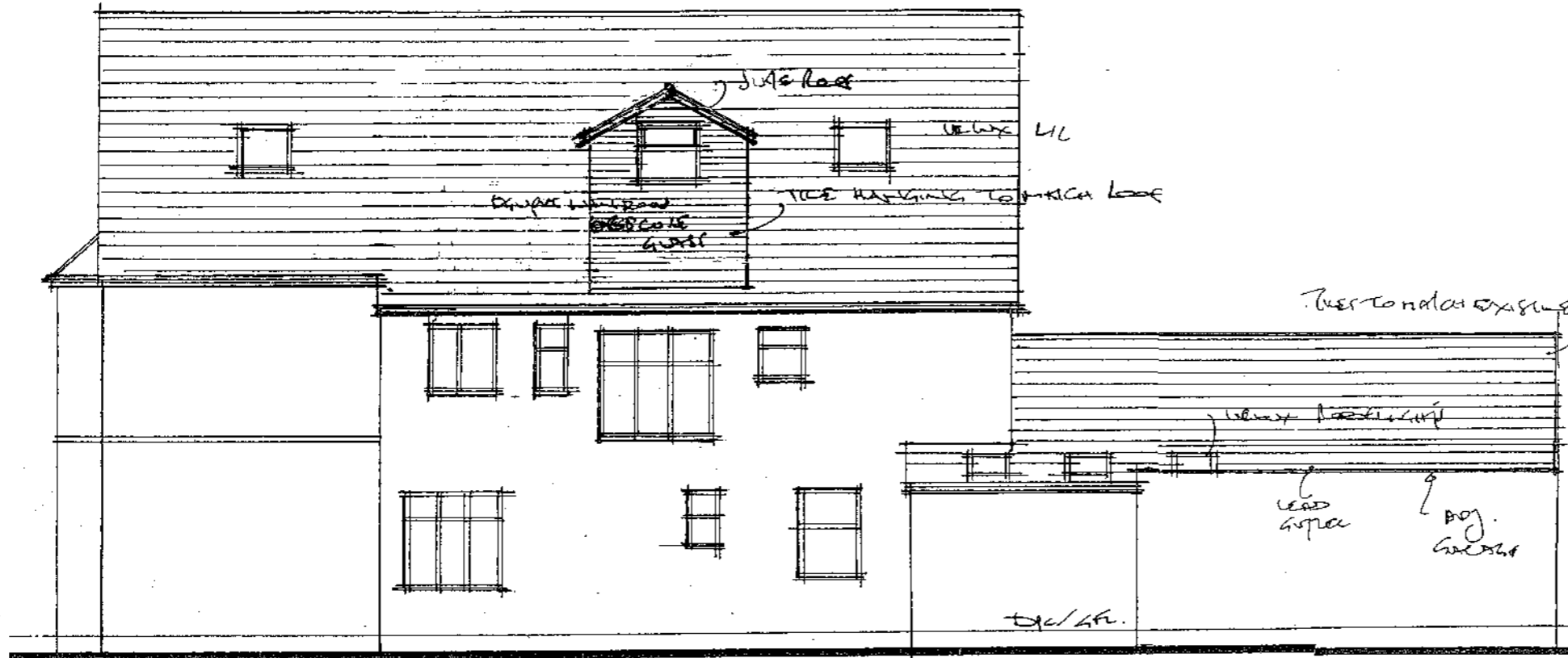


ALTERATIONS
15 TY DRAW ROAD
PENYLAN
CARDIFF

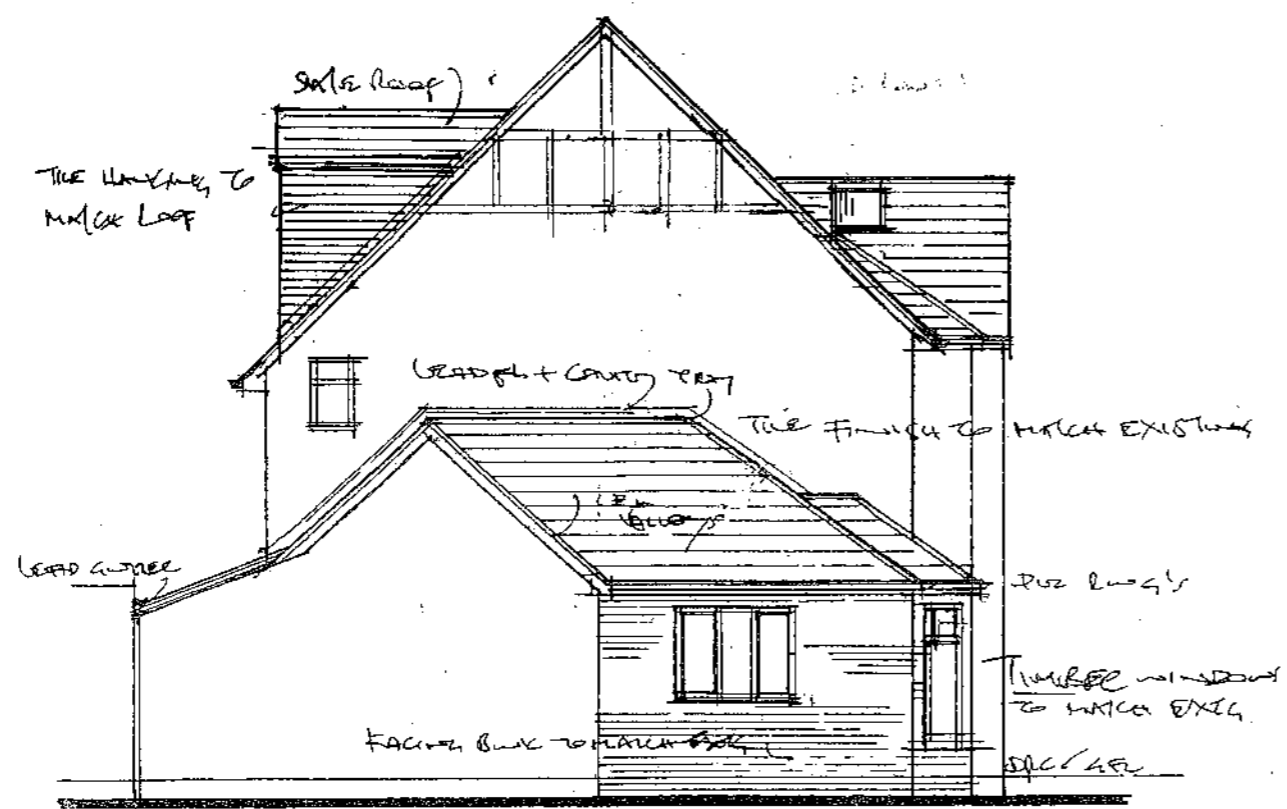
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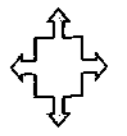




AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
 & ENVIRONMENT
 DATE 21-218



DTB DESIGN
 TEMPLE COURT 13a CATHEDRAL ROAD
 CARDIFF CF11 9HA
 TEL 029 2035 0365



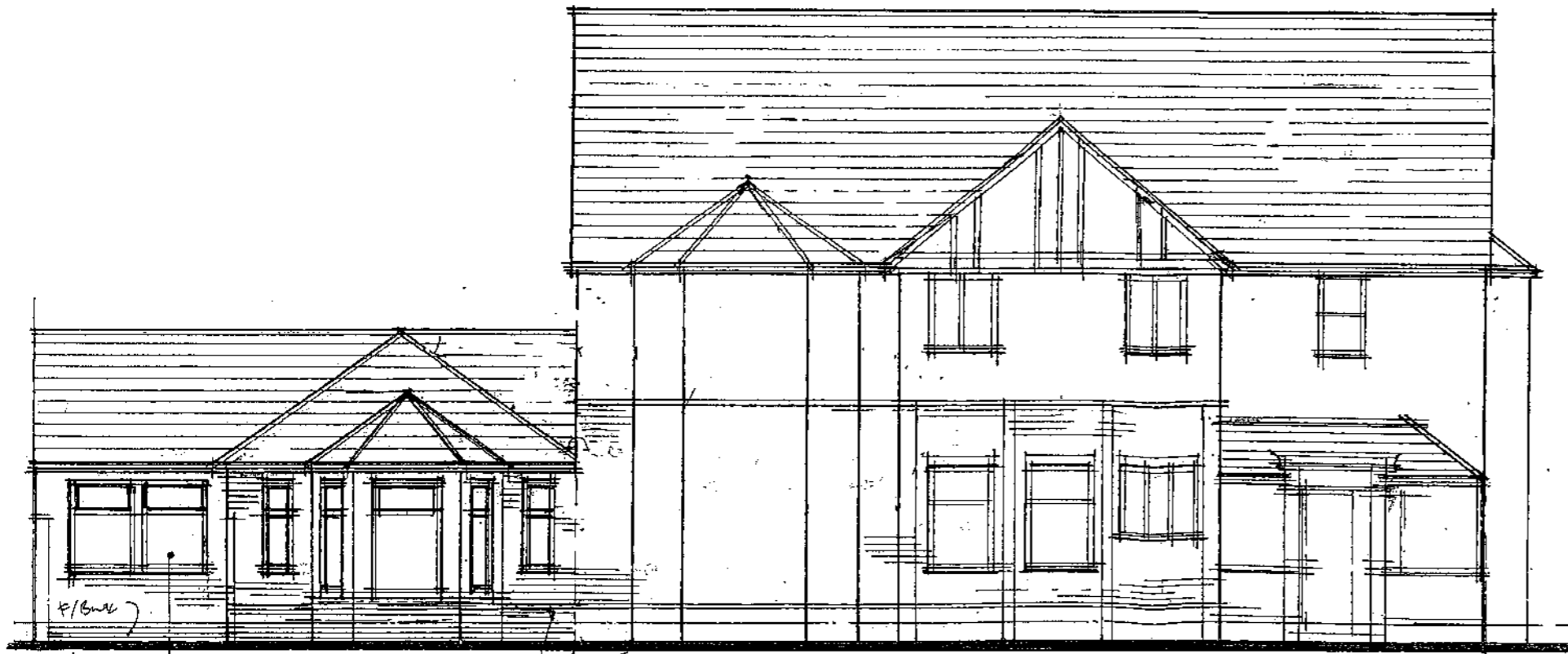
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DEVELOPMENT AT
15 TY DRAW ROAD
CARDIFF

REAR & SIDE ELEVATIONS PROPOSED 1:100 at A3

DATE AUG 2017 PLAN NO. BBD8/6/a

AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
 & ENVIRONMENT
 DATE 21.2.18

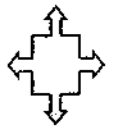


P/BW

WALL DETAIL

Timber window to match spec.

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 CARDIFF CF11 9HA
 TEL 029 2035 0365

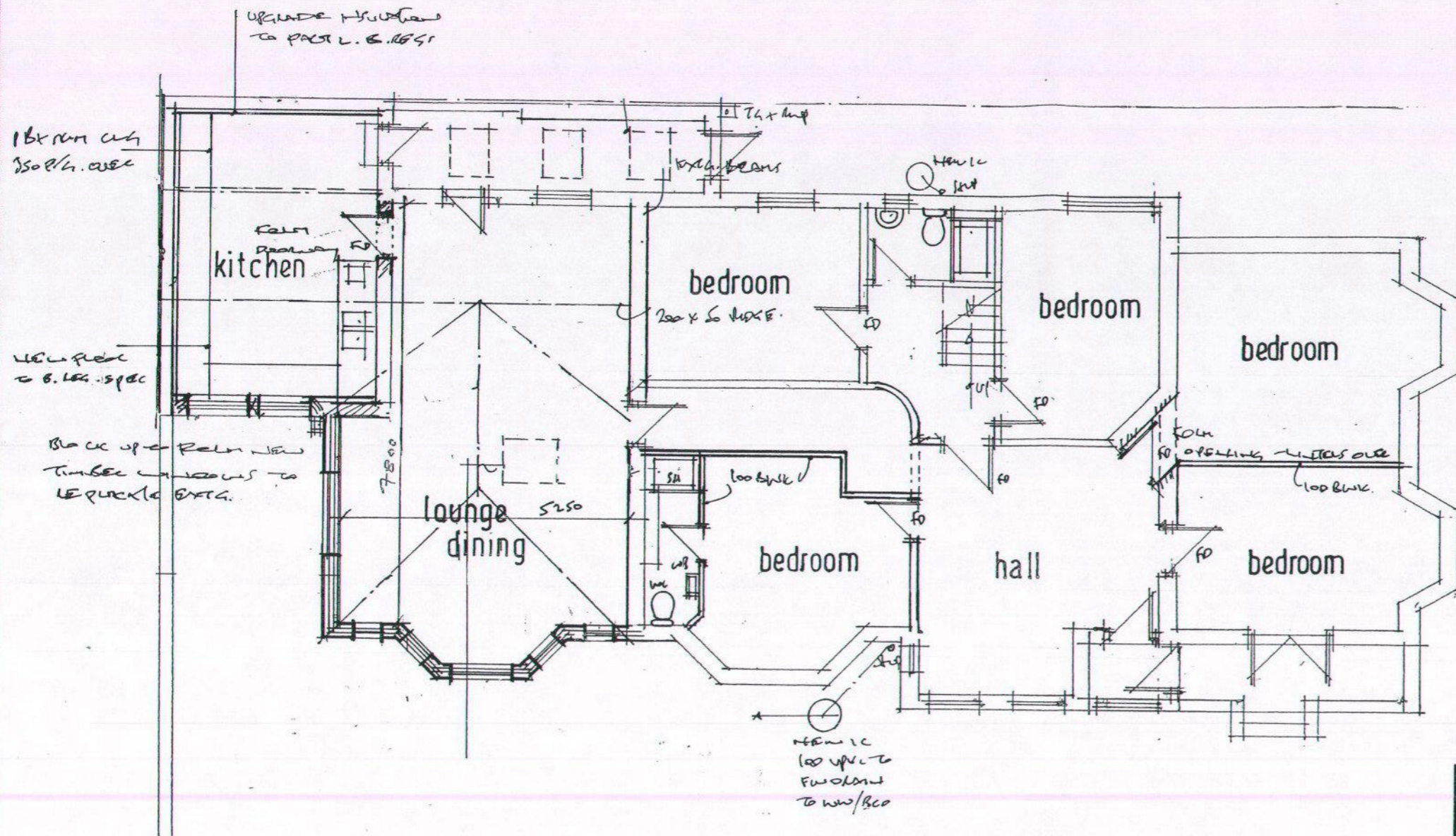


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DEVELOPMENT AT
15 TY DRAW ROAD
CARDIFF

DATE AUG 2017 PLAN NO. BBD8/9/16

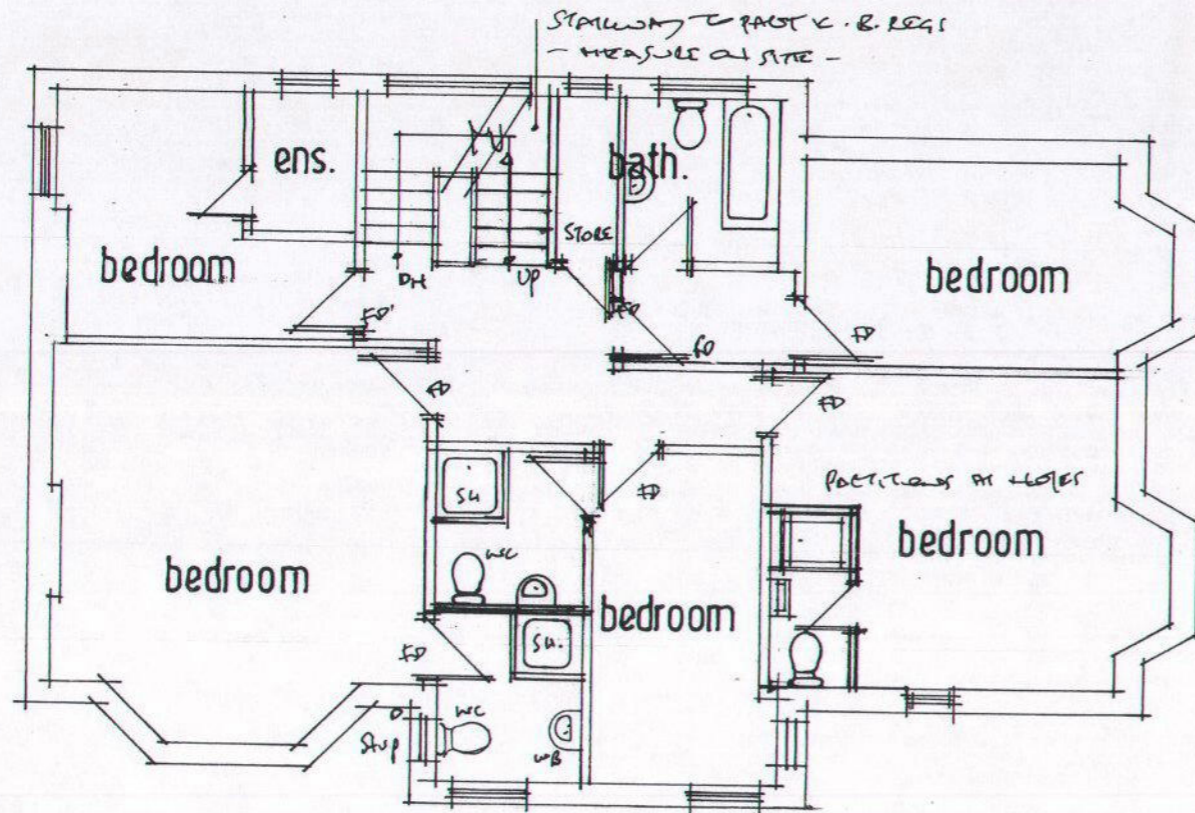
FRONT ELEVATION PROPOSED 1:100 at A3



GROUND FLOOR PROPOSED 1:100

DIM'S ARE APPROX

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T. L. (a) 4/8/15 C. L. (b) 11/17		
ALTERATIONS 15 TY DRAW ROAD PENYLAN CARDIFF		17/02784
SCALE	DATE APR 2015	PLAN NO. BYE4/4 / a/b



FIRST FLOOR PROPOSED 1:100 at A3

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 CARDIFF CF11 9HA
 TEL 029 2035 0365



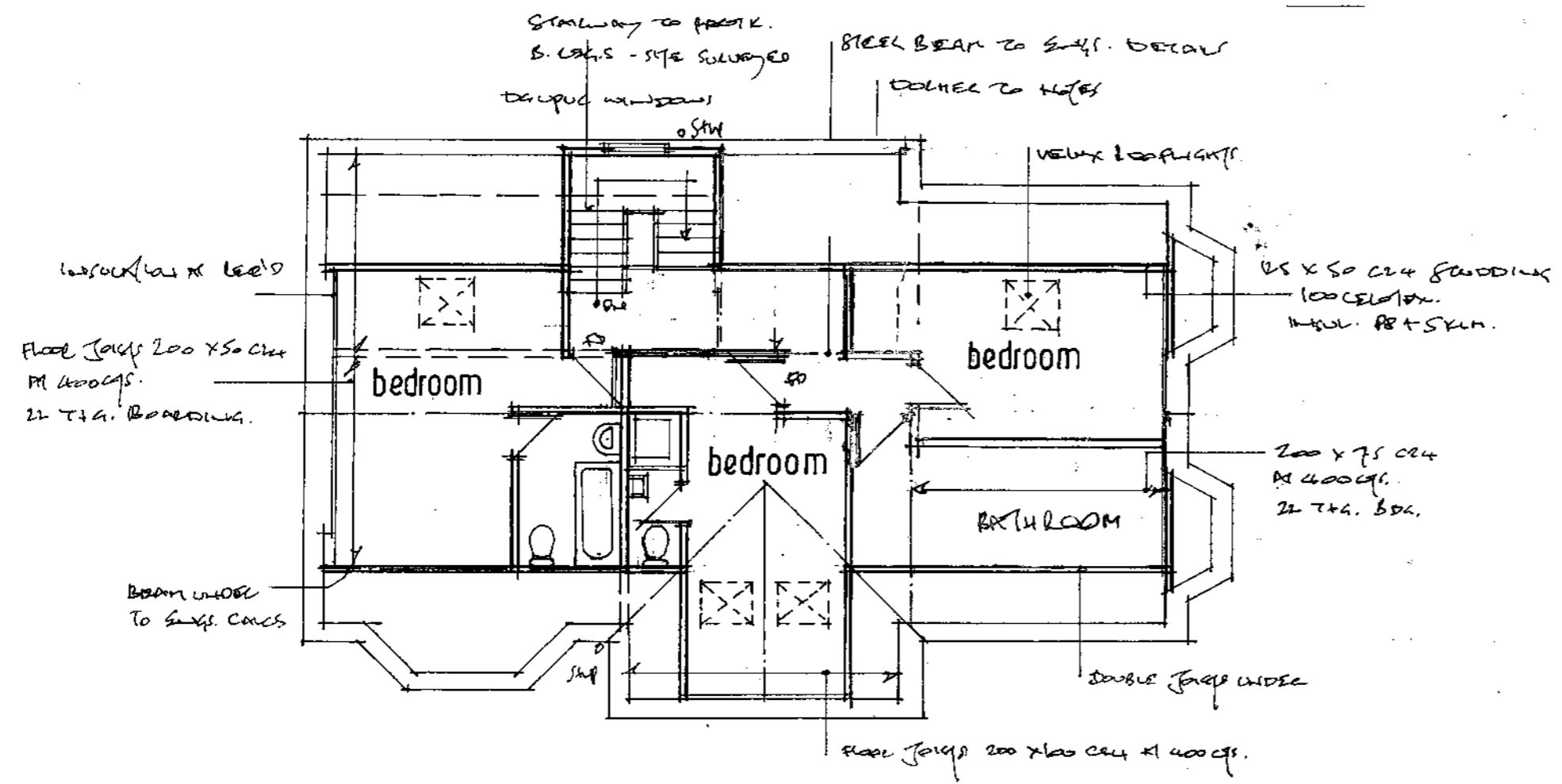
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DEVELOPMENT AT
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CARDIFF

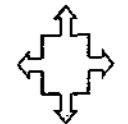
17/02784

DATE AUG 2017 PLAN NO. BBD8/4

AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
 & ENVIRONMENT
 DATE 21.2.18



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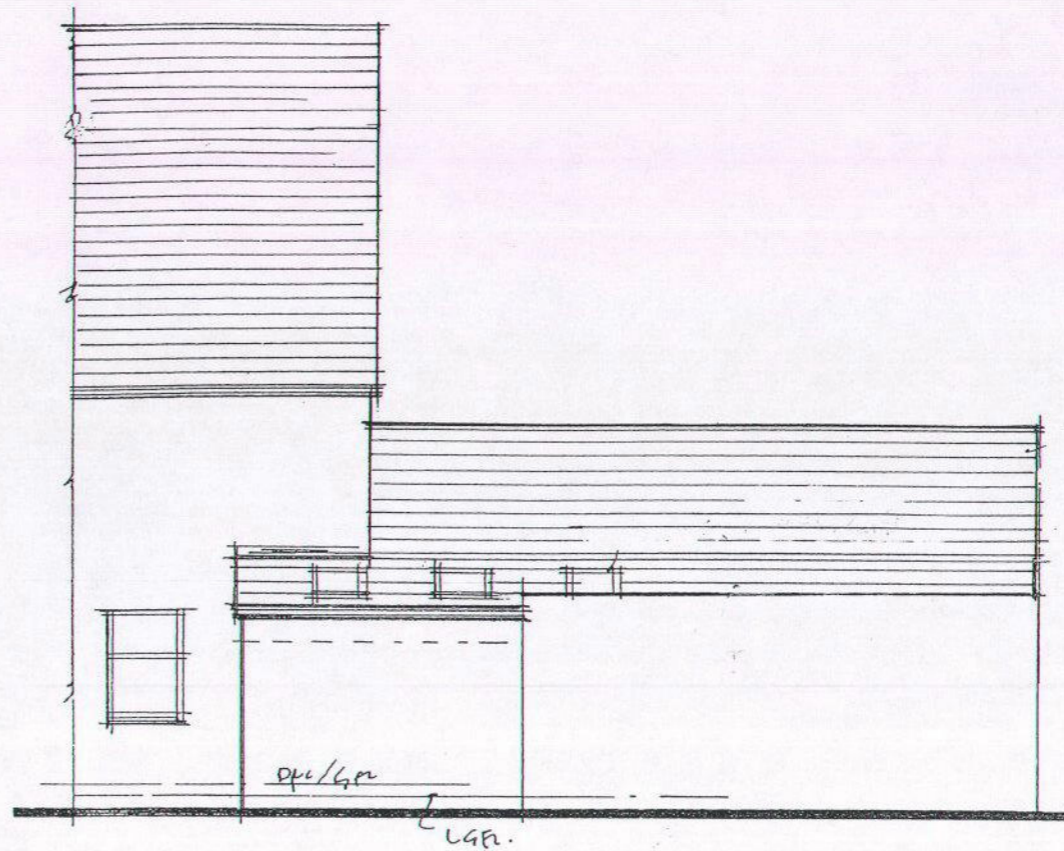
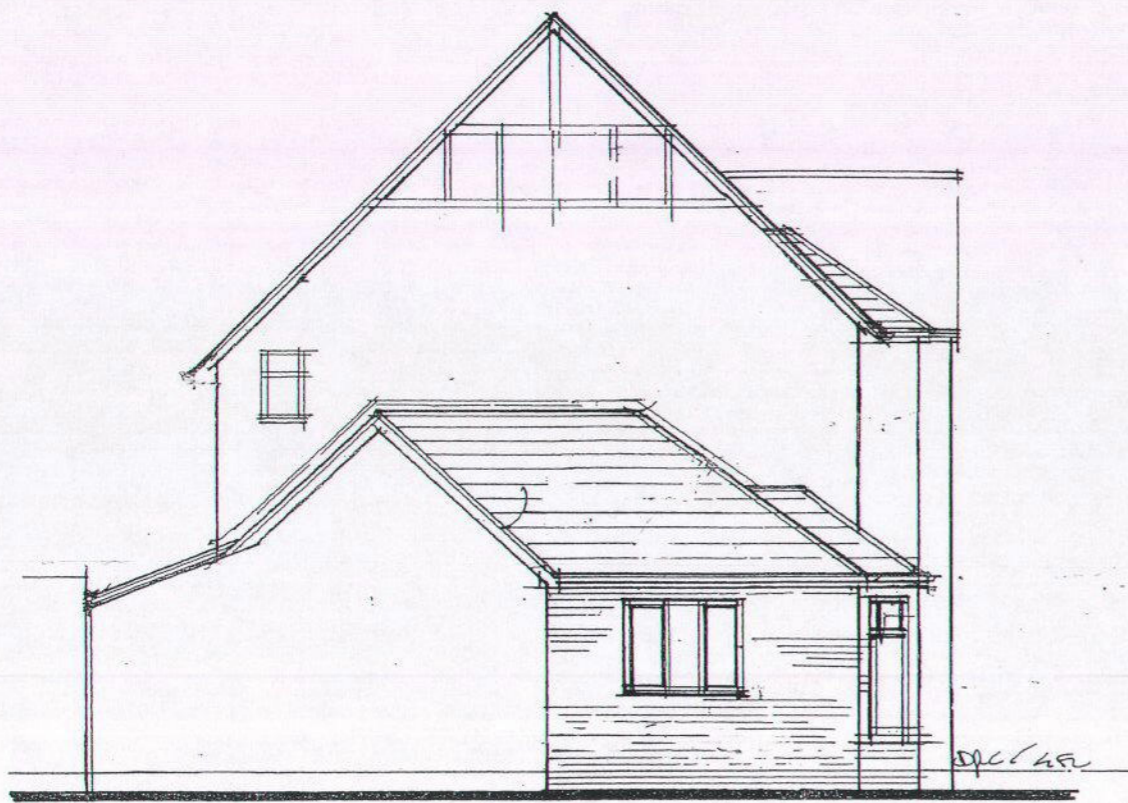


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DEVELOPMENT AT
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CARDIFF

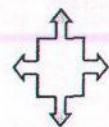
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SECOND FLOOR PROPOSED 1:100 at A3



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CARDIFF CF11 9HA
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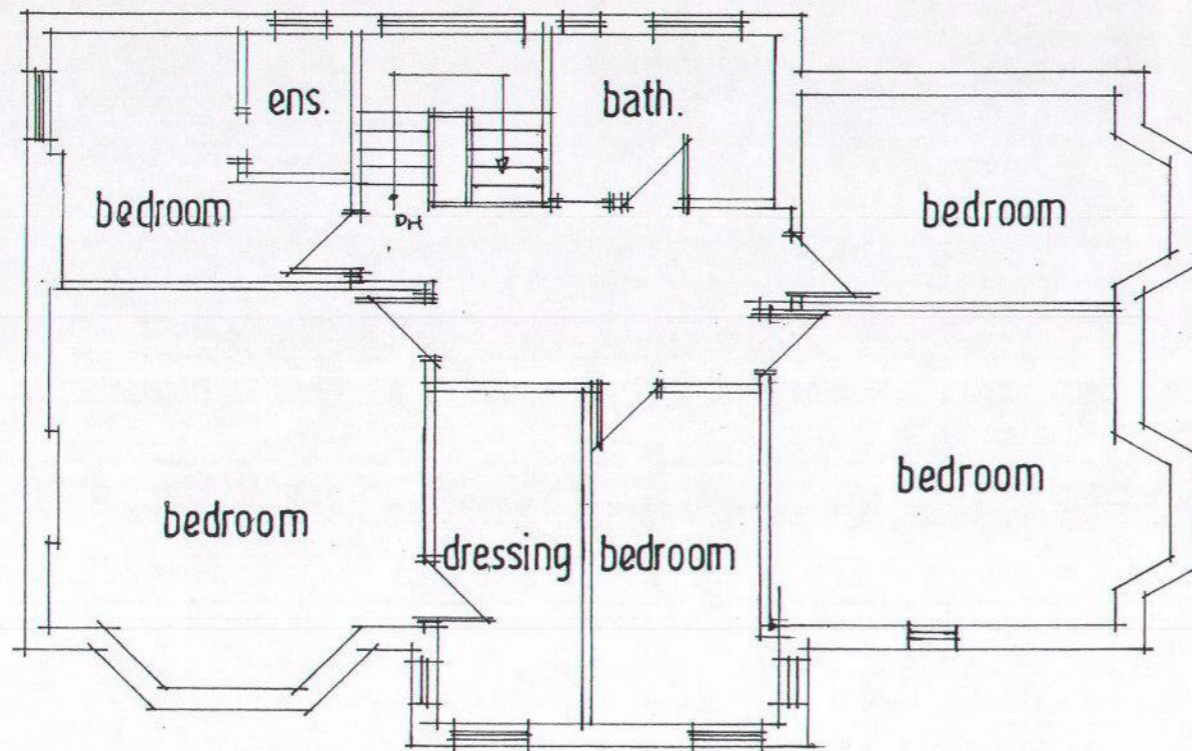
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**DEVELOPMENT AT
15 TY DRAW ROAD
CARDIFF**

17/02784

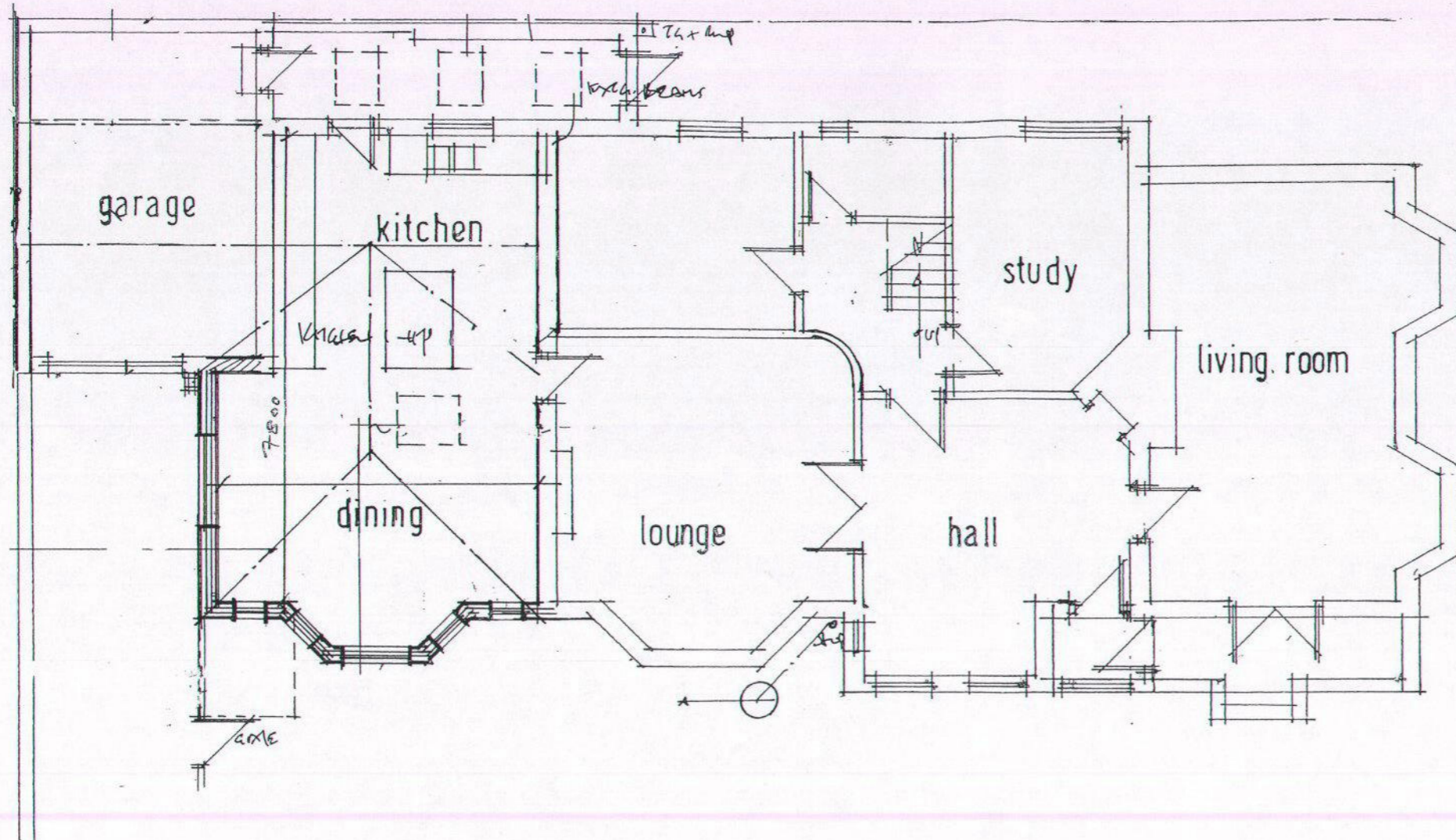
DATE AUG 2017 PLAN NO. BBD8/8

FRONT, REAR & SIDE ELEVATIONS EXISTING 1:100 at A3

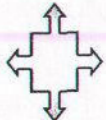


FIRST FLOOR EXISTING 1:100 at A3

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REVISIONS	DATE	REVISIONS	DATE

DEVELOPMENT AT
15 TY DRAW ROAD
CARDIFF

17/02784

DATE AUG 2017 PLAN NO. BBD8/2

GROUND FLOOR EXISTING 1:100 at A3

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AM, MP & LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **15/02960/MNR** APPLICATION DATE: 17/12/2015ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: Edge Developments (UL) Ltd
 LOCATION: 30 SPRINGFIELD GARDENS, MORGANSTOWN, CARDIFF,
 CF15 8LQ

PROPOSAL: 4 NO. NEW BUILD DETACHED DWELLING HOUSES IN LAND
 TO THE REAR OF 30 SPRINGFIELD GARDENS,
 MORGANSTOWN (INCLUDING DEMOLITION OF
 DETACHED GARAGE STRUCTURE AND ASSOCIATED
 EXTERNAL WORKS)

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matter detailed in paragraphs 5.9 and 8.24 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents :

1948-099 (site location plan), 1948-106 C (site plan), 1948-109 B (site context plan), 1948-108 (site section), 1948-101 C (house type A), 1948-102 B (house type B), 1948-103 C (house type C) and 1948-105 (house type D revised).

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no extension shall be placed within the curtilage of the dwellings or any alteration undertaken to the roofs.

Reason: To ensure that the privacy of adjoining occupiers is protected and to retain adequate amenity space for future occupiers in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

4. The following windows shall be non-opening below a height of 1.7 metres above internal floor level, glazed with obscure glass and thereafter be so retained:

- i) The first floor windows in the north west elevation of house type A;
- ii) The first floor bedroom window on the south east elevation of house Type A.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no further windows shall be inserted in the dwellings hereby approved.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with policy 2.24 of the deposit Cardiff Unitary development Plan.

6. Prior to the construction of the dwelling units above foundation level, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be

assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

10. Any site won recycled aggregate material 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 recycled material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the local planning authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

11. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the

development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of the development. The scheme to be submitted shall:

- a. Undertake infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753.
- c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the 5l/s for all return periods
- d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- f. Incorporate appropriate pollution prevention measures to protect surface water runoff which enters surface water drains and/or the nearby minor watercourse from pollution during construction.

Reason: To decrease the risk of flooding elsewhere and prevent hydraulic overload of the public sewerage system in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan and to prevent pollution in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

12. No development shall take place until such time as an Operations and Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority, giving details on how the surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas on site (outside of individual plot boundaries) shall be provided to the LPA. The development shall be managed in accordance with the approved Plan.

Reason: To decrease the risk of flooding elsewhere and prevent hydraulic overload of the public sewerage system in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan.

13. No development shall take place until such time as a groundwater assessment has been undertaken to identify the likely risk of groundwater flooding. The groundwater assessment shall be submitted to and approved by the Local Planning Authority prior to the commencement of

development. Where groundwater is identified, a scheme to manage and mitigate the risks associated with flooding from this source shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed and mitigated in accordance with the approved scheme.

Reason: To decrease the risk of flooding elsewhere and prevent hydraulic overload of the public sewerage system in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan.

14. Notwithstanding the submitted plans, no demolition, site preparation, clearance or development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include:

- A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
- A landscaping implementation programme.
- Scaled planting plans.
- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level. Services and drainage features should be positioned so as not to conflict with landscaping proposals.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities informed by the SRS and SRP.
- Scaled tree pit sectional and plan drawings informed by the SRS and SRP.
- A topsoil and subsoil specification for all planting types (trees, shrubs, grassland etc.) informed by the SRS and SRP. The specification shall make provision for the importation of topsoil and subsoil that has been certified in accordance with BS 3882:2015 and BS 8601:2013 respectively and shown to be fit for purpose in an interpretive report, if in situ, or otherwise if site won, soil is shown by the SRS to be unsuitable or insufficient for the proposed landscaping. The certification and interpretive report shall be submitted to the LPA and approved in writing by the LPA before the imported soil is emplaced at the site.
- Planting methodology and post-planting aftercare methodology informed by the SRS and SRP.

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

Reason: To enable the Local Planning Authority to determine that the

proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance and to ensure that all usable soil resources are appropriately recovered and protected, and not lost, damaged or sterilised during the construction process, in accordance with Policies KP5: Good Quality and Sustainable Design and KP: 15 Climate Change of the Cardiff Local Development Plan.

15. Any newly planted trees, shrubs or other landscaping plants, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of landscaping Condition 14 unless the LPA gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

16. No demolition, site preparation, clearance or development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

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

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

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

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

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

17. Notwithstanding the submitted plans, further details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
18. The car parking spaces and manoeuvring areas 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, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
19. Prior to the commencement of development, a scheme of construction management shall be submitted to and approved by the Local Planning Authority. This scheme shall include details of the storage of plant and materials used in constructing the development, the parking of contractors/delivery vehicles, wheel washing facilities, restrictions on access/egress to the site by delivery vehicles to outside peak hours together with details of measures to ensure that delivery vehicles will be able to access and leave the site avoiding the situation where they would obstruct the highway by being obliged to wait and unload on the highway. The proposed development shall be managed in accordance with the approved scheme.
Reason: In the interests of highway safety and public amenity, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
20. The width of the shared access road from its junction with Springfield Gardens to the proposed culverted watercourse on the site shall be as shown on drawing reference 1948-106C.
Reason: to ensure that vehicles will be able to pass each other and to ensure that any overspill/visitor parking can be accommodated within the site in order to preclude overspill parking on Springfield Garden in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
21. With regard to the demolition of the garage, the following precautionary mitigation measures should be implemented in order to counteract any potential risk of harm to bats:-
- Works should be timed to avoid bats' maternity and hibernation seasons;
 - Tool-box talks should be given to site operatives such that they are aware that bats may be present;

- Features such as roof tiles, soffits, barge-boards, fascias etc., and any other features which bats may use to roost or to access a roost should be 'soft-stripped';
- An ecologist should be on call in case bats are found during demolition, etc. If bats are found during these works, they should stop immediately and Natural Resources Wales contacted for advice;

Reason: To avoid harm to bats or their roosts, which are protected in accordance with Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.

22. Prior to the commencement of development, a reptile mitigation method statement shall be produced and submitted to the Local Planning Authority for approval. The mitigation of impacts upon reptiles shall be carried out in accordance with the approved method statement. The method statement shall include, but not be limited to, details of capture, exclusion to prevent re-colonisation, transfer and release to an agreed receptor site, and subsequent habitat management of that receptor site.

Reason: To ensure reasonable avoidance of harm to reptiles, which are protected species in accordance with Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.

23. No clearance of trees, bushes or shrubs or demolition of the garage shall take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in these features immediately (48 hrs) before their removal.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b). It is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

24. Notwithstanding the submitted plans, details of refuse storage facilities shall be submitted to and approved by the Local Planning Authority. The facilities shall be provided prior to the development being brought into beneficial use and retained thereafter.

Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

25. Prior to the commencement of development a scheme to minimise dust emissions arising from demolition/construction activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition/construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition/construction phase.

Reason: To reduce the impacts of dust disturbance from the site on the local environment/nearby dwellings in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

26. Notwithstanding the submitted details, prior to commencement of development, final plans showing the proposed floor levels of the dwellings and access road in relation to the existing ground level and the finished levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

RECOMMENDATION 2: The applicant is advised to secure the consent of the Operational Manager, Street Operations (via 'Highways@cardiff.gov.uk') prior to undertaking any works within the existing adopted highway in relation to the necessary widening of the existing footway vehicular crossover.

RECOMMENDATION 3: R1 Construction Site Noise

RECOMMENDATION 4: R4 Contamination and Unstable Land Advisory Notice

RECOMMENDATION 5: The Council's Ecologist has recommended that the following measures be incorporated into the scheme in the interests of nature conservation:

In order to compensate for the loss of bird nesting, roosting and foraging habitat caused by removal of trees and bushes on site, it is recommended that a number of bird boxes be erected in remaining vegetation, as suggested by sections 6.2.6 and 6.2.7 of the Ecological Assessment Report.

Measures should be incorporated into the drainage strategy, on the advice of an ecologist, which help to avoid amphibians getting trapped in gulley-pots. There are some simple measures which can avoid this such as offsetting the gulley pot from the kerb, installing 'wildlife kerbs' adjacent to the gulley pot or installing amphibian ladders in gulley pots.

Enhancement measures for bats should be incorporated into new buildings, such as bat bricks, bat tiles or providing bat access to roof voids

RECOMMENDATION 6: R2 Radon Gas Protection (basic measures)

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to construct four detached houses on land comprising part of the rear garden at 30 Springfield Gardens and land within the ownership of 38 Springfield Gardens, Morganstown.

- 1.2 Details of the layout and appearance of the proposed development are shown on the attached plans together with its relationship with neighbouring and nearby properties.
- 1.3 The houses are to be accessed from Springfield Gardens via a driveway to the side of existing house. This will be facilitated by the demolition of an existing garage located next to the boundary with the neighbouring property at no.26 Springfield Gardens. A further garage located at the front of the house will be retained for the use of the existing dwelling. The entrance onto Springfield Gardens is shown to be widened to approximately 6.5 metres permitting two vehicles to pass each other.
- 1.4 The proposed development comprises 2no.four bedroom houses, a five bedroom house and a two bedroom house occupying an overall site area of 0.36 ha.
- 1.5 The proposed dwellings at plots A, B and are C are two storeys in scale rising to a ridge height of approximately 8.7 metres. Following discussions with the Agent, the house proposed at plot D has been reduced in scale and height to approximately 7.1 and now incorporates a single storey wing with the first floor accommodation partly contained in the roof space. The dwelling at plot A has a one and a half storey element attached to its south east facing elevation rising to a ridge height of approximately 6.7 metres. All of the proposed units have attached or integral garages. The dwellings follow the topography of the site and occupy finished levels below that of the neighbouring houses.
- 1.6 Proposed materials comprise brown brick elevations with grey slate roofs. The windows and fascias/soffits are shown to be powder coated grey and combined with the proportions of the glazing elements, are intended to provide for a subtle contemporary aesthetic to the design. The simple pitched roofs seek to reflect the traditional form of the surrounding properties.
- 1.7 In addition to a Design and Access Statement, the application is supported by a several documents including a Drainage Strategy, Ecology Report, Tree Report, Flood Risk Assessment, Noise Assessment and a Geotechnical Desk study.
- 1.8 With regard to the drainage strategy for the site, a surface water attenuation pond is proposed with foul flows proposed to connect to the public sewer in Springfield Gardens enabled by a private pump chamber located within the site.
- 1.9 The application proposes the removal of several trees and other planting. None of the trees are covered by preservation order and the supporting Tree Survey classifies the trees as either Category C (i.e., of either low quality) or U. It should be noted that a number of trees have been felled and some site clearance undertaken since the planning application was first submitted for determination. The application includes an indicative planting scheme for the site which has been subject of discussions with the Council's Tree Officer.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises the site of 30 Springfield Gardens, a relatively modern detached dwelling occupying a large plot with a substantial rear garden extending northwards towards Ravensbrook, together with part of the rear garden of a neighbouring property at 38 Springfield Gardens.
- 2.2 Springfield Gardens consists of a mixture of detached, semi-detached and terraces houses, generally of traditional pitched roof appearance with short front gardens/enclosures. No. 30 is an exception as the house is set back approximately 16.0 metres from the footway. A double garage is positioned in front of the dwelling set back 10.0 metres from the footway.
- 2.3 The vehicular access to the property is located towards the side boundary of the neighbouring property at 26 Springfield Gardens. There is a further garage positioned to the rear of no. 30 next to the boundary with the neighbouring property.
- 2.4 There is a fall in ground levels across the site from south to north. The topography slopes upwards beyond its northern boundary towards Ravensbrook. This area is screened with trees/shrubs. The rear garden of no.30 is crossed by a small open watercourse which generally divides the more formal lawn area to the south from informal areas of tree/shrub planting to the north.
- 2.5 The properties adjoining the application site in Springfield Gardens typically have long rear gardens. Nearby houses to the north and west of the site occupy elevated positions in relation to the site, including the terrace at Teaman's Row. Consequently, some properties have an outlook across the site.

3. **PLANNING HISTORY**

- 3.1 90/0992W: Outline planning application for 2 no. dwellings refused for the following reasons:
 - i) *The proposal is a form of 'tandem' development which would give rise to a serious loss of privacy and amenity for the occupier of no. 30 Springfield Gardens resulting from the use of the existing drive and its extension through the back garden by the occupiers of the proposed houses and by the dramatic reduction in the size of the back garden.*
 - ii) *The occupation of the proposed houses could give rise to an unreasonable loss of privacy for the occupiers of adjoining houses and the applicant's house especially if the boundary hedges die or are cut back.*
 - iii) *The proposed houses would not provide adequate living environments in view of the extremely limited length of their back gardens.*

4. **POLICY FRAMEWORK**

- 4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP3 (B): Settlement Boundaries
KP7 Planning Obligations
KP15 Climate Change
KP5: Good Quality and Sustainable Design
EN13: Air, Noise, Light Pollution and Land Contamination
EN6 Ecological Networks and Features of Importance for Biodiversity
T5: Managing Transport Impacts
EN8: Trees, Woodlands and Hedgerows
EN7: Priority Habitats and Species
EN10 Water Sensitive Design
EN14 Flood Risk
H3 Affordable Housing

4.2 Supplementary Planning Guidance includes:

Supplementary Planning Guidance: Cardiff Infill Sites (2017);
Supplementary Planning Guidance: Access, Circulation and Parking (2010);
Supplementary Planning Guidance: Waste Collection and Storage facilities (2016);
Supplementary Planning Guidance: Green Infrastructure (November, 2017);
Supplementary Planning Guidance: Planning Obligations (2017)

4.3 Planning Policy Wales Edition 9 (2016):

1.2.5 Provided that a consideration is material in planning terms it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- 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
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.
- Locate developments so as to minimise the demand for travel, especially by private car
- 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

4.7.4: Local Planning Authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or

near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.11: Local Planning Authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

5.2.9: Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

9.1.2 Local Planning Authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local Planning Authorities should promote, inter alia, development that is easily accessible by public transport, cycling and walking, attractive landscapes around dwellings with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive, well designed living environments, where appropriate at increased densities.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3: Insensitive infilling or the cumulative effects of development or redevelopment should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

12.4.1: The adequacy of water supply and the sewerage infrastructure are material considerations in planning applications and appeals.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design stage, construction and demolition stage should be made by developers.

13.2.1: Flood risk is a material planning consideration

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation raises no objection to the application on highway safety/transportation grounds, advising as follows:

The proposed layout makes adequate provision for off-street curtilage parking for both the proposed new dwellings and also the retained existing dwelling, while any visitor parking could be adequately accommodated on the new shared access

road. I note that a large number of objections, including a petition, have been submitting opposing the application on grounds which include highway/parking concerns. I am satisfied that the proposed development will not generate the feared overspill parking on Springfield Gardens and would not thereby exacerbate existing kerbside pressure, while the proposed four new dwellings would generate in the order of only some 3 additional two way vehicle movements along Springfield Gardens during peak hours.

For the foregoing reasons I consider that an objection on highways grounds would be very difficult to sustain at any future appeal and I would therefore not raise an objection, subject to conditions relating the retention of parking (D3D) and to the proposed new shared access road being a minimum of 4.5 metres in width along its length to ensure that vehicles will be able to pass each other and to ensure that any overspill/visitor parking can be accommodated within the site in order to preclude overspill parking on Springfield Gardens). With respect to the objections raised, I would comment that the associated widening of the existing access onto Springfield Gardens would be marginal only and not to a degree that an objection on the grounds of loss of existing kerbside space would be sustainable.

I would also request the imposition of a Construction Management Plan as follows:

Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the LPA. This scheme shall include details of the storage of materials, and the parking of contractors/delivery vehicles, equipment and wheel washing facilities within the site, restrictions on access/egress to the site by delivery vehicles to outside peak hours together with details of measures to ensure that delivery vehicles will be able to access and leave the site avoiding the situation where they would obstruct Springfield Gardens by being obliged to wait and unload on the highway. Reason: in the interests of highway safety and public amenity, and to preclude overspill parking which would exacerbate existing kerbside pressure on Springfield Gardens.

I would also suggest a second recommendation advising the applicant of the need to secure the consent of the Operation Manager, Street Operations (via 'Highways@cardiff.gov.uk') prior to undertaking any works within the existing adopted highway in relation to the necessary widening of the existing footway vehicular crossover.

In response to additional representation from Councillor McKerlich, the Officer comments as follows:

Rather than separate accesses serving no. 30 and the proposed new dwellings, all are to be served by an improved single shared access and a condition has been requested requiring that this shared access be a minimum of 4.5 metres in width to both ensure that vehicles will be able to pass each other whilst also ensuring that any overspill/visitor parking can be adequately accommodated within the site without generating overspill parking on Springfield Gardens itself.

The Councillor raises a concern with regards to the potential for inconsiderate parking on Springfield Gardens resulting in obstruction of vehicles seeking to

access/egress the proposed development. This is a common problem throughout Cardiff on many older narrower streets which experience heavy parking pressure. Parking is such a manner as to obstruct an access is illegal and would be a matter for the police. However, in this instance the 'existing' access is to be widened which will have the effect of aiding access/egress manoeuvres to/from the site. I am satisfied that the widening the existing access to 4.5 metres will be sufficient to ensure that such problems do not arise in the future.

The Officer has also provided the following additional comments in response to further concerns from a local resident:

I note the concerns raised with respect to kerbside parking congestion creating difficulty for access by large vehicles, and have addressed this in my previous comments in terms of this being an 'existing' problem, which, since adequate off-street parking is proposed for the new dwellings and for visitors, would not be exacerbated to a significant degree by the proposed development.

Where these concerns may be more pertinent would be during the course of the construction period when delivery vehicles will be seeking to access the site. If cars are parked in close proximity to the site access, it may have the effect of precluding their ability to turn into the site obliging them block the road while they unload before undertaking lengthy reversing manoeuvres back to Ty Nant Road. However, mindful of the transient nature of such a problem and that deliveries would take place in the daytime where parking levels may be expected to be less, I do not consider that it would be a sustainable reason for objection.

I am sure that such a scenario can be avoided and consider this can be adequately addressed via the requested Construction Management Plan.

5.2 The Operational Manager Waste Management advises as follows:

The distance from the bin store to the dwellings it serves is a concern to Waste Management. The Officer advises that it may be possible for the collection vehicle to use the access road to reach the proposed properties, but vehicle tracking must be submitted to ensure its largest vehicles can enter and exit the site in a forward gear.

5.3 The Operational Manager, Drainage Management, having assessed the information submitted with the application and having considered the detailed representations submitted by local residents, raises no objections to the positive determination of the application on drainage/flood risk grounds subject to conditions, commenting as follows:

We have reviewed the information available on the planning portal objecting to the planning application and also provided our recommendations for conditions.

It is worth noting the application is classified as a 'minor' development and as such, the information submitted must be proportionate.

As part of the application process, information has been received from neighbouring residents in relation to groundwater flooding concerns. Much of this information relates to the level of underlying groundwater and the potential changes to this regime in circa 20 years, should CEMEX cease dewatering operations.

As with any planning applications, whilst future implications such as climate change must be considered, assessing a potential unknown such as third party ceasing existing operations a significant time in the future is both difficult to quantify and unreasonable to impose on a current planning application. Should a third party, in this instance CEMEX, ultimately decide to cease dewatering operation then it would be implicit for their technical team to confirm such an action at that time would not have a detrimental impact on the surrounding area and environment.

Concerns have also been raised with regard to groundwater flooding at the site itself, notably through reference to groundwater level observations from a borehole constructed approximately 100m to the southwest and historic boreholes constructed in the surrounding area. Pre-commencement planning conditions are proposed below which deal with detailed assessments and the design of the scheme. Notably, the proposed conditions require overall site drainage design along with site specific investigations in relation to the hydrological and hydrogeological regime, which will provide further clarity on the current site specific setting and these will dictate the ultimate design requirements.

It is noted that the objections raised also pose concerns in relation to the future operation of the site drainage strategy, namely that the residents will be required, in perpetuity to:

- i) pay the communal maintenance charge for bi-annual inspection and clearance of the watercourse, attenuation pond, land drainage and flow control chambers;*
- ii) maintain manageable levels of vegetation within the watercourse;*
- iii) pay their electricity bills for the sewage pumping station.*

It is common place on planning applications for the applicant to propose sustainable drainage systems (SuDS) to manage storm water at source and this is welcomed as part of the drainage design. A design has been put forward, which has been agreed, in principle, but will be subject to refinement following intrusive investigation, to control storm water at source via an attenuation basin in accordance with the principle of SuDS. The conditions suggested also state that the design needs to be in accordance with best practise document CIRIA C753. The maintenance and management of the SuDS will be determined following the agreement of the detailed design.

With respect to the maintenance of the watercourse, there is a requirement for a riparian owner to maintain their watercourse. In addition, regarding any blockages that are not maintained, the Council has powers under the Section 25 of the Land Drainage Act 1991 to require any nuisance to be abated. Any enforcement under this Section will be based on a flood risk assessment.

The foul sewage will be put up for adoption by the developer by Dwr Cymru Welsh Water and this is common place. These discussions will be held between the relevant parties.

In summary, the conditions suggested seek to ensure that the site is drained in a sustainable manner and the storm water is managed at source. In addition, the conditions will determine the hydrological and hydrogeological aspects of the site and ensure compliance with the requirements of TAN15. Finally, the management of the SuDs in perpetuity is reflected in the suggested conditions and this will be undertaken in accordance with an approved scheme.

The applicant proposes to deal with surface water flows via onsite attenuation with discharge to the onsite watercourse at 5l/s. Current assessments identify a reduction in run-off to the watercourse post development as a result of the implementation of this and a perimeter drain which will intercept and attenuate overland flow to 85l/s. This approach is welcomed to providing a flood risk reduction downstream of the site and we would look for this strategy to possibly be refined at detailed design to further this reduction.

In addition, there will be a requirement for a detailed maintenance and operation plan to be presented for review by the Local Authority to confirm who will ultimately be responsible for the ongoing maintenance of the system in perpetuity.

I would recommend the following conditions:

- 1. No development shall take place until detailed a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Cardiff City Council as the Lead Local Flood Authority (LLFA). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:
 - a. Undertake infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS*
 - b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753.*
 - c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the 5l/s for all return periods*
 - d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.**

- e. *Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.*
2. *No development shall take place until such time as an Operations and Maintenance Plan has been submitted to and approved in writing by the LPA, in consultation with the LLFA, giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.*
 3. *No development shall take place until such time as a groundwater assessment has been undertaken to identify the likely risk of groundwater flooding. Where groundwater is identified, a scheme to manage and mitigate the risks associated with flooding from this source should be submitted to and approved in writing by the LPA in consultation with the LLFA.*

With regard to the culvert, any maintenance is the responsibility of the riparian owner and therefore a developer would not be responsible for such assets off their land. I would note that this culvert has recently undergone a root cutting exercise and has therefore improved capacity and operation.

The flail that remains in the culvert is within a manhole so does not have the same risk posed to flooding should it have been stuck in the culvert barrel. Nevertheless, we are hoping to attend to remove the obstruction shortly but timing will be determined by the resident's agreement.

Further to the late representation with respect to the above planning application, specifically with regard to the CEMEX quarry operation, I can confirm that historic pumping/dewatering within the quarry commenced in the a late 1980's/early 1990's and up to the present day has discharged surface water and perched groundwater only into the River Taff. The permissions and issuing of licences to extend (deepen) the quarry operations are the responsibility of Natural Resources Wales and I understand the future dewatering works have been granted.

The Flood and Coastal Risk Management team's understanding of the situation is detailed below:

- *There is no obvious geological structure that would convey water directly to the development site;*
- *Groundwater movement within the limestone is secondary porosity with limited evidence of voids at depth (based on a series of site investigations);*
- *A review of recorded regional groundwater levels confirms that quarry dewatering operations have not yet impacted the regional groundwater body;*
- *Any influence of perched groundwater water bodies on the development are no longer relevant as the pathways have been permanently removed by quarry workings at shallow depth;*
- *The current flows observed within the development site can be considered a baseline condition.*

In conclusion, there has been no detrimental influence on the development from the historic dewatering and the present day conditions can be considered a baseline. With the onset of the permanent dewatering of the groundwater body there is the potential for the operation to have regional groundwater flows reduced, until such a time that the operation ceases. Should there be an impact on the development site (note: hydraulic continuity is not proven) there will be a reduction in groundwater flows (i.e. betterment with regard to flood risk) until cessation of pumping, where groundwater levels will rebound to somewhere near present day conditions. It is not considered that there is any need for further investigation into this specific topic.

- 5.4 Pollution Control (Noise & Air): The officer has also requested a condition relating to dust control and informative R1 (Construction Site Noise).
- 5.5 Pollution Control (Contaminated Land): Standard conditions are requested relating to unforeseen contamination, importation of soils and aggregates, use of site won aggregates together with informatives R2: Radon Gas Protection and R4: contaminated/unstable land.
- 5.6 The Tree Officer advises that a provisional Tree Preservation Order (TPO) initially applied to the trees within and bounding the site. Following a site visit, and taking account of the submitted tree report, the Officer concluded that the trees within the development site were of low arboricultural quality and should not be considered a significant constraint to development. The provisional TPO was subsequently left to lapse.
- 5.7 The Council's Ecologist comments as follows:

I have considered the report into the Ecological Assessment, and also the 'Survey for Trees with Bat Potential' report, both carried out by David Clements Ecology Ltd in support of this application, and have the following comments to make.

Designated Sites

It is agreed that the development is unlikely to affect any locally or nationally designated sites nearby and I do not consider that any of the habitats on site would justify designation as a Site of Importance for Nature Conservation.

Habitats

I agree with the assessment of the habitats present on site provided in the Ecological Assessment, although detail provided on the stream habitats is limited. In relation to the stream, I am satisfied that it would not support any high priority species such as Otter, Water Vole, or Freshwater Crayfish and also that it would remain relatively intact, subject to the introduction of a culvert, following development. Therefore my overall view is that the severity of the impact would be relatively low, provided the drainage system on the development site does as much as possible to avoid contamination of the stream. I do not say that there are not species of plant and animal in the stream, nor that there will be no impact

whatsoever, but in the context of ongoing development in Cardiff, the scale of impact of this proposal would be relatively minor.

Consultees on this application have referred to the stream as being a Priority habitat under the UK Biodiversity Action Plan (UKBAP). The UK BAP that is referred to is now defunct, and in Wales we work to the Section 7 list of the habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The priority habitats on that list do not include streams, and the watercourse on this site is not a 'River', as set out on that list. Even if this watercourse were of a habitat type on the Section 7 list, that in itself would not entail any protection of that habitat to the extent that it cannot be touched. Rather, the list (along with the corresponding species list) is a focus of a general duty upon public bodies to seek to maintain and enhance biodiversity in the exercise of their functions, and in doing so to promote the resilience of ecosystems. In that respect the Council has discharged this duty by considering the Ecological Assessment report submitted by the applicant's ecologist, by requesting further surveys and mitigation measures, and will secure those mitigation measures by planning condition, if consent should be granted.

Leaving aside the Section 7 list, I do not see that the stream habitats on this site are of such ecological importance as to allow me to advise the planning officer that the planning application be refused on the strength of the impact upon stream habitats. The ecological consultants assessed the stream to be of 'Local' value for wildlife, and much of the vegetation is ornamental (Gunnera and ornamental Iris species), though of course there will be native vegetation as well. The best that can be achieved is to make sure that surface-water run-off into the stream during construction is minimised, along with other construction impacts, and that as much of the stream as possible is retained in its present semi-natural state as possible after construction.

European Protected Species (EPS)

Dormice

I agree that the likelihood of Dormice occurring on this site is low, due to the small size and isolation of the site. Therefore I agree with the decision not to undertake survey or specific mitigation measures for this species.

Roosting Bats – Garage Building

Having visited the site, I do not agree with the statement at section 3.2.2 of the 'Ecological Assessment' report that 'the building is well sealed with no visible potential access points for bats'. A cursory survey of part of the exterior of this building revealed that the soffits and fascias were not in fact well sealed, but instead showed a series of gaps, at least 3 of which were greater than 1.5 cm wide; large enough for a small species such as a pipistrelle to crawl through.

However, there were no other signs of bat use, such as fur staining or grease marks, and there was evidence of disused cobwebs associated with many of the

gaps. Therefore I would say that the likelihood of bat use is low, and there is not enough evidence to justify requiring a more detailed survey at this stage.

This being the case, the following precautionary mitigation measures are proposed, which should be required as a planning condition:-

Condition: The following precautionary mitigation measures should be implemented in order to counteract any potential risk of harm to bats:-

- Works should be timed to avoid bats' maternity and hibernation seasons
- Tool-box talks should be given to site operatives such that they are aware that bats may be present
- Features such as roof tiles, soffits, barge-boards, fascias etc., and any other features which bats may use to roost or to access a roost should be 'soft-stripped'
- An ecologist should be on call in case bats are found during demolition, etc. If bats are found during these works, they should stop immediately and Natural Resources Wales contacted for advice
- Enhancement measures for bats should be incorporated into new buildings, such as bat bricks, bat tiles or providing bat access to roof voids

Reason: To avoid harm to bats or their roosts, which are protected.

Roosting Bats – Trees

Following the detailed tree inspection, the 'Survey for Trees with Bat Potential' report set out in sections 4.3 and 4.4 a series of recommendations namely that trees identified as Tree 2 and Tree 3 should both be subject to a visual inspection immediately prior to felling. Furthermore, a suitably licenced ecologist should use an endoscope inspect each hole which has been highlighted as having potential for bats. If bats or evidence of the presence of bats is found during the visual inspection work in the immediate vicinity must cease immediately and appropriate expert advice sought as a matter of urgency.

These trees have since been felled and through dialogue with the ecological consultants contracted by the landowner I am assured that these measures were implemented on 27th February 2016. No bat roosts were discovered during surveys or during felling, and so it can be concluded that no bats or bat roosts were affected.

Bat Foraging Habitat

It can be assumed that a range of species will be using the site for that purpose. Whilst there is no direct mitigation for the impact of loss of foraging habitat available, retention of as many trees as possible together with measures suggested in sections 6.2.5 to 6.2.8 of the 'Ecological Assessment' report, may offset this loss, albeit indirectly.

Great Crested Newts

I agree with the assessment that the presence of GCN's at this site is unlikely, although this assessment would have benefitted from a Habitat Suitability Index assessment of the waterbody on site. Having said that, the stream appears to be of low suitability to support this species, which normally prefers ponds rather than streams as a breeding habitat. In addition, we have a reasonably good understanding of the distribution of this species in Cardiff, and in my view, the site is too isolated from the nearest known population (at Goitre Fach, south of the M4) to justify a full GCN survey.

UK Protected Species

Reptiles

In general, I accepted the results of the reptile survey, although I did have a number of minor concerns over the methodology that was used. Taking these into consideration, my advice was that the population size class of Slow-worms (a native reptile species) may have been underestimated, and it may be the case that more Slow-worms than expected are encountered during translocation. I asked that this be borne in mind in the selection of a receptor site for translocated animals.

Some vegetation clearance has already taken place on part of this site. Slow-worms inhabited the part of this site which was cleared and I understand that six Slow-worms were moved from the area affected to other parts of the garden. Whilst this 'receptor area' already supports Slow-worms, I was satisfied that the habitat could accommodate this very small number of additional animals. There are no legal constraints upon a landowner who moves reptile species such as Slow-worms in this way as long as they are released in suitable habitat. If consent for this scheme is granted, then all of the Slow-worms from the development area would have to be translocated to a safe site elsewhere. Translocation of reptiles is a very widely used tool in the UK to avoid harm to reptile species which live on sites which are to be developed. I gather a site has been identified nearby in Radyr, which can accommodate these animals.

The following condition should be used to secure the protection of the remaining reptiles on this site:-

*Condition: Prior to development, a reptile mitigation method statement should be produced and submitted to the Local Planning Authority. Thereafter, mitigation of impacts upon reptiles should be carried out in accordance with that method statement. The method statement should include, but not be limited to, details of capture, exclusion to prevent re-colonisation, transfer and release to an agreed receptor site, and subsequent habitat management of that receptor site.
Reason: To ensure reasonable avoidance of harm to reptiles, which are protected species.*

Nesting Birds

As there are likely to be nesting birds on the site, the following condition is recommended, which accords with the recommendations set out in section 6.1.4 of the Ecological Assessment:-

Condition: No site clearance/demolition of (relevant features) to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in these features immediately (48 hrs) before their removal.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

Furthermore, in order to compensate for the loss of bird nesting, roosting and foraging habitat caused by removal of trees and bushes on site, it is recommended that a number of bird boxes be erected in remaining vegetation, as suggested by sections 6.2.6 and 6.2.7 of the Ecological Assessment.

Some vegetation clearance has already taken place at this site, and concerns were raised by nearby residents that nesting birds may have been affected by this work. However, clearance of vegetation in itself is not an activity that is controlled by the Local Planning Authority. I was assured by ecological consultants working at this site that site operatives were aware of the potential presence of nesting birds, and of the protection afforded to them. Nonetheless, I am aware that the local wildlife crime liaison officer, attended the site and I believe spoke to the workmen. No breach of the legislation afforded to nesting birds was identified. The landowner of this site further confirmed that he had re-iterated to site operatives the need to avoid harm to nesting birds.

Native Amphibians

A number of common amphibians are reported to have been found on site, although the species is not specified. At a site visit I observed approximately 15 clumps of Common Frog spawn which were in an advanced stage of development. Given that the stream on site is reported to have potential for amphibians to breed, and presuming this will remain the case after development, then measures should be incorporated into the drainage strategy which help to avoid amphibians getting trapped in gully-pots. For example, where gully pots are adjacent to full-depth kerbs (i.e. not dropped kerbs) there is a well-established danger that amphibians will follow the kerb and fall into the gully pot and get trapped. There are some simple measures which can avoid this, such as offsetting the gully pot from the kerb, or installing 'wildlife kerbs' adjacent to the gully pot, or installing amphibian ladders in gully pots. Whilst the common amphibian species on this site do not benefit from any relevant statutory protection, we should nonetheless recommend that the applicant implements these on the advice of their ecologist, if consent is granted, i.e.,

Recommendation: gully-pots and of roadside kerbs should be designed, under the advice of an ecologist, to avoid trapping amphibians which inhabit the proposed development site.

Biodiversity and Resilience of Ecosystems Duty

These comments contribute to this Authority's discharge of its duties under Section 6 of the Environment (Wales) Act 2016. This duty is that we must seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions.

- 5.8 The Housing Development Officer advised that in accordance with Local Development Plan Policy H3: Affordable Housing, an affordable housing contribution of 20% of the four units proposed (1 unit) should be sought. Although the priority is for on-site affordable housing in the form of affordable rented accommodation, given the proposed design of the scheme, the number of units as well as the affordability and practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, the Officer advised that a financial contribution of £131,080 would be acceptable in this instance.

In response to this request, the applicant commissioned a viability assessment of the scheme which was subsequently reviewed by the District Valuer (DVS) on the Council's behalf. The DVA's assessment is that the scheme would be marginally unviable and consequently no affordable housing contribution is sought in respect of the proposed development.

- 5.9 The Parks Planning Manager has agreed, in principle, to the translocation of Slow-worms to Council owned land around the Motte and Bailey in Morganstown subject to the payment of a commuted sum towards the future habitat management of the site. The Officer has assessed the contribution to be £5,200 which would need to be secured via a S106 planning obligation. The applicant has agreed to the provision of the sum.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Natural Resources Wales provided the following pre-application advice directly to the applicant (summary):

Flood Risk Management

The proposed application site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2014). Furthermore, the application site lies outside of the flood zones as detailed in our Flood Map information, which is updated on a quarterly basis. Based on this information, flood risk is considered to be minimal at this location and a Flood Consequences Assessment would not be required.

We advise the proposed culverting of the watercourse will require consent from

the Local Authority in their capacity as Lead Local Flood Authority.

Surface Water Drainage

The information submitted in support of the enquiry indicates surface water drainage is to discharge to watercourse. The proposed development is potentially increasing impermeable surfacing in the site. We therefore advise surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDs). SuDs are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDs involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands.

The variety of SuDs techniques available means virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs. Where this is not possible, any proposed drainage scheme should ensure run-off from the proposed development is reduced or will not exceed existing runoff rates.

A surface water assessment / drainage design strategy should be undertaken which should include the design of the surface water drainage system and how it will affect the site layout.

Pollution Prevention

We advise the implementation of appropriate pollution prevention measures to protect surface water runoff which enters surface water drains and/or the nearby minor watercourse from pollution during construction.

To further protect the water environment, we advise the production of a construction method statement prior to construction, including any demolition.

In respect of the current planning application, Natural Resources Wales provides the following representations:

We do not object to the application as submitted. We offer the following advice in relation to the proposal; flood risk management; surface water drainage; and, European protected species.

Flood Risk Management

The application site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). We note the submitted Flood Consequences Assessment prepared by C D Gray and Associates, Ref:8960-FCA-Rev0, dated September 2015, confirms the above. Furthermore, the application site lies outside of the flood zones as detailed in our Flood Map information, which is updated on a quarterly basis. Based on this information, flood risk is considered to be minimal at this location.

Surface Water Drainage

TAN15 advises for development located in Zone A the justification test is not applicable and surface water requirements apply. We note surface water requirements have been assessed in the submitted Drainage Strategy prepared by C D Gray and Associates, Ref: 8960-DrainageStrategy-Rev0, dated September 2015. We note it is for your Authority's Land Drainage Department to comment on the suitability of these proposals.

European Protected Species

We note the submitted Ecological Assessment, prepared by David Clements Ecology Ltd, dated September 2015 and recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of European Protected Species (EPS) being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2), surveys may be required. Please consult us again if any surveys undertaken find EPS are present at the site and you require further advice from us.

NRW has been made aware of biodiversity and drainage/flood risk concerns raised by a number of residents and has responded as follows:

With regards to the surface water issues raised, this is a matter for the Lead Local Flood Authority (LLFA) which is Cardiff City Council. We advise you to contact your Land Drainage Department for further advice in this matter.

With regards to European Protected Species (EPS) and other Biodiversity issues we refer back to the advice in our response to the original planning application. We recommend you consult your own in-house ecologist regarding the presence of EPS and to re-consult us if any surveys find that EPS are present.

NRW was consulted following the receipt of amended drainage information and again raised no objections to the application commenting as follows:

We do not object to the application as submitted. We offer the following advice in relation to the proposal; flood risk management; surface water drainage; and, European protected species.

Flood Risk Management

The application site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The submitted Flood Consequences Assessment prepared by C D Gray and Associates, Ref:8960-FCA-Rev0, dated September 2015, confirms the above. Furthermore, the application site lies outside of the flood zones as detailed in our Flood Map information, which is updated on a quarterly basis. Based on this information, flood risk is considered to be minimal at this location.

Surface Water Drainage

TAN15 advises for development located in Zone A the justification test is not applicable and surface water requirements apply. Surface water requirements have been assessed in the submitted Drainage Strategy and associated

appendices prepared by C D Gray and Associates, Ref: 8960-DrainageStrategy-Rev4, dated November 2016. We note it is for your Authority's Land Drainage Department to comment on the suitability of these proposals.

European Protected Species

We note the submitted Ecological Assessment, prepared by David Clements Ecology Ltd, dated September 2015 and recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of European Protected Species (EPS) being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning paragraph 6.2.2), surveys may be required. Please consult us again if any surveys undertaken find EPS are present at the site and you require further advice from us.

Other Matters

Our comments above only relate specifically to matters included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

- 6.2 Welsh Water/Dwr Cymru advise that they have reviewed the Flood Consequence Assessment ref 8960-FCA-Rev 0 and the Drainage Strategy ref 8960-Drainage Strategy-Rev 0 dated September 2015 and request the following condition in the event that the application is recommended for approval:

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details of 8960-drainage strategy-Rev 0. Thereafter no 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.

The Company comments as follows having reviewed additional drainage information.

We have reviewed the additional drainage information submitted as part of the above application and can provide the following updated consultation response.

The updated Drainage Strategy document reference 8960-R4 and dated November 2016 indicates that surface water will not drain to a public sewer and identifies the potential to use a soakaway or discharge to a nearby watercourse/culvert. As the statutory sewerage undertaker we are only able to provide comment on any proposal seeking to connect to the public sewerage system. Therefore, our assessment of the drainage proposal and this consultation response will focus on the foul drainage proposal only.

Turning to the foul drainage proposal we can confirm that the principle of connecting foul only flows to the public sewer in Springfield Gardens is acceptable . We note that the Drainage Strategy indicates that a sewerage pumping station is required in order to achieve the required public sewer connection. This proposal is indicative and we advise that the foul drainage proposal will be vetted in detail by our engineer via an application submitted under Section 104 of the Water Industry Act 1991.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

7. REPRESENTATIONS

7.1 Councillor McKerlich objects to the application, initially commenting as follows:

Springfield Gardens is in effect a narrow cul de sac running east to west; at the top (west) end is Teamans Row, a mature (most built in 1847) development of 6 houses ,4 of which do not have parking facilities. There is normally no scope to turn a car at the top of Springfield Gardens due to the number of densely parked vehicles and there is never scope to turn a large delivery vehicle or a refuse vehicle (this point can be verified with waste management). These large vehicles have to reverse up to the top or reverse back down again through 2 rows of parked vehicles with little clearance. The proposed site for these four houses, in a dip at the bottom of slopes going down from Teamans Row, Springfield Gardens and Ravensbrook; the site, in effect, acts as a large soakaway for surrounding homes and gardens; it is boggy and has an open stream running through it; despite the presence of this soakaway, gardens to the east in Springfield Gardens are very wet in times of heavy rain and, often have standing water. The nature of this site has made it a natural home for a wide variety of birds, bats and other rare wildlife and plants.

My concerns are:

- i) I object on grounds of over-development; the original building is subservient to the proposed development and planned access is inadequate.*
- ii) I am concerned that the proposed access will go very close to the existing house at 30 Springfield Gardens (SG) and the neighbouring house at 26 Springfield Gardens. This will be an invasion of privacy and intrusive with cars on headlights returning late at night.*
- iii) Springfield Gardens is very narrow and is already home to many parked cars. Further development, with several cars will exacerbate existing severe access issues and make it difficult for emergency vehicles and will oblige parked vehicles to be reversed down Springfield Gardens and onto the busy Tynant Road to turn. The submitted photos illustrate this point.*
- iv) The proposed development is on boggy ground with an open stream traversing it; I assume that the open stream will be diverted in to a culvert but this will disrupt the natural drainage from surrounding land which, at present, goes into the stream.*
- v) Homes on Teamans Row are located at the top of a steep escarpment above the development site which will be subject to a great deal of*

- groundworks including the culvert. Has a slope stability study been made on this slope and on the slope up to Ravensbrook?*
- vi) The site provides habitat for a variety of animals and birds and the developer commissioned a study detailing some but not all of these; this study accepts that the habitat will be converted to tarmac almost in its entirety.*
 - vii) There are trees worthy of preservation on the site and Cardiff Council is in process of establishing TPOs on these.*
 - viii) The new homes will significantly impair the privacy of the homes and gardens of several houses in Teamans Row, Springfield Gardens and Ravensbrook.*

The Councillor requests a site visit prior to the determination of the application given the petition with 100 names and the unusual aspects of the terrain. He also requests to speak on behalf of residents at Planning Committee.

The Councillor subsequently submitted the following additional representations:

I have done further research and walked the site and surrounding area. I think that a site visit is an essential prelude to determination for the following reasons:

The stream going across the site has a significant volume and if it is culverted into the existing culvert, it may overload that culvert which goes under the B4262. The hydrological study does not address this but it is difficult to see how any consequent overload could be remedied.

If the stream is culverted what would happen to the water arising in the surrounding areas which at present vents into the stream?

The land on either side of the stream is a very deep peat bog of considerable age. How will effluent from the proposed houses find its way uphill into the public sewer? Is the proposed solution reliable?

The northern part of the site has a number of very old trees with an extensive root structure. When these are removed it will be necessary to construct a substantial retaining wall along the boundary with Ravensbrook to prevent erosion of the land to the south of Ravensbrook. No such wall appears on the plans.

Given that there will be separate access to 30 Springfield Gardens and the planned new houses, the access road to the new houses will not be wide enough for 2 vehicles to pass. As a result of the narrow exit, when a vehicle exiting from the new houses reaches the current Springfield Gardens, it will not be possible to turn left if parked vehicles are situated opposite and near to the eastern side of the exit.

I believe that the site requires a proper survey to establish how much of the planned development is part of 30 Springfield Gardens; the area to the north east where the SuDS might be located is advised to be orphan land and the owners of 26 and 24 Springfield Gardens advise that they have a provable history of maintaining the sections at the end of their gardens. The area to the north

appears to include land in the ownership of residents of Ravensbrook.

- 7.2 Mark Drakeford AM and Kevin Brennan MP write in support of the case for a site visit by Planning Committee in advance of its determination, as follows:

The proposal in question involves a series of discrete but interlocking considerations which, we believe, would benefit greatly from being viewed directly by members of the committee.

Those considerations include:

- Very real concerns at the impact of the proposed development on the existing and complex drainage arrangements at the site which include a series of streams, culverts, steep escarpments, together with a very deep peat bog of considerable age. Unless the proposed development can demonstrate a convincing set of mitigating actions, the increased risk of flooding to existing properties would remain a legitimate source of continuing anxiety to those whose existing properties would be affected.*
- The current drainage arrangements culminate in a culvert which underpasses the B4262. Without significant safeguards - which it is difficult to envisage - there is a real risk that this culvert could be overloaded as a result of the proposed development, leading to major disruption in the wider locality.*
- The challenge of producing a remedial plan to address these drainage concerns is compounded by the complexity of land ownership in the immediate vicinity of the proposed development - a complexity which the current proposal fails adequately to address.*
- A site visit would also allow members of the committee to view for themselves the major challenges to traffic and parking which already exist in the immediate locality and which can only be exacerbated by further development.*
- Finally, in this non-exhaustive list of concerns, we draw attention to the local authority's own Local Development Plan which identifies the M4 as a boundary beyond which development should not be permitted. The current proposal violates that intention. While it is relatively modest in nature, the fact that it does not comply with the local authority's own major planning statement should, we believe, be regarded as a material factor in the planning committee's consideration.*

We do hope that, taking all these factors into consideration, you will feel able to agree to a site visit.

- 7.3 A 100 signature petition of objection has been submitted from local residents. The grounds of objection are as follows:

Destruction of vital green space, destruction of the environment, ecological impact, loss of privacy, light and noise pollution, flood risk and the impact on an already oversaturated infrastructure, parking, road and pedestrian safety, amongst many other reasons.

- 7.4 Some 62 representations have been received from neighbouring occupiers and

local residents objecting to the planning application on a variety of grounds. A summary of the objections received are identified below. Copies of the detailed objections can be viewed on the Council's website.

Parking and Highway safety concerns.

Inadequate parking provision. There is concern that the proposed development would lead to increased demand for parking space on Springfield Gardens (e.g., visitors to the proposed dwellings) coupled with reduced capacity for parking on Springfield Gardens due to the proposed widening of the access road. The street accommodates residents' vehicles from neighbouring streets who have no private parking or roadside parking. This results in the street being at saturation point, not only for parking but for the safe and free flow of traffic. Adding more traffic flow to an already busy street with limited passing and turning points, will create greater danger to residents. Vehicles exiting the site onto Springfield Gardens from an incline will become a dangerous hazard to other vehicle, pedestrians and cyclists.

Service vehicles struggle to manoeuvre in the street and on refuse collection day vehicles must wait whilst the refuse truck reverses half way up then stops whilst it is loaded. In an emergency, an ambulance, fire truck or police van would be hindered in its approach if this development goes ahead due to parked cars and loss of vision.

Impact on the living conditions of neighbouring and nearby occupiers and future occupiers.

The application will decrease the quality of life for residents. Neighbouring residents enjoy a private and quiet environment. The proposed development would change this irreversibly. There will be noise, light pollution and invasion of privacy. The topography of the area means that all the proposed houses would be overlooked. The proximity of the proposed driveway will result in an intolerable level of noise, disruption, loss of privacy and light to adjacent occupiers.

The development of the houses will result in the loss of dark skies with light from the houses being a constant feature.

Disruption and noise during building work would be inconvenient for many people living on the street who work shifts and have small children.

Loss of views. Concerns regarding possible structural damage to neighbouring property. Reference has been made to an historical planning application dating from 1990 for the refusal of planning permission for two detached houses to the rear of 30 Springfield Gardens.

Adverse Impact on the Environment/Ecology/Conservation Interests

Concerns that the proposed development would destroy part of an important wildlife corridor and result in a loss of green space/habitat. The site is host to many different species of reptiles, amphibians, birds, mammals and insects. There is concern that the ecological assessment conducted on behalf of the

developers is inadequate.

The proposed development area is also a locally important habitat including several mature trees, and a spring and brook. Building four detached houses around the spring and brook flies in the face of the attempts to improve biodiversity in Wales.

Building four detached houses in the centre of this green space will destroy the local character of the area. The proposed development will have an unacceptably high density and is a clear case of garden grabbing.

Drainage and Flood Risk Concerns.

The increased risk of flooding to existing properties has been raised as a significant issue. The site is crossed by a stream/ditch which culminates in a culvert which continues beyond the site across third party land. There is concern that the culvert could become overloaded as a result of the proposed development, leading to major disruption in the wider locality. The calculations and assumptions in the submitted drainage strategy and supporting information have been disputed by residents. It is contended that the calculated flood risk in the revised drainage strategy is a significant underestimate of the real flood risk, ignoring the groundwater flow and the effects of shallow water table conditions on runoff generation. It is also contended that flood risk in the proposed development area will increase further once operations in the nearby CEMEX quarry cease. Given the uncertainties relating to the hydrogeology, it is contended that currently it is not possible to quantify this risk. Residents comment that given severe flooding of the proposed development area has occurred in living memory, it would be reckless to allow properties and a sewage pumping station to be built in this area which is believed to act as the 'Sustainable Drainage Solution' for the neighbourhood.

Any development will diminish the amount of soakaway available for surface water to drain away, possibly resulting in increased ground water level, dispersing it to neighbouring properties.

The submitted Flood Consequences Report does not give sufficient assurance that the development will not cause downstream problems for residents in close proximity.

Other Matters.

- Concerns have been expressed about the stability of banks around parts of the application site.
- The application site is not sustainably located in relation to local facilities/services. Inadequate school provision.
- The description of the application is misleading because the plans are to build houses behind both numbers 30 and 38 Springfield Gardens.
- The proposed development would have a detrimental effect on property values.
- Query as to why an affordable housing contribution is not being sought.

- The Local Development Plan has been released recently and provided for many thousands of houses. The proposed development does not form part of that development plan and is not required.
- Building on a greenfield site
- Reference to a possible right of way over the site.
- The accuracy of the submitted plans are questioned with possible encroachment onto adjoining land ownerships.

7.5 A further representation from the 'Morganstown Community' objecting to the application was circulated on the late representation schedule for the 7th February, 2018 Committee meeting. The objection letter can be viewed on the Council's website. In summary, it concludes as follows;

We believe there are many good reasons why this development should be Refused permission. The developer has underestimated the complexity of the hydrogeological environment and the significance of the impact the development would have on the local area and its amenities. We understand the Council will draw up its own reasons, but we consider there are at least four matters which justify refusal:-

- i Its adverse impact on the amenities of neighbouring residents through noise and disturbance, loss of privacy, loss of vegetation and availability of parking;*
- ii Its failure to recognise and to address flood risk from groundwater and surface water or to prepare an adequate drainage strategy;*
- iii Its unsustainable location;*
- iv Its poor design (over development).*

8. **ANALYSIS**

- 8.1 This application was deferred by Planning Committee at its meeting on 10th January 2018 in order to undertake a site visit. The visit took place on Monday, 29th January 2018 and the application was reported back for determination on 7th February, 2018 when it was resolved to defer a decision in order for officers to examine a potential reason for refusal on grounds relating to the adverse impact of the development on the amenities of neighbouring and future occupiers. A suggested reason for refusal is offered in section 10 of this report.
- 8.2 Detailed planning permission is sought to construct four detached houses on land comprising part of the rear garden at 30 Springfield Gardens and land within the ownership of 38 Springfield Gardens, Morganstown. The site lies within the settlement boundary as defined in the Cardiff Local Development Plan and there is no 'in principle' objection to its redevelopment for residential purposes. Planning Policy Wales advise that in contributing to the Well-being of Future Generations Act goals, planning decisions and proposals should '*promote resource efficient and climate change resilient settlement patterns that minimise land take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitably previously developed land and buildings, wherever possible avoiding development on green field sites.*' Notwithstanding the removal of soils and loss of impermeable surfaces over part of the land to facilitate the development, this needs to be balanced against the

benefit of development on a resource efficient site within the settlement boundary.

8.3 The main planning issues are considered to relate to the following matters:

- (i) the likely effect of the proposed development on the character and appearance of the area and street scene;
- (ii) the likely effect on the living conditions/residential amenity of the occupiers of neighbouring and nearby houses (including the occupants of the existing house on the site) and the quality of the living environment for future occupiers of the proposed dwellings;
- (iii) drainage and flood risk;
- (iii) highway safety/ parking;
- (iv) the effect on trees and ecology/conservation interests.

8.4 The proposed scheme constitutes backland development and would therefore need to be assessed in relation to the Council's Infill Sites Supplementary Planning Guidance (SPG) on this matter.

8.5 The Infill sites SPG includes the following advice in respect of backland development:

Any proposals within backland sites should reflect the characteristic scale of backland development within the local area. As a general rule, backland development should be a subservient form of development (lower than the front facing properties). The design of backland development must be based on a clear understanding of the effects that this type of development has on character and residential amenity. Problems that can occur which must be avoided, or minimised to an acceptable level, are:

Loss of privacy and spaciousness.

Loss of daylight.

Inadequate access.

Loss of green/garden space.

Enclosure of public utility services.

Loss of car parking.

The prejudicing of future development through piecemeal development.

Poor aspect onto 'inactive' frontages or rear lanes. (para.2.9);

8.6 Paragraph 3.5 of the Infill Sites SPG states that *'Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.'*

8.7 Paragraph 4.11 of the Infill Sites SPG states that *'to safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.'*

8.8 Paragraph 3.5 of the Infill Sites SPG states that *'Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be*

demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.'

- 8.9 With respect to the effect of the proposed development on the character and appearance of the street scene, the dwellings would have limited visual impact from the public realm of Springfield Gardens having regard to their siting to the rear of the existing dwelling and their distance from the highway. The units would occupy a lower ground level than Ravensbrook to the north and would not be dominant in views from this estate, having regard to the topography of the area and the screening effect of retained planting. The development would be clearly visible from the terrace of properties at Teaman's Row, sited in an elevated position in relation to the application site. The occupiers of these properties would inevitably experience a change in outlook. However, this, in itself, is not considered sufficient ground on which to refuse the application.
- 8.10 The proposed development is not considered to represent an over development of the site which is relatively large, measuring approximately 0.36 ha in area. The provision of 4 new dwelling units and retention of the existing dwelling house represents a gross density of under 14 dwelling units per ha (approximately 5.6 dwelling units per acre). This is not considered to be an overly intensive level of development assessed against current standards. The layout has been amended by reducing the area of hard surfaces initially proposed to provide more space for landscaping in front of houses and around the stream. The revised house D design has also allowed for more landscaping.
- 8.11 It is not considered that the proposed development has been 'squeezed' onto the site such that future occupiers would experience a poor living environment. In this regard, all units enjoy a high quality of internal living space. Private amenity spaces are in excess of the minimum requirements outlined in the Council's Infill Sites SPG. Whilst the overlooking of certain plots would be possible from elevated neighbouring gardens, this could be mitigated to a degree by a scheme of tree/hedge planting.
- 8.12 The Infill Sites SPG advises that for backland sites, buildings of a lower height are often more appropriate to minimise overbearing issues and reduce impact on residential amenity. The advice states that account should be taken of ground levels as development is likely to have greater impact on neighbouring properties when it is located on higher ground. In this case the proposed dwellings would generally occupy lower ground levels than the neighbouring properties adjoining the site. Following discussions with the Agent, the house proposed at plot D has been reduced in scale and height and now incorporates a single storey wing with the first floor accommodation partly contained in the roof space.
- 8.13 Tandem development is a form of backland development where one new house is placed directly behind another either sharing the same, or an additional driveway/access. The infill Sites SPG states that this form of development is generally unacceptable because of the consequential impact on the residential amenity of the surrounding dwellings. However, it also comments that where plots are of a sufficiently large size, proposals which are sensitively designed to limit their impact upon neighbouring properties may be considered.

- 8.14 On balance, the current proposal is considered acceptable in this regard given the size of the site, the width of the proposed access which would exceed that of a normal driveway allowing two vehicles to pass each other and the screening effect of proposed boundary enclosures. There are no windows in the main side elevation of the neighbouring dwelling at no. 26 Springfield Gardens. A single ground floor window in the side elevation of the existing house at no. 30 is of secondary nature. Whilst it is inevitable that neighbouring occupiers will experience some noise disturbance from the coming and going of vehicles, a noise assessment submitted with the application concluded that the level would not be unacceptable. The Council's Pollution Control Officer has not raised an objection to the application on this ground or in respect of light pollution.
- 8.15 Neighbouring and nearby occupiers are concerned that the proposed development would have an overbearing effect on the adjoining properties and that there would be unacceptable overlooking issues. However, the proposed layout achieves or exceeds the recommended minimum overlooking distance of 10.5 metres from a habitable room window to a garden area of a separate dwelling. Advice in the Infill Sites SPG states that normally, a minimum of 21.0 metres should be maintained between principal windows to habitable rooms which is also achieved and significantly exceeded in most cases. The house proposed at plot D has been reduced in scale and height and now incorporates a single storey wing with the first floor accommodation partly contained in the roof space. It is considered that the amended design is acceptable in terms of its likely effect on the living conditions of the neighbouring occupiers.
- 8.16 The proposed scheme has not been designed to provide access for refuse vehicles. Waste would need to be collected from Springfield Gardens and a bin store area would be provided near the site entrance. It is considered that there is sufficient space for such a facility to be provided without causing unacceptable harm to the amenity of neighbouring occupiers.
- 8.17 Concern has been raised regarding the stability of the slopes leading down to the site from Ravensbrook/Teaman's Row. Although the submitted plans do not show encroachment of works onto the banks, this point was brought to the attention of the Agent who advises that the matter has been appraised by the applicant's consulting engineers stating that the embankments are of long-standing and show no signs of movement or slippage.
- 8.18 With regard to concerns about the possible impact of any works on the neighbouring property at no. 26 Springfield Gardens, the agent advises, having liaised further with the applicant's engineers, that they are satisfied no building work is proposed immediately adjacent to no. 26 except for a lightweight bin store structure which would have no impact. They comment that proposed driveway is indicated as being 2.0 metres away from the gable and as such would not undermine, weaken or cause subsidence to the property. They further comment that longer term use of the road would be by lightweight vehicles and the engineer does not anticipate excess vibration or ground disturbance arising.

- 8.19 Although there has been mention of a possible right of way over the site, Council records indicate that there is no public right of way affecting the land. The submitted plans are considered to provide sufficient accuracy to enable the planning application to be determined. With regard to land ownership, the red line boundary corresponds to land registry documentation for the ownership of the site.
- 8.20 Reference has been made to historical planning application dating from 1990 for the refusal of planning permission for two detached houses to the rear of 30 Springfield Gardens (see paragraph 3.1). That application proposed development on a smaller site comprising part of the rear garden to the south of the stream/ditch. On balance, the current application is considered acceptable in terms of its likely effect on the living conditions/residential amenity of the occupiers of neighbouring and nearby houses, including the existing dwelling at the site, for the reasons outlined in this report.

Ecology/Nature Conservation

- 8.21 Numerous objections have been raised by neighbouring and local residents to the proposed development on ecology/nature conservation grounds and this matter has been given careful consideration. A provisional Tree Preservation Order initially applied to the trees within and bounding the site. However, it was subsequently left to lapse with the Tree officer concluding that the trees within the development site were of low arboricultural quality and should not be considered a significant constraint to development.
- 8.22 Natural Resources Wales (NRW) has been consulted on the application and raises no objections, recommending that the advice of the Council's in-house ecologist be sought to determine if there is a reasonable likelihood of European Protected Species (EPS) being present within the application site.
- 8.23 The Ecologist's detailed assessment of the application is outlined in section 5.7. The application site is not subject to any statutory nature conservation designation. The officer advises that the proposed development is unlikely to affect any locally or nationally designated sites nearby and does not consider that any of the habitats on site would justify designation as a Site of Importance for Nature Conservation. With regard to the stream crossing the site, he considers that its habitats are not of such ecological importance to justify of the application on this ground.
- 8.24 With regard to UK Protected Species, Slow-worms have been identified as inhabiting the site. The Officer advised that if planning permission is granted, the Slow-worms from the development area would have to be translocated to a safe site elsewhere. He comments that translocation of reptiles is a very widely used tool in the UK to avoid harm to reptile species which live on sites which are to be developed. The Parks Planning Manager has agreed, in principle, to the translocation of Slow-worms to Council owned land around the Motte and Bailey in Morganstown subject to the payment of a commuted sum towards the future habitat management of the site. The Officer has assessed the contribution to be £5,200 which would need to be secured via a S106 planning obligation. The

applicant has agreed to the provision of the sum. Notwithstanding this, the Officer has recommended a condition to secure the protection of reptiles by requiring the approval of an appropriate a reptile mitigation method statement.

- 8.25 The Officer has also recommended a number of other conditions and informatives to mitigate the effects of the development on bats, nesting birds and native amphibians.

Drainage/Flood risk

- 8.26 With regard to the drainage strategy for the development, a surface water attenuation pond is proposed to the front of House C, perimeter land drainage is proposed and foul flows are proposed to connect to the public sewer in Springfield Gardens enabled by a private pump chamber located within the site. The application has been supported by several documents including a Drainage Strategy, Flood Risk Assessment, Noise Assessment and a Geotechnical Desk Study.
- 8.27 Numerous objections have been received to the application expressing concerns at the impact of the proposed development on the existing drainage arrangements at the site. The increased risk of flooding to existing properties has been raised as a significant issue. The site is crossed by a stream/ditch which culminates in a culvert which continues beyond the site across third party land. There is concern that the culvert could be overloaded as a result of the proposed development, leading to major disruption in the wider locality. The calculations and assumptions in the submitted drainage strategy and supporting information have been disputed by residents. It is contended that the calculated flood risk in the revised drainage strategy is a significant underestimate of the real flood risk, ignoring the groundwater flow and the effects of shallow water table conditions on runoff generation. It is also contended that flood risk in the proposed development area will increase further once operations in the nearby CEMEX quarry cease. A resident comments that given the uncertainties relating to the hydrogeology, it is currently impossible to quantify this risk, although historical evidence suggests it may be severe. Residents comment that given severe flooding of the proposed development area has occurred in living memory, it would be reckless to allow properties and a sewage pumping station to be built in this area which is believed to act as the 'Sustainable Drainage Solution' for our neighbourhood.
- 8.28 The application has been subject of consultation with the Natural Resources Wales (NRW), Welsh Water/Dwr Cymru (WW/DC) and the Council's Drainage Engineer. The consultees have been informed, where appropriate, of local resident's concerns in respect of drainage/ flood risk issues.
- 8.29 NRW's advice is contained in section 6.1 of the report. It advises that the application site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). It further comments that the application site lies outside the flood zones as detailed in its Flood Map information. Based on this information, it comments that flood risk is considered to be minimal at the location.

With regard to surface water drainage, NRW comments that it is for the Council's Drainage Department to comment on the suitability of the proposals.

- 8.30 WW/DC's advice is contained in section 6.2 of the report. The Company has reviewed the Flood Consequence Assessment and Drainage Strategy submitted with the application. It raises no objections to the proposed development subject to an appropriate drainage condition. It notes that surface water is not proposed to drain to a public sewer. As the statutory sewerage undertaker, it advises that it is only able to provide comment on any proposal seeking to connect to the public sewerage system. With regard to the foul drainage proposal, the Company confirms that the principle of connecting foul only flows to the public sewer in Springfield Gardens is acceptable. It notes that a sewerage pumping station is required in order to achieve the public sewer connection and advises the foul drainage proposal will be vetted in detail by our engineer via an application submitted under Section 104 of the Water Industry Act 1991.
- 8.31 The Council's Drainage Engineer has given lengthy and detailed consideration the planning application, the concerns raised by neighbouring and local residents and to the representations received from the Local Councillor and the AM/MP. The Officer's advice is set out in section 5.3 of the report. Having assessed the proposed development, he raises no objections to the positive determination of the application on drainage/flood risk grounds subject to conditions to address the detailed design of the drainage scheme, its future maintenance and management and further investigations in relation to the hydrological and hydrogeological regime.

Highway Safety/Parking

- 8.32 The houses are to be accessed from Springfield Gardens via a driveway to the side of existing house. The entrance onto Springfield Gardens is shown to be widened to approximately 6.5 metres with the proposed driveway continuing beyond the existing house at a width of approximately 4.5 metres.
- 8.33 The Transportation Officer has considered the application and taken account of the highway concerns raised by residents, the Local Councillor and the AM/MP. His advice is set out in paragraph of the 5.1 of the report. He comments that the proposed layout makes adequate provision for off-street curtilage parking for both the proposed new dwellings and the retained existing dwelling and any visitor parking could be adequately accommodated on the new shared access road. He is satisfied that the proposed development will not generate unacceptable overspill parking and exacerbate existing kerbside pressure.
- 8.34 Consequently, the Officer does not raise an objection on highway grounds subject to conditions to ensure the provision/retention of off street parking and provision of an access road of sufficient width (as shown) to enable vehicles to pass each other within the site in order to preclude overspill parking on Springfield Gardens. With respect to the widening of the existing access onto Springfield Gardens, he comments that this would be marginal only and not to a degree that an objection on the grounds of loss of existing kerbside space would be sustainable. The Officer has also requested a condition requiring the approval

of a Construction Management Plan to include details of restrictions on access/egress to the site by delivery vehicles to outside peak hours.

Affordable Housing

- 8.35 The application has been assessed in relation to Local Development Plan Policy H3: Affordable Housing. In accordance with the Policy, an affordable housing contribution was initially requested by the Housing Strategy Officer. In response to this request, the applicant commissioned a viability assessment of the scheme which was subsequently reviewed by the District Valuer (DVS) on the Council's behalf. The DVA's assessment is that the scheme would be marginally unviable. Consequently, no affordable housing contribution is therefore sought in respect of the proposed development.
- 8.36 In conclusion, the proposed development, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions and to the conclusion of a planning obligation relating to the habitat management relating to the translocation of Slow-worms from the site.

9. OTHER CONSIDERATIONS

9.1 Crime and Disorder Act 1998

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

9.2 Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

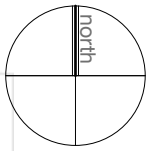
9.3 Well-being of Future Generations (Wales) Act 2015

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.

10. **COMMITTEE RESOLUTION**

10.1 If members are minded to refuse planning permission in accordance with the resolution of 7th February, 2018, the following reason is suggested:

1. The proposed development would be likely to give rise to an unacceptable loss of amenity to neighbouring and future occupiers. As such, the proposal would be contrary to criterion x. of Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan, Paragraphs 3.5 and 4.11 of the Cardiff Infill Sites Supplementary Planning Guidance (November, 2017) and paragraph 9.3.3 of Planning Policy Wales (Ed.9, 2016).



SITE LOCATION PLAN

SCALE: 1:1250 on A4
CENTRE COORDINATES: 312626 , 181643

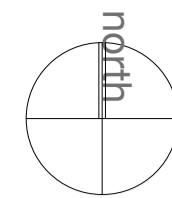


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Dimensions to be checked on site and any discrepancies reported to the Architect immediately .		
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Dan Adams	
Springfield Gardens	
site location plan	
1:1250 @ A4	
1948-099	-
6 north road, cardiff. cf10 3du 029 2034 0491 www.cfw-architects.co.uk	



Key to Abbreviations

- Asp. Asphalt
- B Bollard
- BB Belisha Beacon
- BH Bush
- Bl. Brick wall
- Br. Brick wall
- BT British Telecom Cover
- BW Barbed Wire
- CB Telephone Control Cabinet
- CB Close Boarded
- CCTV Closed Circuit Television
- CDP Cable Draw Pit
- CI Corrugated Iron
- CL Cover Level
- CL Chain Link
- CP Chestnut Paving
- Conc. Concrete
- Elec. Electricity Inspection Cover
- EI Sub Stn Electricity Sub Station
- EP Electricity Pole
- ER Earth Rod
- FH Fire Hydrant
- FW Foul Water
- G Gully
- Gab. Gabion Wall
- GV Gas Valve
- IC Inspection Chamber
- IL Invert Level
- IR Iron Railings
- LB Litter Bin
- LL Larch Lap
- LP Lamp Post
- MH Manhole
- Mkr Marker
- PR Post and Rail
- RE Rodding Eye
- RS Road Sign
- RWP Rain Water Pipe
- SL Sump Level
- St. Stone Wall
- SV Stop Valve
- SW Surface Water
- TL Traffic Light
- TOW Top of Wall
- TP Telegraph Pole
- TV Cable Television Cover
- UTL Unable to Lift
- VP Vent Pipe
- WL Water Level
- WM Water Meter

- LINE TYPES**
- Building
 - Canopy
 - Edge of Surfaces
 - Embankments and ditches
 - Fences
 - Overhead cables
 - Vegetation
 - Walls, Kerbs etc.
 - Hedges
- Kerb levels are channel levels unless otherwise stated.

Station	Easting	Northing	Level
A1	312636.593	181651.157	46.918
A2	312664.898	181613.118	45.509
A3	312655.867	181626.382	44.249
A4	312644.482	181634.659	43.925
A5	312632.756	181637.147	44.079
A6	312610.658	181654.307	42.764
A7	312615.564	181669.808	42.630
A8	312686.176	181663.118	42.859
A3A	312647.771	181610.664	46.018
A5A	312632.582	181628.127	44.443
A5A	312691.672	181641.441	43.570

Rev	Date	Action
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cfw
ARCHITECTS

Dan Adams
Springfield Garden
Site plan
1:200 @ A1

1948-106 C

6 north road, cardiff, cf10 3du
03 2034 0491
www.cfw-architects.co.uk

SCALE: 1:1250 on A4

CENTRE COORDINATES: 312626 , 181643



B	11.08.16	plot type C repositioned
A	23.5.16	site location plan OS substituted for Google earth background image
Rev	Date:	Action:
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Dan Adams	
Springfield Garden	
Site context plan	
1:500 @ A3	
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6 north road, cardiff. cf10 3du 029 2034 0491 www.cfw-architects.co.uk	



note: heights and profiles of adjacent properties are estimated

Rev	Date	Action

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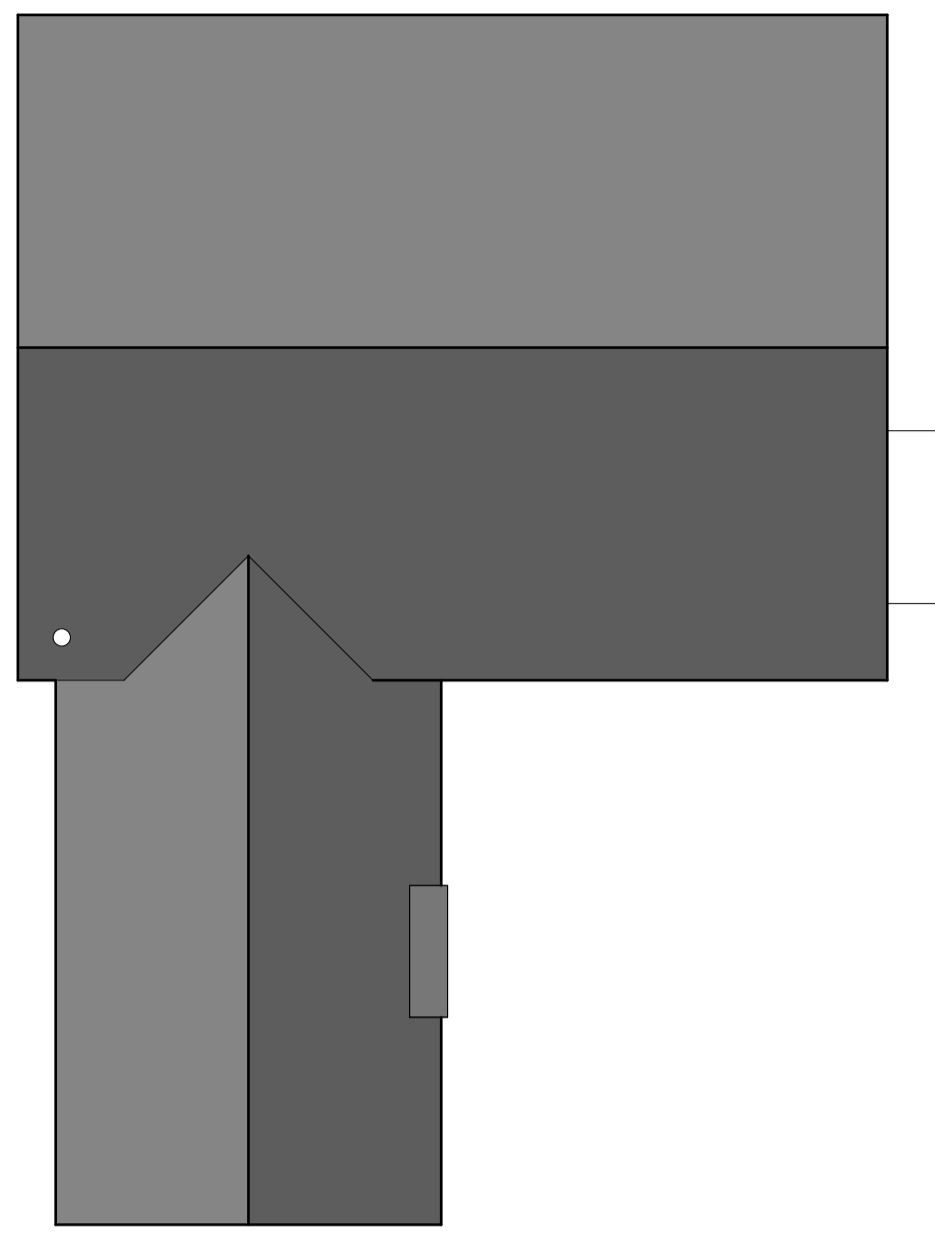
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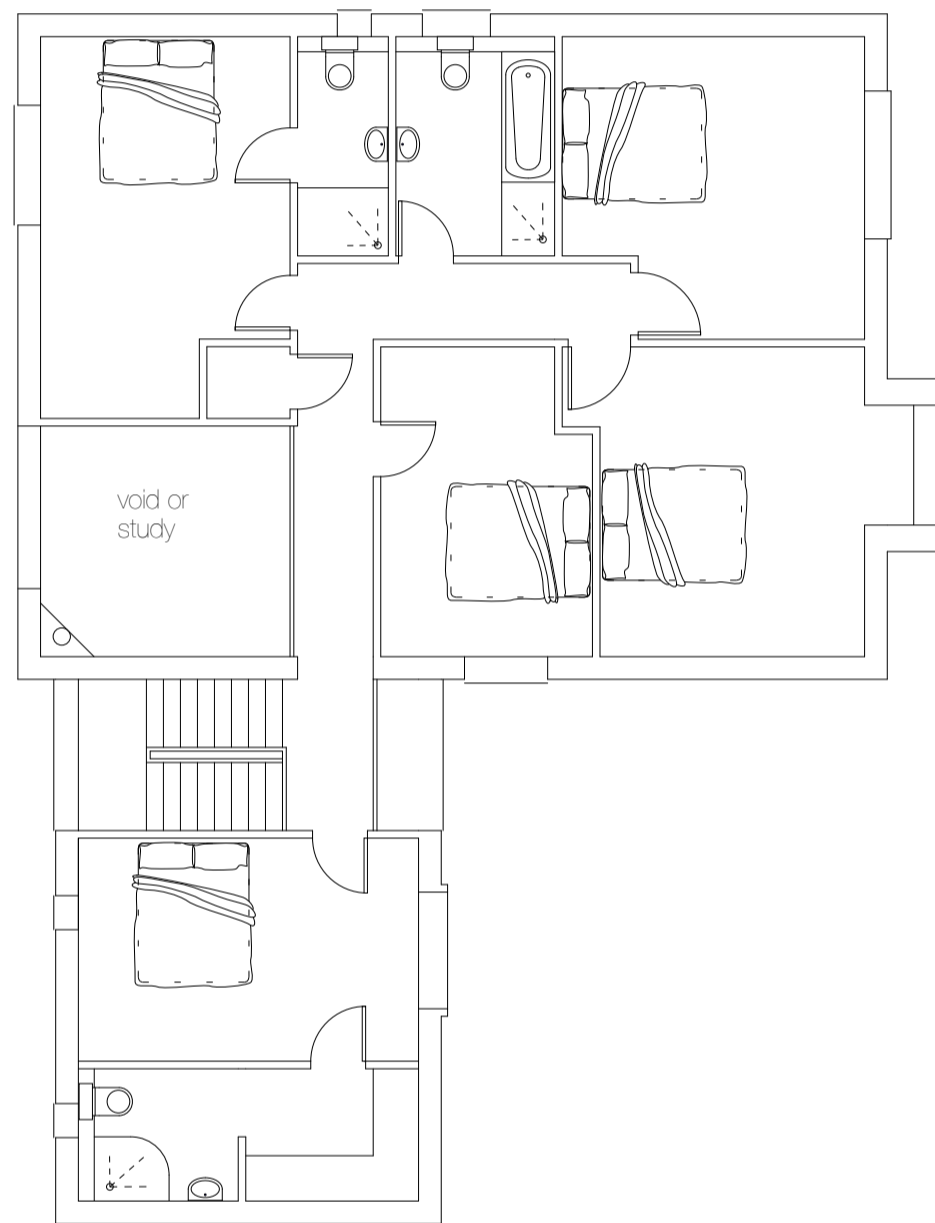
Dan Adams
 Springfield Garden
 Site Section
 1:100 @ A1
 1948-108 -

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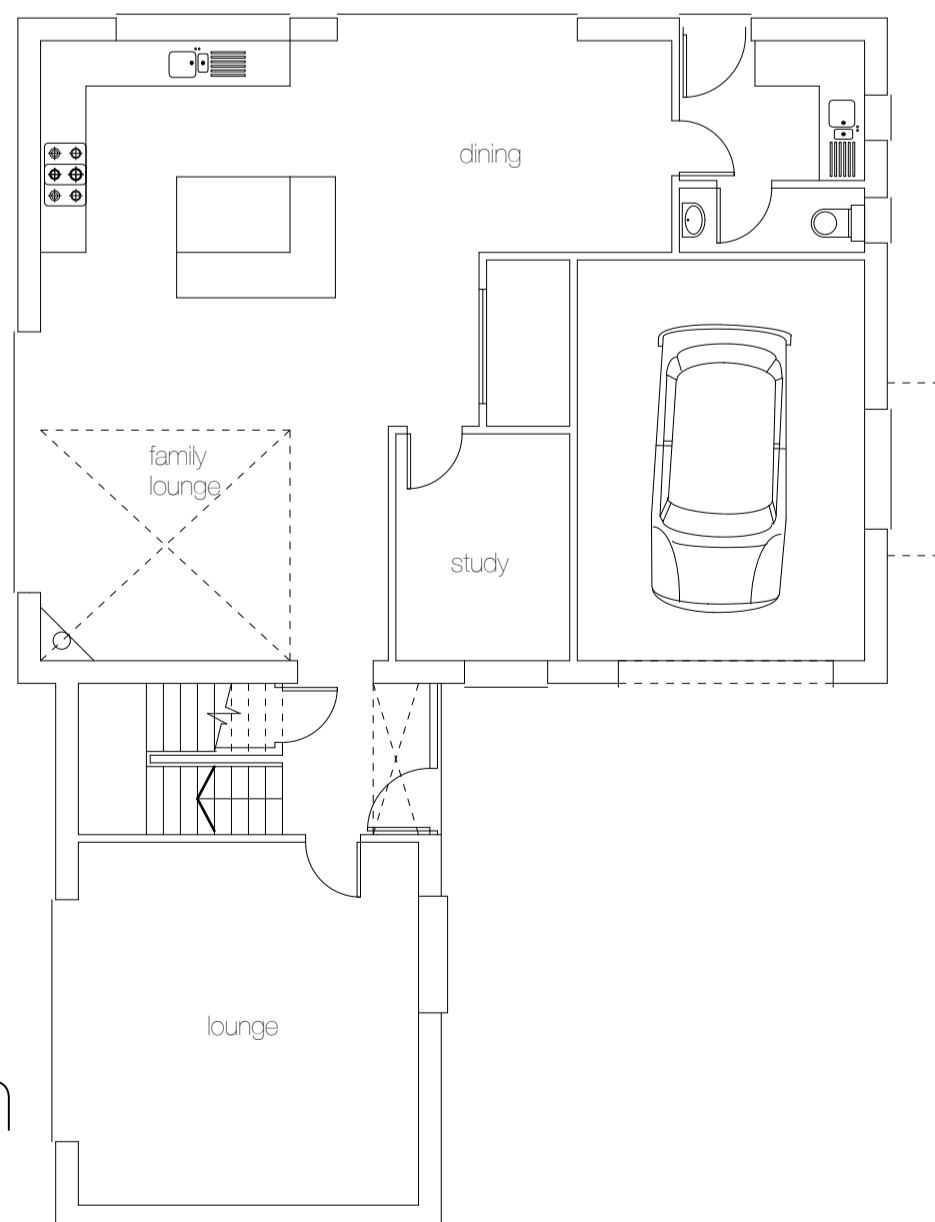
roof plan



first floor plan



ground floor plan



north west elevation



south west elevation



north west elevation



south east elevation

external materials
roof - slate
walls - brown multi- brickwork
doors/windows - dark grey powder coated aluminium
fascias/soffits/rainwater goods - dark grey powder coated aluminium

house type A

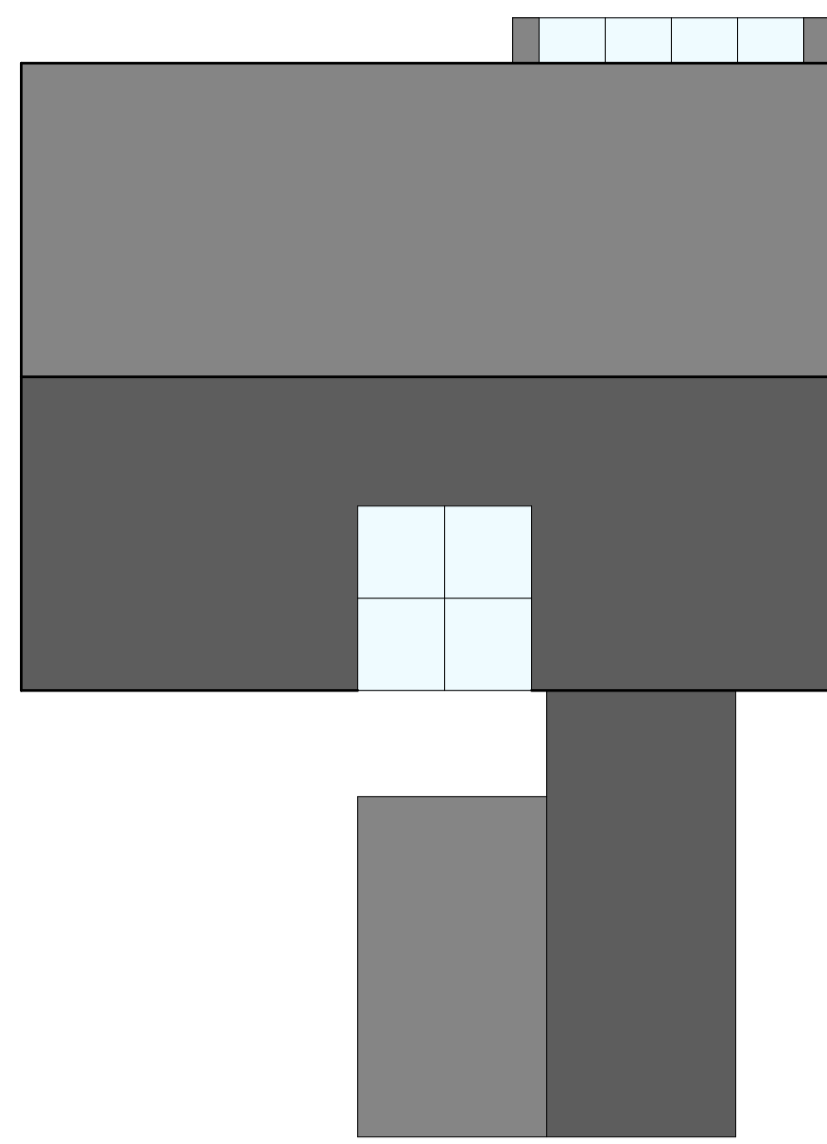


Rev	Date	Action

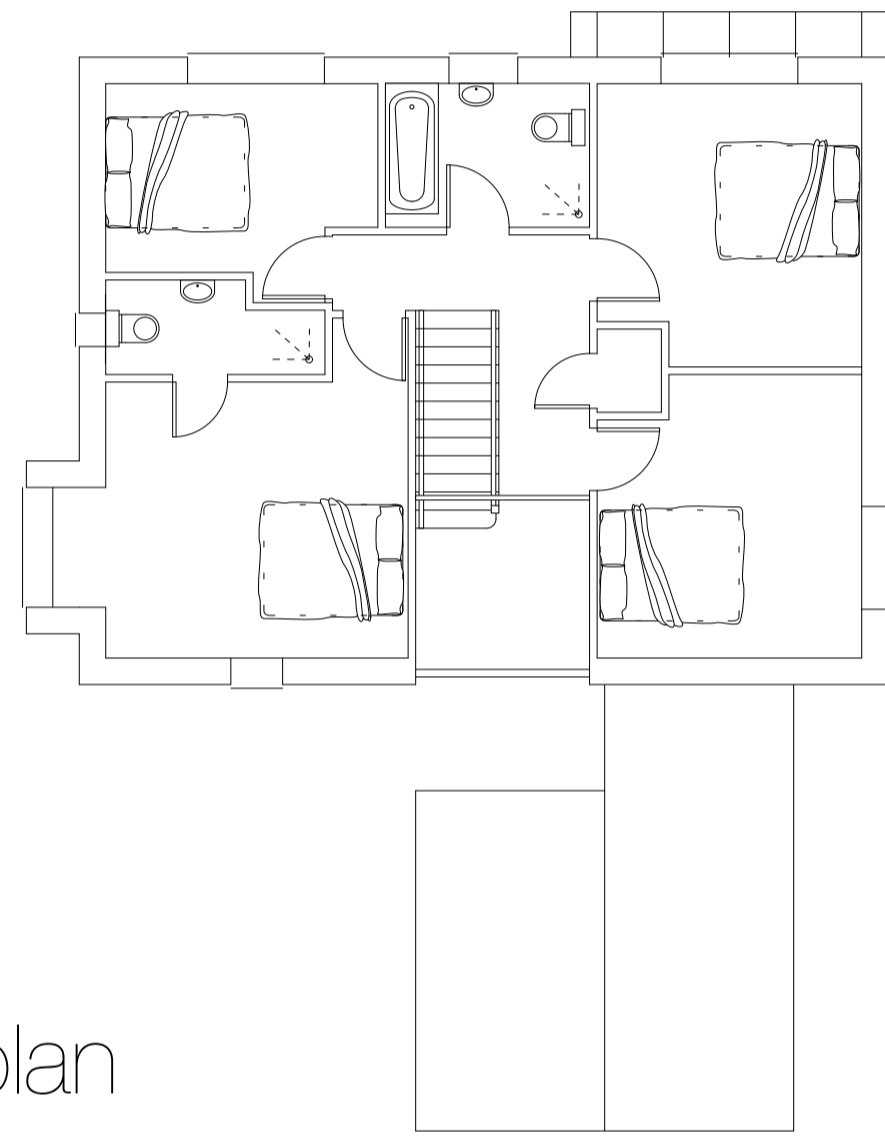
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cfw
ARCHITECTS
Dan Adams
Springfield Garden
House Type A
1:100 @ A1
1948-101 C
6 north road, cardiff, cf10 3du
(03) 2024 0491
www.cfw-architects.co.uk

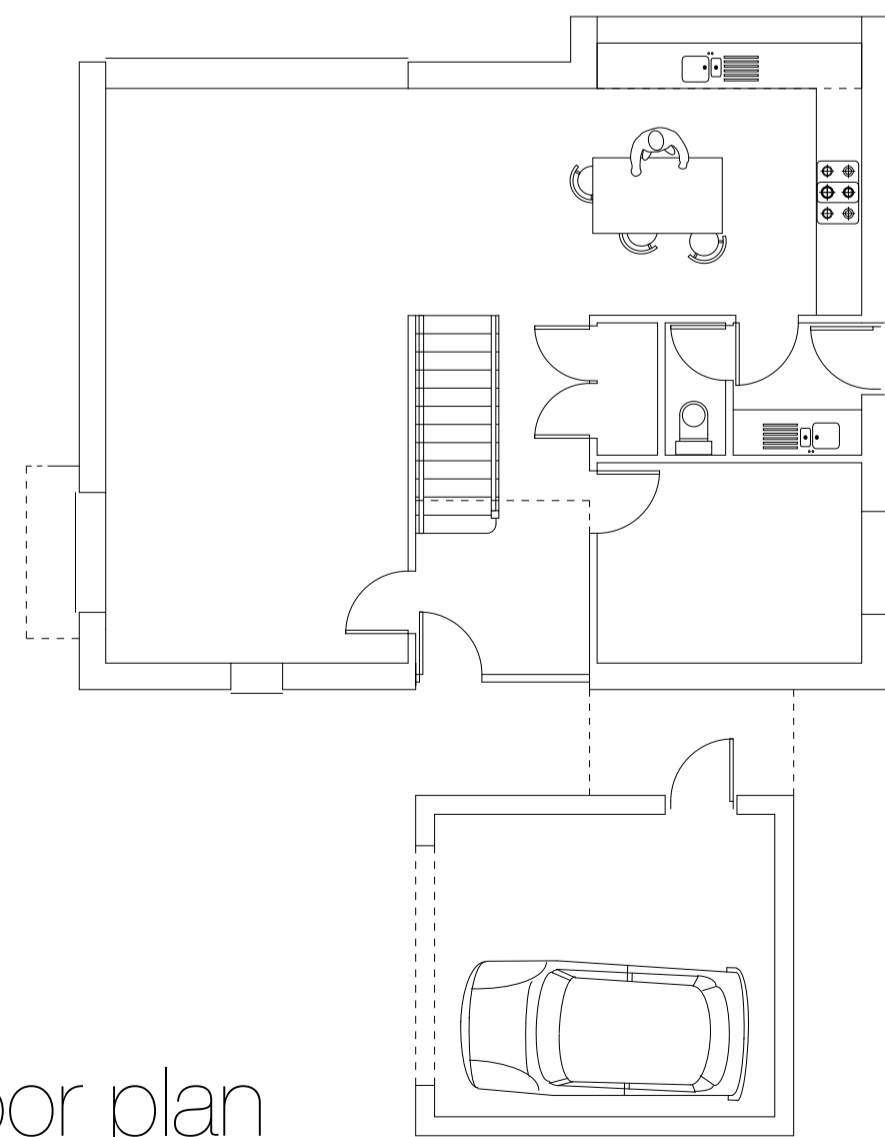
roof plan



first floor plan



ground floor plan



north east elevation



south east elevation



south west elevation



north west elevation


external materials
roof - slate
walls - brown multi- brickwork
doors/windows - dark grey powder coated aluminium
fascias/soffits/rainwater goods - dark grey powder coated aluminium

house type B



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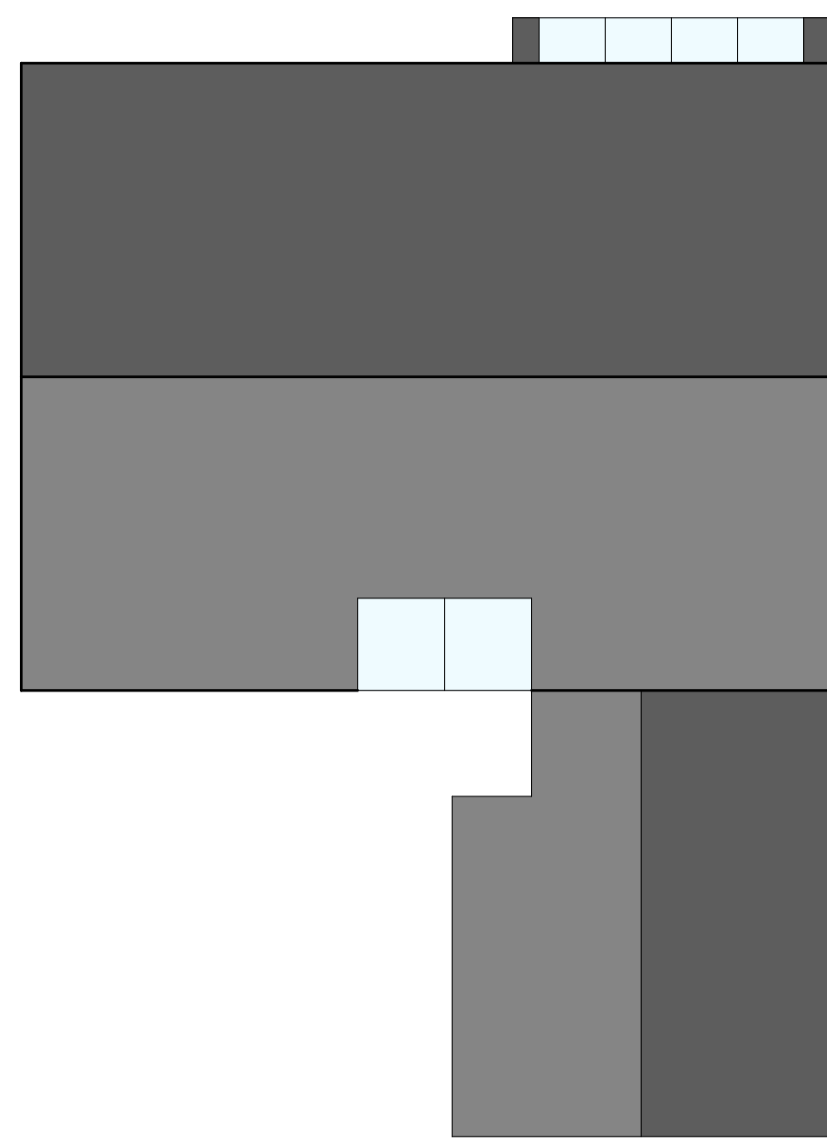
cfw
ARCHITECTS

Dan Adams
Springfield Garden
House Type B
1:100 @ A1

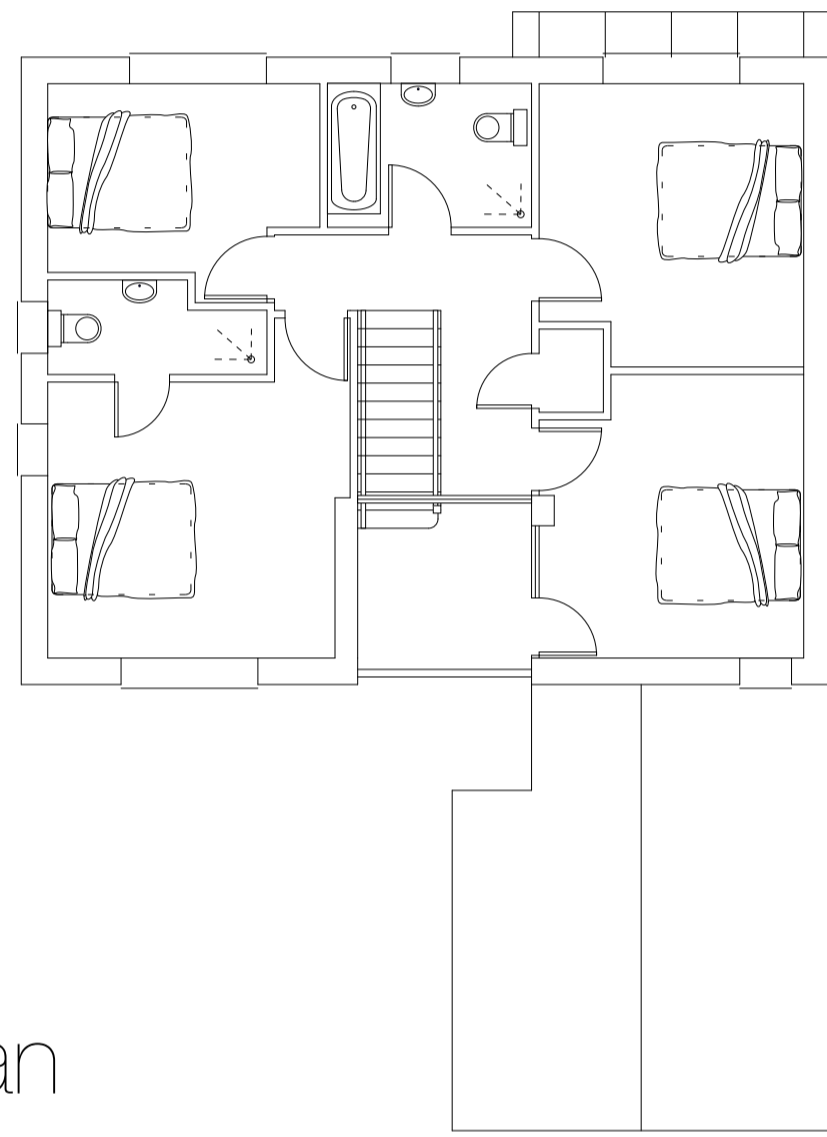
1948-102 B

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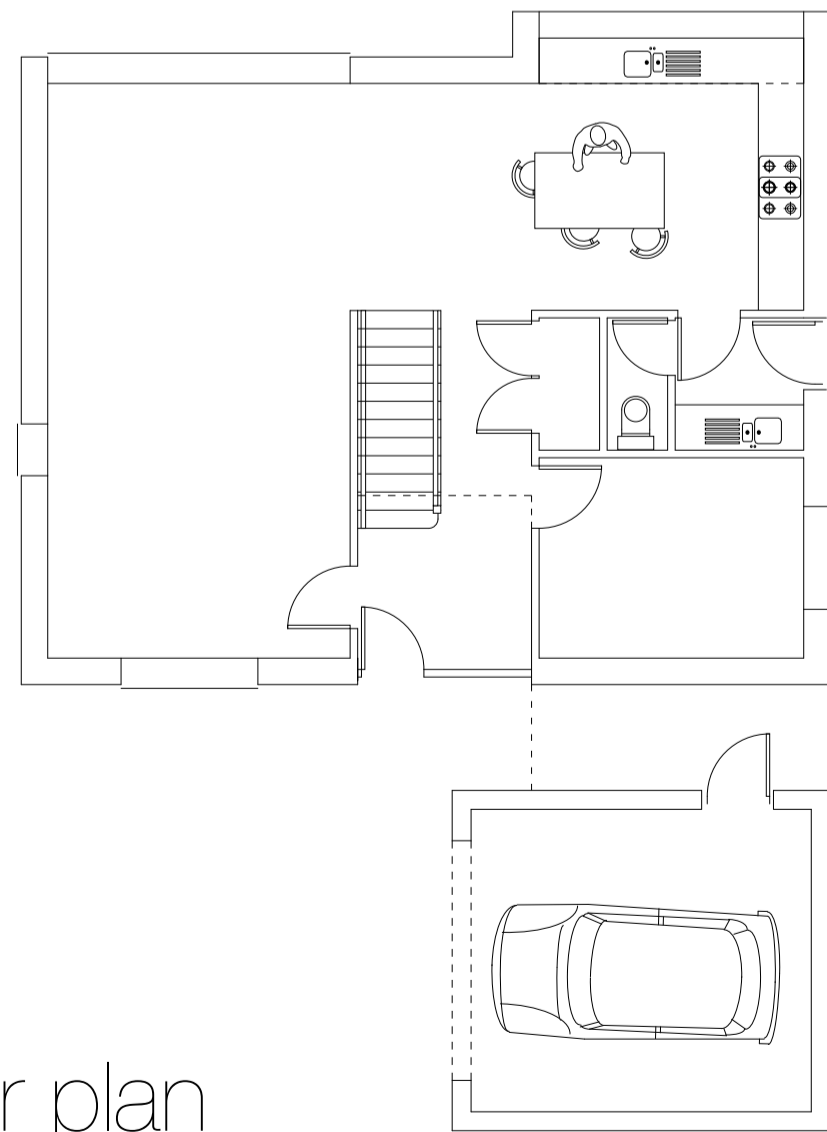
roof plan



first floor plan



ground floor plan



south east elevation



south west elevation



north west elevation



north east elevation

external materials
 roof - slate
 walls - brown multi- brickwork
 doors/windows - dark grey powder coated aluminium
 fascias/soffits/rainwater goods - dark grey powder coated aluminium

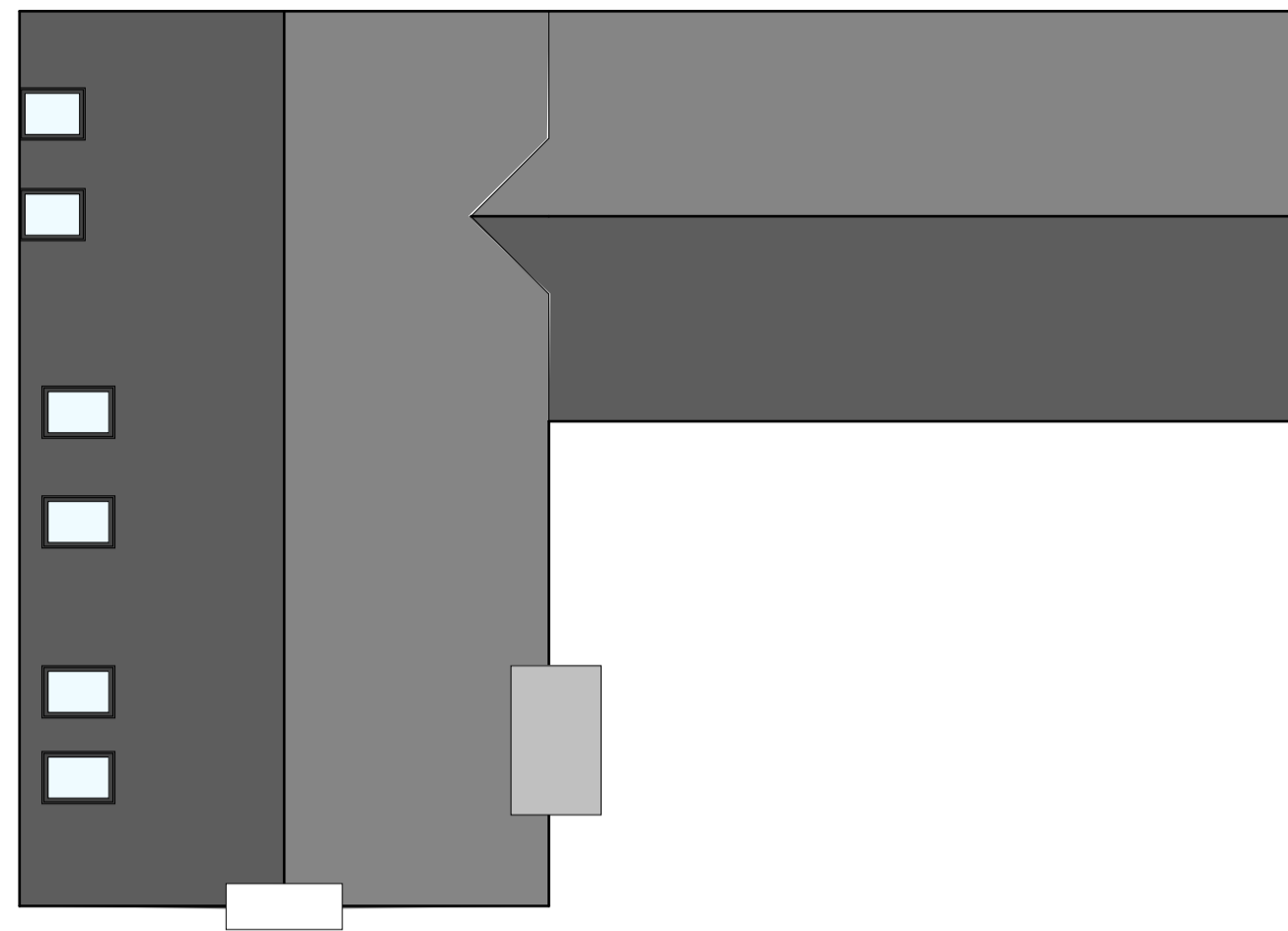
house type C



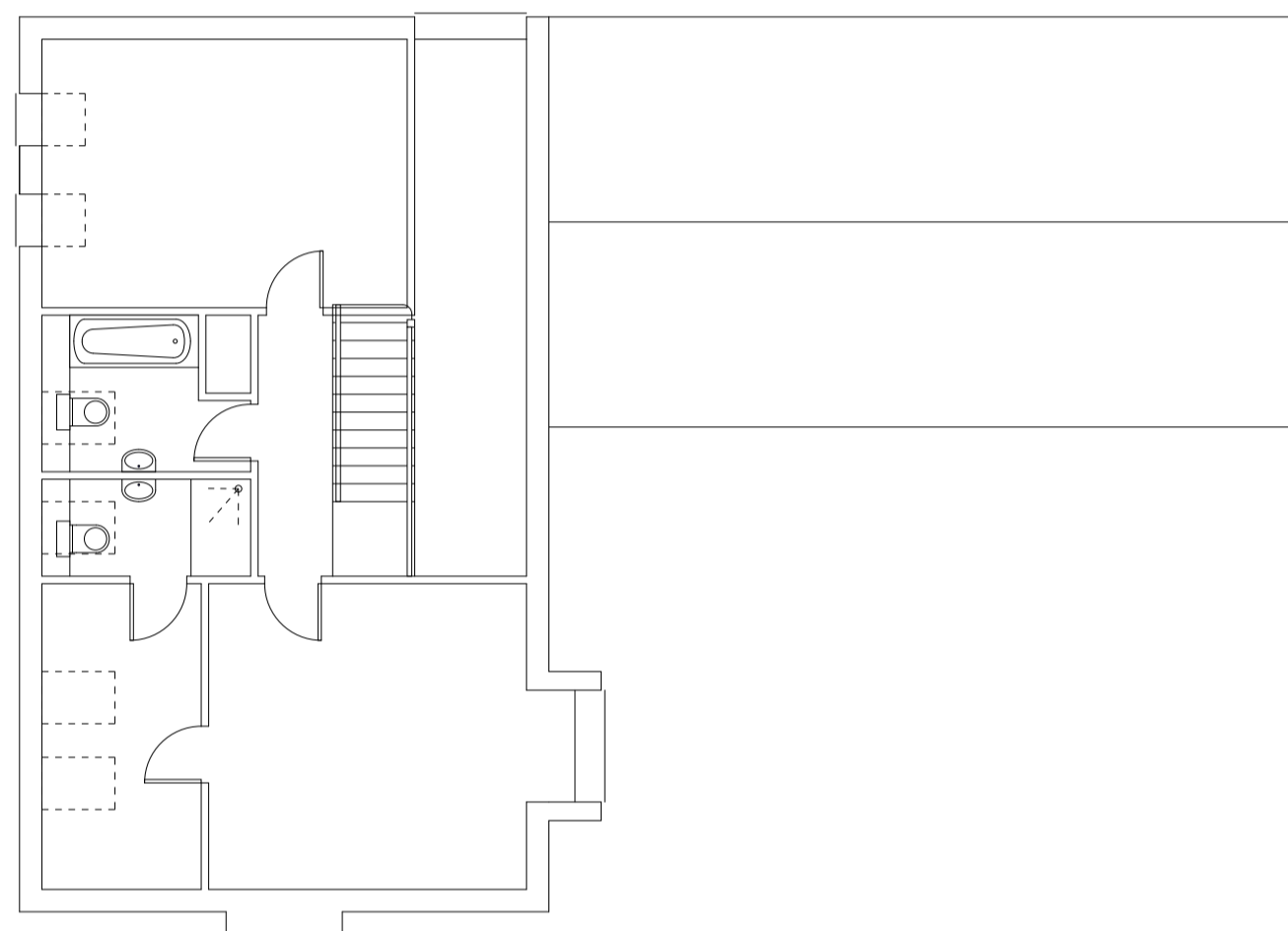
Rev	Date	Action

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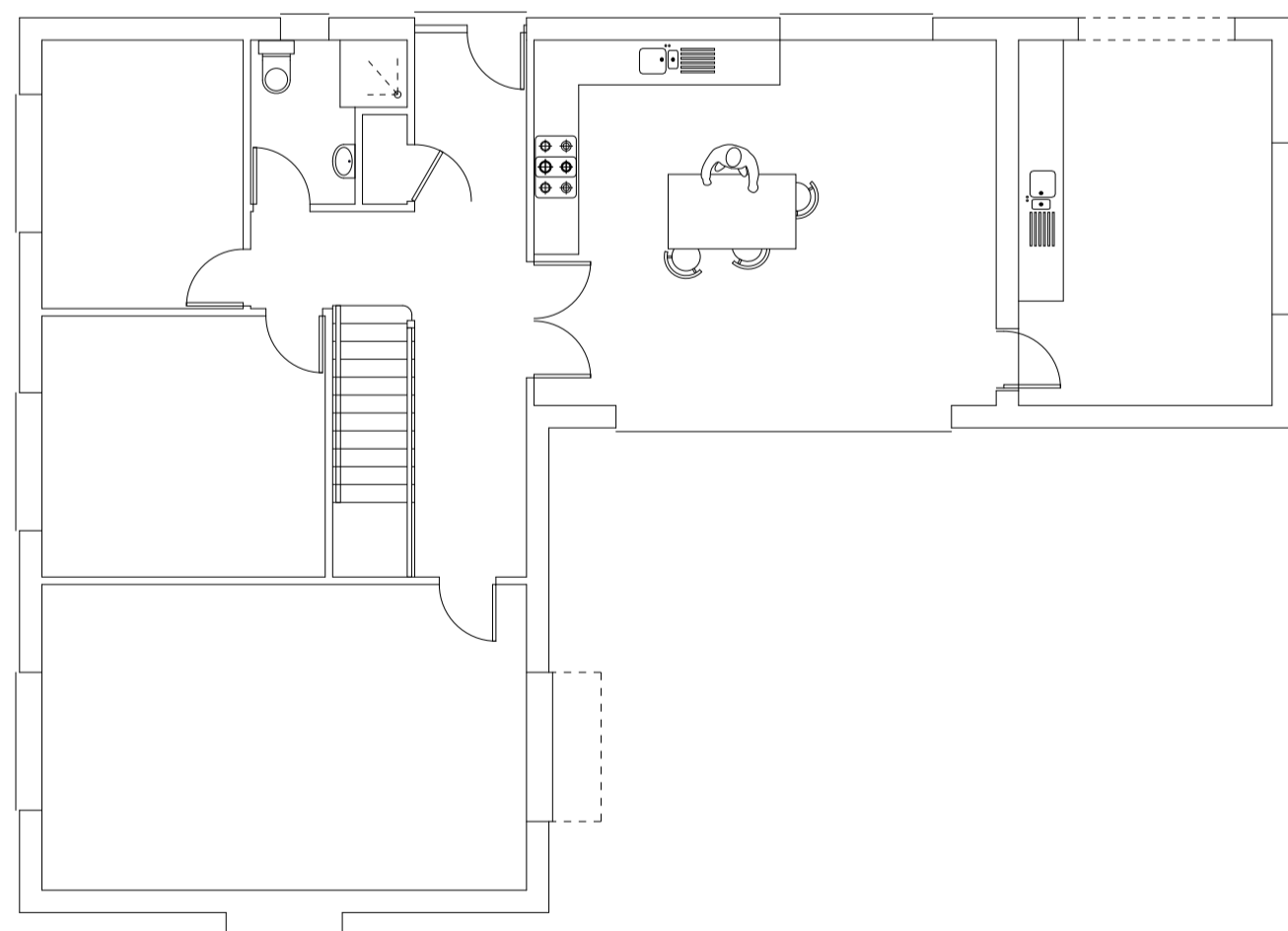
cfw
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 Dan Adams
 Springfield Garden
 House Type C
 1:100 @ A1
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roof plan



first floor plan



ground floor plan



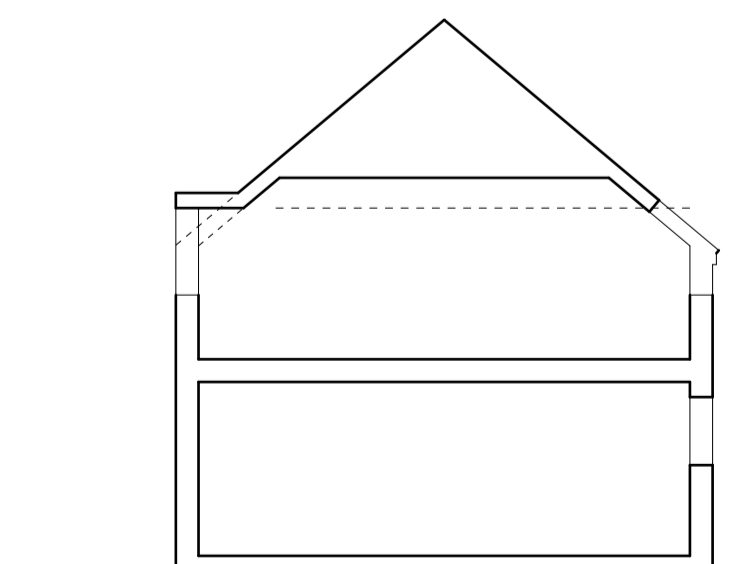
north west elevation

south west elevation



south east elevation

north east elevation



external materials

- roof - slate
- walls - brown multi- brickwork
- doors/windows - dark grey powder coated aluminium
- fascias/soffits/rainwater goods - dark grey powder coated aluminium

house type D (revised)

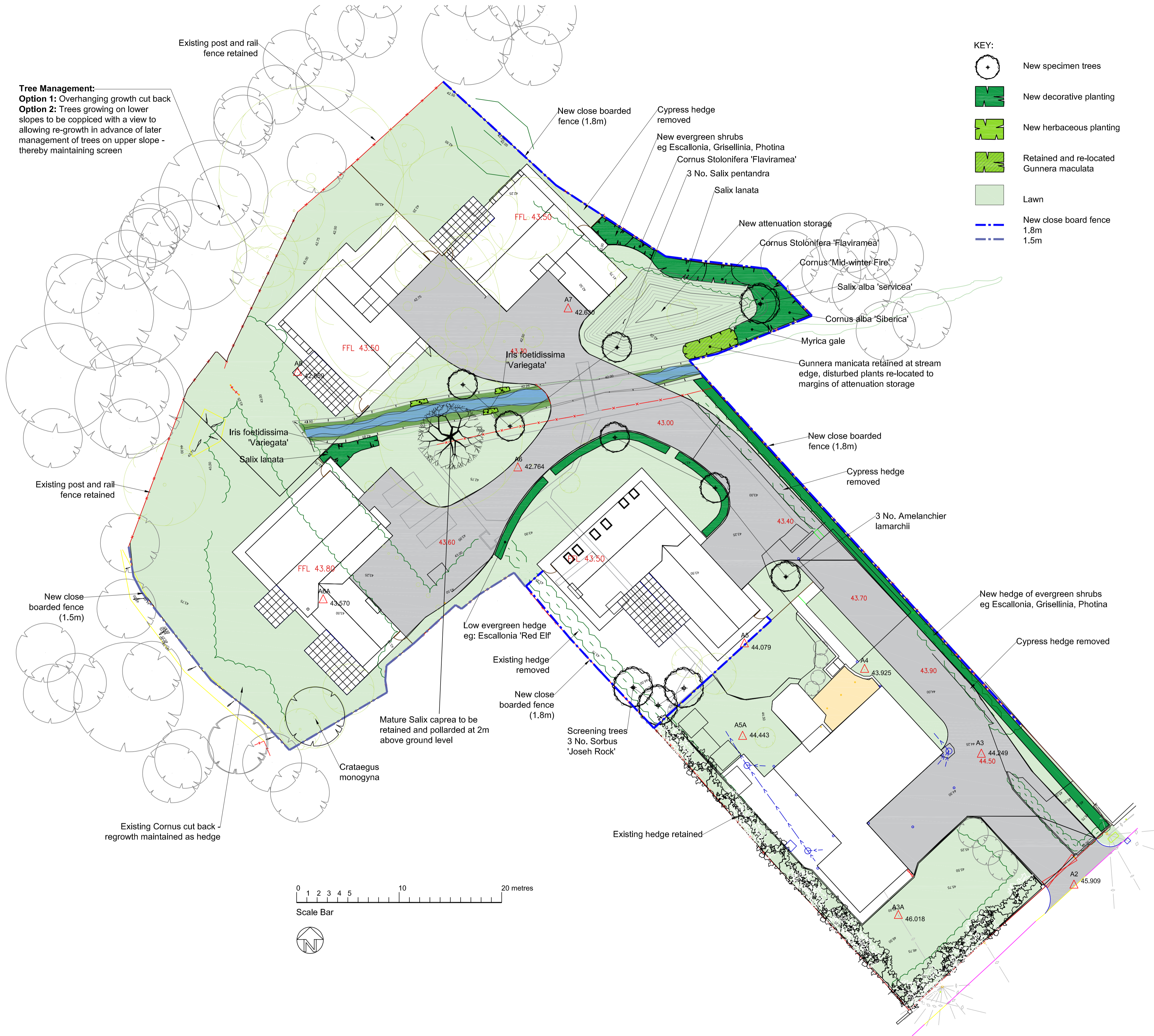


Rev	Date	Action

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cfw
ARCHITECTS
 Dan Adams
 Springfield Garden
 House Type D (revised)
 1:100 @ A1
 1948-105
 6 north road, cardiff, cf10 3du
 030 2024 0491
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Tree Management:
Option 1: Overhanging growth cut back
Option 2: Trees growing on lower slopes to be coppiced with a view to allowing re-growth in advance of later management of trees on upper slope - thereby maintaining screen



- KEY:**
- New specimen trees
 - New decorative planting
 - New herbaceous planting
 - Retained and re-located *Gunnera maculata*
 - Lawn
 - New close board fence 1.8m
 - New close board fence 1.5m

PLANTING SPECIFICATION

PLANTING SPECIFICATION - All works carried out in accordance with BS4428:1989 Code of Practice for General Landscape Operations and all subsequent amendments

The landscape contractor to make him/herself aware of any underground services prior to planting.

Any proposed substitutions, whether species, cultivar, pot size or other specification, must be approved by landscape architect prior to planting;

Compost: Do not use peat or products containing peat.

Topsoil: Sourced from on site excavations, refer specification below

Cultivation: Cultivate shrub planting areas to 300mm depth prior to commencing planting

Plants: To BS 3936 Part 1:1992 and all subsequent amendments
 All bare root stock to be planted between Nov and March. To be supplied in accordance with the plant schedules. Plant stock to be healthy, vigorous, free from pests and diseases and suitably hardened off. Stock shall be well formed, fibrous root stock system and be free from perennial weeds. Planting to Horticultural Trades Association 'Handling and establishing landscape plants'. Refer schedule for pit sizes and ameliorants

Tree pits: Excavate pits to sizes indicated in schedule and break up bottoms of pits to a depth of 150mm, scarify sides. Excavated topsoil material to be mixed with compost, polymer and fertiliser as stated in schedule.

Specimen trees: To be staked with 1.5m stake x 75mm dia. Position stakes and cross bar on windward side with galvanised nails as close as possible to stem and drive vertically at least 300mm into bottom of pit before planting. Consolidate material around stake and cut just below lowest branch. Secure tree to cross bar firmly but not to rigidly with approved rubber and spacer tie.

Watering: To field capacity on completion

Mulch: Medium bark mulch, 75mm deep, free from pests, disease, fungus and weeds, complete mulch cover in all planting areas, 1m wide strip beneath decorative hedge and 1.25m dia circles around specimen trees

Soils

Soil from existing site to be stripped and stored on site in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils.
 Re-use of site recovered soils subject to the inspection and approval of a suitably qualified Landscape professional.

Soil to planting areas as follows:
Shrub and herbaceous planting areas - Existing vegetation removed, soil levels & disturbed areas topped up with soil recovered from the site
Lawns of new houses - Relieve subsoil compaction by ripping or use of a toothed excavator bucket, grade and spread remaining free-draining, uncompacted soil evenly across gardens in advance of turfing

AMELIORANTS

Plant	Tree pit size	Backfilling material mixed with:		Stakes	
		Compost	Slow release fertiliser	Overall length of stake	Diameter
To BS 3936 Part 1:1992					
Shrub or transplant up to 90cm high	300mm x 300mm x 300mm	5 litres	50g	1.5m (x2)	75mm (with cross bar 50mm x 75mm)
Specimen tree	900mm x 900mm x 600mm or larger	100 litres	300g		

MAINTENANCE:

- 6 x Monthly visits during the growing season to inspect new tree and shrub planting.
- Weed control to all mulched areas (residual herbicide not allowed)
- Supply and apply fertiliser to all plants inc trees once in spring (48 hours notice required) as table above



UPPER BRECHFA LLANDEFALLE
 BRECON POWYS LD3 0NG
 Email: mh@hairelandscapiconsultants.co.uk
 Website: hairelandscapiconsultants.co.uk

Client:	Mr. Dan Adams
Project name:	Springfields Gardens
Drawn by:	Landscape Plan
Scale:	1:200@A1
Date:	July '16
Drawn by:	KH
Check by:	-
Drawn on:	509/01
Rev.:	-

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **16/03067/MNR** APPLICATION DATE: 28/12/2016

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr & Mrs LLewellyn

LOCATION: LAND OFF MILL ROAD, TONGWYNLAIS, CARDIFF

PROPOSAL: PROPOSED RESIDENTIAL DWELLING.

RECOMMENDATION 1: That planning permission be **GRANTED** subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan 1664/SLP-01 Rev A
 - House Plans and Elevations 1664/HDS/204 Rev A
 - Site Layout 1664/SL-01 Rev C
 - Site with Public Footpath Route 1664/FP/01 Rev A
 - Site Sections 1664/CS-01 Rev D
 - Site Plan 1664/SP-01 Rev G
 - Ecology Addendum Report August,2017

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

3. Prior to the construction of the building above foundation level, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

4. Notwithstanding the submitted information, full details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff

Local Development Plan.

5. Notwithstanding the submitted plans, no development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include:

- A basic soil assessment based on the preparation of trial pits. Soil physical characteristics should be recorded, photographed and submitted as evidence of the suitability of the soil for its intended end use, and a strategy for soil handling, storage and placement prepared, that accords with the principles set out in BS 3882:2015, BS 8601:2013 and the DEFRA Code.
- A landscaping implementation programme.
- Scaled planting plans to include tree pit sectional and plan drawings
- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level. Services and drainage features should be positioned so as not to conflict with landscaping proposals.
- A topsoil and subsoil specification for all planting types (trees, shrubs, grassland etc.).
- Schedules of plant species, sizes, numbers or densities.
- Planting methodology and post-planting aftercare methodology.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance and to ensure that all usable soil resources are appropriately recovered and protected, and not lost, damaged or sterilised during the construction process, in accordance with Policies KP5: Good Quality and Sustainable Design and KP: 15 Climate Change of the Cardiff Local Development Plan.

6. Any newly planted trees, shrubs or other landscaping plants, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season to the same specification approved in discharge of landscaping condition 5 unless the LPA gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

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

- An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated

for new structural planting.

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

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

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

9. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

11. 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: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

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 then 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: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

13. Prior to the construction of the dwelling hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall not commence until:
- i) ground conditions have been proven (in accordance with the procedure outlined in BRE 365) capable of supporting infiltration methods of drainage and it is demonstrated that the groundwater level will not encroach within 1 metre of the underside of such infiltration drainage structures;
 - ii) the performance of the proposed surface water sewerage has been assessed in relation to the impact of a 1 in 100 year return period storm and a climate change allowance of +30%. Locations of flooding from the proposed surface water sewerage, along with their flood flow routes and proposed method of on-site management shall be included in the scheme for approval.
- The drainage scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of the development.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure with regard to flood risk and to ensure that the impact of storms in excess of the required design return period do not cause or exacerbate any adverse condition on the development site, or the wider community, in accordance with Policy EN10: Water Sensitive Design of the Cardiff Local Development Plan.

14. The car parking spaces and manoeuvring areas 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, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

15. No site clearance of trees, bushes, shrubs or scrub shall take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in this these features immediately (48 hrs) before their removal.
- Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1) (b). It is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

16. The first floor windows in the west facing elevation of bedroom 2 and the first floor study window shall be non-opening below a height of 1.7 metres above internal floor level, glazed with obscure glass (as shown on drawing 1664/HDS/204 Rev A) and thereafter be so retained.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no further windows shall be inserted in the dwelling house hereby approved.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the adopted Cardiff Local Development Plan.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no extension shall be placed within the curtilage or any alteration undertaken to the roof of the dwellings hereby approved.

Reason: To ensure that the living conditions of adjoining occupiers are protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

19. If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the most recent Preliminary Ecological Assessment, the site shall be re-surveyed and the impact of the proposed development upon nature conservation interests re-assessed.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised, and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information in accordance with Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.

20. Notwithstanding the submitted details, prior to commencement of development, final plans showing the proposed floor levels of the dwelling in relation to the existing ground level and the finished levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

Reason: Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

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

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

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

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

RECOMMENDATION 4: The applicant is advised that developers of all new residential units are required to purchase the bin provision for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

RECOMMENDATION 5: The applicant is advised that the granting of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way. For matters relating to the public right of way next to the application site, the applicant is advised to contact the Lead Officer (PROW), City of Cardiff Council at JGriffiths@Cardiff.gov.uk. The Officer seeks to improve the footpath way-marking along this route and has requested that the applicant/landowner liaises with the Council to ensure the route is clearly marked.

RECOMMENDATION 6: The applicant is advised to contact highways@cardiff.gov.uk prior to undertaking the works associated with the access in order to obtain the necessary licence.

RECOMMENDATION 7 : This development falls within a radon affected area and may require full radon protective measures, as recommended for the purposes of the Building Regulations 2010.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought to construct a two storey detached dwelling on land off Mill Road, Tongwynlais. The application is supported by a various plans and documents including a topographical survey, cross sections, arboricultural and ecological reports and a Design and Access Statement (DAS).
- 1.2 The site forms part of an area of approximately 0.4 ha which is allocated for residential development in the Cardiff Local Development Plan with an estimated capacity of 5 units. The principle of residential development has therefore been established and it is anticipated that a further planning application will be submitted for consideration in due course for the remainder of the site.
- 1.3 The proposed development comprises a two storey dwelling with a hipped slate roof and render/reconstituted stone elevations.
- 1.4 The position of the proposed dwelling is intended to accommodate the tree constraints plan for the Category 'A' Ash trees located outside but adjacent to the eastern site boundary.
- 1.5 In support of the application, the DAS comments as follows with respect to the planning history of the site:

The site forms part of a larger site which was the subject of a previous planning application for three dwellings, dismissed at appeal in 1994 primarily on the grounds that the site fell outside the defined urban area. Whilst the Inspector also made reference to the impact of the development of the site on the character of the wider area including Castel Coch, there have been significant material changes since the determination of the Appeal including:

- i) the allocation of the site for residential development in the current LDP which firmly establishes the principle of new development at the site;*
 - ii) the subsequent development of new residential development in the area including Fairways Cottage and the extension of the Lodge (both located to the west of the application site between the proposed dwelling and Castell Coch; and*
 - iii) the current shortage of housing land in Cardiff as confirmed within the Joint Housing Land Availability Study at 3.8 years which compares to the Welsh Government; minimum requirement of 5 years.*
- 1.6 Following discussions with the agent/applicants, revised plans have been received which reduce the finished floor level of the dwelling and amend the elevations with a view to reducing the massing of the building, particularly to Mill Road. The proposed means of enclosure adjacent to the public right of way has also been adjusted to retain a greater degree of 'openness'.

1.7 Access to the site is proposed via the existing driveway from Mill Road which also serves Castle Farm, The Lodge and Fairway Cottage. An indicative access off Mill Road was shown on an earlier plan to serve the remainder of the allocated housing site. It should be noted that development on this part of the allocated site does not form part of the current planning application which is for a single dwelling-house, utilising the existing access.

2. **DESCRIPTION OF SITE**

2.1 The application site, amounting to approximately 0.99ha, forms part of a larger (0.4 ha) parcel of land at Mill Road, Tongwynlais allocated for residential development in the Cardiff Local Development Plan. To the northwest, the site is bounded by three existing dwellings which are accessed off a private drive providing direct access to Mill Road. The dwellings comprise a mix of single and two storey houses with render/stone and brick elevations. A public right of way lies adjacent to the application site's northern and western boundaries which links to Wellington Street to the south. To the north of the dwellings lies Castell Coch Golf Course with Castell Coch itself located on elevated ground some 300 metres to the north west of the site.

2.2 To the south, beyond the remaining residential allocation are the residential properties of Wellington Street. To the east lies Mill Road with residential properties on the opposite side of the road.

2.3 The land comprises 'vacant' scrub. It is set above Mill Road and slopes from north to south and from west to east. Levels range from approximately 55.0 metres AOD on the western boundary of the site to approximately 53.0 metres AOD on the eastern boundary with Mill Road occupying a lower level of approximately 47.0 metres AOD.

2.4 The initially submitted ecology survey identified the site as a disused area of grass, scrub, bramble and knotweed with no evidence of protected species. The Tree Report confirms the presence of three category 'A' Ash trees located outside but adjacent to the eastern site boundary.

3. **SITE HISTORY**

3.1 There have been several historical planning applications proposing development on or near the application site. Of particular relevance is planning application ref. 93/001067/N for three detached dwellings which was refused on 12th October, 1993 for the following reasons and subsequently dismissed at appeal.

- i) *The proposals are contrary to proposal 3 of the approved Tongwynlais and Wenallt Local Plan in which there is a presumption against new housing sites other than for those identified on the proposals map.*
- ii) *The proposal fails to meet the criteria listed in Proposal 4 of the Deposit City of Cardiff Local Plan in that the site is of visual and nature conservation value to the area.*
- iii) *The proposals will result in the substantial removal of existing embankments along Mill Road/Castle Road to the detriment of the surrounding residential areas a whole: no such works are shown within the planning application and given the alignment of Mill Road in the vicinity of the proposed access and the traffic speeds along this section of road, the*

- proposals are objected to on highway safety grounds.*
- iv) *The proposals will result in the removal of existing trees and hedgerows along the Mill Road frontage that currently contributes to the visual amenity of the area as a whole.*

4. **POLICY FRAMEWORK**

- 4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP3 (B): Settlement Boundaries;
KP5: Good Quality and Sustainable Design;
KP7 Planning Obligations;
KP15 Climate Change;
KP17: Built Heritage;
EN6 Ecological Networks and Features of Importance for Biodiversity;
EN9: Conservation of the Historic Environment;
EN13: Air, Noise, Light Pollution and Land Contamination;
T5: Managing Transport Impacts;
EN8:Trees,Woodlands and Hedgerows;
EN7: Priority Habitats and Species;
EN10 Water Sensitive Design;
EN14 Flood Risk;

- 4.2 Supplementary Planning Guidance includes:

Supplementary Planning Guidance: Cardiff Infill Sites (2017);
Supplementary Planning Guidance: Access, Circulation and Parking (2010);
Supplementary Planning Guidance: Waste Collection and Storage facilities (2016);
Supplementary Planning Guidance: Green Infrastructure (November, 2017);
H1: Non-Strategic Housing Sites H1.9 Land at Mill Road (0.4 ha, estimated units 5);

- 4.3 Planning Policy Wales Edition 9 (2016):

1.2.5 Provided that a consideration is material in planning terms it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- 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
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.

- Locate developments so as to minimise the demand for travel, especially by private car
- 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

4.7.4: Local Planning Authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.11: Local Planning Authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

5.2.9: Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

6.5.9 Local planning authorities are required to consult the Welsh Ministers on any development proposal that is likely to affect the site of a scheduled monument, or where development is likely to be visible from a scheduled monument and meets certain criteria.

9.1.2 Local Planning Authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local Planning Authorities should promote, inter alia, development that is easily accessible by public transport, cycling and walking, attractive landscapes around dwellings with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive, well designed living environments, where appropriate at increased densities.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3: Insensitive infilling or the cumulative effects of development or redevelopment should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

12.4.1: The adequacy of water supply and the sewerage infrastructure are material considerations in planning applications and appeals.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design stage, construction and demolition stage should be made by developers.

13.2.1: Flood risk is a material planning consideration

- 4.4 TAN 24: The Historic Environment
TAN 5: Nature Conservation and Planning

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation raises no objections to the proposed dwelling on highway safety and parking grounds advising as follows:

Access to the proposed new dwelling is via an existing shared private drive off Mill Road which currently serves three dwellings. Visibility at its junction with Mill Road is adequate and I would have no objection to its serving one additional dwelling. Two off street parking space are proposed which is satisfactory. A condition relating to their future retention (D3D) is required.

Whilst the Officer notes the highway/traffic concerns raised by local residents, and, in particular, access to the 'future residential development', he comments that this area is not within the red line boundary and does not comprise part of the current application which must therefore be determined on its own merits. He states that the Council's policies enable up to 5 dwellings to be served off a shared private drive; a number which will not be exceeded as a consequence of the current application, and that an objection on highway grounds to this limited increase in use of the existing access would therefore be very difficult to sustain at appeal.

He presumes that an objector's comments regarding visibility being restricted by the boundary wall of 19 Mill Road relates to a separate new access to serve the 'future residential development' since this is not the case for the existing access.

The Officer advises in response to an objectors' comment regarding the need for Stage 1 and 2 Road Safety Audits that whilst such audits may be appropriate for larger scale developments, to require them in association with a development of only a single dwelling would be excessively onerous and unnecessary.

- 5.2 The Operational Manager, Shared Regulatory Services (Pollution Control - Contaminated Land Team) comments as follows:

In reviewing available records and the application for the proposed development, 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.

Should there be any importation of soils to develop the garden/landscaped areas 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 requests the inclusion of the following conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of

the Cardiff Local Development Plan:

PC13. GROUND GAS PROTECTION

PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION

PC15A IMPORTED SOIL

PC15B IMPORTED AGGREGATES

PC15C USE OF SITE WON MATERIALS

R2 RADON GAS PROTECTION

R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

- 5.2 The Operational Manager, Environment (Pollution Control) recommends several standard conditions/ informatives relating to the importation of materials, contamination, road traffic and construction site noise.
- 5.3 The Operational Manager, Shared Regulatory Services (Pollution Control – Noise and Air Team) requests an informative relating to construction site noise.

Each property will require the following for recycling and waste collections:

1 x 140 litre bin for general waste

1 x 240 litre bin for garden waste

1 x 25 litre kerbside caddy for food waste

Green bags for mixed recycling (equivalent to 140 litres)

Developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team.

- 5.4 The Operational Manager, Drainage Management advises that on review of the information submitted, it is reasonable to assume that there is potential for infiltration at the site. As such, he considers that the drainage of the proposed development can be dealt with by an appropriate condition (refer to Condition 13).
- 5.5 The Tree Officer has advised that subject to the development being undertaken in accordance with an approved Arboricultural Method Statement and Tree Protection Plan, unacceptable harm will not result to trees of amenity value. The Officer comments that as the implementation of development is likely to result in disturbance to and sealing of vegetated soil, there is potential for conflict with Policy KP15: Climate Change, which appropriate landscaping should help to offset. He advises that key to a successful landscaping scheme is an understanding of the existing soil resource and has therefore recommended that a basic soil assessment should be carried to inform the landscape scheme.
- 5.7 The Public Rights of Way Officer has been involved in discussions on the application with a view to ensuring that the proposed development retains an acceptable relationship with the PROW which runs along the access lane and adjacent to the site.
- 5.8 The Council Ecologist, having considered the Preliminary Ecological Appraisal (PEA) report submitted with the application, requested a map to show as far as possible the extent of habitats on the site. The Agent subsequently submitted an ecology addendum report to clarify the site habitat features remaining following

clearance of vegetation.

The Officer notes from the addendum report dated that vegetation suitable for dormice and nesting birds has been cleared from the immediate site of the application and that any trees that remain are not to be felled. He also notes that the stand of Japanese Knotweed is outside the red line boundary of the application though it is on the wider site. On this basis, the Officer does not raise objections to the application on ecology grounds but advises that should development not take place within two years of the last ecological survey, the site should be re-surveyed and the impact of any proposed development upon nature conservation interests re-assessed.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Cadw raises no objections, commenting as follows:

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

It is a matter for the Local Planning Authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

The application area is located some 300m southeast of scheduled monument Castell Coch (GM206). This monument comprises the remains of a medieval castle and much later Victorian Gothic-style castle. Situated on a natural ledge of Carboniferous Limestone at the mouth of the Taff Gorge, Castell Coch 'the red castle' commands a highly visible and defensive position with key views from the castle to the northwest and south along the River Taff.

The proposed development comprises a single building. This will be visible from the higher parts of the castle but is not in an identified significant view. It will be seen behind the existing buildings of Castle Farm, The Lodge and Fairways Cottage and will be further screened by existing vegetation. The modern residential development along Castell Coch View will be seen in the background of this view. As such it will be viewed as an infill in the existing modern development to the southeast of the castle and therefore in our opinion will not have an impact on the setting of scheduled monument Castell Coch (GM206)

6.1 Welsh Water/Dwr Cymru requests a planning condition requiring that no surface water and/or land drainage should connect directly or indirectly with the public sewerage network.

7. **REPRESENTATIONS**

7.1 Councillor Mike Jones-Pritchard objects to the application. It should be noted that the Councillor's initial representations were submitted when he was a community councillor for Tongwynlais and prior to his election as the local member for Whitchurch/Tongwynlais Ward. He is of the view that there are inconsistencies

between the reality of the impact of the proposals shown on the submitted drawings and statements about the impact on the village and the other documents submitted in support of the application. He comments that the proposal in no way preserves or enhances the setting of Castell Coch, which is a Scheduled Ancient Monument surrounded by either a SSSI or Local Nature Conservation Site. He comments that the proposal fences off the whole of the site and imposes itself on the surrounding properties, looking down on them with a floor level higher than the top of the roof of the adjoining properties on Mill Road.

He comments that the proposed dwelling is set much higher than other properties, is located at the highest point of the site, with retaining walls to the two lower sides, raising it even more above the existing ground level. Contrary to the assertion in the DAS, he states that the proposal will negatively affect the amenity and privacy of neighbouring properties.

He states that the site was cleared of vegetation with numerous trees felled prior to the ecological survey and that any wildlife requiring preservation had therefore been removed prior to the planning application being made. He comments that many residents will state their experiences of Badgers living on the land, foraging in the gardens around it.

The Councillor asserts that whilst the land has been allocated for housing, very few other aspects of the Local Development Plan relating to the site, the Ancient Monument and good design have been followed.

- 7.2 The Clerk to Tongwynlais Community Council has submitted a petition of containing approximately 160 signatures objecting to the planning application. The Community Council objects to the application for the following reasons (summary):

There has already been an application submitted to Cardiff City Council for a residential development on this land historically, which was rejected.

The plans shows a large area marked as "future residential development", but there are no plans or documentation to support this development making it impossible to calculate the full impact of the proposal.

Having regard to scale of the dwelling and its siting on top of an embankment the overall impact for residents on Mill Road is more reflective of a 5-6 storey building than a two storey house. This will make a very imposing building having a dominating effect on properties on Mill Road, Castle Road, Castell Coch View and Wellington Street.

The proposed dwelling will offer no privacy for any resident to the property and will enable its occupiers to see directly into the rear windows and gardens of properties on Wellington Street.

It is also not in keeping with any other dwelling on Mill Road, Castle Road or Wellington Street, which all have the front elevation facing the road.

To build a property of the size proposed may require building up the embankment to provide support and prevent any subsidence. This would involve using the embankment to the side of the applicant's land which belongs to Cardiff City Council and not the applicant.

Any further development on the plot of land would require a new access road to be cut into the embankment, as the single track lane shown on the plans is not adequate to support traffic from the existing properties, without the added impact of further residential or construction vehicles needing access to the site.

Alongside the area for development is a public footpath that is well used by local residents, as well as tourists to the village who often mistake it for access to Castell Coch. The proposed 1.8 metre fencing will make this footpath into a dark alleyway and completely remove the current open aspect which is an attraction of the site.

The proposed dwelling will not be screened by trees in the surrounding area as the majority have already been removed and destroyed by the applicant. The applicant had begun clearing the area of land prior to ecological and wildlife surveys being conducted, which may be considered to be a deliberate attempt to remove any wildlife and provide misleading information. The area is known to be rich in wildlife with foxes, badgers, hedgehogs, voles, toads and slowworm. Many of these are protected species under the Wildlife and Countryside Act 1981.

The area of land is also known to have Japanese knotweed, which was noted in the ecological survey.

This area of land is one of the remaining green spaces in the village and provides an iconic view of Castell Coch for all who travel to the village and those travelling along the M4 or on the A470. Any development on the land would give the impression that this Ancient Monument is set in amongst a housing estate and would do nothing to preserve or enhance its setting. The scale of the development would impede the view of Castell Coch for residents on Mill Road and Castell Coch View, having a detrimental effect on the enjoyment of the village.

Traffic congestion is problematic in Tongwynlais particularly on Mill Road, which is heavily used by commuters from Caerphilly and those wishing to avoid the M4 and A470. Throughout the day cars are parked on both sides of Mill Road making it difficult for traffic to flow and adding to congestion. Any additional residential development will increase traffic and congestion in what is already a very problematic area and have a negative effect on highway safety.

Any development on this land will have an impact on drainage and would impact on existing drains on Mill Road, Merthyr Road and Wellington Street. . Any surface water run-off from this elevated land may cause potential problems for residents on Wellington Street and Mill Road and could cause a flood risk.

The LDP shows the land as a non-strategic housing site reference H1.9 with an estimate of five dwellings. It is therefore already assumed, prior to the application, that the land is appropriate for housing long before any surveys had been conducted.

Noting the amended plans, the Community Council comments that the proposed dwelling will still be dominating in its intended location and overbearing for properties on adjacent Mill Road and Wellington Street. It states that the design of the property is still not in keeping with other properties in the village and that its objections to the application still apply.

- 7.3 A representation has been received from Councillor Linda Morgan. In summary, she considers that the sheer size and height of the proposed dwelling would be alien to surrounding properties and would not enhance Castle Coch. There is concern that the privacy of nearby properties would be affected and that their outlook would be harmed. It is not considered that the retention of trees (not on the application site) would screen the development, as suggested. It appears to the Councillor that 'planners' have been told to approve the development as all requirements have been met but the Councillor feels that this is not the case stating that the proposal does nothing to preserve or enhance Castell Coch or the character of Tongwynlais.
- 7.4 Some 30 representations have been received from neighbouring occupiers and local residents objecting to the planning application on a variety of grounds. A summary of the objections received are identified below. Copies of the detailed objections can be viewed on the Council's website.

Effects on the character and appearance of the street scene and on the setting of Castell Coch.

The proposed house is out of character with the area. The elevated site and its design/scale is such that it will result in an intrusive development for neighbours and would not be in keeping with other dwellings in the village.

The proposal is not considered to preserve or enhance the setting of Castell Coch and will have a detrimental effect on views of this Listed Ancient Monument.

The field is of strategic value and its visual amenity value of prime importance because of its undeveloped nature affording attractive views of Castell Coch.

Highway safety/traffic concerns.

Additional properties and /or access roads onto Mill Road will exacerbate existing traffic difficulties in the area with consequent safety concerns and risk to pedestrians on the highway and public right of way.

The current access off a narrow drive serves as a public footpath as well as main access route for three existing properties. The drive which is steep and its width allows the use of a single car at any one time and is too narrow for cars and pedestrians to pass safely. Access for construction and delivery vehicles would be difficult and would be likely to disrupt the traffic flow on Mill Road.

Concerns have been submitted regarding access to the 'future development area' stating that such an access would be likely to have sub-standard visibility and would be likely to result in the substantial removal of the existing grassy embankment along Mill Road to the detriment of the surrounding residential area.

Given the alignment of Mill Road in the vicinity of the proposed access and traffic speed along the road, the proposals should be rejected on highway safety grounds.

The proposals should be subject of Road Safety Audit.

Impact on the living conditions of neighbouring and nearby occupiers

The proposed property given its scale and elevated position will be over powering and oppressive for neighbouring and nearby residents, impacting on outlook/views, privacy and light/overshadowing.

Adverse impact on the environment and nature conservation interests.

Many residents have referred to the removal of vegetation and felling of trees from the site prior to the application being made and question the ecological survey submitted in support of the application. Residents refer to the presence or sighting of a wide variety of wildlife in the field and to the loss of wildlife habitat were the development to be permitted.

Drainage/flood risk

There is concern that the proposed development will cause drainage and flood risk issues to nearby properties. Reference is made to already over loaded public drainage system. The application lacks an outline drainage strategy for the foul drainage and storm water runoff from the proposed dwelling or the 'future residential area'.

The field currently provides resilience to local flooding which will be eroded by the proposed development.

Other matters

No details have been provided for the proposed future residential development on the remainder of the field. Consideration should be given to the site as a whole and the implications in terms of access, drainage and visual impact.

The site contains Japanese knotweed.

Reference is made to previous planning applications for residential development on the land which were refused.

No consideration has been given to social housing provision.

Lack of capacity in the local school for additional children.

Reference is made to the Council's duty under the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. The Council has an opportunity to carry out its function in ensuring that this green open space can be enjoyed by future generations.

There have been no site notices erected along Mill Road to advertise the planning application.

- 7.5 Following consultation on amended plans, some twelve further representations have been received objecting to the application. In summary, the objections/concerns are as follows;

There is little change from original plans and previously submitted objections remain;

The site is located in an area sensitive to development, on the southern slopes of Castell Coch, which is a scheduled ancient monument, and close to a Special Area of Conservation and a Site of Special Scientific Interest (SSSI).

The proposed dwelling will be prominent, over-bearing and will detract from the visual amenity of immediate neighbours and from further afield;

Permitting the development will lead to a presumption of further development even though historical planning records show earlier refusal on grounds of site sensitivity, amenity and highway considerations;

The building will deprive views of Castell Coch to passers-by including the many tourists who visit the monument;

Adverse effects on highway safety and convenience of road users. Any further access on to Mill Road would pose significant dangers due to existing heavy traffic and parking demands and the alignment of the road;

The potential spreading of Japanese knotweed across the site and neighbouring gardens;

The content of the ecology survey is questioned. Destruction of habitats for a wide variety of wildlife:

Loss of privacy;

Drainage/flooding concerns remain.

- 7.6 Councillor Mike Jones Pritchard, having looked at the amended planning documentation, is of the view that whilst officers have been successful in getting improvements, there are still inconsistencies between the reality of the impact of the proposals shown on the drawings and the statements about the impact on the village and the other documentation submitted. The Councillor states that in general, his representations made previously still stand (refer to section 7.1). However, he has submitted further updated comments, having regard to the amendments, which he advises are also from all four ward councillors. A copy of the comments can be viewed on the Council's website. In summary, the concerns are as follows:

The proposed dwelling is shown with the eaves facing Mill Road, and just 9 metres behind the existing boundary fence, to be around 5.5 metres above finished ground floor level, but that is on top of the embankment. The grass bank adjoining the site is another 6 metres above the footpaths on Mill Road. Adding these means that the overall impact is 12 metres to the eaves, and approximately 16 metres to the ridge. This is the equivalent of over a 5 storey building, rather than a two storey house just 38 metres away.

Even the view of the site when looking from Castle Road, further up the hill, is that of a 12 metre high building and ridge line, set well above the levels of the road.

The main elevation impacting the public highway is noted as being the rear elevation, whereas as all the other properties in the vicinity, have their front elevations facing the public highway. This rear elevation comprises a large expanse of white render, a door to the utility room and small windows to the utility, four bathrooms, one bedroom and the garage. The elevation facing up Mill Road is an improvement on the original with more variation and less render.

1.8 metre high timber fencing was shown to the whole of the boundary of the public right of way although this appears to have been removed. The impact of this would make the public right of way more of a dark alleyway and completely remove the open aspect of the site as it is now. Likewise, if 1.8 metre high fencing is erected on the boundary, it will remove the open aspect currently enjoyed which will impact

negatively on the residents and users of Mill Road. The erection of such boundary treatments will also obstruct views of Castell Coch and will not preserve or enhance the setting of the Listed Building.

Should Committee agree with the recommendation and permit the application, a condition is requested restricting the height of boundary treatment, including hedges or trees. It should be noted that the trees remaining on the boundary, and not felled in advance of the planning application now form a high dark barrier, at odds with the open aspect of the rest of the site and severely restrict the daylight and sunlight to properties on Mill Road. They also restrict the views of Castell Coch from many positions, including from the first floor of houses on Castell Coch View. The high hedges Act, which is meant to provide protection from this form of hedge, does not help the residents of Mill Road, that are directly affected, as the highway between them and the trees means that they do not share a boundary. It is therefore down to a planning condition to prevent a similar situation being created by the owners or occupants of any houses on the site.

The proposed dwelling, located as shown, is not subservient and does not set itself into the scenery. On the contrary, it is large, intrusive, inappropriate and set very much higher than the surrounding land and properties on Mill Road, such that it is nowhere near a similar scale and is detrimental to the character of the area.

The proposed dwelling is set much higher than other properties and it is located at the highest point of the field.

The proposals will negatively affect the amenity and privacy of neighbouring properties. The impact of the proposal on Castle Farm and adjoining properties may be minimised, as they are at similar levels, but the scale and massing is totally different and inappropriate. From the properties on Mill Road, opposite the site, the impact will be virtually equivalent to a more than five storey building set less than 40 metres away or just 20 metres from the footpath of Mill Road. Concern has also been raised by the residents of Castle Farm as to the minimum distances for privacy from habitable rooms being less than recommended.

The site was cleared of all vegetation and left as topsoil. Numerous trees were also felled in the months prior to the inspections being undertaken. Any wildlife requiring preservation had therefore been deliberately removed prior to the application being made. Many local residents will state their experiences of Badgers living on the site and foraging in the gardens around it. The stand of Japanese Knotweed is also within the site and not outside it.

The LDP shows the site, incorporating both red and blue bordered elements of land, including that noted as Future Residential Area, as a non-strategic housing site, reference H1.9 in the LDP, with an estimate of five units. It is therefore already agreed that the site is appropriate for housing. The application makes much of this and seems to make a case that the approval is also a foregone conclusion, also stating, that Cardiff's supply of housing is a material consideration. It is not considered that this should be a reason to permit this single large property in an inappropriate location.

The tree and ecological surveys only refer to the condition of the land at the time of the survey. This might be seen to be deliberately misleading as they were both undertaken after the site had been cleared of virtually all growth, by heavy machinery, and a large number of trees had been felled.

The proposal does not preserve or enhance the setting of Castell Coch, let alone the local environment and character of Tongwynlais. The majority of properties in the vicinity are small scale, with fronts facing public streets and with relatively low eaves appropriate to a domestic two storey properties.

Whilst the application makes reference to Castell Coch, it also states that it is over 300 metres away and virtually dismisses the Castle and the need to “preserve or enhance” the setting of the Listed Building and Ancient Monument.

Whilst the land has been allocated for housing, very few other aspects of the LDP relating to this site, the Ancient Monument and Listed Building, and good design, have been followed.

8. **ANALYSIS**

8.1 This application was deferred by Planning Committee at its meeting on 7th February, 2018 in order to undertake a site visit. The visit took place on Monday, 26th February and the application is now reported back for determination.

8.2 Full planning permission is sought to construct a two storey detached dwelling on land off Mill Road, Tongwynlais.

8.3 The main planning issues are considered to relate to:

- (i) the effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers;
- (ii) the effect on the setting of Castell Coch; a scheduled ancient monument;
- (iii) the acceptability of the proposed parking/access arrangements;
- (iv) the effect on trees of amenity value;
- (v) the effect on nature conservation interests;
- (vi) whether the proposed development will provide an acceptable living environment for prospective occupiers;
- (vii) drainage/flood risk.

8.4 The site lies within the settlement boundary and is allocated as a non- strategic housing site under Policy H1: Non-Strategic Housing Sites of the adopted Cardiff Local Development Plan. The principle of residential development has therefore been established. Planning Policy Wales advises that in contributing to the Well-being of Future Generations Act goals, planning decisions and proposals should *‘promote resource efficient and climate change resilient settlement patterns that minimise land take and urban sprawl’*. As an allocated housing site within the Local Development Plan, the application is considered to contribute to this objective. The site is not subject to any statutory or non-statutory ecological or landscape designation or tree preservation orders. Castell Coch, which is a Scheduled Ancient Monument (SAM) is located on elevated ground some 300 metres to the north west of the site separated by existing residential properties and Castell Coch Golf Course. Policy KP17 of the LDP seeks to protect and enhance the character and setting of SAM's.

8.5 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* (inter alia):

(i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;

(x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities.

8.6 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: Cardiff Infill Sites (November, 2017).

8.7 At paragraph 3.5 the SPG states that:

Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.

8.8 At paragraph 3.8 the SPG states that:

Infill development needs to be sensitive to its context. It is important that in residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatments (e.g. gates, railings, walls and hedges) complement the character of the surroundings.

8.9 At paragraph 4.1 the SPG states that:

Any infill, backland or site redevelopment must consider both the new and future occupiers' amenity, as well as the amenities available to neighbouring residents.

8.10 At paragraph 4.11 the SPG states that:

To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.

8.11 The proposed house would not be dissimilar in scale to the nearby Castle Farm and The Lodge. However, given the elevated nature of the application site, it was of concern that the building, as initially proposed, would have been unduly prominent within the street scene fronting Mill Road. Whilst it is acknowledged that degree of setback from the embankment would offset this impact, it was considered necessary to seek revisions to reduce its overall massing. Following discussions with the agent, the application has been amended with a view to reducing its visual effect. To this end, key changes include the reduction in the finished floor level of the proposed building and amendments to the elevations, and, in particular to the roof design. On balance, and subject to further appropriate landscaping, the revisions are considered to have satisfactorily addressed the concerns outlined above.

8.12 The application area is located some 300m southeast of Castell Coch. With regard to the effect of the proposed development on its setting, Cadw has assessed the views from the Castle and has concluded that the development would not adversely affect the setting of the monument (refer to section 6.1). Views towards the Castle can be enjoyed from a very wide area and it will not be

possible to protect every one of these indefinitely. With regard to the current planning application, views to Castell Coch will remain from the southerly end of the allocated housing site. The impact on views of the Castell resulting from the development of the wider housing site will need to be assessed in consideration of a further planning application.

- 8.13 With regard to the likely effect on the living conditions of neighbouring occupiers, the proposed dwelling would be sited approximately 19.0 metres from the neighbouring property (Castle Farm) at its nearest point and would occupy a lower ground level to the south east of this property. It is not considered that such a relationship would be unduly overbearing or dominating.
- 8.14 Whilst there would be a significant difference in levels between the floor level of the proposed dwelling and the neighbouring houses in Wellington Street to the south (as illustrated on the site section plans), a distance of approximately 50.0 metres would separate the southern elevation of the proposed house and the rear garden boundaries of the nearest properties in Wellington Street. A distance of approximately 58.0 metres would separate the rear elevation of the proposed house and the side elevation of 19 Mill Road which adjoins the south eastern corner of the allocated housing site. These distances significantly exceed the recommended guidelines set out in the Council's approved Infill Sites SPG to allow for adequate privacy for the occupiers of the proposed buildings as well as for neighbouring properties.
- 8.15 Several occupiers in Mill Road have expressed concerns that the proposed house would be at such an elevation that it would be overbearing and result in a loss of light. The amended section plan shows that the proposed dwelling would occupy a ground level approximately 6.0 metres above that of the nearest house on the opposite side of the Road (46 Mill Road). However, a distance of approximately 38.0 metres would separate both properties. Notwithstanding the difference in elevation between both sites, this should ensure no significant overshadowing issues that would justify the refusal of the application on this ground.
- 8.16 Although the Mill Road site is allocated for housing in the Cardiff Local Development Plan, detailed proposals for houses on the wider allocated site would need to be the subject of a further planning application. The effect on the living conditions of neighbouring occupiers would form part of the assessment of such an application.
- 8.17 The Operational Manager, Transportation has raised no objections to the proposed dwelling on highway safety and parking grounds. He notes that access to the proposed new dwelling is via an existing shared private drive off Mill Road which currently serves three dwellings. He is satisfied that visibility at its junction with Mill Road is adequate and advises that he has no objection to its serving one additional dwelling.
- 8.18 The Officer advises that the proposed off street parking provision is satisfactory and seeks a condition to ensure its future retention. Whilst he notes the highway/traffic concerns raised by local residents, and, in particular, access to the 'future residential development', he comments that this area is not within the red line boundary and does not comprise part of the current application which must therefore be determined on its own merits. He states that the Council's policies enable up to 5 dwellings to be served off a shared private drive; a

number which will not be exceeded as a consequence of the current application, and an objection on highway grounds to this limited increase in use of the existing access would therefore be very difficult to sustain.

- 8.19 The Officer advises in response to an objectors' comment regarding the need for Stage 1 and 2 Road Safety Audits that whilst such Audits may be appropriate for larger scale developments, to require them in association a development of only a single dwelling would be excessively onerous and unnecessary.
- 8.20 Although an indicative access off Mill the Road was shown on an initial plan submitted with the application to serve the remainder of the allocated housing, development on this part of the allocated site does not form part of the current planning application. Detailed proposals for houses on the wider allocated site would need to be the subject of a further planning application. The acceptability of the access would form part of the assessment of such an application taking account of the alignment of Mill Road and any other matters that may impact on visibility.
- 8.21 The Public Rights of Way Officer has been involved in discussions on the application with a view to ensuring that the proposed development retains an acceptable relationship with the PROW which runs along the access lane and adjacent to the site.
- 8.22 The site has been the subject of significant clearance of vegetation. A Preliminary Ecological Appraisal and subsequent Ecology Addendum Report has been submitted in support of the planning application. The latter report has been provided following a request for further information by the Council's Ecologist regarding any remaining ecological habits on the site, mitigation for dormice, and assessment of potential bat roost features in trees on the site. The Ecologist, having considered the application and supporting documents, raises no objection to the approval of the application on nature conservation grounds. The Officer advises that should development not take place within two years of the last ecological survey, the site should be re-surveyed and the impact of any proposed development upon nature conservation interests should be re-assessed.
- 8.23 The Tree Officer has advised that subject to development being undertaken in accordance with an approved Arboricultural Method Statement and Tree Protection Plan, unacceptable harm will not result to trees of amenity value. Subject to appropriate conditions, including the approval of a planting scheme for the site, no objections are raised on tree/landscaping grounds.
- 8.24 With regard to living environment for prospective occupiers, the Infill sites SPG advises that the size and type of external amenity space should be appropriate to the type of development and to the urban grain of the area. The proposed garden significantly exceeds the minimum size requirements set out in the Infill Sites SPG.
- 8.25 The application site falls below the threshold for consideration of affordable housing. However, this matter will require assessment in regard to the remainder of the allocated housing site.
- 8.26 No technical objections have been raised by Welsh Water/Dwr Cymru or by the Council's Drainage Officer to the approval of the application on drainage grounds. An appropriate drainage condition is recommended.

8.27 On balance, the proposal, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions.

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

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

9.2 *Equality Act 2010*

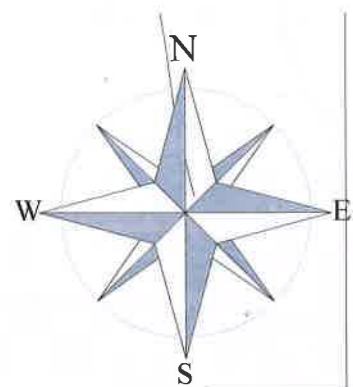
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9.3 *Well-being of Future Generations (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.

9.4 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.



- Site Key**
- Line of public right of way
 - Line of 450mm high knee rail
 - Line of 1.8m high chain link fence
 - 1.8m Close Board Fence
 - 0.9m High Timber Ranch Rail
 - Retaining Wall
 - Personnel Gate
 - Parking Space
 - Parking - Tarmac
 - Private footpaths - Grey Concrete slabs
 - Proposed Landscaping & Trees
 - Trees/hedge to be removed
 - Existing trees/hedges.

REV.	DESCRIPTION	DATE
G	Amendment to development boundary, landscaping and footpath width	08.12.2017
F	Amendment to Bedroom 3 and Garage windows	20.10.2017
E	Adjustments to boundaries and footpath details	17.08.2017
D	Adjustments to boundaries and footpath details	14.08.2017
C	Public footpath and site boundary details added	25.05.2017
B	Amendment to position of garden retaining wall	25.04.2017
A	Adjustments to the road design and ground floor FFL sloped by approximately 800mm	27.04.2017

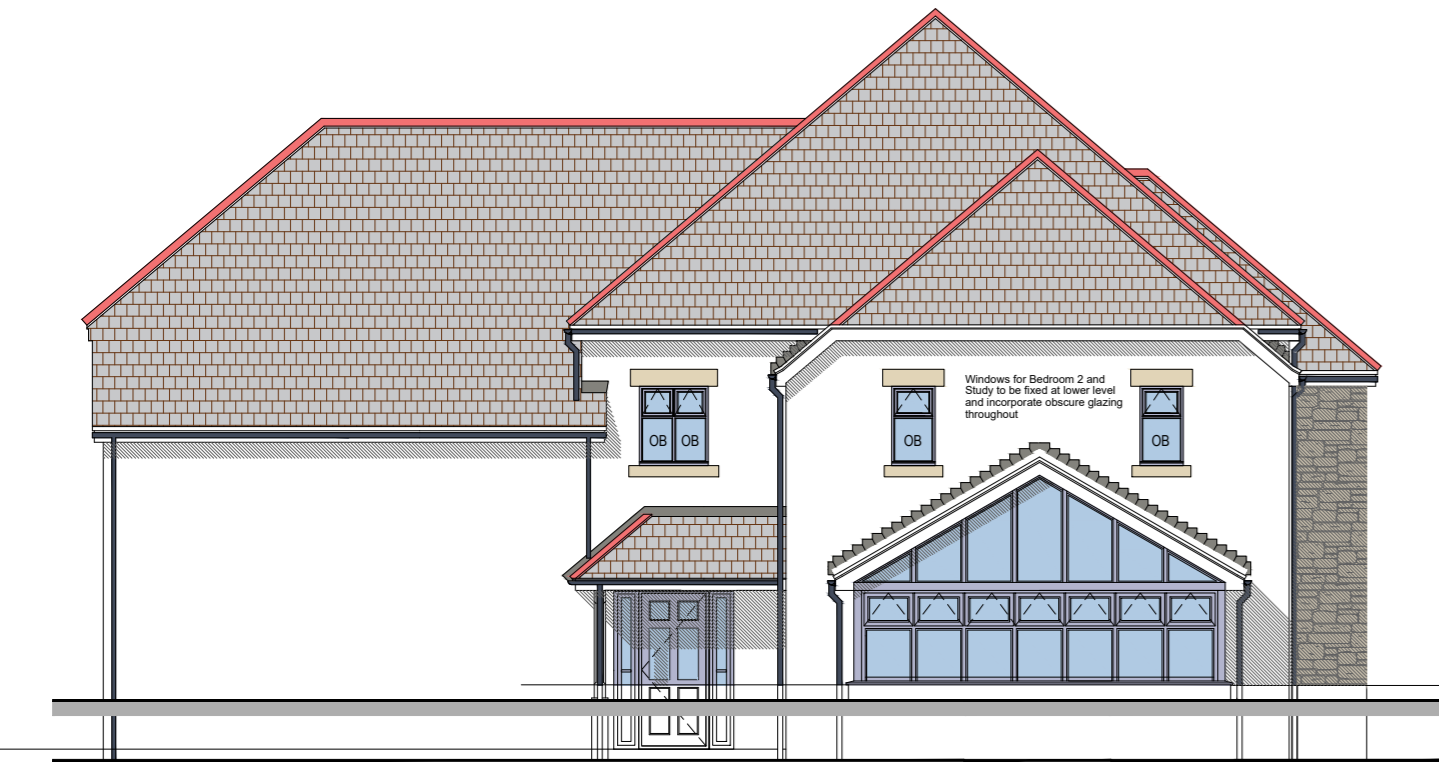
REV.	DESCRIPTION	DATE
CLIENT		
MR J LLEWELLYN.		
JOB TITLE		
MILL ROAD, TONGWYNLAIS.		
DRAWING TITLE		
Site Plan		
SCALE	DATE	DRAWN BY
1:500@A2	Dec 2016	
DRAWING NO.	REVISION	
1664/SP-01	G	



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FRONT ELEVATION



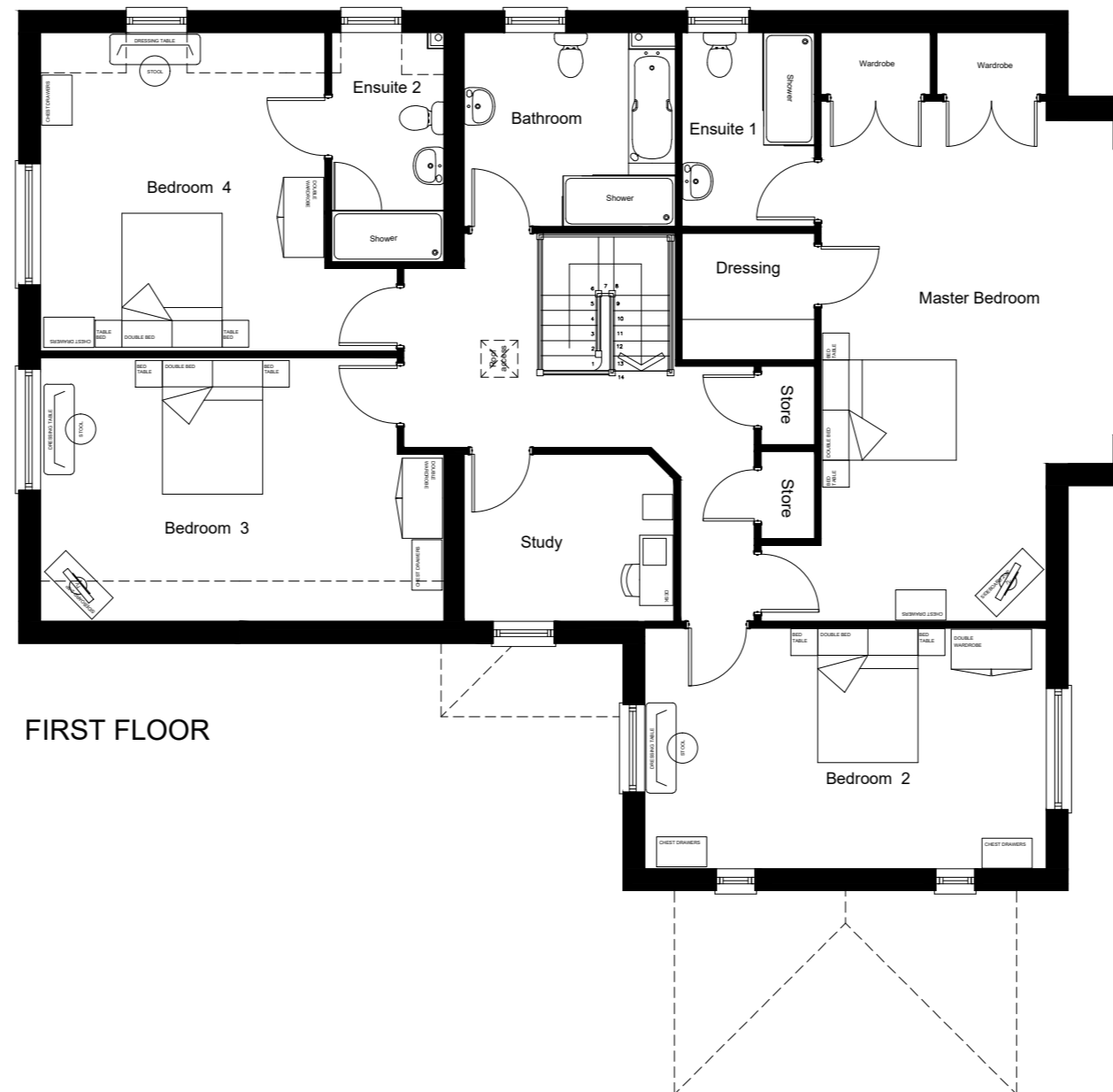
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR



FIRST FLOOR



SIDE ELEVATION



HOUSE TYPE AREA

M² = 283 Ft² = 3046

Measured structurally between inner faces of blockwork & excludes any integral garage

GARAGE AND STORE

M² = 47 Ft² = 506

Measured structurally between inner faces of blockwork & excludes any integral garage

External Finishes Specification

Roof Finishes:

Roof finish to be Marley Rivendale slates or similar, with terracotta ridge tiles.

External Walls:

Walls: To be finished in a white render with detailing in Forticrete Premier Pentstone reconstituted stone in cottage face finish or similar approved.

Windows/Conservatory:

uPVC double glazed dark brown woodgrain effect.

Doors:

GRP insulated dark brown woodgrain effect.

Fascia/Soffit:

uPVC dark brown.

Rainwater Goods:

Gutters to be 1/2 round dark brown uPVC
Downpipes to be round dark brown uPVC

Heads and Cills:

Reconstituted stone buff colour.

Garage Door:

Dark brown woodgrain finish.

A. Windows for Bedroom 2 and Study amended to lower fixed with top-hung vent and obscure glazing. 15.02.2018

REV.	DESCRIPTION	DATE

CLIENT
Mrs J LLEWELLYN.

JOB TITLE
MILL ROAD, TONGWYNLAIS.

DRAWING TITLE
House Plans & Elevations

SCALE	DATE	DRAWN BY
1:100@A2	Dec 2017	

DRAWING NO.	REVISION
1664/HDS/204	A

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Section A-A



Section B-B



Site Plan (1:500)

REV.	DESCRIPTION	DATE
D.	Adjustments to boundaries and footpath details.	12.12.2017
C.	Adjustments to boundaries and footpath details.	17.06.2017
B.	Adjustments to boundaries and footpath details.	14.06.2017
A.	House design amended and ground floor slab level dropped by 800mm.	25.05.2017

CLIENT
MR J LLEWELLYN.

JOB TITLE
MILL ROAD, TONGWYNLAIS.

DRAWING TITLE
Site Sections

SCALE
1:200@A1

DATE
Nov 2016

DRAWING NO.
1664/CS-01

DRAWN BY
D



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Castle Farm



- Site Key**
- Line of public right of way
 - Line of 450mm high knee rail
 - Line of 1.8m high chain link fence
 - 1.8m Close Board Fence
 - 0.9m High Timber Ranch Rail
 - Retaining Wall
 - Personnel Gate
 - Parking Space
 - Parking - Tarmac
 - Private footpaths - Grey Concrete slabs
 - Proposed Landscaping & Trees
 - Trees/hedge to be removed
 - Existing trees/hedges.

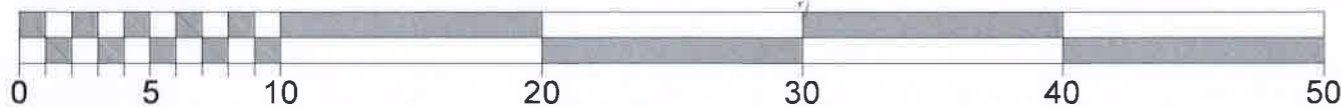
Route of existing public right of way

Route of existing public right of way

Landscaping buffer heavily planted to provide added privacy to the garden

Landscaping buffer heavily planted to provide added privacy to the garden

SCALE BAR



REV	DESCRIPTION	DATE
C	Amendment to development boundary, landscaping and footpath width	08.12.2017
E	Amendment to Balcony, 3 and Garage windows	20.10.2017
A	Adjustments to boundaries and footpath details	17.05.2017

CLIENT MR J LLEWELLYN.		
JOB TITLE MILL ROAD, TONGWYNLAIS.		
DRAWING TITLE Site Layout		
SCALE 1:200@A2	DATE Aug 2017	DRAWN BY -
DRAWING NO. 1664/SL-01	REVISION C	



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LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 15/03/2018

APPLICATION No. 17/02129/MNR APPLICATION DATE: 06/09/2017

ED: **LLANRUMNEY**

APP: TYPE: FULL

APPLICANT: BRIGHTSIDE MANOR CARE HOME
 LOCATION: 639 NEWPORT ROAD, RUMNEY
 PROPOSAL: CHANGE OF USE TO A 'TRANSIT STAY CARE HOME'
 ANCILLARY TO ADJACENT CARE HOME WITH SIDE
 AND REAR EXTENSIONS, LOFT CONVERSION WITH
 REAR DORMER AND RAMP FOR DISABLED ACCESS.

RECOMMENDATION 1 : That 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 following approved plans:
 - 201 R4 - Proposed Plans
 - 202 R4 - Proposed Plans
 - 203 R4- Proposed Site Plan

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. The premises shall be used for the purpose specified in the application (Residential Care Home) and for no other purpose (including any other purpose in Class C2 Use class of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class C2 could prejudice the amenities of the area.

4. No part of the development hereby permitted shall be commenced until a scheme of highway reinstatement works to Newport Road adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme is to include the resurfacing / reinstatement of the footway / carriageway as may be required as consequence of implementation of the development; to include

surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture and shall be implemented as per the approved scheme and retained thereafter

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in any wall in the side elevation facing 641 Newport Road.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

6. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

7. Prior to its beneficial use, the rear dormer hereby approved shall be finished in materials to match the roof of the existing dwelling.

Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area.

8. The rear dormer window shall be non-opening below a height of 1.7 metres above internal floor level and glazed with obscure glass and thereafter be so maintained

Reason: To ensure that the privacy of adjoining occupiers is protected

9. Prior to beneficial use, a 1.8m high enclosure shall be erected to the rear boundary of the curtilage of the property and shall be retained thereafter

Reason: To ensure that the privacy of adjoining occupiers is protected

RECOMMENDATION 2: That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.

RECOMMENDATION 3: The agent/applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and

dispose of their waste can contact the commercial services department on **029 20717500**.

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/developer is advised that the site is crossed by a public sewer which may impact upon the rear extension. Therefore you are advised to contact Welsh Water on 0800 917 2652 to discuss a possible Build Over Sewer agreement.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to convert the existing semi-detached bungalow into a 'transit stay care home', which would allow short term stays for residents of the adjacent care home, prior to their discharge back into the community/own homes.
- 1.2 The proposal also entails extending the property to the sides and to the rear, the insertion of a dormer window into the rear roof slope and construction of a walkway and ramp for disabled access between existing care home and the property.
- 1.3 The submitted plans as amended show the rear/side extensions to be 1.4-8m wide, 5.6-14.6m long and 2.6m high with a flat roof. The rear dormer is to be 2.8m wide, 2m projection and 1.4m high with a flat roof.
- 1.4 The submitted plans also show that the property is to become amalgamated within the curtilage of the existing Brightside Manor nursing home and utilised as a C2 residential care home. The plans show that the proposed works will entail the alterations to the existing enclosures to facilitate the amalgamation of curtilages and the removal of the existing drop kerb and access to no. 639 Newport Road and its reinstatement as footway.

2. **DESCRIPTION OF SITE**

- 2.1 The application site, is a semi-detached single storey property known as 639 Newport Road, situated on Rumney Hill, adjacent to the Brightside Manor Care Home.
- 2.2 The surrounding area consists of single storey dwellings to the North-East along Newport Road, with vacant land, part of the Castle Rise development to

the rear of the site (consented for two semi-detached dwellings) and the care home and its grounds to the South- West.

3. **SITE HISTORY**

3.1 None

4. **POLICY FRAMEWORK**

4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan

4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:

Policy KP5 (Good Quality and Sustainable Design)

Policy H4 (Change of Use of Residential Land or Properties)

Policy T5 (Transport Impacts)

Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Supplementary Planning Guidance: Residential Extensions and Alterations (2017)

4.4 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)

4.6 Technical Advice Note 12: Design

4.7 Planning Policy Wales 2016

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Waste Management – No objections, advise the need for recommendation.

5.2 The Operational Manager, Transportation – No objections, advise the need for condition 4.

5.3 The Operational Manager, Family & Community Services – No response received at the time of writing of this report.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water – Advise that a site crosses a public sewer.

6.2 Care Standards Inspectorate Wales (CSIW) – No response received at the time of writing of this report.

7. **REPRESENTATIONS**

7.1 Neighbours have been consulted, e-mails were received from the occupiers of 641 Newport Road, objecting for the following summarised reasons;

- Noise and disturbance from future occupants
- Overdevelopment of site
- Extension would be overbearing/overshadowing
- Access over own property for maintenance
- Flat roof extension not in keeping with surrounding area
- Change of use from residential to commercial use
- Loss of privacy
- Loss of parking/parking problems associated with the care home

7.2 Ward Councillor Jacqueline Parry objects to the proposal for the following summarised reasons;

- Proposal is unneighbourly and will adversely affect the adjoining dwelling
- Would change the areas character/loss of a family home
- Use of property as a commercial care home
- Requests application goes to planning committee and a site visit is undertaken

7.3 Ward Councillor Bob Derbyshire objects to the proposal for the following summarised reasons;

- Loss of family house
- Change of use to a commercial property
- Use is not appropriate next to a residential area

8. **ANALYSIS**

8.1 This application was deferred by Planning Committee at its meeting on 7th February 2018 in order to undertake a site visit. The visit took place on Monday 26th February 2018.

8.1 The main planning issues relate to:

- (i) The likely impact on the privacy & amenities of neighbouring occupiers.
- (iii) Highway safety/parking issues.

8.2 Amended Plans have been received due to officer concerns regarding the materials proposed for the covered walkway and the size and scale of the proposed extensions. Amended plans show that proposed extensions have been reduced in length and width and that they also show that the property is to be amalgamated within the curtilage of the no. 637 Newport Road (existing Brightside Manor nursing home), so that they form one unit (see para 1.4), with the property only being accessed from within the grounds of the nursing

home. The existing amenity area, parking provision and refuse storage area for no. 637 Newport Road would be available to this property.

- 8.3 The property has no specific land use designation or allocation. The surrounding area is predominantly residential in nature, with some commercial uses along Newport Road.

The application should be assessed against Policy H4 'Change of Use of Residential Land or Properties'. This states that outside the Central and Bay Business Areas and District and Local Centres identified on the Proposals Map, conversion or redevelopment of residential properties to other uses will only be permitted where:

- i. The premises or their location are no longer suitable for residential use;
- ii. The proposal is for a community use necessary within a residential area;
- iii. There would be no unacceptable impact on residential amenity.

Paragraph 5.16 states that 'there is a range of community uses that are appropriate and necessary, in principle, within residential areas. These include doctors' and dentists' surgeries, residential homes and childcare facilities'.

Assessed against this policy framework, the proposal to change an existing residential property to a care home raises no land use policy concerns.

- 8.4 The proposed extensions as amended are considered acceptable in regards to scale and design and are considered to not prejudice the general character of the area.
- 8.5 The scale of the extension as amended and its relationship with the existing dwelling and that of neighbouring properties is considered acceptable. The proposed rear/side extension is approximately 2.6m high and 5.5 metres long, adjoining the boundary with no. 641 Newport Road and would be adjacent to an existing single storey rear extension at no. 641. It is considered that the proposal would not be overbearing or generally un-neighbourly to the adjoining property, which would justify concern for the Local Planning Authority.
- 8.6 Subject to conditions, it is not considered that the proposal as amended would prejudice the privacy of neighbours. The submitted plans show that the rear dormer would be approximately 8 metres from the rear boundary and it is considered necessary to ensure that this window is obscurely glazed and non-opening below 1.7m internal floor-level, so as to protect the privacy of future occupiers of the consented dwelling-houses to the rear (see condition 8). It is also considered necessary to erect a 1.8m enclosure to the rear boundary of the property, so as to protect the privacy of future occupiers (see condition 9).
- 8.7 In regards to comments made by neighbouring occupiers and Councillors Jaqueline Parry and Bob Derbyshire and which are not covered above, the following should be noted:

- i) Noise and disturbance from future occupiers is not enforced by Planning and is dealt with under separate legislation
- ii + iii) It is not considered that the extensions as amended would lead to an overdevelopment of the site.
- iv) Access onto or over adjoining private land is a private legal matter between the two parties and is not a material planning consideration
- v) The flat roof extension is considered to be acceptable in the context of the site and surroundings, noting that there are other flat roof extensions within the surrounding area.
- vi) The change of use to a care home is considered acceptable in land use policy terms (see para 8.3). The use of the property would be C2 use class
- vii) It is noted that the proposal would involve the loss of the existing dwelling-house, however, Policy H4 of the Local Development Plan allows for the conversion of residential properties to community uses (doctor and dentists surgeries, residential homes and child-care facilities) within residential areas. It is also noted that the existing dwelling house (C3 use class) could be used by up to six people living together as a single household and receiving care (supported housing schemes) without the requirement for planning permission.
- viii) In regards to loss of privacy/overlooking, see paras 8.6
- ix) The Operational Manager, Transportation raises no objections to the proposal

8.8 **Other Legal Considerations**

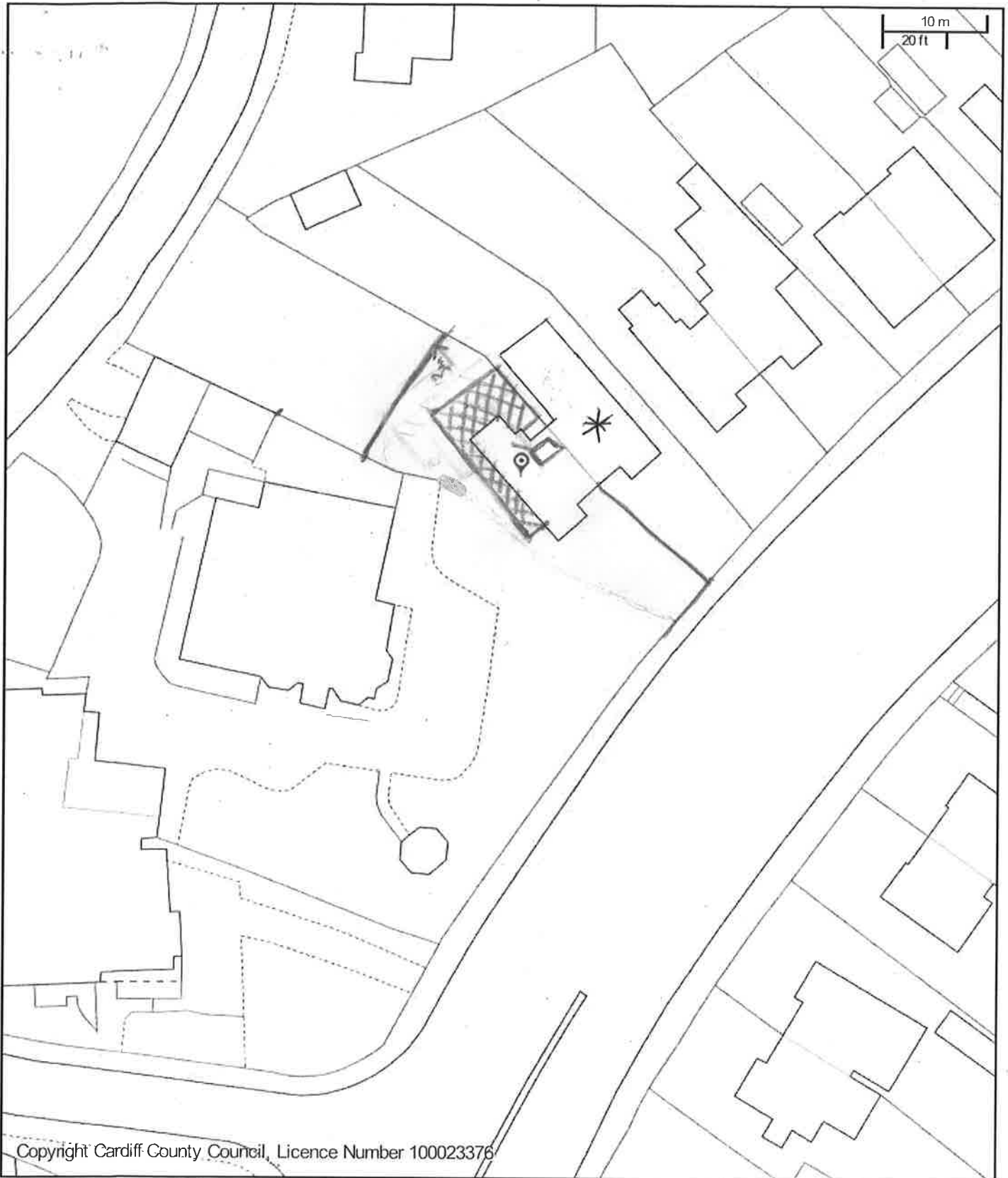
Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder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

8.9 **Conclusion**

Having regard to the objectives of Policies KP5 and H4 of the Adopted Local Development Plan and related Supplementary Planning Guidance, it is recommended that planning permission be approved.



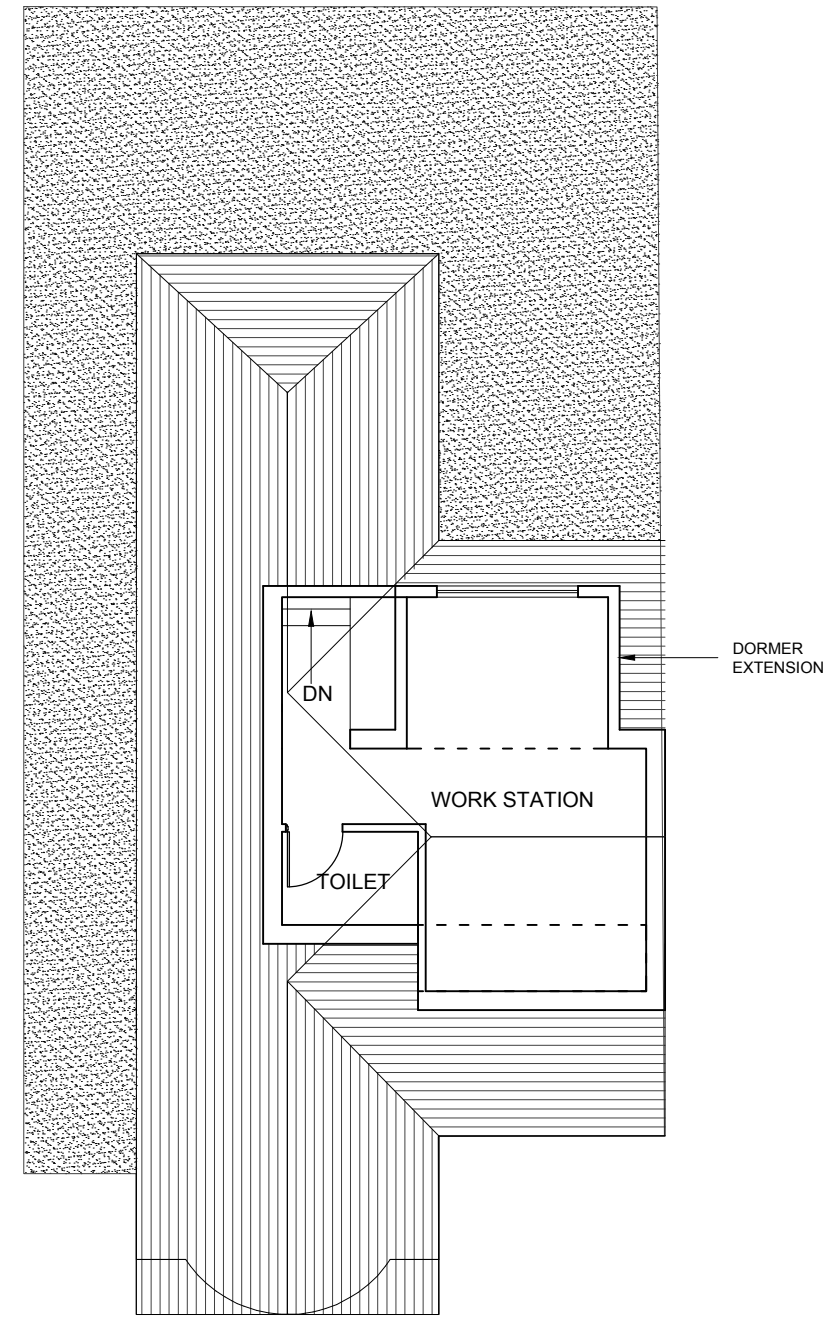
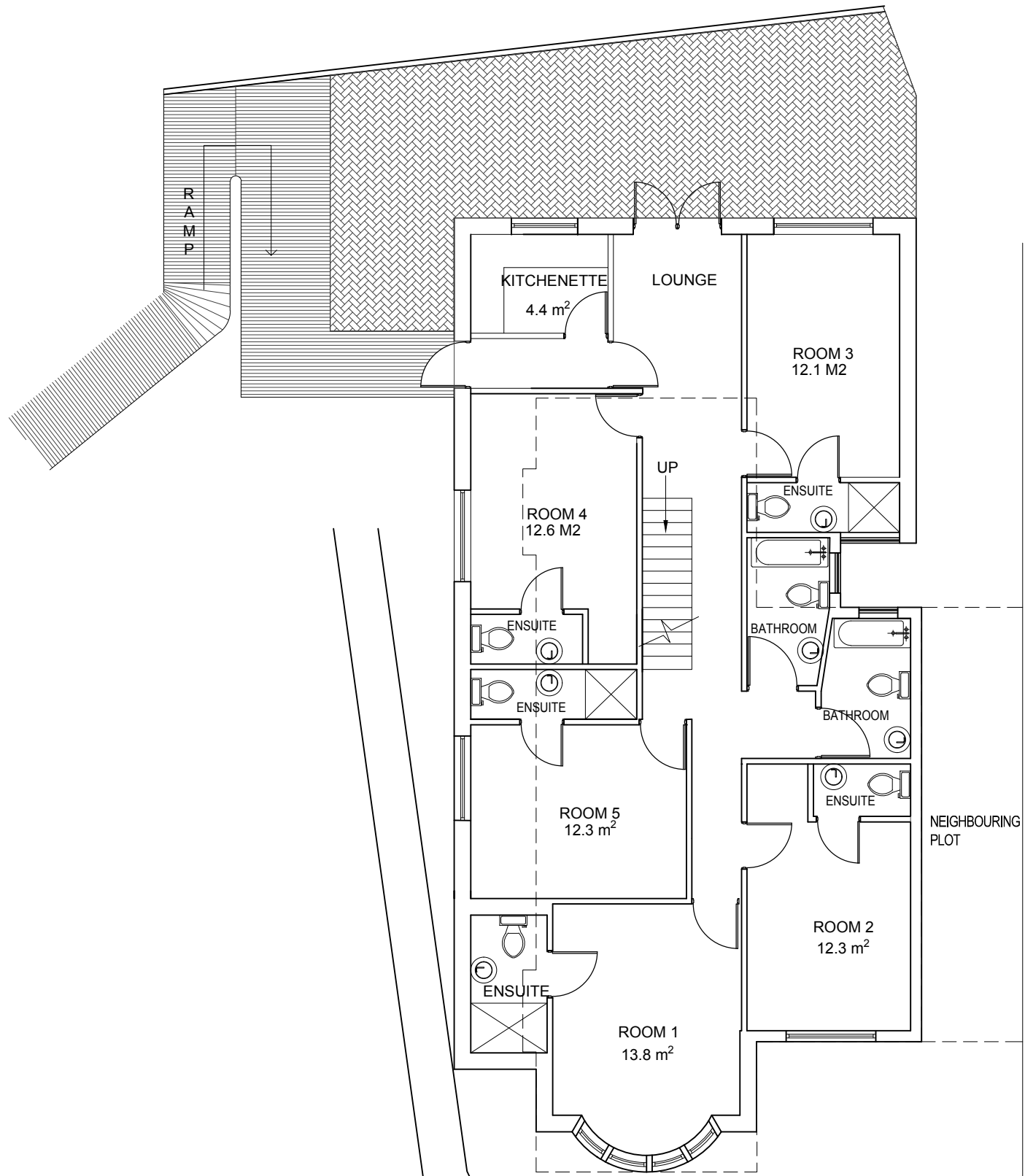
CHIEF EXECUTIVE
 Paul Orders
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd




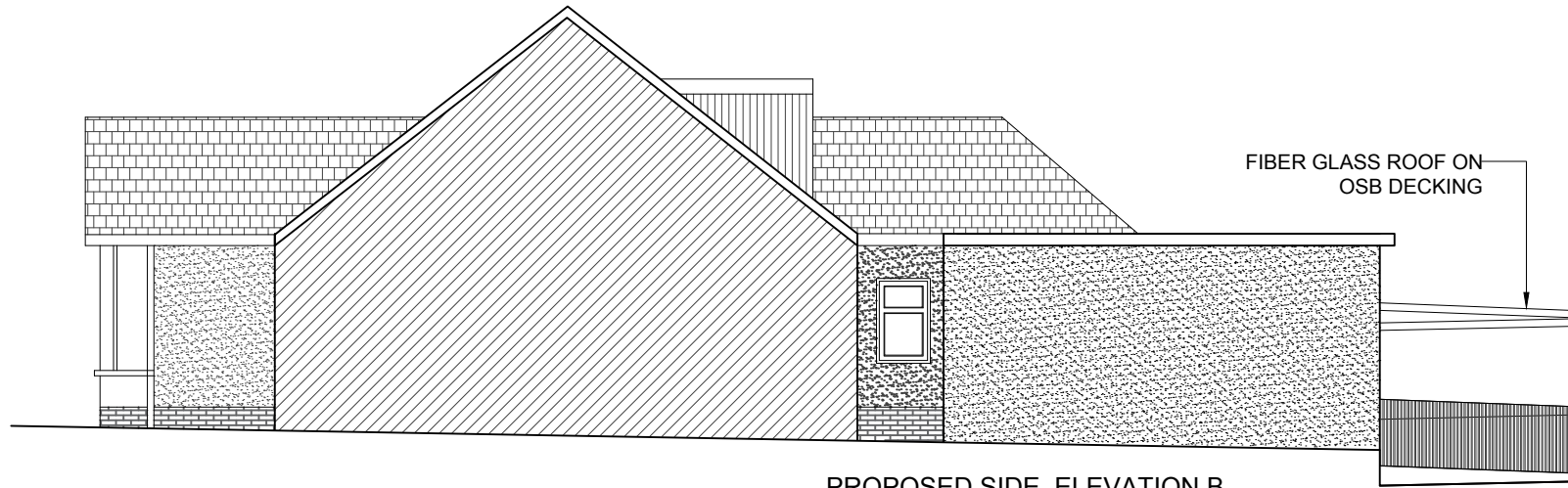
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* - Objection
 ▨ - Proposed Extension

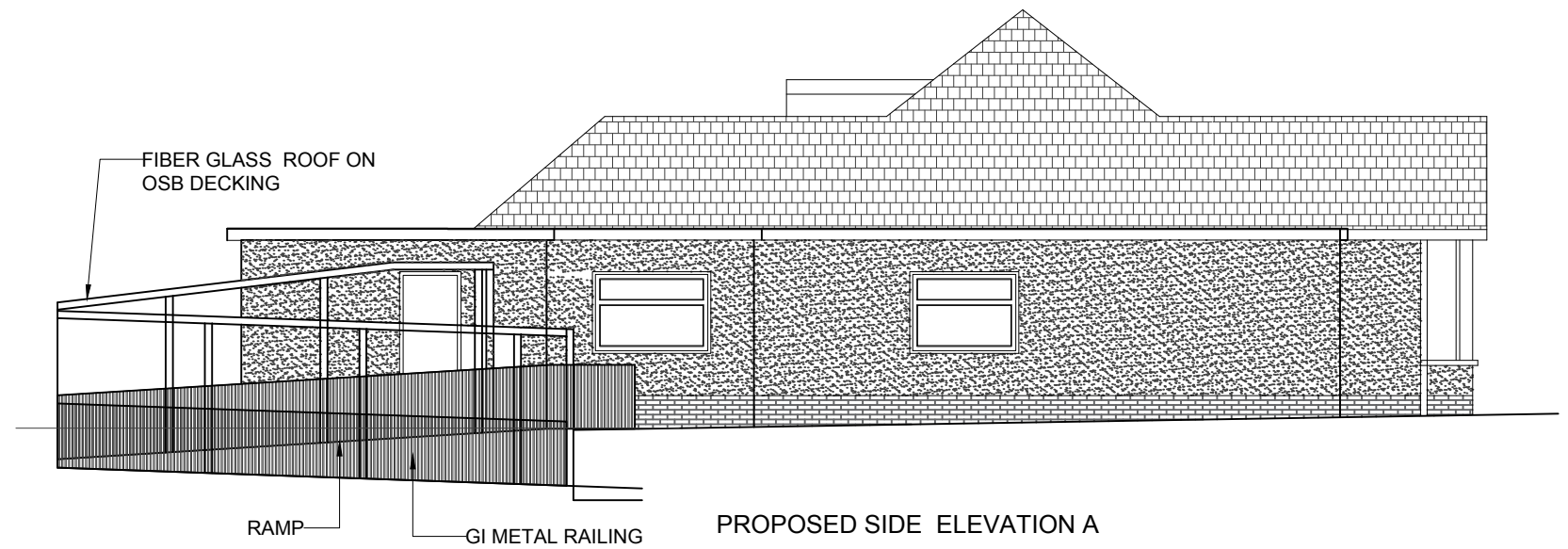


R4 EXTENT OF EXTENSION REDUCED

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Date: JAN 2018			
Project: 639 Newport Road , CARDIFF			
Client:			
Description: PROPOSED PLANS			
Job No:	Scale:		
	1:100 ON A3		
Dwg No:	Drawn By:		
201 R4	NZ		



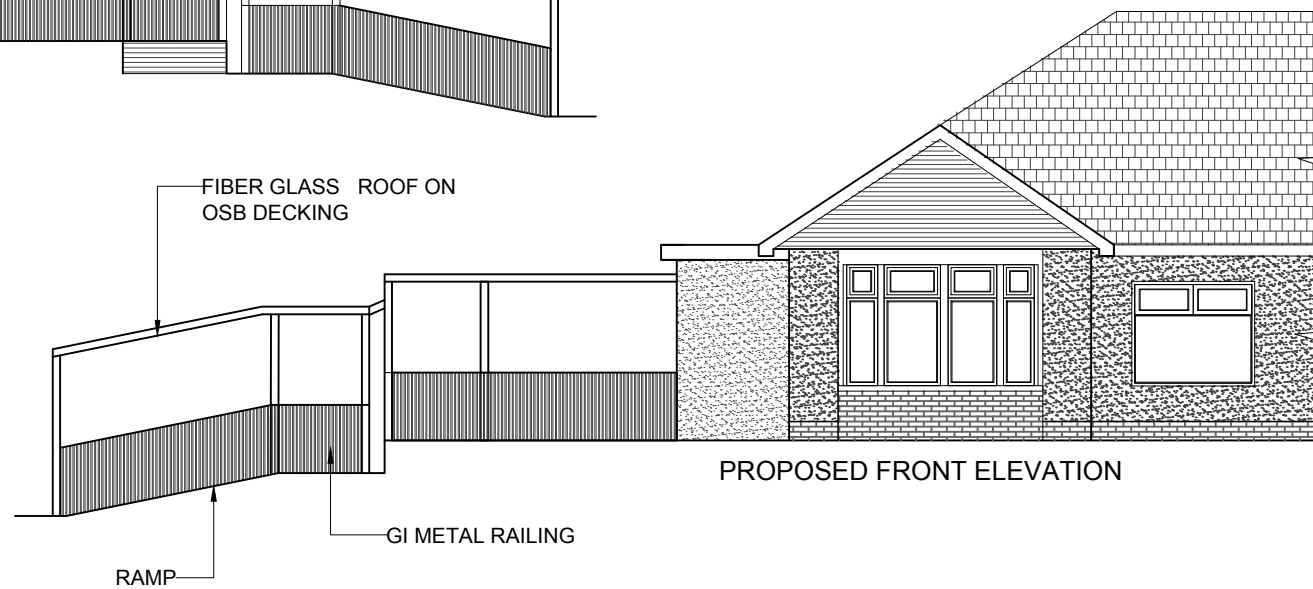
PROPOSED SIDE ELEVATION B



PROPOSED SIDE ELEVATION A




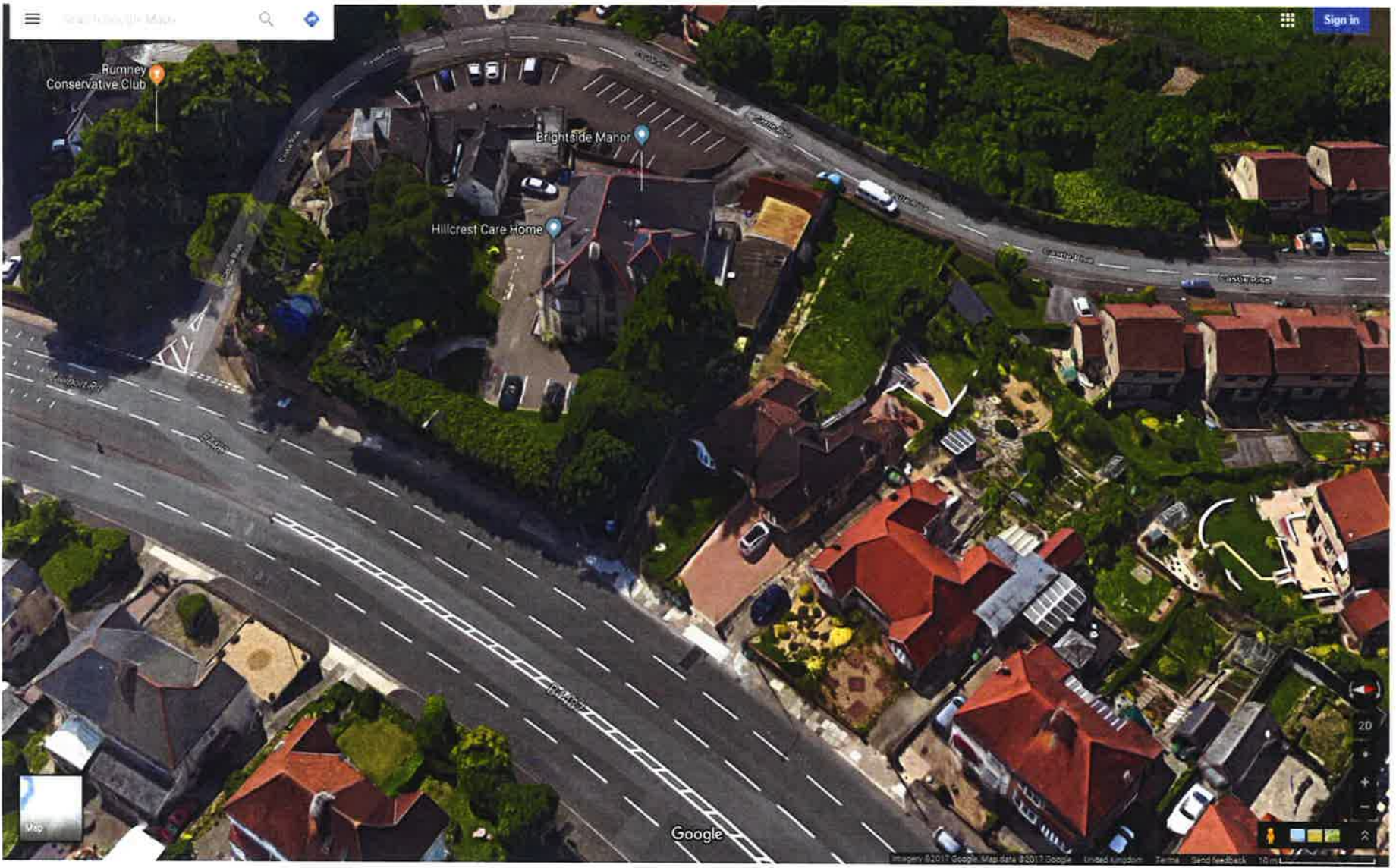
PROPOSED REAR ELEVATION

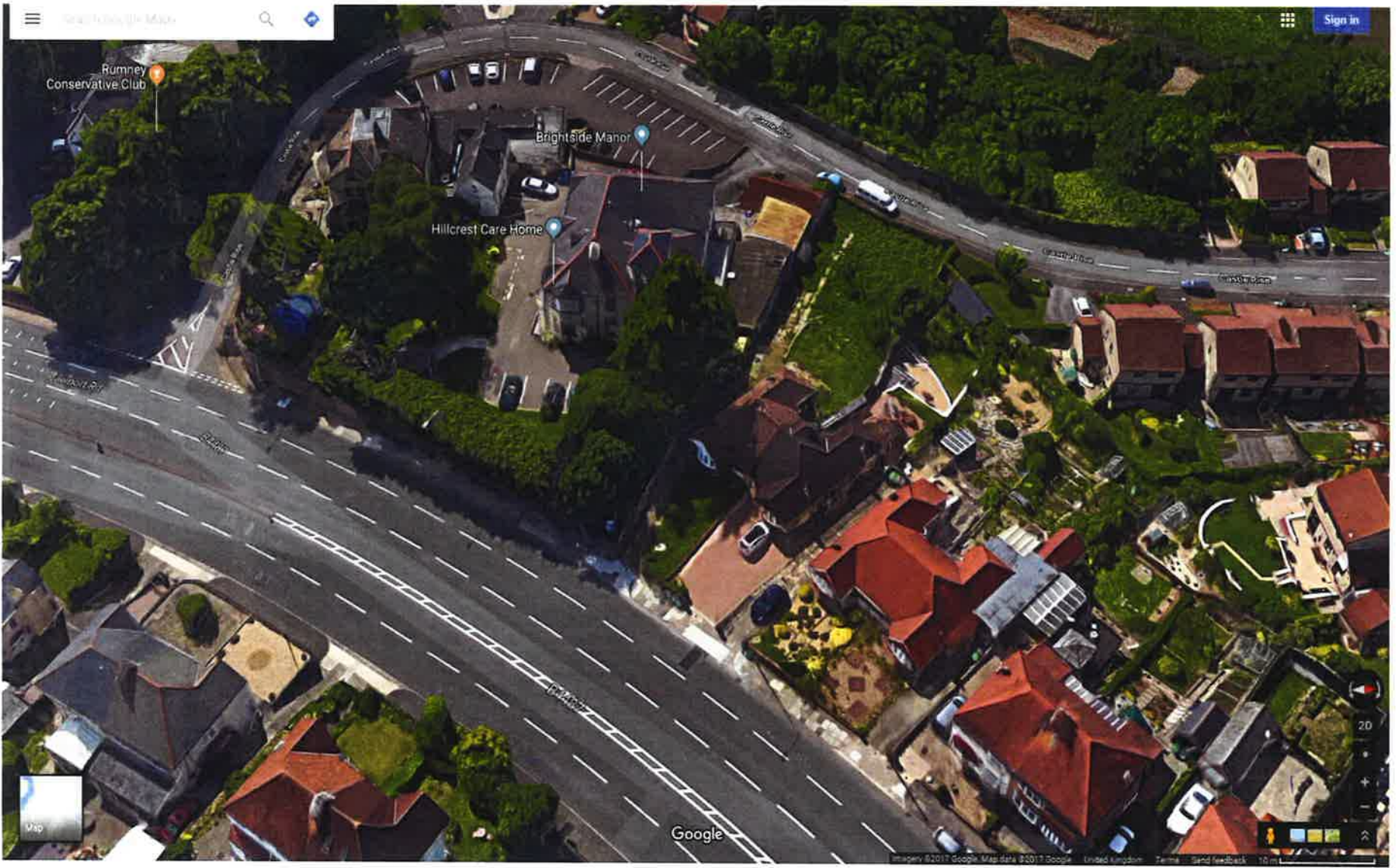


PROPOSED FRONT ELEVATION

R4 EXTENT OF EXTENSION REDUCED

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Project: 639 Newport Road, CARDIFF			
Client:			
Description: PROPOSED ELEVATIONS	Job No: 202 R4	Scale: 1:100 ON A3 Drawn By: KG	







645 B4487
Ramsey, Wales
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COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/1417/MJR**

APPLICATION DATE: 20/6/2017

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: VITA (CARDIFF) 1 LTD

LOCATION: BRADLEY COURT, 11 PARK PLACE, CATHAYS PARK, CARDIFF

PROPOSAL: DEMOLITION OF BRADLEY COURT RETAINING 11 PARK PLACE, REDEVELOPMENT AND CHANGE OF USE TO STUDENT ACCOMMODATION (USE CLASS SUI GENERIS) COMPRISING STUDIOS AND COMMUNAL SPACES TOGETHER WITH GROUND FLOOR RESTAURANT (USE CLASS A3) AND ASSOCIATED ANCILLARY WORKS

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.6 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans:
 - 1870-P101-G Site Location Plan
 - 1870-P001-C Existing Site Plan
 - 1870-P102-I Site Plan
 - 1870-P111-L Basement Floor
 - 1870-P112-M Ground Floor
 - 1870-P113-M Plan Level 1
 - 1870-P114-L Plan Level 2
 - 1870-P115-L Plan Level 3
 - 1870-P116-L Plan Level 4
 - 1870-P117-L Plan Levels 5 - 7
 - 1870-P118-L Plan Levels 8 - 11
 - 1870-P119-H Plan Levels 12 - 24
 - 1870-P121-B Plan Level 15
 - 1870-P122-B Plan Levels 16 - 18
 - 1870-P123-B Roof Plan
 - 1870-P210-L North Elevation
 - 1870-P211-J East Elevation
 - 1870-P212-K South Elevation
 - 1870-P213-M West Elevation

- 1870-P300-J Building Section A
- 1870-P301-J Building Section B
- 1870-P302-E Building Section C
- 1870-P400-F Bay Study 1
- 1870-P401-F Bay Study 2
- LTS-079(08)101-G Landscape General Arrangement
- LTS-079(08)102-F Landscape Planting Plan
- LTS-079(08)104 Roof Plan
- LTS-079(08)701D Proposed Landscape Sections 1 of 7
- LTS-079(08)702D Proposed Landscape Sections 2 of 7
- LTS-079(08)703D Proposed Landscape Sections 3 of 7
- LTS-079(08)704D Proposed Landscape Sections 4 of 7
- LTS-079(08)705C Proposed Landscape Sections 5 of 7
- LTS-079(08)706C Proposed Landscape Sections 6 of 7
- LTS-079(08)707B Proposed Landscape Sections 7 of 7
- LTS-079-010REVA Indicative Public Realm Proposals

Reason: For the avoidance of doubt.

3. In respect of the proposed A3 use and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 no sale of hot food for consumption off the premises shall take place from the premises, other than that which is incidental to the primary function as a restaurant/café type use selling food and drink for consumption on the premises. Reason: To ensure that the use of the premises does not prejudice the amenities of the area.
4. No above-ground development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance of the development is in keeping with the area.
5. No above-ground development above ground shall take place until a scheme showing the architectural detailing of the main elevations of the building has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the building.
6. *Wind microclimate mitigation measures:* No above-ground development shall take place until details of appropriate mitigation measures as identified in the desk-based wind study report have been submitted to and approved in writing by the LPA. The mitigation measures shall be subject to wind tunnel testing, unless otherwise agreed in writing by the LPA, and the development shall be carried out in accordance with the approved details. Reason: To ensure the comfort of pedestrians and cyclists using the public realm and adjacent footways and carriageway.
7. *Ground Gas Protection:* Prior to the commencement of development 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 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 then 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. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.

8. *Contaminated Land Assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:
- (i) 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) 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) assessment of the potential risks to human health, groundwater and surface waters, adjoining land, property (existing or proposed), archaeological sites and ancient monuments, and any other receptors identified at (i);
 - (iv) appraisal of remedial options, and justification for the preferred remedial option(s).

Reason: To ensure a proper assessment of land contamination risks in accordance with policy EN13 of the Cardiff Local Development Plan.

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

10. *Remediation and Verification:* The approved remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
11. *Unforeseen Contamination:* 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 LPA, 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 LPA. Following remediation a verification report must be submitted to and approved in writing by the LPA. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any contamination. Reason: To ensure that the safety of future occupiers is not prejudiced.
12. *Imported Soils:* 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. 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.
13. *Imported Aggregates:* 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. 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.

14. *Use of Site-won Materials:* 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.
15. No development shall take place until a drainage scheme for the disposal of both surface water and foul water including any connection to the existing drainage system has been submitted to and approved by the Local Planning Authority. No part of the scheme shall be occupied until the approved scheme is implemented. Reason: To ensure an orderly form of development.
16. No habitable room shall be occupied until the approved noise mitigation façade insulation works measures specified in Figure 4 and Table 5 of the Ambient Noise Assessment Report by PDA Ltd., dated December 2015, or other mitigation measures agreed in writing by the LPA, have been installed. Reason: To ensure that the amenities of future occupiers are protected.
17. A scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial unit and any residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation of the commercial unit to which it relates. Reason: To ensure that the amenities of future occupiers are protected.
18. No member of the public shall be admitted to or allowed to remain on the premises of any ground floor A3 unit between the hours of 12:00 midnight and 06:00 on any day. Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.
19. There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 and 08:00 on any day. Reason: To ensure that the amenities of future residents and occupiers of other premises in the vicinity are protected.
20. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with the current British Standard 4142. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

21. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to the Local Planning Authority for approval in writing and the approved details shall be installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
22. *Tree protection:* No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:
- A finalised **Arboricultural Impact Assessment**. An **Arboricultural Method Statement (AMS)** detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.
 - A **Tree Protection Plan (TPP)** in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.
- Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP. Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.
23. *Tree work to British Standard:* Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it. Reason: *The trees are of value in the local environment and should be protected and maintained in good condition.*
24. *Landscaping:* No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- A landscaping implementation programme. Scaled planting plans prepared by a qualified landscape architect.
 - Existing and proposed services and drainage above and below ground level.

- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect and including full details of oversight of landscaping implementation by the project landscape architect.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.
Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

25. *Landscaping Maintenance:* Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of the landscaping condition, unless the Local Planning Authority gives written consent to any variation. *Reason: To maintain and improve the amenity and environmental value of the area.*
26. *Cycle Storage:* No above-ground development shall take place until a scheme showing details of the 80 basement cycle parking spaces and visitor cycle parking for students and restaurant users has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented. *Reason: To ensure that adequate provision is made for the secure parking of cycles.*
27. *Construction Management Plan:* No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include details of site/compound, details of highway/footway closures, site hoardings and access/egress, noise and dust control measures, and any other such details as may be required. Construction of the development shall be managed strictly in accordance with the scheme so approved. *Reason: In the interests of highway safety and public amenity.*

28. *Student Travel Management Plan:* The student accommodation element of the development hereby permitted shall not be occupied until a travel/ parking/ traffic/ resident/ letting management plan to include the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term; the control of vehicular access to the site; and the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority. Reason: In the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.
29. *Highway Improvement Works:* No above ground development shall be commenced until a scheme of public footway reinstatement works to Park Place and Boulevard-De-Nantes adjacent to the site has been submitted to and approval in writing by the LPA. The scheme to include the resurfacing/ reinstatement of the footway as may be required as consequence of implementation of the development; to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented. Reason: To reinstate the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.
30. *Delivery and Servicing Management Plan:* No part of the development hereby permitted shall be commenced until a plan for the management of delivery and servicing associated with the building has been submitted to and approved by the Local Planning Authority; the plan to include as required but not limited to the management of day to day access, deliveries and servicing, details of the maximum vehicle size(s), times and days of permitted access, control and management of noise. Management of the delivery and servicing associated with the development shall be carried strictly in accordance with the plan so approved. Reason: In the interests of highway safety and public amenity.
31. *Waste Storage:* Details of the strategy for dealing with the storage, recycling and collection of waste of the part of the development to which it relates shall be submitted to and approved by the Local Planning Authority and the scheme shall be constructed in accordance with the approved details prior to that part of the development being put into beneficial use. Reason: To ensure that the amenities of the area are protected.
32. *Historic Building Record:* Unless otherwise agreed in writing with the LPA no works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. Reason: As the buildings are of architectural and cultural significance the specified records are required to mitigate impact.
33. *Archaeological Record:* No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the

applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

ADDITIONAL RECOMMENDATIONS:

RECOMMENDATION 2: The highway works condition and any other works to the existing public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

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

- (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.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

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

RECOMMENDATION 5: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A detailed application for the demolition of the vacant 1980s Bradley Court office block, retention and conversion of the listed 11 Park Place villa, and redevelopment of the site for a mixed use development comprising purpose-built managed student accommodation in an 19/15 storey tower and 8 storey wing (320 student beds) and ground floor restaurant use.
- 1.2 The planning application is accompanied by an application for conservation area consent for the demolition of the office block, and an application for listed building consent for the alterations to the Victorian villa at 11 Park Place.
- 1.3 The new development is located to the rear of the site in an L-shaped block with the taller 19 storey element fronting Park Place, stepping down to a 15 storey element fronting Stuttgarter Strasse, and stepping down again to a lower 8 storey wing to the rear of 11 Park Place, abutting Park Lane service road.
- 1.4 Amended plans: Prior to registration of the planning application in June 2017 extensive pre-application discussions were held with Planning. Interim pre-application advice raised concerns over the scale of the proposals given the location and the policy framework however the applicant chose to submit the application because of time constraints.
- 1.5 After a number of meetings and various versions seeking to address our concerns amended plans were received in October 2017 reducing the number of student rooms and radically redesigning the tower. Massing, height and architecture remained an issue however and further amendments were received on 7th February 2018. Notwithstanding the significant improvements to the design the scheme was still not considered to be of sufficient quality and a final set of amended plans were registered on 22nd February. The plans show a reduction in height by 2 storeys of the lower tower and improvements to the façade treatment of the upper storeys.
- 1.6 The new building connects to the rear of the listed building necessitating the demolition of the 1988 rear elevation and construction of a new link. The footprint of the new building and the listed building create a new courtyard enclosed on 3 sides and open to Park Place. The entrance to the student accommodation and to the restaurant is from this courtyard.
- 1.7 Two of the three protected trees on the corner of Park Place and Stuttgarter Strasse are retained and a small sunken garden created in the corner which maintains the existing front garden level (approx 1m below pavement level). A new area of public realm fronting Park Place is created by raising the ground to the

same level as Park Place, with a secondary ramped access from SS. Three new trees are proposed on the Park Place frontage.

- 1.8 The ground floor of the student accommodation (320 beds in self-contained studio rooms) consists primarily of communal 'hub' spaces, including movie room and gym, serving the studio rooms above, and retail accommodation in the form of a stand-alone restaurant unit open to the public (the 'Lauderette'). The restaurant entrance sits below the corner tower, next to the main student entrance, accessed from a courtyard and the new public space on the corner of Park Place and Stuttgarter Strasse. The first floor of the retained villa is also given over to communal 'hub' uses.
- 1.9 Cycle parking for approximately 80 bikes is provided at basement level, accessed from Park Lane. One disabled parking space and a loading bay is provided in Park Lane.
- 1.10 Roof terraces for the use of the students are located at level 2 to the rear of the villa and on the top floor of the 15 storey tower.
- 1.11 The 19 storey and 15 storey tower elements are separated vertically by a pronounced recess intended to emphasise a more vertical form and visually reduce the massing of the tower in views from the north. The tower is also spilt horizontally into a 4 storey plinth clad in greyish brown brickwork, a middle section clad in a textured buff brick slip system, and a top 'lantern' section with large vertical windows extending over 4 storeys on the main tower and 3 storeys on the lower tower. Window reveals will be lined in metal. The 4 storey plinth includes full height glazed sections on the principal corner and elevations to the new public space.
- 1.12 The following information is submitted:
 - Design and Access Statement (amended Feb 2018)
 - Planning Statement
 - Community Involvement Statement
 - Archaeological Assessment
 - Bat Emergence Survey
 - Flood Impact and Drainage Statement
 - Environmental Noise Study
 - External Lighting Strategy
 - Transport Statement & Draft Travel Plan
 - Tree Report & Tree Constraints Plan
 - Ventilation Strategy
 - Employment Land Statement
 - Pre-Application Consultation Report
 - Draft Heads of Terms
 - Geo- Environmental and Geotechnical Assessment
 - Townscape and Historic Environment Visual Impact Assessment (THEVIA, amended Feb 2018)

- 1.13 The works are not a Schedule 2 development for the purposes of assessment under the Environmental Impact Assessment regulations and are not considered likely to have such significant environmental effects as to warrant the submission of an Environmental Statement to allow the Local Planning Authority to determine the application.
- 1.14 *Statutory pre-application consultation:* A statutory Pre Application Consultation was carried out by the developer in April/May 2017. Neighbours, local members and statutory consultees (DCWW, CADW, NRW, and the Council's Highways Department) were consulted in accordance with the legislation. A meeting was held on 12th May to which Local Councillors, AMs, MPs, Cardiff Civic Society, Victorian Society were invited, and the local press was informed. Site notices were posted on the 25th April.
- 1.15 Statutory consultees did not raise any significant issues. Cadw did express concerns regarding the impact of the proposal upon the Registered Historic Garden and Park.
- 1.16 Issues raised by members of the public included the design not being in keeping with the conservation area, overprovision of purpose-built student housing, loss of trees, students not benefitting local economy, and concerns over creation of additional waste, and adequacy of bin storage and collection arrangements.
- 1.17 *Design Commission for Wales:* The scheme was previously reviewed by the Design Commission for Wales in February 2017, April 2017, 30th May 2017 (immediately prior to submission of the application), and 15th February 2018. The Commission has been critical of the scheme throughout the pre-application and application process, and sent a formal letter of objection (see representations) to the October 17 amended scheme, and to the current scheme (see representations).
- 1.18 The DCfW Design Review Report issued on 22nd February concludes as follows: *The Tall Buildings SPG provides the guidance required to determine the suitability of the proposed tall building on this site. The highly sensitive location of the site, combined with the proposed height and mass, means that there is an increased obligation to achieve excellent quality and it is much harder to justify. DCFW considers that the current scheme still fails to achieve the architectural excellence needed in such a location, on a number of counts detailed above, including justification and elegance in form.*

2. **DESCRIPTION OF SITE**

- 2.1 The site occupies a prominent corner location in central Cardiff on the intersection of the A4161 (locally Stuttgarter Strasse/ Boulevard de Nantes) and Park Place. The site extends to 0.225ha and is currently occupied by the former office block Bradley Court and the associated former office at 11 Park Place. The site is located in the Central Business Area (CBA) of the adopted Cardiff Local Development Plan (LDP).
- 2.2 The site is bounded by Stuttgarter Strasse to the north, Park Place to the west, Park Lane service road to the east and the grade II listed 10 Park Place to the

south. The location sits at the very south-eastern tip of the Civic Centre and is within the Windsor Place Conservation Area.

- 2.3 The 5 storey Bradley Court office building was built in 1988 as an extension to 11 Park Place. It has been vacant for about a year and the general quality of the accommodation is poor and the buildings have structural restrictions which limit the extent to which upgrading and improvement works can be introduced.
- 2.4 The 11 Park Place 4 storey grade II Victorian villa was built in 1880 and listed in 1984 for its individual value and group value as part of the nos. 3-11 Park Place listed Victorian terrace. The building is of traditional pennant-sandstone construction with Bath-stone dressings and notable for its main front elevation to Park Place.
- 2.5 The 11 Park Place northern elevation, while plainer than the front elevation, includes finely detailed windows and a corbelled chimney stack. Historically this elevation has always been visible from Park Place because of the dock feeder canal immediately to the north of the site. The existing Bradley Court office block is set back a similar distance from the Park Place frontage to maintain views of this elevation.
- 2.6 The rear elevation of the villa was demolished in 1988 as part of the works joining Bradley Court to the listed building and rebuilt incorporating some traditional features, with the use of two gable fronts and a central two-storey bay window. However, the façade is particularly plain and lacks detail.
- 2.7 The roof of the villa has been rebuilt and its centre has been infilled between its pitches to create an additional floor that is served by rooflights. This roof alteration is not visible from street level.
- 2.8 The building was gutted internally in 1988 and no historic features remain, apart from shutters to the two front windows on the ground floor and a Victorian newel post.
- 2.9 The immediate area comprises a mix of commercial office, hotel, retail, and cultural buildings, including the red brick and terracotta 1893 Grade II listed New Theatre immediately opposite no. 11 Park Place, and a range of restaurants and bars, and is characterised by buildings from the 19th and 20th centuries, with those immediately to the south of Boulevard de Nantes being predominantly larger and from the late 20th century.
- 2.10 Buildings along Park Place are predominantly later 19th century Victorian villas and terraces, with a variety of newer infill locations, including the buildings on both sides of the Stuttgarter Strasse/ Park Place intersection (Bradley Court and Oakleigh House).
- 2.11 There are three distinct groups of buildings within the Windsor Place Conservation Area that stand out because of their layout, form and architectural features:

- *Windsor Place*: Characterised by two rows of Grade II listed classical style terraces facing each other across a wide tree-lined street. The Grade II listed City United Reformed Church is located at its southern end
- *St. Andrews Crescent*: Pairs of Victorian gothic style houses with similar architectural features surround the central oval area and the Grade II listed Eglwys Dewi Sant (formerly St. Andrews Church).
- *Park Place*: Characterised by a collection of buildings, all slightly different and somewhat eclectic in style, but unified by their scale, complementary materials and relationship with the street. Park House at no. 20 Park Place is Grade II listed, as are nos. 3 – 11 Park Place. On the west side of Park Place, opposite the listed terrace is the Grade II listed New Theatre and the Grade II listed former home of South Wales institute of Engineers (now PH/restaurant).

2.12 Gorsedd Gardens lies immediately to the north and west of the site on the other side of Boulevard de Nantes. The gardens form part of the Cathays Park Historic Park and Garden which in turn is part of the Cathays Park Conservation Area. The Grade 1 listed National Museum of Wales, City Hall and Law Courts are located on the northern boundary of the gardens and park at a distance of about 250m from the application site. Cathays Park is designated as a Historic Park and Garden.

2.13 The Queen Street Conservation Area lies immediately to the south of the Windsor Place Conservation Area. It includes the Grade II listed Park Hotel on the corner of Park Place and Queen Street.

2.14 The site is located in the south-east corner of the Tall Buildings SPG 'Area of Very High Sensitivity' which includes Cardiff Castle, Bute Park, the Civic Centre and Park Place.

2.15 The prevailing scale of development in the immediate vicinity is 3 to 4 storey although there are some taller buildings within a radius of 250m – the 9 storey Park Plaza hotel building on the north side of Greyfriars Road, the 25 storey Capital Tower (80m high) at the western end of Greyfriars, and the 15 storey residential tower block at the corner of Newport Road and Station Terrace.

2.16 Three trees located on the NW corner of the site are subject to a Tree Preservation Order. The Boulevard de Nantes group TPO lines the dock feeder between Kingsway and Park Place. The historic dock feeder canal is culverted beneath the site.

3. **PLANNING HISTORY**

- 17/01418/MJR Associated application for Conservation Area Consent for demolition of Bradley Court, under consideration.
- 17/01419/MJR Associated application for Listed Building Consent for works to 11 Park Place, under consideration.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, Nov 2016 favours the sustainable re-use of previously developed land. The following policies are relevant:
- 6.2.1 General
 - 6.5.11 Preservation of listed buildings & setting
 - 6.5.20 Preservation or enhancement of character or appearance of a conservation area.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
 - TAN 24: Historic environment (2017)
- 4.3 The following policies of the 2016 City of Cardiff LDP are relevant to the consideration of this application:
- KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP10 Central and Bay Business Areas
 - C1 Community Facilities
 - C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
 - EC4 Protecting Offices in the Central and Bay Business Areas
 - EN9 Conservation of the Historic Environment
 - EN12 Renewable Energy and Low Carbon Technologies
 - H6 Change of Use or Redevelopment to Residential Use
 - R8 Food and Drink Uses
 - T1 Walking and Cycling
 - T5 Managing Transport Impacts
- 4.4 The following current Supplementary Planning Guidance applies:
- Tall Buildings Design Guide (Jan 17)
 - Planning Obligations (Jan 17)
 - Food, Drink & Leisure Uses (Nov 17)
 - Safeguarding Business and Industrial Land and Premises (2017)
 - Windsor Place Conservation Area Appraisal (2008)
 - Cathays Park Conservation Area Appraisal (2008)
 - Queen Street Conservation Area Appraisal (2008)
- 4.4 The following older SPG, insofar as it is consistent with LDP policy, also applies:
- Access, Circulation and Parking Requirements (2010)
 - Waste Collection and Storage Facilities (2007)
 - Northern Professional Office Area (2000)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 ***Economic Development:*** No objection to the loss of office space and seeks a financial contribution of £58,000 towards economic development projects as part of the Cardiff Capital Fund and will relate directly to the site as part of the geographical ward or adjacent ward.

- 5.2 Historically, Bradley Court (~3,000sqm) has proven to be a successful location for Blake Morgan (previously Morgan Cole), a key Financial and Professional Services company within the city. Following new Grade A office space being developed in Central Square, Blake Morgan have chosen to relocate to new offices due to the outdated design of the building and Grade B condition.
- 5.3 Whilst Bradley Court has now been unoccupied for just over a year, there are neighbouring properties which have had success in attracting new occupiers such as Firstsource solutions taking 20,000 sq at Oakleigh House and Cardiff University taking 29,000 sq ft on Greyfriars Road.
- 5.4 Due to the small floor plates in Bradley Court the building may well be better suited to other uses such as student accommodation or residential use, however Economic Development would want to develop a future policy of protection of the other office buildings in the area due to their larger floor plates and competitive secondary office space pricing (between £10 to £15 per sq ft) that would be attractive to the F&PS and other sectors and therefore providing a niche product in the city centre.
- 5.5 While Economic Development is supportive of the principle of some secondary and tertiary office space being brought back into use on the city centre fringe (eg Shand House or Fitzalan Court being utilised for student / residential accommodation), the Economic Development directorate is concerned at the amount of applications for changes of use from secondary office space to student accommodation in the city centre. It is proposed that a strategy is developed by the Council's Planning and Economic Development departments for Cardiff's existing secondary office space to protect the best of the remaining secondary and tertiary stock, and to develop a set of criteria to identify which secondary and tertiary buildings will need to be protected to provide a sustainable employment role in Cardiff.
- 5.6 Economic Development recognise that mixed use development may be considered appropriate, however if mixed use schemes with a reasonable proportion of business/industrial space are not feasible or forthcoming on a particular site within a protected employment area, a planning obligation will be required to compensate for this loss, and mitigate the impact of this change.
- 5.7 The Planning Obligations SPG 2017 (Local Employment & Training) provides criteria to calculate the appropriate compensation. For Bradley Court the Economic Development division is seeking a financial contribution of £58,000. This contribution will form a package of assistance that will help support and develop companies within the city centre area and provide further employment opportunities. The sum will need to be incorporated into a Section 106 Agreement.
- 5.8 **Parks Service:** These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

- 5.9 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.
- 5.10 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **349**. This generates an open space requirement of **0.4467 ha** of on-site open space based on the criteria set for **Housing accommodation**, or an off-site contribution of **£190,738**.
- 5.11 Although some public realm is being provided at the front of the site (I measured this at 630m²), the developers will be required to make a financial contribution towards the provision of new public 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.
- 5.12 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.
- 5.13 Use of the contribution would be confirmed at S106 stage. The closest areas of recreational open space are Gorsedd Gardens, City Hall Lawn, Alexandra Gardens and University Lawn.
- 5.14 The Parks Officer makes the following design-related comments: I welcome the decision to set the buildings back from Park Place when compared to the pre-app designs, enabling retention of some of the key trees in this location. These trees are critical in visual terms, as part of a green link to the trees along the dock feeder and Gorsedd Gardens in terms of biodiversity, and the impact these would have on mitigating some of the traffic pollution/particulates, as well as the impact both in terms of wellbeing and noise reduction for residents living on a very busy junction.
- 5.15 In relation to providing access to the dock feeder and creating a new area of public open space the Parks Service Area supports the principle of improving the landscape quality of this area but has the following concerns that will need to be addressed satisfactorily before Parks can fully support the proposal:
- Funding: The offer of £250k towards the scheme is welcomed but is clearly insufficient to implement the proposals - where is the additional money required to implement the scheme to be sourced from?
 - Maintenance: There are no resources available to maintain the proposed increased quality of open space. A commuted maintenance sum will be required to secure the ongoing maintenance of all the proposed landscape features and structures.

- 5.16 **Ecology:** The Council ecologist agrees with the Bat Emergence Survey report that the presence of bats on the site is unlikely. An advisory is requested requiring precautionary measures during demolition work.
- 5.17 **Community facilities:** The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that ‘Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through: The provision of new facilities, The extension to, or upgrading of existing facilities’.
- 5.18 If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.
- 5.19 If no communal facilities were proposed for this development the full amount of £193,429.76 (349 student bedrooms x £554.24) would be requested. However, the Cardiff Planning Obligations SPG 2017 states that “*A reduced level of community facility provision will be sought from student accommodation developments where a significant element of communal facilities are provided onsite*”.
- 5.20 As some communal facility provision is proposed within this development, the following reduced contribution is sought from the developer: £100,000 towards the improvement of a community facility in the vicinity of the development.
- 5.21 **Transportation:** The Officer has no objection subject to standard cycle parking, student travel plan, construction management plan, highway works and delivery and servicing management plan conditions, and a legal agreement for highway improvement/ public realm works to Park Place and the Dock Feeder, and the Park Place/ Boulevard de Nantes crossing. He makes the following comments:
- 5.22 The adopted Access, Circulation and Parking Standards SPG confirms that up to one car parking space per 25 beds may be provided for operational use and that there is no requirement for on-site resident car parking for the sui generis use of student accommodation. There is also no minimum car parking requirement for the ancillary uses or (public) ground floor restaurant included in the application. In addition, established practice is that one cycle parking space be provided per two to three beds for the proposed type of development (between 116 and 178 for 320 beds).
- 5.23 Being mindful of the central, sustainable location of the site and that of the proposed use, I am satisfied that the proposed development is compliant with adopted parking policy as submitted, with on-site servicing provision only, and the provision of resident/visitor cycle parking as required by condition. It is also expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and provision of cycle parking enhanced as may be required to respond to any identified demand.
- 5.24 With reference to location and wider development considerations, it is noted that the site is in a city centre location in the vicinity of Cardiff’s main pedestrian area

with direct access to employment, leisure, shopping, etc. opportunities and the main university campus/facilities to the north. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to bus based public transport services in Greyfriars Road and Dumfries Place; local and national rail services at Cathays, Queen Street and Central Stations; and continuous footways/Cardiff's cycle network. The site is therefore considered to be very sustainably located in transport terms and entirely appropriate for the proposed form of development.

- 5.25 It is nonetheless noted that the introduction of circa 320 residents who will be wholly reliant on walking, cycling and public transport for daily journeys will put additional non-motorised traffic onto the adjacent footways, cycleways and crossings in the vicinity of the site. In respect of which (increased cycling/walking) it is noted the applicant has offered, by way of a universal undertaking, to make a financial contribution totalling £175,000 towards the provision of a new TOUCAN crossing on Park Place adjacent to the site, (£100,000), and the provision of improvements to pedestrian and cycle crossings on Boulevard-De-Nantes (£75,000).
- 5.26 The above combined contribution is considered to satisfy the relevant planning requirements, being necessary to make the development acceptable as well as directly related to the form and scale of the proposed development. The contribution will be used in accordance with the above headings and as well as facilitating access to the proposed development, is directly related to schemes associated with and supportive of Cardiff Council's emerging Cycle Strategy and Integrated Network Map, and on the alignment of the proposed east/west cycle super highway.
- 5.27 I am also satisfied, subject to agreement of the conditioned Traffic Management Plans, that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of students at the start and end term, and daily servicing requirements of the proposed ancillary/restaurant elements of the scheme. The Traffic Management plan will also assist with the control of student car parking within the site and surrounding area.
- 5.28 Section 106 contribution: A combined crossings contribution of £175,000 as detailed in the submitted Unilateral Undertaking is required for the provision of a new TOUCAN crossing on Park Place adjacent to the site, £100,000; and improvements to pedestrian and cycle crossings on Boulevard-De-Nantes £75,000. To provide improved pedestrian and cycle access to support the proposed development and facilitate safe commodious access to/from adjacent facilities, sustainable transport options and encourage the uptake of active travel.
- 5.29 Second Recommendation: The highway works condition and any other works proposed to the existing adopted public highway, to be undertaken by the developer, to be subject to agreement(s) under Section 278 of the Highways Act 1980 between the developer and Council.
- 5.30 **Trees:** My previous observations remain pertinent with regard to the loss of existing trees. I would add that the excessive crown lifting of retained trees may serve to increase their structural vulnerability by reducing the buffering effect of

lower branches, increasing wind loading on branches higher in the crown. Some reduction in crown volume or end loading of selected limbs is likely to be expedient, possibly with some crown thinning at a future date. The only crown lifting that should be done as part of development is 'facilitation' pruning to enable unimpeded construction access – the extent of such needs to be clear since excessive facilitation pruning to accommodate for example a piling rig or crane, would not be acceptable.

- 5.31 In terms of new tree planting, x3 *Ginkgo biloba* are proposed fronting Park Place, x2 fronting 11 Park Place and x1 fronting the new courtyard. I recommend that the fastigiated male form 'Princeton Sentry' is utilised fronting 11 Park Place, since it maintains a very tightly fastigiated form appropriate to the space available. It will require access to a minimum 20m³ root available soil volume (RASV) per tree, and the applicant needs to demonstrate how this will be achieved. Whilst full landscaping details could be submitted via discharge of condition, I do require comfort that the below ground space is available to accommodate a minimum 20m³ RASV in a regular form – e.g. 5m x4m x1m depth pits, and information regarding the method to be used (load bearing soil cells are preferred). A different tree species should be used fronting the courtyard, because more above ground growing space is available to accommodate a tree that will offer some buffering to wind, uptake of pollution and amelioration of the local microclimate. At the same time, the tree should not be excessively spreading or with characteristics that make it oppressive, otherwise it may conflict with the highway and the enjoyment of the courtyard. I recommend *Tilia tomentosa* 'Brabant', as an upswept but large tree with good tolerance of dry soils and reflected heat, aromatic flowers, golden yellow autumn colour and very pale leaf undersides that help to reflect heat and mean the tree is less oppressive. Contrary to some nursery claims, the most recent research shows that there is no evidence that its nectar is toxic to bees. It will require access to 30m³ RASV and as per the *Ginkgo*, the applicant should demonstrate how this will be available (e.g. 6m x5m x1m depth pit with load bearing soil cells).
- 5.32 Each tree will require as large as practicable tree pit opening. The *Ginkgo* should be allocated x4 aeration/irrigation inlets (e.g. 'Arborvent') and the *Tilia* x6. Back-fill soils for cells will need to be fit for purpose (i.e. designed for use in the product specified). An example of such is attached (RootSpace topsoil and subsoil). The applicant should work with the product supplier to produce a full specification detail (section and plan view).
- 5.33 The Trees Officer recommends appropriate tree protection and landscaping conditions.
- 5.34 **Highways (Drainage):** No consultation response has been received to date.
- 5.35 **Pollution Control (Contaminated Land):** The Officer notes the contents of the Preliminary Geo-environmental and Geo-technical Assessment which provides an initial assessment of the site and identifies potential risks to human health from contaminants and ground gases. The Shared Regulatory Services Environment Team has no objection subject to standard ground gas, contaminated land assessment, remediation and verification conditions, and unforeseen

contamination, imported soils and aggregates, and use of site won materials conditions, and a contamination and unstable land advisory notice.

- 5.36 **Pollution Control (Noise & Air):** The PC Officer notes that the mitigation measures proposed in the Ambient Noise Assessment are acceptable and requests a condition requiring that the façade insulation works are carried out in accordance with the specifications in the noise report.
- 5.37 In relation to air quality the officer notes that a medium risk has been identified with respect to dust and emissions as a result of construction site activities.
- 5.38 **Waste Management:** Given the size and nature of the development an in-depth waste strategy detailing the anticipated volumes and segregation, and the proposed number of collections, is requested. Details are also required on how waste is to be transferred to the ground floor from the upper levels.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Welsh Water:** No objection subject to a condition requiring submission of a drainage scheme that includes details of points of communication for foul water, a surface water drainage strategy informed by the findings of percolation tests which demonstrates surface water drainage consistent with sustainable drainage principles, and where a surface water communication with the public sewer can be justified on the basis of the submitted drainage strategy it shall be connected to the 600mm surface water sewer and attenuated to an agreed discharge rate. The DCWW response has been forwarded to the applicant.
- 6.2 **Glamorgan-Gwent Archaeological Trust (GGAT):** We have consulted the detailed information contained on your website and can confirm that **the** proposal has an archaeological restraint. We note the submission of an archaeological desk-based assessment by Black Mountains Archaeology (Report no. 1003, dated June 2017). The document assesses the archaeological potential of the area and as well as the potential impact of the proposed development. Specifically it was determined that the Bute Dock Feeder Canal, 11 Park Place and Triangular-shaped Building would be subject to a direct effect by the proposal. It recommends that a watching brief be conducted during ground intrusion works associated with the Canal, final design plans respect the profile of the canal and that the northern bank of the dock feeder be enclosed and planted with trees. It also indicates that the watching brief should monitor the demolition of the Triangular-shaped building. The assessment further recommends that a Level 2 building survey be conducted on 11 Park Place, incorporating the existing RCAHMW survey, together with a photographic survey of Bradley Court.
- 6.3 As such, we recommend that two conditions, one for a programme of building recording and one requiring the applicant to submit a written scheme of investigation for a programme of archaeological works prior to the commencement of the development, should be attached to any planning consent granted by your Members, ensuring that archaeological and architectural investigations are carried out to mitigate the impact of the proposed development. We have no objection to the determination of the consent as long as these conditions are attached and implemented.

- 6.4 We recommend that a programme of building survey is carried out prior to work commencing. To ensure that work is carried out in a suitable manner, we therefore suggest that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application.
- 6.5 The second condition will require the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would take the form of a watching brief during the identified groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.
- 6.6 We also recommend that a note should be attached to the planning consent providing guidance on how the archaeological work is undertaken.
- 6.7 **South Wales Police:** No objection. SWP confirm that community safety and security issues have been addressed through the design process. The applicant has indicated that they wish to work with SWP to achieve 'Secured by Design' standards.
- 6.8 **Natural Resources Wales:** No objection subject to a recommendation that the Council Ecologist is consulted to determine if there is a reasonable likelihood of bats being present. If so a survey in accordance with TAN 5 may be required. The developer's attention is drawn to the Development Industry Code of Practice for the disposal of waste and the Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials. The NRW response has been forwarded to the applicant.
- 6.9 **CADW:** Having carefully considered the information provided with this planning application, we consider that the impact of the proposed development on the setting of the scheduled monument, Cardiff Castle and Roman fort (GM171), and the registered parks and gardens, PGW (Gm)26 (CDF) Cathays Park and PGW(Gm)22(CDF) Cardiff Castle and Bute Park, will be very slight but not significant. We therefore have no objections to the impact of the proposed development on the scheduled monument or the registered parks and gardens.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application, listed building consent application, and conservation area consent application, in the press and on site. Neighbours and Local Members were consulted.

7.2 *Representations on June 2017 application plans:* Five letters of objection to the original application, including from Cardiff Civic Society and the Victorian Society, one letter raising concerns, and one letter of support, have been received.

7.3 Cardiff Civic Society (CCS) object on the following grounds:

'This proposal is completely at odds with Welsh Government guidance as set out in PPW 2016, the Historic Environment (Wales) Act, TAN 24 and Cadw's Conservation Principles.

It would be located on one of the most sensitive and important sites in Wales, situated as it is, so close to the world famous and highly regarded Civic Centre. The Civic Centre buildings and gardens set a new standard for the world at the start of the twentieth century (RIBA conference of 1922).

It will adversely impact, by its very scale and massing, several Grade 1 and Grade 2 buildings and other important Grade 2 buildings, a Registered Park and several Conservation Areas.*

The deliberate delineation between the civic and commercial activities, as recommended by the Bute Estates, will be compromised by this structure.

Cardiff City's LDP heritage recommendations 'seek to protect the City's distinctive heritage character' KP17 and EN9, so how is such an inappropriate proposal even being considered? And how is it that KP5's requirement for high quality design has also been ignored? The design is bland and unimaginative with poorly chosen materials that do not defer to the context.

It should be noted that there is a strong presumption against granting planning permission for developments which damage the character and appearance of a Conservation Area or its setting. If it were to gain approval it would set a very dangerous precedent for the City by making it very difficult to resist further applications for such tall buildings so near to the Civic Centre.

The justification for this application uses the rather odd rationale of the existence and precedence of Capital Tower, which has long since been regarded as a planning disaster by architecture and planning professionals. It is widely understood to be extremely damaging to the setting of Cathays Park and the Civic Centre.

It should be asked if this application for student housing is a cynical ploy to avoid the stricter planning controls for flats, such as the need for parking facilities and better fire escape arrangements. Also whether there is need for so much luxury student accommodation when the market for overseas students, who are mostly the only students that can afford such accommodation, is under threat.'

7.4 The CCS objection concludes by stating that the development does not meet any of the criteria for tall buildings in the Tall Buildings SPG.

7.5 The Victorian Society object on the following grounds:

'We object to the application, implementation of which would result in the serious erosion of Cardiff's well-defined historic streetscape, harm to the Windsor Place Conservation Area and harm to the setting of numerous listed buildings.

11 Park Place is a handsome Grade II-listed villa of the sort that helps define the uniform character of the street. In addition, the site is located within the Windsor Place

Conservation Area, which, according to the Conservation Area Appraisal, is characterised by its “distinctive quality of place”, dictated by the layout, form and detailing of its architectural development. As with much of Cardiff’s rich townscape the buildings here are chiefly nineteenth-century. The site also overlooks the Cathays Park Conservation Area, standing as it does right at the corner of its south-eastern boundary.

Cardiff’s Tall Buildings Supplementary Planning Guidance states that “all tall building proposals must demonstrate that: there would be no negative impacts on important views or vistas; the character or setting of heritage assets is not harmed; the proposal will be a positive feature in skyline and streetscape; no material harm is caused by overshadowing or overlooking”. This application fails in every respect: important views within three conservation areas, and particularly from the unique and exceptionally important civic group to the north would be marred; by virtue principally of its inelegant form and alien scale – particularly in the context of the strongly-defined conservation area and local streetscape – the new structure would have an overbearing and intrusive quality. The setting of Windsor Place and St Andrew’s Church would be especially seriously impacted.

The Supplementary Planning Guidance also asserts that any tall building proposals could only be permitted “where it can be demonstrated that they will preserve or enhance” the architectural quality, historic and cultural significance, character, integrity and/or setting of listed buildings and conservation areas. It goes on to state that in the vicinity of the civic centre – an area designated as being of “high sensitivity” – “it is unlikely that proposed buildings significantly taller than the prevailing townscape will be supported”.

In no way can the proposed new building convincingly be argued to result in a ‘limited’ impact on the setting of the numerous listed buildings, conservation areas and key views in which it would play a part: its impact would be drastic and damaging, and it would fail to preserve or enhance the special character and identity of the conservation area and the setting of numerous listed buildings. This is simply not an appropriate location for what would be one of the tallest buildings in central Cardiff.

The redevelopment of the site is acceptable in principle, but any scheme should respond sympathetically to the special qualities of the local area. In particular it should respect the harmonious scale, form, materiality and grain of the chiefly nineteenth century development that characterises this part of the city, and which is recognised in the Council’s Conservation Area Appraisals. Bradley Court is justly acknowledged as being a building of limited architectural interest and the principle of its demolition is by no means contentious. It does though attempt, albeit rather naively, to respond contextually – evident in its general detailing, form and materials – and, overall, it must be considered a far more appropriate building for this site than that proposed.

In light of the above we strongly object to this application and urge the Council to refuse it consent.’

- 7.6 Cooke & Arkwright raise the following concerns on behalf of property owners and occupiers in the Park Place/ Windsor Place area of the city centre:
- Concern that the business district nature of this part of the city centre is being eroded
 - Provision of adequate waste storage facilities
 - Proliferation of graffiti and litter
- 7.7 Jonathan Vining, Architect, objects on the following grounds:
- Tower building too large in size and not in keeping with its context

- Adverse impact on the character and appearance of the Windsor Place conservation areas
- Does not respond adequately to the site's location at the junction of the administrative and commercial parts of the city
- Loss of protected trees

7.8 Mr. Christopher Hayes from Roath and Ms. Margaret Roberts from Canton object on the following grounds:

- Tower building too large in size and not in keeping with its context
- Bland uninteresting boxy design
- Adverse impact on the settings of a number of listed buildings (in particular the Civic centre buildings) and on the Cathays Park and Windsor Place conservation areas
- Over provision of student housing schemes on valuable city centre sites
- Another luxury student accommodation block catering for very wealthy students is not a requirement for the city
- Site should be used for high quality office accommodation or affordable housing for local workers in preference to students
- Inadequate parking provision
- Not a suitable location for a restaurant

7.9 *Representations on October 2017 amended plans:* A further 4 letters of objection to the first amended plans submission (October 2017), including from the Design Commission for Wales (DCfW), Cardiff Civic Society and the Victorian Society, have been received.

7.10 The Cardiff Civic Society and the Victorian Society reiterate their objections detailed above. The latter suggest that the scheme should be called in because of the sensitivity of the site.

7.11 DCfW object as follows:

'We note a significant revision to this proposal since the application was initially submitted which presents a substantially different scheme. The Design Commission for Wales do not consider these changes to have improved the scheme and, given that previous concerns expressed through comment at design review have not been adequately addressed, object to the current proposals.'

Following the substantial amendments to the scheme since the Design Commission for Wales was last consulted on this proposal through design review in May 2017 and since the initial planning submission, which give rise to further reservations regarding its appropriateness and quality, the Design Commission for Wales has the following comments to make on the scheme submitted on the 11th October. These comments should be read in conjunction with comments provided following consideration of the proposals at design review. The site for this development is particularly sensitive and complex, being within one Conservation Area and in close proximity to another, with another listed building on site, therefore, as highlighted in each of our design review reports, the proposals should be of the highest design quality.'

Height and proportion: *As per the requirements of the adoption Cardiff Council Tall Buildings Supplementary Planning Guidance (SPG), in which this area of the city is highlighted as one unlikely to see tall buildings consented, proposals should be elegant*

and slender in form with careful consideration given to the footprint-height ratio. The currently proposed scheme does not create an elegant profile and although the design team have explained that viability has influenced the height and massing, the quality of the scheme should not be compromised. This is particularly pertinent given the sensitive context and potential to negatively impact upon listed buildings and the Conservation Area. The SPG highlights that bulky tall buildings with strong horizontal massing should be avoided, with the emphasis being on creating vertically slender buildings, however the horizontal banding on the proposal has the opposite effect and the tiers reduce the apparent height.

Materials: *At the May 2017 Design Review meeting with DCFW on this project, the richness, durability and quality of the materials proposed were welcomed. It is disappointing, therefore, to see that these materials have been replaced in the most recent proposal with materials of significantly lower quality. A substantial amount of silver rain screen cladding is now proposed, a material which has little or no justification based on context. The grey brick and silver rain screen cladding are unlikely to create a pleasant contrast to the rich, high quality materials of the surrounding listed buildings. The visuals suggest that the reflective material will reflect blue skies and camouflage the building. In practice the material is likely to appear dark, grey and stand out in the Conservation Area comprising largely warm, rich materials.*

Ledges: *The ledges created at the bases of the articulated tiers are a cause for concern on the grounds of maintenance and management.*

Signage: *The treatment of the top of the building is particularly significant given its visibility on the sky line and, therefore, the proposed signage is considered inappropriate.*

Justification: *Design justification appears to have been retrofitted to suit the scheme which seems to have been led primarily by the commercial requirements. The design narrative and rationale is unconvincing, particularly with regard to the justification of a tall building and the articulation of the tiers.*

Quality: *Given the significant impact that a tall building would make on the immediate environment and the precedent it sets for the wider city, the proposal must demonstrate exceptional architectural standards. The suitability of a tall building on this site is a matter for the local authority to determine in light of its adopted policy and comprehensive justification of proposals, but a taller building also carries an increased obligation to achieve excellent quality and is harder to justify given its impact is more significant. This proposal fails to achieve architectural excellence on a number of counts detailed above, including justification, elegance in form and materials.*

On this basis and in light of current adopted Cardiff Council policy we are unable to comprehend any consideration that the proposal should achieve planning consent.'

7.12 Mr. Hunt of Park Place Chambers objects on the following grounds:

- The application is supported by a Townscape and Historic Environment Visual Impact Assessment (THEVIA) which concludes that 12 of the 14 key views identify some level of harm to the setting of a listed building and/or conservation area
- The proposal is clearly at odds with legislation and policy relating to the historic environment as set out in the Planning (Listed Buildings and Conservation Areas) Act, 1990, Planning Policy Wales, TAN24, and the Council's LDP
- In addition it fails to comply with guidance set out in the Council's SPG relating to tall buildings and the City Centre conservation areas.

- 7.13 *Representations on 7th February 2017 amended plans:* A further 2 letters of objection to the second amended plans submission (Feb 7th 2018), including from the Victorian Society, and one letter on behalf of local business owners raising concerns, have been received.
- 7.14 The Victorian Society and Ms. Margaret Roberts maintain their objections, detailed above.
- 7.15 Matt Bryant, business owner on Windsor Place, raises the following concerns regarding access via Park Lane on behalf of businesses trading from or owning buildings on the west side of Windsor Place:
- No strategy for servicing the development during the demolition and construction phase and requesting that deliveries are made to and from Park Place, not Park Lane
 - A condition is requested that requires Park Lane be kept open as much as possible during the construction phase
 - A condition is requested that requires noise and dust to be controlled as far as is reasonably practical
 - A condition is requested that limits the size of delivery vehicles to ensure they can be accommodated in the development's loading bay on Park Lane
 - A no loading restriction be placed on Park Lane between the junction with Stuttgarter Strasse and the proposed loading bay
 - To mitigate the harmful impact of the dominant building on the immediate area the S106 legal agreement should include a financial contribution for the improvement of the street and pavement surfacing on Windsor Place.
- 7.16 *Representations on 22nd February 2018 amended plans:* A further 3 letters of objection to the current plans (3rd amended plans submission, Feb 22nd 2018), including from the Design Commission for Wales (DCfW) and Cardiff Civic Society, have been received.
- 7.17 Jonathan Vining, Architect, and Cardiff Civic Society reiterate their objections detailed above.
- 7.18 DCfW object as follows:

'In response to the email received from Cardiff Council on 22nd February 2018, the Design Commission for Wales appreciates the opportunity to comment on the amended plans and DAS that have been submitted under application 17/01417/MJR for student accommodation at Bradley Court, 11 Park Place, Cardiff CF10 3DR.

Although we acknowledge the amendments to the scheme, these do not respond to the concerns raised in our most recent review, please see attached Design Review report dated 22nd February 2017.

The Tall Buildings SPG provides the guidance required to determine the suitability of the proposed tall building on this site. The highly sensitive location of the site, combined with the proposed height and mass means that there is an increased obligation to achieve excellent quality and it is much harder to justify.

DCFW considers that the amended scheme still fails to achieve the architectural excellence needed in such a location, on a number of counts detailed in the attached Design Review report, including justification and elegance in form.'

8. **ASSESSMENT**

8.1 The following are material to the determination of the application:

- **The acceptability of the proposed use in land use policy terms**
- **The consideration of the loss of existing employment land/premises**
- **The acceptability of the building design**
- **Conservation and heritage considerations**
- **Consultation responses and planning obligations**
- **Consideration of representations**

These are considered below:

Land Use Policy

8.2 The application site is located in the LDP Central Business Area. The relevant LDP policy (KP10) states that, in addition to major office and commercial leisure uses, residential uses are considered appropriate. Such development in the Central Business Area is considered to support the delivery of balanced mixed use areas which can create sustainable urban neighbourhoods, and contribute to the daytime and evening economy.

8.3 Whilst student accommodation is a 'sui generis' use, the nature of such a use exhibits many characteristics of a typical high density city centre residential scheme, particularly in terms of impact on its surroundings / environs and the need to protect the amenity of future residents and adjoining businesses.

8.4 It is also acknowledged that a significant proportion of the purpose-built student housing demand is likely to be met in, or close to, the Central Business Area/Cardiff Central Enterprise Zone. By locating high density development in central locations there is a benefit in reducing the need to travel by non-sustainable modes, whilst providing a positive contribution to the day time and night time economy.

8.5 The proposal is considered acceptable in land use policy terms and represents a highly sustainable and accessible location for the uses proposed. The contribution of £100,000 towards a new pedestrian crossing over Park Place and £125,000 towards pedestrian/cycling measures on Boulevard de Nantes further enhance pedestrian/cycling safety and movement in this well-used location.

The Loss of Employment Use

8.6 LDP Policy EC4: Protecting Offices in the Central and Bay Business Areas states that *"The alternative use of offices in the Central and Bay Business Areas will only be permitted where it can be demonstrated that there is no need to retain the site or premises for office use, having regard to the demand for offices and the requirement to provide a range and choice of sites available for such use."* Paragraph 5.59 of the LDP provides further explanation of the policy stating: *"..long term vacancy can have a damaging impact upon the viability of commercial*

centres. Office premises that, despite active marketing, have remained unoccupied for over two years will be considered more favourably for changes of use to other, appropriate uses.” In this regard, the applicant commenced a comprehensive marketing campaign for the existing offices at Bradley Court and 11 Park Place in 2016 which has not generated any sustained interest from the office development/ refurbishment market. The previous occupiers of the building have relocated to Grade A office accommodation in the Central Square area of the city centre. Whilst occupying a prominent city centre location, the site has remained vacant and derelict for two years.

- 8.7 In relation to the Safeguarding Business and Industrial Land and Premises SPG, the 11 Park Place villa was substantially reconfigured and extended in the late 1980's to form part of the large floorplate Bradley Court development. The proposal does not therefore involve the loss of small-scale professional office floorspace from within the Northern Professional Office Area in this instance. The proposal has been considered by the Council's Economic Development Directorate, and no objections have been received. For the above reasons, the proposed development is considered acceptable in land use policy terms, having regard to LDP Policies EC3 and EC4 and associated Supplementary Planning Guidance.

Building Design

- 8.8 The design has evolved through a number of iterations, based on detailed analysis of the surrounding environment and the historic context. A series of amended plans have been submitted following extensive discussions with planning, statutory and technical consultees and third parties including the Design Commission for Wales. The latest submitted plans followed a "Design Review" with the Design Commission for Wales and resulted in a reduction in the bulk of the building as previously proposed. Discussions throughout the application process have maintained the need to demonstrate that the building is of exceptional quality and meets the requirements of the Council's LDP Policy KP(5): Good Quality and Sustainable Design, and the associated Tall Buildings Supplementary Planning Guidance.
- 8.9 Policy KP5 introduces twelve criteria whereby all new development will (in summary):
- i. Respond to the local character and context
 - ii. Provide legible development
 - iii. Provide a diversity of land uses
 - iv. Create interconnected streets
 - v. Provide a healthy and convenient environment
 - vi. Maximise renewable energy solutions
 - vii. Achieve resource efficient and climate responsive design
 - viii. Achieve an adaptable design
 - ix. Promote the efficient use of land
 - x. Ensure no undue effect on the amenity of neighbouring occupiers
 - xi. Ensure inclusive design
 - xii. And locate tall buildings in locations which are highly accessible through walking and public transport and within an existing or proposed cluster of tall buildings

- 8.10 In considering the application, officers have sought amendments to reduce the scale of development, enhance the setting of listed buildings, reduce the impact upon Conservation Areas and introduce materials and enhancements to the built form and public realm design that recognise both the sensitivity and importance of the development and its surroundings. In this respect, the most recent amended plans are considered to effectively satisfy the criteria in LDP Policy KP5.
- 8.11 The Tall Buildings SPG (approved 2017) is a material consideration in determining the application. Paragraph 1.5 states: “*well-designed tall buildings in appropriate locations have the potential to add significant value to Cardiff. They can enhance skylines and provide recognisable landmarks that can serve to promote the city on a national and international stage.*” Paragraph 1.7 further states: “*Cardiff seeks to become the most liveable city in Europe and to create an inclusive, vibrant, thriving, sustainable and attractive city in which to live and work. Proposals for tall buildings will need to demonstrate than exceptional standard of design together with appropriate land uses and public realm through careful planning and design so that they knit well into the existing fabric of the city.*” Tall buildings will be assessed having regard to locational criteria, specifically that they will only be acceptable where (Para 2.2):
- *There would be no negative impacts on important views or vistas.*
 - *The character or setting of heritage assets is not harmed.*
 - *The proposal will be a positive feature in skyline & streetscape, either by complementing a cluster of tall buildings or forming a strategic landmark.*
 - *No material harm is caused by overshadowing or overlooking.*
 - *There will be walking and cycling accessibility to sustainable transport and local facilities.*

These criteria are considered individually below:

- 8.12 *Impact on important views or vistas:* The visual impact on important views or vistas has been tested by means of a series of key views from 14 agreed locations. In views from Cathays Park the building is best appreciated as a distinctive landmark on a prominent corner site at a gateway location and its visual impact on these important views is considered to be acceptable.
- 8.13 Views from the east and south are predominantly views from within the Windsor Place and Queen Street conservation areas and these are assessed in detail in the ‘Impact on Conservation and heritage’ section below.
- 8.14 *Impact on heritage assets:* The applicant’s Townscape & Heritage Environment Visual Impact Assessment (THEVIA) identifies a moderate or significant adverse impact on heritage assets in 8 of the 14 agreed key views. The impact is described in more detail in the heritage impact assessment section of the report.
- 8.15 *Impact on skyline and streetscape:* The site is located on a prominent corner site, and at a gateway location as identified by the Windsor Place Conservation Area Appraisal. The Tall Buildings SPG states that corner sites and gateway locations

are more likely to be appropriate locations for tall buildings, subject to satisfying the other SPG tests. The building is considered to satisfy this criterion.

- 8.16 *Overshadowing and overlooking:* The tall building will cast a shadow in the morning over the Dock Feeder and the SE corner of Cathays Park, and from late morning onwards over properties on Park Place to the north of Stuttgarter Strasse, and the west side of St. Andrews Crescent. In the late afternoon in the summer months it will cast a shadow over properties on the western side of Windsor Place at its northern end.
- 8.17 Overshadowing of the Dock Feeder and Park is for a limited period in the morning only. Information provided by the applicant demonstrates that any properties affected are in commercial use and are overshadowed for a limited period of the afternoon at certain times of the year only. For the above reasons, it is considered that no material harm is caused from overshadowing.
- 8.18 Overlooking of residential properties is not a material consideration in this instance, as adjacent properties are in commercial use. For the above reasons, it is considered that no material harm is caused from overlooking.
- 8.19 *Location:* The building is within easy walking/ cycling distance of railway stations, the bus station, and the city centre shops and facilities, and is well served by buses with stops adjacent to the site. It is also centrally located for higher education institutions.
- 8.20 The SPG goes on to say that detailed proposals for tall buildings:
- *Exhibit exceptional architectural standards: elegance in form, silhouette and quality of materials.*
 - *Maximise activity through ground floors uses and fenestration.*
 - *Provide the highest standards of building performance, safety, inclusivity and adaptability*
 - *Include exemplary cycle storage, low parking levels and integrated servicing, recycling and waste storage.*
 - *Prove that the development will not create adverse microclimatic effects.*
 - *Deliver significant enhancements to the public realm.*

Of the above, the detailed design considerations include:

- 8.21 *Form, silhouette and quality of materials:* The proposal has undergone a number of revisions to address form, silhouette, and quality of materials. The latest amendments have responded to the comments received following the Design Review meeting of 15 February by reducing the height of the lower tower to 15 storeys rather whilst retaining a 19 storey element fronting Park Place. The tower elements are separated by a pronounced recess and the effect in longer views from the north is to reduce the massing and bulk of the tower and add interest to the silhouette. Increasing the differences in height between the two tower elements creates a more slender emphasis to the tallest element. The secondary horizontal division of the tower, strong plinth, and distinctive lantern top, further mitigate the bulk of the tower and create a distinctive, well-proportioned building.

Furthermore, the amended plans evidence significant improvements in the detailing and architectural treatment to all the main elevations.

- 8.22 Materials are predominantly brick, being a textured mid-grey traditional masonry to the lower 4 floors and textured lighter buff brick cladding above, with colours, texture and coursing chosen to complement the materiality of 11 Park Place, and the surrounding Conservation Area. The quality of materials and detailing is beyond those seen in many other city centre developments, and meets the criteria for a tall building in this location. Notwithstanding the above, conditions are recommended to ensure that proposed materials and architectural details are agreed by the local planning authority to maintain the highest specification and design of the proposed building. Overall, the proposal, as amended, is considered to be of the exceptional quality required in this context.
- 8.23 *Ground floor activity:* The ground floor restaurant, student hub and public realm will maximise activity and create an attractive and lively mini-square. This is considered a positive contribution of the proposed development and brings forward a new, high quality public square/space in the city centre, albeit at the edge of a busy junction.
- 8.24 *Microclimate:* A desktop analysis of the wind microclimate demonstrates that the wind microclimate at pavement level will be generally acceptable (see below for more details). However, the analysis identifies uncomfortable walking conditions at ground level restaurant entrance and for the 15th storey roof garden area. A condition is recommended requiring details of measures (to be wind tunnel tested) to demonstrate how these potential microclimatic effects can be appropriately mitigated.
- 8.25 *Public realm enhancements:* The associated public realm, which includes the new area of public realm to the front of the building, a new toucan crossing on Park Place, improvements to the existing Boulevard de Nantes crossing, and the potential opening up of the eastern end of the Dock Feeder for public recreational use, will significantly improve the appearance and functionality of this key junction.
- 8.26 The loss of a large section of prominent railing-topped stone boundary walling is justified in this case given the intention to create a new area of integrated public realm. It should also be noted that the contribution of such features is stronger when they define the forecourts and entrance towards the villas behind, and in this instance the wall also currently relates to a change in levels which would be removed within the landscaping proposed.
- 8.27 The public realm proposals significantly enhance the immediate environs of the building and in addition to resurfacing and new hard and soft landscaping works include widening of the pavement to facilitate a potential sitting-out area for the A3 retail unit. The proposals are acceptable subject to the landscaping conditions included above.
- 8.28 The Tall Buildings SPG in paragraph 5.3 and Appendix A identify the development within an Area of Very High Sensitivity: The SPG states: '*Any proposals that can be viewed in the vicinity of Cardiff Castle and the Civic Centre need careful*

attention. In this area of very high sensitivity it is unlikely that proposed buildings significantly taller than the prevailing townscape will be supported.'

- 8.29 The proposals are visible from the Castle and the Civic Centre (see key views 4, 5 and 6). However, in all of these views the impact is considered to be acceptable. Given the oblique views and distance from the Castle, and recognising the positive contribution of the proposed development in framing the corner of Stuttgarter Strasse and Park Place, it is considered that the proposal is, on balance, considered acceptable and meets the highly sensitive location criteria of the approved Tall Buildings SPG.
- 8.30 In terms of design and tall building considerations, the latest amendments have materially improved the appearance such that the proposal is considered to represent the high-quality form of development which is necessary to satisfy relevant LDP design policy and SPG as described above.

Conservation and Heritage Considerations

- 8.31 Planning Policy Wales (Edition 9) and LDP policy EN9 provide relevant guidance when weighing up such considerations. Paragraph 6.5.11 refers to Listed Buildings and clarifies the importance of having special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses and that the aim should be to find the best way to protect and enhance the special qualities of Listed Buildings, retaining them in sustainable use. Paragraph 6.5.21 provides relevant advice with regard to Conservation Areas: *"There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area"*. LDP policy EN9 states that development will only be permitted where it can be demonstrated that it preserves or enhances the heritage asset
- 8.32 This section considers the impact on the character and appearance of the Windsor Place Conservation Area, the settings of Cathays Park, Queen Street and Churchill Way Conservation Areas, the impact upon trees and the setting of the listed buildings at nos. 3 – 11 Park Place, 20 Park Place (Park House), nos. 11 - 24 Windsor Place, Eglwys Dewi Sant on St Andrews Crescent and the Park Hotel on Queen Street, and the setting of the Cathays Park Historic Park and Garden
- 8.33 The basis for this assessment has regard to the applicant's Townscape and Historic Environment Visual Impact Assessment (THEVIA). This Assessment identifies before and after images of 14 key views to illustrate the heritage impact of the proposals. These were agreed as the key views with the Local Planning Authority.

- 8.34 **The Windsor Place Conservation Area.** The Conservation Area Appraisal (CAA) notes that the building scale in the area is: *'largely dominated by 3 storey Victorian houses at Windsor Place and St Andrews Crescent, and by more substantial 3 and 4 storey buildings at Park Place. The established building height of 3-4 storeys has been replicated in the modern office buildings at Stuttgarter Strasse, however, their larger footprint and massing presents a much more dominant scale to the Conservation Area, at odds with the historically residential character. The scale and proportions of the streets contribute as much to the character of the Conservation Area as do the scale of the buildings within it'* (2.1.2).
- 8.35 The proposal does not attempt to replicate the predominant scale of the Conservation Area, seeking instead to create a high quality landmark in the form of a tall building on a prominent corner site. The set-back position of the building reduces its impact in terms of the immediate street scene within Park Place, however important longer views would change significantly.
- 8.36 Key views (numbers 3 and 14) taken from the Cathays Park CA, and views 2, 7, 8, 9, 10, 11, from within the Windsor Place CA, and 12 and 13 from Churchill Way CA illustrate the impact of the proposals on the Windsor Place CA. These are considered below.
- 8.37 *Views taken from Cathays Park (views 3 and 14):* The proposed building, when viewed from Cathays Park, would not adversely impact upon the character or appearance of the Windsor Place Conservation Area.
- 8.38 *The view from Park Place, corner of Greyfriars Road (view 2):* This view is dominated by the Grade II listed New Theatre, with its curved 3 storey red brick façade. The height and massing of the new development, mitigated in part by being set back behind the Park Place building line, would nonetheless have a moderate adverse impact on the character and appearance of the Conservation Area. The use of different materials/colours to lower floors as well as the creation of active ground floor uses, does, in part, recognise the predominant scale of adjacent buildings.
- 8.39 *View from Park Place, corner of Museum (view 7):* The height and massing of the new development projecting above the Park Place roofline would have a moderate adverse impact on the character and appearance of the Conservation Area.
- 8.40 *View west along Stuttgarter Strasse (view 8):* The tall relatively slender eastern elevation would have a minor adverse impact on the Conservation Area. It is also noted that the use of high quality materials, architectural treatment and proportions would add quality to the wider streetscene.
- 8.41 *Views 9 (Windsor Place), and 11 (St Andrews Crescent):* The proposed development rises above the uniform rooflines of Windsor Place. It is acknowledged that the proposed development would have an adverse impact on the character and appearance of the Conservation Area in this regard.
- 8.42 *View from Stuttgarter Strasse, junction with St. Andrews Place (view 10):* The tall relatively slender eastern elevation would have a minor adverse impact on the CA as the skyline is currently impacted by the Capital Tower.

- 8.43 *Key views 12 and 13* from Churchill Way further illustrate the impact of the proposals on the Windsor Place CA and are not considered to have an adverse impact.
- 8.44 **Cathays Park Conservation Area** (*views 3 and 14*): The new building, although significantly larger and dominating the view, would, by virtue of its orderly “civic” design, sit comfortably within this varied townscape location, which is defined by the wide, busy junction of Park Place and Stuttgarter Strasse.
- 8.45 **Queen Street Conservation Area**: Key views 12 and 13 from Churchill Way illustrate the impact of the proposals on the Queen Street CA. The wide southern elevation of the new building projects above the unbroken roofline of the grade II listed Park Hotel in the Queen Street CA in these 2 views. The building would have a minor adverse impact on the setting of this Conservation Area.
- 8.46 **Churchill Way Conservation Area**: Key view 12 from the southern end of Churchill Way illustrates the impact of the proposals on the Churchill Way CA. the applicant’s Assessment concludes that the proposals would have no impact on the setting of the Churchill Way CA as it is already encroached upon by tall modern developments on its eastern side.
- 8.47 **The Impact on Trees**: The improved management of the retained and proposed new trees would enhance the character of the Conservation Area at this prominent corner. The provision of an attractive area of semi-public open space would also enhance the area, albeit more aligned to good urban design principles than heritage considerations. The side of the listed 11 Park Place would also be made more prominent and active through the proposed alterations and public realm enhancements.
- 8.48 **The Impact on the Setting of Listed Buildings**: The new building would have a limited impact on the setting of the adjacent no. 11 Park Place which is retained and enhanced as part of this application (see associated Listed building Consent application (ref: 17/01418MJR). The Listed Park Place terrace by virtue of being set back from the main building line is not adversely impacted by the proposed development. The new public realm and choice of building materials enhances the immediate setting of the listed building.
- 8.49 With regard to other Listed Buildings, the applicant’s Townscape and Historic Environment Visual Impact Assessment (THEVIA) and officer assessment identifies adverse impacts to neighbouring Listed Buildings, namely;
- *3-11 Park Place (Grade II)*
 - *Windsor Place (Grade II)*
 - *Park Hotel (Grade II)*
 - *Eglwys Dewi Sant (Grade II)*
- 8.50 Listed Buildings whose settings would not be materially harmed include:
- *New Theatre (Grade II)*:

- *Civic Centre - principally City Hall, National Museum and Law Courts (all Grade I)*: The building would not be visible within key views towards civic centre buildings. Views would be possible from these buildings, however the intervening parkland and trees in Gorsedd Gardens would limit these views to glimpses. As such it is considered that the setting of these buildings would not be harmed.
- *Park House (Grade I)*

8.51 **The Setting of the Cathays Park registered Historic Park (Grade II)**: Given the divisive impact of the intervening Boulevard de Nantes, the conclusion of the applicant (and subsequently Cadw officers) regarding the setting of the Gorsedd Gardens section of Cathays Park is considered reasonable in that it would not harm the setting of the registered parkland.

8.52 The considerations with regard to conservation and heritage matters are described above. In this respect, it is apparent that from some of the identified locations, the impacts are not considered positive. These impacts vary depending upon the particular viewpoint and distance/juxtaposition between the proposal and either Conservation Areas or Listed Buildings. In terms of negative impacts from certain viewpoints, regard needs to be taken to the degree of harm and whether this may be considered unacceptable.

8.53 However, the scheme would deliver clear benefits through the removal of an existing building which is not considered to enhance the Conservation Area or setting of the Listed Building forming part of the site. The proposal would also bring the site, which has been derelict for 2 years, into beneficial use with associated economic and regeneration benefits. The relationship with the Civic Centre is considered to be positive representing the introduction of a high-quality building to this corner location. The introduction of a new usable public space in this important gateway location is also considered an enhancement along with the creation of an active frontage through the introduction of a restaurant on the ground floor. Furthermore, the contribution of £275,000 to improve the Dock Feeder and immediate area has also been secured and is also considered a positive enhancement. Cadw have been consulted and have not made an objection.

8.54 Taking account of both negative and positive considerations including the mitigation and enhancement measures along with high-quality architectural form and detailing, provision of an acceptable land use and new usable public space in a highly sustainable and accessible location, the proposal is overall considered to accord with the relevant policy context and the recommendation reflects this careful analysis.

Consultation Responses and Planning Obligations:

8.55 *Traffic & Transportation*: There is one disabled parking space provided on site and no on-street parking in the vicinity. The applicant advises that students are strongly encouraged not to bring vehicles into the city as part of their tenancy agreements. Sanctions will be applied in the event that their tenancy agreement in this respect is breached. The development is located in a highly sustainable location with direct access to public transport, and within walking/ cycling distance of the city centre and higher education facilities. The parking provision proposed at this location is considered acceptable.

- 8.56 There are approximately 80 secure covered cycle spaces in a storage area at basement level. This is consistent with other city centre student housing schemes, and is considered acceptable given the site constraints.
- 8.57 Students are required to give advance notice of their moving-in date and the on-site management team organise phased appointments and tight time slots in order to alleviate traffic congestion. Pick-up and drop-off at start and end of term will be from Park Lane and/or Park Place. Use may also be made of public car parks in the vicinity. Students will occupy the accommodation for typically up to 51 weeks of the year and drop-off and collection is therefore only undertaken once per year. A condition is recommended requiring details of start and end of term arrangements.
- 8.58 The existing office has been vacant for almost two years and the submitted Employment Land Statement confirms that a comprehensive marketing campaign of the office block did not generate any interest from the office development/refurbishment market. The report also concluded that a significant supply of grade A and B office space is available in the city centre for the foreseeable future. Given the above, it is considered that a financial contribution to mitigate the loss of office accommodation is not justified having regard to the legal tests for planning obligations.
- 8.59 The Parks Officer has requested a financial contribution of £275,000 towards off-site public open space enhancements
- 8.60 The proposed development is subject to LDP Policy C1 Community Facilities which states that on significant residential developments, which will result in increased demand for local community facilities, land, buildings and/ or financial contributions towards community facilities will be secured through negotiation with the developer.
- 8.61 The development offers a large student hub space, gym and movie room at ground floor, and generous additional student hub space on level 1 of the retained villa to serve the 320 students. The proposals also include a significant new area of public realm to the front of the building, and a roof garden. This is considered to be acceptable in terms of the SPG criteria and the CIL tests, particularly as students are likely to make use of the extensive city centre facilities, rather than going outside the city centre and immediate surroundings to use more local neighbourhood facilities.
- 8.51 The applicant has offered a total sum of £500,000 in 106 contributions which is comparable to amounts secured on other recent large-scale student developments in the city centre area and is considered acceptable.
- 8.52 Having regard to the nature and location of the site, and the Planning Obligations SPG, the contributions are sought to secure necessary public realm and highway improvements in the immediate vicinity of the site, and towards the provision of a new Dock Feeder pocket park at the corner of Park Place and Boulevard de Nantes, or improvements to other such public open space in the vicinity of the development.

Responses to Representations

- 8.53 Objections on grounds of proposed student housing use, scale and design of proposals, and impact on heritage assets have been addressed above.
- 8.54 Access at all times during the construction period for those businesses using Park Lane is a matter between the applicant and business owners. A construction management plan condition is recommended which requires applicants to provide details of highway/footway closures and access/ egress to the site. Discharge of this condition requires that reasonable access for other users of the Lane is maintained in the interests of highway safety and public amenity. The condition also controls dust and noise emissions.
- 8.55 In relation to servicing arrangements a delivery and servicing management plan condition is recommended which requires applicants to provide details of management of day to day access, deliveries and servicing, details of the maximum vehicle size(s), times and days of permitted access, control and management of noise. Management of the delivery and servicing associated with the development shall be carried strictly in accordance with the plan in the interests of highway safety and public amenity.
- 8.56 A request for a 106 financial contribution for the upgrading of Windsor Place would not meet the planning obligations tests as the works are not considered reasonable nor directly related to the proposed development.
- 8.57 Affordability and adaptability of student accommodation is not a material planning matter. Any future change of use would require planning permission as student housing is a sui generis use and would therefore be required to meet planning policy and guidance. A further planning obligation is recommended to ensure that the proposed development cannot be used for non-student accommodation.
- 8.58 In relation to other matters raised by representations: Waste storage arrangements are controlled by condition. Fire risk in relation to the specification of cladding is not a planning matter and is addressed under the Building Regulations.
- 8.59 Any decision to call in the application is at the discretion of the Welsh Government Planning Directorate. Such powers are rarely used and only when the proposals are considered to raise issues of more than local importance. In deciding whether to call in an application, Welsh Ministers will have regard to whether the LPA has identified and considered the material planning issues and the relevant planning policies.

Other Legislation

- 8.60 *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. The DAS notes that the access to the site would be safe, well-lit and level, with the development itself designed to have level thresholds. It is considered that the proposed development

does not have any significant implications for, or effect on, persons who share a protected characteristic.

- 8.61 *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.

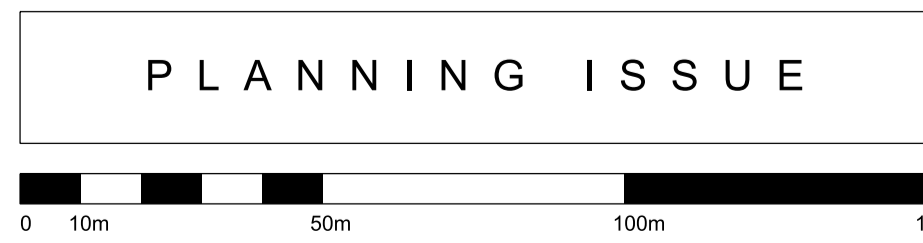
9. **CONCLUSION**




- 9.1 The proposal is considered acceptable in land use policy terms and represents a highly sustainable and accessible location for the uses proposed.
- 9.2 In terms of design and tall building considerations, the latest amendments have materially improved the appearance such that the proposal is considered to represent the high-quality form of development which is necessary to satisfy relevant LDP design policy and SPG as described above.
- 9.3 The considerations with regard to conservation and heritage matters are described above. In this respect, it is apparent that from some of the identified locations, the impacts are not considered positive. These impacts vary depending upon the particular viewpoint and distance/juxtaposition between the proposal and either Conservation Areas or Listed Buildings. In terms of negative impacts from certain viewpoints, regard needs to be taken to the degree of harm and whether this may be considered unacceptable.
- 9.4 However, the scheme would deliver clear benefits through the removal of an existing building which is not considered to enhance the Conservation Area or setting of the Listed Building forming part of the site. The proposal would also bring the site, which has been derelict for 2 years, into beneficial use with associated economic and regeneration benefits. The relationship with the Civic Centre is considered to be positive representing the introduction of a high-quality building to this corner location. The introduction of a new usable public space in this important gateway location is also considered an enhancement along with the creation of an active frontage through the introduction of a restaurant on the ground floor, as well as contributions to off-site highway and environmental improvements. Cadw have been consulted and have not made an objection.
- 9.5 Taking account of both negative and positive considerations including the mitigation and enhancement measures along with high-quality architectural form and detailing, provision of an acceptable land use and new usable public space in a highly sustainable and accessible location, the proposal is overall considered to accord with the relevant policy context and the recommendation reflects this careful analysis.

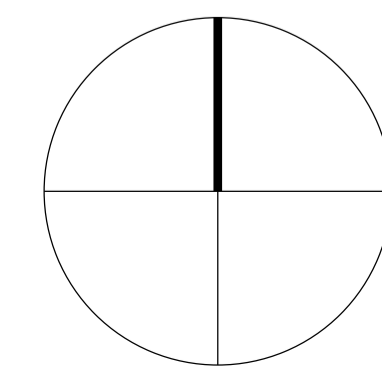
9.6 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement in the form of a financial contribution to secure the following highway improvement and public realm works:

- Financial contribution of £100,000 towards the provision of a new toucan crossing on Park Place. See dwg. no. LTS-079(08)101-G
- Financial contribution of £125,000 towards improvements to the pedestrian and cycle crossing on Boulevard de Nantes, and associated improvements for the proposed east-west cycle super highway which will pass in front of the site.
- Financial contribution of £275,000 towards public open space improvements, namely works to the Dock Feeder area on the west side of Park Place to create an accessible pocket park (see dwg. no. LTS-079-010REVA *Indicative Public Realm Proposals*), and/or other public open space improvements to the value provided.
- An obligation restricting the use of the residential accommodation proposed to student occupation only.

9.7 The applicant has confirmed their acceptance of the above obligations



-  Planning application site
-  Proposed development
-  Existing buildings



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Rev G REVISED PLANNING ISSUE
 Amendment

06/02/2018
 Date

VITA CARDIFF
 BRADLEY COURT
 SITE LOCATION PLAN

Job/Drawing No Amendment
1870/P/101 G

Scale 1:1250 (1:2500 @ A3)
 Date 21/04/2017
 Drawn

All dimensions to be checked on site

Original printed at A1

4.0 Proposal

4.6 Illustrative Views



Illustrative View from Boulevard de Nantes

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/01418/MJR**

APPLICATION DATE: 21/06/2017

ED: **CATHAYS**

APP: TYPE: Listed Building Consent

APPLICANT: Vita (Cardiff) 1 Limited

LOCATION: BRADLEY COURT, 11 PARK PLACE, CATHAY PARK, CARDIFF CF10 3DR

PROPOSAL: DEMOLITION OF BRADLEY COURT RETAINING 11 PARK PLACE; REDEVELOPMENT AND CHANGE OF USE TO STUDENT ACCOMMODATION (USE CLASS SUI GENERIS) COMPRISING STUDIOS AND COMMUNAL SPACES TOGETHER WITH GROUND FLOOR RESTAURANT (USE CLASS A3) AND ASSOCIATED ANCILLARY WORKS.

RECOMMENDATION 1: That, subject to CADW not wishing to call in the application for determination by the Welsh Ministers, Listed Building Consent be **GRANTED** subject to the following conditions:

1. CO2: Statutory Time Limit - Listed Building
2. Prior to alteration works to the interior of the listed building, a detailed specification of works be provided shall be submitted for approval. For the avoidance of doubt, the original newel post and the original ground floor window shutters must be retained. The works shall be carried out in accordance with the approved specification. Reason: To ensure the preservation and enhancement of the building's historic fabric and character.
3. Prior to alteration works to the exterior of the listed building, a detailed specification of works shall be submitted for approval, to include detailed plans (minimum 1:10) and specifications relating to secondary glazing and the repair/refurbishment of the front door. For the avoidance of doubt, the door shall not be replaced without a further application for listed building consent. The works shall be carried out in accordance with the approved plans and specification. Reason: To ensure the preservation and enhancement of the building's historic fabric and character.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The listed building consent application is for alterations to no. 11 Park Place, a Grade II listed building.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located at the south-east corner of the crossroads junction of Park Place, Boulevard De Nantes and Stuttgarter Strasse and comprises the 11 Park Place listed Victorian villa and the Bradley Court office building.
- 2.2 The existing office building (to be demolished) was constructed in the late 1980's & early '90's. The building is physically linked to the adjacent premises at 11 Park Place, a Grade II Listed Building.
- 2.3 The Listing description for No. 11 states:

HISTORY: Circa 1880. By W D Blessley, architect. Restored 1987-89 by Wigley Fox Partnership.

EXTERIOR: Detached town house in mixed Gothic style. 3 storeys and basement, 3 bays wide. Coursed snecked masonry with freestone dressings and weathered stringcourse, half-timbering to gables. Cross-gable to right with 2 storey splayed bay, full height bay to left with hipped roof. Small dormer head to centre. Slate roofs, bracket eaves to left bay which has paired and single Gothic lights with drip moulds to upper storeys, sash windows. Tripartite window to upper right under strainer arch with chequerboard tiling, bay windows below as before. Central pointed entrance arch up parapetted stairs, moulded archway with foliage capitals and nook shafts, recessed Gothic screen with side lights to door, elaborate plaster ceiling. Corbelled stack between dormers to left elevation.

REASONS: Part of a group of well-preserved High Victorian middle-class houses in city centre. Group value with adjacent listed buildings.

- 2.4 The existing building is set back from the Park Place boundary and there are trees to the front covered by TPO No. 131/G02 comprising Horse Chestnut, Ash and Hornbeam, and TPO 131/A01 which is recorded as Birch.
- 2.5 The area of land in front of the existing 1980's office block is enclosed by a wall & railing arrangement, with access off Park Place provided by a widened staircase leading to a raised walkway over basement ground level connecting the pavement to the office entrance).

3. **PLANNING HISTORY**

- 17/01417/MJR – Planning application to demolish Bradley Court retaining 11 Park Place. Redevelopment & COU to student accommodation. GF restaurant, communal spaces and associated works – Under consideration.
- 17/01419/MJR – Conservation Area Consent application associated with full application 17/01417/MJR – Under consideration

4. **POLICY FRAMEWORK**

- 4.1 The following policies and guidance are considered relevant:

Planning Policy Wales (Ed. 9 Nov. 2016)

- Chapter 6 The Historic Environment

PPW Technical Advice Notes

- TAN 24 Historic Environment

Cardiff Local Development Plan 2016-2026

- Policy KP17 Built Heritage
- Policy EN9 Conservation of the Historic Environment

5. INTERNAL CONSULTEE RESPONSES

Conservation Officer

- 5.1 *Alterations to listed building:* 11 Park Place was built 1875-80. Under threat of demolition through redevelopment proposals, the building was spot listed for group value at Grade II in March 1984. Its condition at the time which was recorded as 'boarded and derelict' (the same was noted for nos. 7-10 Park Place). It was within this context that the extension and alteration plans were developed, essentially a façade retention scheme, new roof and the rear elevation rebuilt in modern materials to link with the new Bradley Court offices to the north.
- 5.2 *Justification:* The application was submitted prior to Sept 2017 requirement for a Heritage Impact Statement to be submitted with LBC applications. A Townscape and Historic Environment Visual Impact Assessment (THEVIA) is provided, which assesses the history of the building and makes some broad observations on listed building issues. However the alterations affecting the listed building are not justified in detail. Where historic fabric is to be retained or adapted, this is not described in large scale drawings or a schedule of works. As such, conditions are recommended to address these omissions.
- 5.3 *Internal alterations:* Given that the interior was almost entirely removed in the 1980s redevelopment, the internal alterations are considered acceptable in principle. No information is provided regarding any proposed measures to increase energy efficiency, for example through internal wall insulation. Given the impact that this can have upon the building's fabric (accepting that floors have since been reconstructed in modern materials), a detailed specification of works should be provided to ensure that any works are compatible with the traditionally constructed external walls.
- 5.4 The retention of the stair newel post (salvaged/relocated in the 1980s refit) is noted and is considered necessary when so much fabric has already been lost from the building. This should be conditioned for the avoidance of doubt, as the demolition plans or proposals are not specific on this matter.
- 5.5 The THEVIA notes that original shutters remain to the ground floor front windows. No further details are provided relating to these within the plans, so a condition is recommended to ensure that they are retained.
- 5.6 *Front Door:* The applicant has suggested that the front doorset is a 'modern', but in late C19 style, and that it will be 'reconditioned or replaced' (plan 1870/011D). However, despite requests made in August 2017, insufficient evidence/justification has been provided to demonstrate that its replacement would not result in the loss

of historic fabric. A condition is recommended to ensure that only refurbishment may be undertaken through these proposals, subject to the approval of further details. Replacement must be appropriately justified through a further listed building consent application.

5.7 *Roof lights:* The provision of accommodation within the roof space requires roof windows to be inserted on the north and south slopes. The number has been reduced from that originally proposed (from eight to four the prominent northern elevation), with additional natural light now to be provided through the use of lanterns within the modern flat roof areas. Given that this roof was replaced in its entirety in the 1980s, no historic fabric is affected. There would be some visual impact from the north and very minimal impact from the south. Given the height of the building and the placement, specification and size of the windows proposed, this is not considered to harm the character of the building.

5.8 *Recommended LBC conditions:*

- Prior to alteration works to the interior of the listed building, a detailed specification of works be provided for approval.
- Detailed plans (minimum 1:10) and specifications relating to secondary glazing.
- Prior to any works to the front door, detailed plans (minimum 1:10) and a specification of works relating to its repair/refurbishment be submitted and approved. For the avoidance of doubt, the door shall not be replaced without a further application for listed building consent.
- For the avoidance of doubt, the original newel post and the original ground floor window shutters must be retained.

5.9 Subject to conditions, the proposed alterations and extension to the listed building are considered to preserve its special interest in terms of fabric and character, both of which were heavily altered during the c.1990 extensions.

6. **REPRESENTATIONS**

6.1 The application was advertised on site and in the press. Neighbours and Local Members were notified.

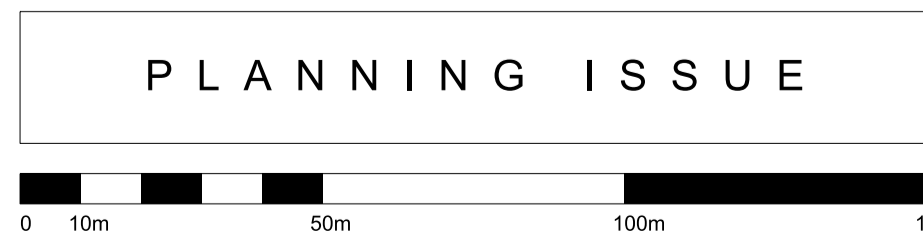
6.2 Objections to the redevelopment proposals to be considered under application 17/01417/MJR have been received from the occupier of 3 Bishop's Place, Whitchurch; 9 Park Place and the Design Commission for Wales.




6.3 Details of these objections and how they have been addressed are to be found in the 17/01417/MJR report.

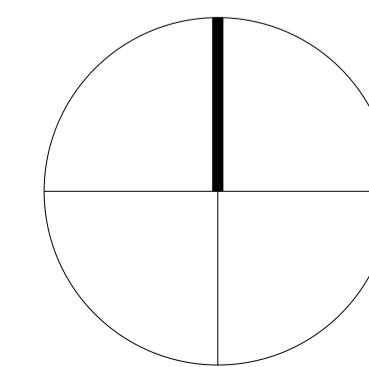
7. **CONCLUSION**

7.1 The proposed alterations and extension to the listed building are considered to preserve its special interest in terms of fabric and character.

7.2 It is recommended that, subject to conditions and to CADW not wishing to call in the application for determination by the Welsh Ministers, Listed Building Consent be **GRANTED**.



-  Planning application site
-  Proposed development
-  Existing buildings



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Rev C Amendment
 PLANNING ISSUE
 Date 21/06/2017
 Job/Drawing No 1870/P/101
 Amendment C
 Scale 1:1250 (1:2500 @ A3)
 Date 21/04/17
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 All dimensions to be checked on site

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COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/01419/MJR** APPLICATION DATE: 21/06/2017

ED: **CATHAYS**

APP: TYPE: Conservation Area Consent

APPLICANT: Vita (Cardiff) 1 Limited

LOCATION: BRADLEY COURT, 11 PARK PLACE, CATHAY PARK,
CARDIFF CF10 3DR

PROPOSAL: DEMOLITION OF BRADLEY COURT RETAINING 11 PARK
PLACE

RECOMMENDATION 1: That conservation area consent be **GRANTED** subject to the following conditions:

1. C05 Statutory time limit – Conservation Area Consent
2. No demolition shall be commenced until listed building consent for the alterations to the listed building has been granted. Reason: To ensure that works to the listed building required as part of the demolition works are in accordance with the listed building consent.
3. No demolition shall be commenced until such time as the applicant can evidence to the Council, within twelve months of the date of the demolition of the buildings on the land, that the site will be redeveloped for a scheme for which planning permission has been granted. Reason: To ensure the timely redevelopment of the site following demolition.

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.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An application for conservation area consent for the demolition of a five storey (including basement) office block constructed in the late 1980's.
- 1.2 The site is located at the junction of Park Place and Stuttgarter Strasse and lies within the Windsor Place Conservation Area. The building to be demolished is linked to no 11 Park Place, a four storey building (including basement) in office use. No 11 is a Grade II Listed Building.

2. **PLANNING HISTORY**

17/01417/MJR – Demolish Bradley Court retaining 11 Park Place. Redevelopment & COU to student accommodation. GF restaurant, communal spaces and associated works – Under consideration.

17/01418/MJR – Listed Building Consent application associated with full application 17/01417/MJR – Under consideration

3. **POLICY FRAMEWORK**

3.1 The following policies and guidance are considered relevant

Planning Policy Wales (Ed. 9 Nov. 2016)

Chapter 6 The Historic Environment

PPW Technical Advice Notes

TAN 24 Historic Environment

Cardiff Local Development Plan 2016-2026

Policy EN9 Conservation of the Historic Environment

4. **CONSULTATIONS/REPRESENTATIONS**

4.1 The application was advertised on site and in the press. Neighbours and Local Members were notified.

4.2 Objections to the redevelopment proposals to be considered under application 17/01 417/MJR have been received from the occupier of 3 Bishop's Place, Whitchurch; 9 Park Place; Cardiff Civic Society and the Design Commission for Wales.

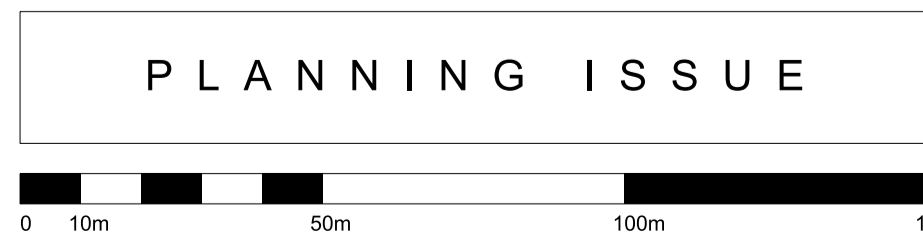
4.3 Details of these objections and how they have been addressed are to be found in the 17/01417/MJR report.

5. **ANALYSIS**

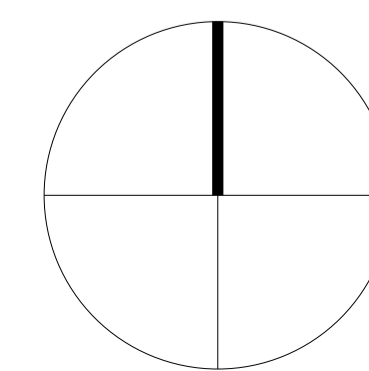
5.1 The existing Bradley Court was constructed in the late 1980s/early 1990s. The building does not make a positive contribution to the character or appearance of the conservation area, being a crude late C20th interpretation of the prevailing late Victorian French Gothic style that characterises this part of Park Place. Its loss is not objectionable. It is somewhat crudely grafted to the rear of the listed 11 Park Place, however the degree of setback minimise the harm to this building.

5.2 It is considered that the demolition of the existing office block would not, in its own right, have any detrimental impact on the character or appearance of the Windsor Place Conservation Area.

- 5.3 The demolition works include works to the listed building and a condition is therefore imposed requiring that no demolition shall commence prior to the granting of listed building consent
- 5.4 The condition requiring evidence of intention to redevelop the site is imposed because the applicant will not be in a position to provide the full construction contract before demolition takes place if the scheme to be completed in time for the opening of the 2020 academic year.
- 5.3 The merits of the redevelopment scheme proposed under application 17/01417/MJR will be discussed in the relevant report to Planning Committee.
- 5.4 In light of the above, it is recommended that Conservation Area Consent be granted.



- Planning application site
- Proposed development
- Existing buildings



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Rev C Amendment PLANNING ISSUE Date 21/06/2017

VITA CARDIFF
 BRADLEY COURT
 SITE LOCATION PLAN

Job/Drawing No 1870/P/101 Amendment C
 Scale 1:1250 (1:2500 @ A3)
 Date 21/04/17
 Drawn

All dimensions to be checked on site

Original printed at A1

PETITION OF OBJECTION & LOCAL MEMBERS OBJECTION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/02618/MJR**

APPLICATION DATE: 31/10/2017

ED: **ADAMSDOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Crosslane Student Developments (UK) Limited
 LOCATION: LAND AT HOWARD GARDENS, ADAMSDOWN, CARDIFF
 PROPOSAL: ERECTION OF BUILDING (BETWEEN 4-11 STOREYS)
 FOR MIXED USE PURPOSES INCLUDING RESTAURANT
 (CLASS A3) (PART GROUND FLOOR) AND RESIDENTIAL
 ACCOMMODATION FOR STUDENTS COMPRISED IN A
 COMBINATION OF CLUSTER FLATS (UP TO 61 NO.) AND
 STUDIOS (UP TO 50 NO.) WITH ASSOCIATED
 ACCOMMODATION AND WORKS FOLLOWING
 DEMOLITION OF EXISTING BUILDINGS

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

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans:
 - Site Location Plan PL(90)01
 - Site Topographical Survey Existing PL(90)02
 - Demolition Plan PL(90)03
 - Site Layout Plan PL(90)04 F
 - Layout Plan Level 00 PL(99)01 E
 - Layout Plan Levels 01-02 PL(99)02 E
 - Layout Plan Level 03 PL(99)03 E
 - Layout Plan Level 04 PL(99)04 E
 - Layout Plan Level 05 PL(99)05 E
 - Layout Plan Level 06 PL(99)06 E
 - Layout Plan Level 07 PL(99)07 E
 - Layout Plan Roof PL(99)08 D
 - Elevations 01 South West PL(99)09 C

- Elevations 02 North West PL(99)10 C
- Elevations 03 North East PL(99)11 C
- Elevations 04 South East PL(99)12 C
- Elevations 05 North East Internal PL(99)13 C
- Elevations 06 SW/ SE/ NW Internal PL(99)14 C
- Site Sections PL(99)15 C
- Accommodation Schedule PL(99)16 C
- Layout Plans Levels 08-10 PL(99)17 E
- Proposed Tree Removal DLA-1847-L01
- Tree Protection DLA-1847-L02
- Proposed Landscape Plan DLA-1847-L03
- Proposed Planting Plan DLA-1847-L04
- Overall Landscape Scheme DLA-1847-L05

Reason: For the avoidance of doubt.

3. Any A3 use shall be restricted to café/ restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use Class unless otherwise agreed in writing by the LPA. Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.
4. No member of the public shall be admitted to or allowed to remain on any A3 premises between the hours of 23:00 and 08.00 hrs. on any day. Reason: To ensure that the amenities of neighbours and future occupiers are protected.
5. There shall be no arrival, departure, loading or unloading of vehicles between the hours of 20:00 to 0800.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
6. No above ground superstructure works shall be commenced 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 development.
7. No above ground superstructure works shall be commenced until architectural details of the elevations in the form of large scale key plans, sections, and elevations have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the development.
8. *Contaminated land measures – assessment:* Prior to the construction phase of the development an assessment of the nature and extent of

contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include 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; an assessment of the potential risks to human health, ground waters and surface waters, adjoining land, property (existing or proposed), and any other receptors identified through investigation, and an appraisal of remedial options, and justification for the preferred remedial option(s). Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.

9. *Contaminated land measures – remediation & verification plan:* Prior to the construction phase of the development, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. 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. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
10. *Contaminated land measures - remediation & verification:* The approved remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
11. *Identification of Unsuspected Contamination:* 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.

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

14. *Use of Site Won Material:* Any site won recycled aggregate materials shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its reuse. Only material approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced.
15. C2N Drainage Details
16. H7G Plant Noise
17. G7Q Future Kitchen Extraction
18. A scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial unit and any residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Reason: To ensure that the amenities of future occupiers are protected.
19. C4P Landscaping Design and Implementation Pro
20. *Integration of landscaping:* Notwithstanding the submitted landscape proposals and illustrative proposal for the adjacent Howard Gardens open space detailed plans, elevations, sections and construction details shall be submitted for the approval of the LPA to demonstrate the seamless integration of design, materials and levels of the open space to the south and west of the proposed building with the adjacent enhanced open space design for Howard Gardens, and the public realm forming part of the Fusion Eclipse Student Accommodation. Unless otherwise agreed in writing a root radar survey is required to inform the design and demonstrate the impact of the proposals on the retained trees closest to the development. The development shall be carried out in accordance with the approved details. Reason: To ensure the full integration of the application site open space with the adjacent open space design for Howard Gardens and the Eclipse student Accommodation.
21. C4R Landscaping Implementation.
22. *Tree Protection:* No demolition, site preparation or development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating compliance with the approved tree protection measures.
- A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP. Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.

23. C4W Tree Works
24. *Site enclosure*: Details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority and the scheme shall be constructed in accordance with the approved details prior to the development being put into beneficial use. Reason: To ensure that the amenities of the area are protected.
25. *Cycle parking*: No above-ground development shall take place until a scheme showing details of 98 undercover and secure cycle parking spaces and 12 external cycle parking spaces has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented. Reason: To ensure that adequate provision is made for the secure parking of cycles.
26. *Combined Travel and Student Accommodation Traffic Management Plan*: No part of the development hereby permitted shall be occupied until a travel/ parking/ traffic/ resident/ letting management plan to include, but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of the private car; the management of student drop-off and collection traffic at the start and end of term; the control of vehicular access to the site and the exclusion, and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority. Reason: in the interest of highway safety and

to regulate the impact of the development on use of the adjacent highway.

27. *Highway Works:* No part of the development hereby permitted shall be commenced until a scheme of public realm improvement works to the footways adjacent to the site on Howard Gardens and Howard Place, to tie into the works associated with the West Wing development, has been submitted to and approval in writing by the LPA. The scheme to include the removal and reinstatement as footway of the existing vehicle entrance the north of the site; the reinstatement/resurfacing as required of the remainder of the footway abutting the site; and the creation of a buildout and uncontrolled crossing to the south of the site: to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: To ensure the reinstatement of the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.
28. *Construction Management Plan condition:* No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity.

RECOMMENDATION 2: The highway works condition and any other works to the existing public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

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

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

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

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

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

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

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

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

RECOMMENDATION 5: Resident Parking Permits – The applicant is advised that incoming residents will not be eligible to receive resident parking permits in the adjacent streets.

RECOMMENDATION 6: Welcome Pack – In addition to matters covered by the conditioned Travel Plan, the applicant is requested to provide residents (upon their arrival) with a welcome pack detailing sustainable transport options available in the area, to help promote sustainable transport options.

RECOMMENDATION 7: That the developer be advised that where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats etc.) Regulations 1994 is present on the site in respect of which planning

permission is hereby granted, no demolition works shall take place in pursuance of this approval unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority. In the event that demolition work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and the Council ecologist and NRW should be contacted immediately. It is recommended that on a precautionary basis, 'reasonable avoidance measures' be implemented during demolition/tree felling to prevent/reduce the possibility of an offence being committed through direct mortality of bats. These measures would include:

- Toolbox talk to site workforce prior to commencement to advise on the low risk that bats may be present and that if bats were discovered, all work would cease immediately and either the project ecologist or Natural Resources Wales (NRW) contacted for further advice.
- Giving tool-box talks to site operatives such that they are aware that bats may be present
- 'Soft-stripping' of features such as roof tiles, soffits, barge-boards, fascias etc, and any other features which bats may use to roost or to access a roost
- Having an ecologist present on site in case bats are found during removal of the buildings' roofs
- Repeat of the bat survey if works do not take place within one year of the most recent survey, as bats may colonise these buildings in the interim.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A detailed application for purpose built student accommodation (384 bed spaces), communal spaces and ground floor A3 café/restaurant unit, landscaped courtyard, and public realm improvements adjoining the site.
- 1.2 Amended plans addressing the overall massing of the western block and the relationship with the future park to the south were received on 6.12.17 and re-consulted on for a period of 14 days.
- 1.3 The proposals are for the construction of a building that ranges between 4 and 11 storeys with a central courtyard.
- 1.4 Access to the building is proposed from the north from Newport Road Lane to a student reception area. Communal facilities on the ground floor include a student common room, media room, and study rooms, as well as cycle storage accessed from the central courtyard. There is a secondary, ramped access to the courtyard area from the south adjacent to the commercial unit and facing the new park. This will be for those entering/ exiting with bicycles only.

- 1.5 The ground floor also incorporates commercial floor space for café use adjacent to the south-west site boundary, which will be accessed from the south from new public realm adjacent to the Park. Above ground floor the entire building comprises study bedrooms in a combination of cluster flats of varying sizes and studios.
- 1.6 The lowest part of the building (4 storeys) is adjacent to the eastern site boundary where it faces the Victorian terraced properties on the east side of Howard Gardens. The building has an aspect to the park to the south, with between four and five floors of student accommodation above the ground floor commercial unit that directly overlook it.
- 1.7 The building rises away from the eastern site boundary to a height of 11 storeys adjacent to the north-western boundary, approximately three storeys higher than the adjacent Fusion scheme. Angled privacy windows are incorporated in the west elevation of the proposed development to ensure that there is no direct overlooking of student rooms in the adjacent Fusion scheme.
- 1.8 No parking is provided on the premises, although there is space adjacent to the south-west boundary for maintenance vehicles to pull off the adjacent highway. There is some on-street parking capacity to the front of the proposed building adjacent to the entrance from Newport Road Lane. Approximately 104 cycle parking spaces are provided on site in a secure cycle store.
- 1.9 The materials considered are bricks in two different colours, metal panel cladding system, glass, white render and timber in the courtyard.
- 1.10 The Management Statement includes a detailed travel plan which outlines arrangements for managing student pick-up and drop-off at the start and end of each year.
- 1.11 *Public realm improvements:* The scheme will contribute in the form of a financial contribution towards a new park on the site of the Adamsdown Play Centre and Playground. The park will be designed and delivered by the Council's Parks Department, paid for by Section 106 financial contributions from this and other student housing schemes in the Adamsdown ward. Protected trees will be retained and a potential new entrance to the park from Moira Terrace to the south will be created.
- 1.12 The area of the Park adjacent to the scheme will be hard landscaped, acting as a terrace for the use of the café and a pedestrian route linking the recently completed Eclipse student housing public realm to the west with Howard Gardens and the student development on the Glossop Road site to the east. Adjacent footways will be resurfaced, and public realm works as necessary to integrate the development with the adjacent Fusion student development. The

Newport Road Lane footway to the north of the site will be widened and built out as part of the public realm works package.

- 1.13 *Pre-application discussions with Council Officers:* In summary, the bulk and massing of the proposed development has been reduced from earlier iterations to reduce overlooking and overbearing impacts, particularly on the northern elevation. The height in the north western corner in particular was reduced and effectively relocated to the north eastern corner to provide a landmark local feature.
- 1.14 *Statutory pre-application:* The developer Crosslane undertook statutory pre-application consultation on its proposals from 25.8.17 to 22.9.17. Site notices were posted, a press release was issued on 21.8.17, a project webpage with the draft planning application went live on 25.8.17, and meetings were held in September 2017 with AM Jenny Rathbone and LM Cllr Owen Jones.
- 1.15 A notification letter and formal notice was delivered to 60 residents and business addresses neighbouring the site, and to community consultees (local Adamsdown Ward members), as well as additional community consultees including Cardiff Council Cabinet members, local schools and community organisations, neighbouring businesses and organisations, and Cardiff Universities and Colleges.
- 1.16 The following Specialist Consultees were consulted: Council Highways Department; DCWW; NRW; Sport Council for Wales; CADW
- 1.17 A total of 45 written responses were received by the 22nd September deadline. Of these 24 were letters prepared by the Cardiff Green Party and signed by local individuals. The issues raised were loss of public open space and green park area, overdevelopment of student housing in the area, impact on local community, design of the building (too big), impact on wildlife and need for bat surveys, need for affordable housing, and construction impact.
- 1.18 The following supporting information is submitted:
 - Pre-application Consultation Report
 - Design and Access Statement
 - Planning Statement
 - Arboricultural Assessment & Method Statement
 - Drainage Strategy
 - Transport Statement
 - Daylight and Sunlight Report, revised Jan 18
 - Market Demand report
 - Bat Survey Report, amended Jan 18
 - Illustrative information (cgis), revised Jan 18

2. **DESCRIPTION OF SITE**

- 2.1 The 0.27ha square flat application site is located on the eastern edge of the City Centre Principal Business Area in a highly sustainable location close to public transport and community facilities.
- 2.2 The site is currently used as the building contractor's compound for the student housing scheme immediately to the west of the site. It was previously used as a bowling green up until 2013 when it was decommissioned. Several small trees are located on the perimeter of the site.
- 2.3 Access is from the north via Newport road and along Newport Road Lane which forms the site's north boundary. To the west is the Eclipse student housing scheme of 670 bed spaces which is substantially completed and occupied. The accommodation is in two courtyard blocks of varying heights rising to 8 storeys on the NE corner. Between the student housing and the application site is a generous area of public realm (part of the Eclipse development) which provides a north-south pedestrian route linking Moira Terrace to Newport Road Lane.
- 2.4 The eastern boundary of the site is Howard Gardens, a residential street of 3 storey Victorian properties. To the south is the single storey Adamsdown Play Centre and a grassed publicly accessible playground area enclosed by a number of protected mature trees. To the south of the playground is the busy Moira Terrace. To the north of the site is the 15 storey Mercure Hotel building on Newport Road.
- 2.5 Both the application site and the Play Centre and Playground are identified as open space in the 2017 Council Open Space Survey. Cabinet agreed to the disposal of the bowling green site on the open market in 2015 and its disposal was advertised in September 2016.
- 2.6 Further to the east and separated by established terraced housing is the West Wing student housing scheme (644 bed spaces) which is under construction.
- 2.7 To the south of the Magistrates Court on Moira Terrace is Student Castle, a purpose-built student accommodation block with 540 bed spaces completed several years ago.
- 2.8 A number of tall buildings lie to the north west on Newport Road including the Grade II listed St James' Church, the 15 storey Admiral House, the 15 storey Mercure Holland House and the 14 storey Eastgate House.

3. **PLANNING HISTORY**

- None

Related planning history

- 14/2670/MJR PP granted May 2015 for demolition of UWIC buildings and redevelopment of a 671 student accommodation block located immediately to the west of the application site. The scheme is nearing completion.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
- 4.3 The following policies of the 2016 City of Cardiff LDP are relevant to the consideration of this application:-
- KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP16 Green Infrastructure
 - C1 Community Facilities
 - C4 Protection of Open Space
 - C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
 - H6 Change of Use or Redevelopment to Residential Use
 - R6 Retail Development (Out of Centre)
 - R8 Food and Drink Uses
- 4.4 The following Supplementary Planning Guidance is relevant in considering the application:
- Tall Buildings Design Guide (Jan 17)
 - Planning Obligations (Jan 17)
 - Cardiff Green Infrastructure (Nov 17)
 - Food, Drink & Leisure Uses (Nov 17)
 - Access, Circulation and Parking Requirements (2010) insofar as it is consistent with LDP policy

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Land Use Policy & Regeneration:** The proposal is for the construction of a student accommodation (Sui Generis) scheme, comprising 384 bed spaces, with a restaurant (Class A3) use (160sqm) to the ground floor. The vacant (former bowling green) site (0.26ha) is located outside, but directly adjacent

to, the Central Business Area (CBA) of the adopted Cardiff LDP. As such, the main land use planning policy issues relate to:

- 5.2 Loss of Open Space Provision: Situated between Newport Road Lane and Moira Terrace, Howard Gardens comprises two elements of open space, with a former bowling green (0.26ha) to the north and an outdoor gym (0.14ha) to the south. These open spaces are divided by a children's play centre located across the centre of the site.
- 5.3 LDP Policy C4 (Protection of Open Space) seeks to protect open space that has significant functional, conservation, environmental or amenity value and identifies criteria against which proposals will be assessed, including: whether a proposal would cause or exacerbate a deficiency of open space, whether the open space has significant functional or amenity value, whether it is of significant quality, and whether the developer can make satisfactory compensatory provision.
- 5.4 The application site relates to the former bowling green only, which closed in 2013. Following disposal of the land as public open space in 2015/16 the area has most recently been used as a site compound for the construction of a neighbouring development and has therefore not recently contributed towards open space provision. To the south of the site, the outdoor gym is of a poor quality, with the area being laid to hardstanding (macadam) and gated from the surrounding public realm, which impacts on its functional and amenity value.
- 5.5 In relation to the impact on visual amenity the application would result in the loss of several small trees on the periphery of the site. These are only visible in the immediate vicinity and their loss will have no significant impact on the wider setting as the larger mature trees to the south dominate the local character and will be retained as part of the enhanced park.
- 5.6 The applicant has identified in their Design and Access Statement that the proposed student accommodation has been designed to integrate with the southern part of the site (the outdoor gym) and would provide the opportunity for the area to be opened up and regenerated as a publicly accessible park, set within the crescent of mature trees.
- 5.7 In addition to the design and layout of the proposed development contributing towards opportunities for the future use of the park as public open space, a financial contribution would also be sought from developer towards the enhancement and upgrading of the space as set out in LDP Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport). It is therefore considered that the proposal would provide the opportunity to significantly improve the quality, function and amenity value of the open space at Howard Gardens.

- 5.8 Whether the proposed Sui Generis (student accommodation) use is acceptable at this location: Policy H6 of the LDP (Change of Use or Redevelopment to Residential Use) identifies criteria against which the change of use of redundant previously developed land to residential use will be considered, including whether there is an overriding need to retain the existing use of the land and whether necessary community and transportation facilities are accessible or can be readily provided.
- 5.9 As identified above, the former bowling green closed in 2013 and following the disposal of the land as public open space in 2015/16, the area has most recently been used as a site compound for the construction of a neighbouring development.
- 5.10 Whilst student accommodation is a 'sui generis' use, the nature of such a use exhibits many characteristics of a typical residential scheme. The principle of both student accommodation and residential uses are well established within the surrounding Newport Road area and the site is well served by transport links and is close to local amenities.
- 5.11 Whether the proposed A3 (Food and Drink) use is acceptable at this location: Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations.
- 5.12 Given that the application proposes 384 flats to the upper floors and the proximity of neighbouring occupiers, consideration would need to be given to the potential impact of a ground floor A3 use on local amenity. This could be achieved through the applicant accepting a restricted use condition, limiting any use to a restaurant / café / snack bar where their primary function is the sale and consumption of food on the premises rather than alcohol or hot food takeaways and through controlled hours of opening to minimise disturbance to residents.
- 5.13 Strategic Planning (Public Realm) Considerations: This is a large scale development, which will place increased pressure on the surrounding pedestrian environment, particularly due to the nature of the scheme as student accommodation where movement to and from the site will predominantly take place on foot and by bike.
- 5.14 Planning Policy Wales, Paragraph 3.4.3 states that 'When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility'.

Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.

- 5.15 The applicant has identified in their 'Proposed Site Layout Plan' (Drawing Number PL(90)04, Revision F, August 2017), that a series of footway widening works at Howard Gardens are to be undertaken as part of an adjacent development (Application 16/01808/MJR). To help integrate the site with the surrounding area, to tie-in with the above works, and to help improve the overall quality of the pedestrian environment, it is requested that the developer undertakes a scheme of public realm works to the footway surrounding their site at Howard Gardens and Newport Road Lane (as identified on *Plan 1: 'Proposed Extent of Public Realm Improvements'* in the Land use Policy and Regeneration consultation response dated 4.1.18).
- 5.16 The scheme would comprise resurfacing the footways with concrete paving (to match recently completed works in the vicinity of the site) and the replacement of all kerbstones, lighting columns and drainage channels. To ensure that the proposed scheme of improvements is provided in a timely manner, it is requested that the developer undertake the public realm works as part of their development.
- 5.17 **Parks Service:** The proposed development is subject to LDP Policy C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport, KP16 Green Infrastructure, and the 2017 planning Obligations SPG which sets out the Council's approach to open space provision.
- 5.18 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.
- 5.19 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **384**. This generates an open space requirement of **0.492 ha** of on-site open space based on the criteria set for **Student accommodation**, or an off-site contribution of **£210,000**.
- 5.20 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.

- 5.21 The calculation for student accommodation applies a lower rate compared to the full amount required for general purpose housing. This takes into account omission of the play provision element which is not applicable and the resident's accessibility to student sports facilities.
- 5.22 In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.
- 5.23 The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site.
- 5.24 The Parks Officer raises a number of concerns relating to the incursion of the development into tree root protection areas and the protection of trees during the construction period. The comments have been forwarded to the agent.
- 5.25 **Community facilities:** The Neighbourhood Regeneration Officer requests a financial contribution of £221,700 based on a student population of 400 calculated in accordance with the SPG Planning Obligations 2017.
- 5.26 **Transportation:** The submission is considered acceptable subject to the following comments and conditions:
- 5.27 The adopted Access, Circulation and Parking Standards SPG confirms that up to one car parking space per 25 beds may be provided for operational use, and that there is no requirement for on-site resident car parking for the sui generis use of student accommodation. There is similarly no minimum car parking requirement for the A3 ground floor restaurant use detailed in the application. In addition, established practice is that one cycle parking space be provided per two to three beds for this form of development (a minimum of 128 spaces for 384 beds). Given the sustainable location of the site I am happy to accept the minimum number of cycle parking spaces, with details of layout, type of rack, etc. controlled by the proposed condition.
- 5.28 Being mindful of the central, sustainable location of the site and that of the proposed use I am satisfied that the proposed development is compliant with adopted parking policy with zero on-site operational parking and the provision of resident/visitor cycle parking as required by condition. It is also expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and provision of cycle parking, enhanced as may be required, to respond to any identified demand/shortfall.
- 5.29 With reference to location and wider development considerations. It is noted that the site is in a city centre fringe location in the vicinity of Cardiff's main pedestrian shopping area, with access to employment, leisure, shopping, etc.

opportunities and the main university campus/facilities to the north. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to high frequency bi-directional bus services on Newport Road and rail services at Queen Street Station, with access to both local and national services. The site is therefore considered to be sustainably located in transport terms and entirely appropriate for the proposed form of development.

- 5.30 It is nonetheless noted that the introduction of circa 400 residents (plus staff, visitors and customers) who will be wholly reliant on walking, cycling and public transport for daily journeys will put a not insignificant additional amount of pedestrian traffic onto the adjacent footways. In keeping with the approach taken in connection with the two adjacent student developments, a Highway Works condition is therefore sought to secure improvements to the footways adjacent to the site.
- 5.31 The proposed highway works condition ties into the pavement widening on the north east corner of the site, provided by the S106 works attached to the West Wing/Glossop Road development and identified in the application submission. The conditioned works also extend south along the Howard Gardens frontage of the site and include a buildout and crossing, again to tie into the West Wing works, to provide a unified scheme that takes account of access to and pedestrian desire lines associated with the proposed development on the Bowling Green.
- 5.32 I have attached for illustrative purposes a copy of the S106 highway works plan for the West Wing site, annotated to show the works sought in connection with the application, showing:-Resurfacing the adjacent footways in the same material and tying into the West Wing widening works (red outline); Provision of a buildout and uncontrolled crossing opposite and to tie into the Howard Terrace West Wing works (blue outline).
- 5.33 The application is supported by a Transport Statement that examines the impact of the proposals on the highway network and concludes, through assessment of the trip generation and distribution, that daily trips generated by the proposed development will be distributed across sustainable modes. The proposed development is not therefore anticipated to have an adverse impact on the surrounding vehicular highway network.
- 5.34 The exception to the above is vehicle trips that are likely to be generated at the start and end of term, when student residents are generally dropped-off/collected by car. However as identified in the submitted TS this will be controlled to ensure it does not have an adverse impact on the highway. The management of traffic, dropping off/collection, and parking of vehicles is also subject to a Traffic Management Plan condition and I am satisfied, subject to agreement of this condition, that there is sufficient capacity on the adjacent

public highway to accommodate the arrival and departure of students at the start and end term.

- 5.35 The conditioned Traffic Management Plan will also assist with the control of student car parking within the site and surrounding area, where parking is currently fully controlled under the Central Parking Zone. It should also be noted that incoming student residents will not be eligible to receive Resident Parking Permits and as such will not add to any burden on the existing resident parking bay provision.
- 5.36 Given the sustainable location of the site and compliance with parking policy I must conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge.
- 5.37 The following conditions are requested: Standard Cycle Parking condition C3S – in respect of a minimum 128 cycle parking spaces; combined travel and student accommodation traffic management plan condition; highway works condition to tie into the works associated with the West Wing development; construction management plan condition.
- 5.38 Additional advisories as follows: Non-eligibility for resident parking permits in the adjacent streets; provision of welcome pack detailing sustainable transport options to help promote sustainable transport options; and need for Section 278 agreement for works to adjacent highway.
- 5.39 **Highways (drainage):** No observations received.
- 5.40 **Pollution Control (Contaminated Land):** No objection subject to standard contaminated land remediation and verification plan, remediation and verification implementation, unforeseen contamination, imported aggregates, imported soils and use of site won materials conditions, and a contamination and unstable land advisory notice.
- 5.41 **Pollution Control (Noise & Air):** No objection subject to standard kitchen extraction and plant noise conditions and a construction noise advisory notice.
- 5.42 **Waste Management:** The amended plan which details the bin storage is acceptable providing a weekly collection is arranged.
- 5.43 **Trees:** The submitted tree report refers to a Tree Protection Plan, but I cannot find it on file.
- 5.44 Based on the proposed site layout plan, two London plane trees will see their nominal Root Protection Areas (RPA) incurred upon by development. The most significant incursion is into the RPA of the plane at the SE corner of the

site, which sees paving, edging and soft landscaping occupying nearly one quarter of the RPA, though this extent is greater if the extent of these features depicted outside of the red-line site is taken into account. Furthermore, the real distribution of roots is likely to be offset into the site and playground rather than beneath the highway at Howard Gardens.

- 5.45 The topographical site survey shows vegetation currently where the paving, edging and soft landscaping will be located, so roots are highly likely to be present here relatively close to the soil surface, and therefore may be more vulnerable to damage than roots that may have developed beneath hard surfaces in the playground. A further consideration is the fact that the bowls green soil has been removed and replaced by hard-core. This soil may well have been being exploited by tree roots. 'Fire Truck' is annotated on the proposed site plan at the edge of the paved area incurring into the RPA, and I therefore assume that access is required here for a fire engine, meaning that an engineered, load bearing surface will likely be required, and excavation/compaction to enable construction is the likely consequence.
- 5.46 Tolerant as London plane is, I do not see the incursions into its RPA to be insignificant, and I would like to see more detail concerning existing and proposed treatments within its RPA, and that of the other tree affected to the SW corner of the site. The tree at the SW corner also has the potential to conflict with the proposed building line as it grows.
- 5.47 I note that two 'B' category trees were removed as part of the land purchase agreement. I had understood provision may be made to replace these trees in the highway verge facing Howard Place? Given the paucity of soft landscaping for the scale of development (notwithstanding the possibility that a new park may be developed in the playground), and the presence of a tree line fronting the adjoining 'Fusion' development, the street-scape would benefit considerably from some softening, particularly the paved area off the NW corner. If below ground constraints are significant, a bespoke, large volume planter could be considered?
- 5.48 No details of proposed soft landscaping are provided. The two circular planters in the courtyard might accommodate 10m³ root available soil at best, likely more like 8m³. They should be designed to maximise root available soil volume. For trees, the profile should be 300mm sandy loam topsoil over 600mm sandy loam subsoil, over 100mm washed sand blinding over clean stone linked to drainage. Trees such as *Aralia elata*, *Arbutus unedo*, *Arbutus x andrachnoides*, *Koelreuteria paniculata* and *Robinia x slavinii* 'Hillieri' may be appropriate, with companion planting.
- 5.49 A detailed landscaping scheme comprising scaled planting plan, plant schedule, tree pit section and plan views, planter section, topsoil and subsoil specification (I make the assumption all planting soils will be imported),

planting methodology and aftercare methodology should be submitted as soon as possible.

- 5.50 **Ecology:** In the absence of an internal inspection, a more precautionary approach to demolition would need to be taken. In this respect, I do not agree with the statement in Section 6.1 of the Bat Survey Report that '*Given the lack of any evidence of any use by bats, it is highly unlikely that the development proposals will have any impact on bats or their roosts.*' In my view an external inspection together with one emergence survey does not provide enough information to allow this conclusion.
- 5.51 This being the case, I support the proposed precautionary mitigation measures in respect of the buildings, as set out in section 6.1 of the Bat Survey Report, but would add to these the following measures:
- Giving tool-box talks to site operatives such that they are aware that bats may be present
 - 'Soft-stripping' of features such as roof tiles, soffits, barge-boards, fascias etc, and any other features which bats may use to roost or to access a roost
 - Having an ecologist present on site in case bats are found during removal of the buildings' roofs
 - Repeat of the bat survey if works do not take place within one year of the most recent survey, as bats may colonise these buildings in the interim.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Welsh Water:** No objection subject to a standard drainage detail condition.
- 6.2 **Natural Resources Wales (NRW):** NRW raised significant concerns in relation to bats and sought further information demonstrating that bats will not be adversely affected by the proposals. In particular that the bat survey did not inspect inside the buildings to be demolished and did not carry out the emergence survey at the right time of the evening.
- 6.3 The agent has submitted a revised bat survey report with corrected times for the emergence survey.
- 6.4 **South Wales Police:** No objection.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application in the press and on site, and Local Members and neighbours were consulted. A valid petition with 111 signatures, representations from 2 local members, and representations from

the owners of the adjacent student housing development (Fusion Students) and 30 local residents, all objecting to the proposals, have been received.

- 7.2 A petition of objection was also received on 16.2.18 from Cllr. Owen Jones. The petition is however invalid because postal addresses of signatories were not included. For a petition to be valid signatories must be Cardiff electors who are likely to be affected by the development. In other words they would need to live in the vicinity of the property, indicated by including their postal addresses on the petition alongside their names and email addresses.
- 7.3 The valid petition, signed by residents of Admiral House flats, objects on the following grounds:
- Loss of Howard Gardens open space. Space should be restored as a public park;
 - Overconcentration of student housing in the immediate vicinity, changing the character of the neighbourhood and running the risk of future under-utilisation and the possibility of neglected or derelict properties and associated criminal activities;
 - Noise and disruption from construction activities.
- 7.4 Representation from Cllr. Owen Jones (Adamsdown) objecting on the following grounds;
- Loss of open space, part of Cardiff's green infrastructure, contrary to Green Infrastructure SPG, and LPD policies KP15 (Climate Change), EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), C6 (Health) and KP5 (Good Quality and Sustainable Design);
 - Sale of the land is not in accordance with Council policy on green spaces, and requests the restoration of the land to a public park.
- 7.5 Representation from Cllr. Nigel Howells (Adamsdown) objecting on the following grounds;
- Calls on Council to halt sale of the land to carry out a full public consultation on what residents want for the former bowling green site;
 - Loss of open space contrary to section 1.2.5 of the LDP;
 - Oversupply of student accommodation in the area as evidenced by recent change of use applications to allow use by non-students;
 - Impact on air quality of additional traffic movements generated by the development, particularly on Tredegarville Primary School;
 - Increased demand for parking in the area;
 - Adverse impact on local infrastructure eg. Doctors and Dentists;
 - Noise and disruption arising from construction activities.
- 7.6 A total of 30 local residents object on the following grounds:
- Loss of public open space

- Over-concentration of student housing in the area and over-supply of student housing in the city centre
- Scale not in keeping with the neighbourhood (over-dominant in relation to traditional housing on east side of Howard Gardens)
- Lack of parking leading to Increased demand for on-street parking in the area
- Noise and disruption arising from construction activities
- Adverse impact on park to south of application site
- Influx of students having negative impact on community cohesion
- No measures to offset increased demand for community facilities
- Breach of privacy for neighbouring development
- Devaluing neighbouring property values

7.7 JLL on behalf of Fusion Students, the owners of the neighbouring student housing development, object on the following grounds:

- Statutory pre-application did not display all documents and information correctly and the formal site notice contained incorrect description of development;
- The site is overdeveloped. West elevation facing the Fusion development is too tall and massive and is out of keeping with the neighbouring buildings. This is not in accordance with the Council development brief prepared to support the disposal of the site;
- Significant adverse impact on daylighting for 98 habitable rooms;
- Overlooking (less than 10m between habitable rooms) resulting in loss of privacy.

8. **ASSESSMENT**

8.1 Matters to be assessed are the loss of open space, proposed use, scale and design of proposals, the residential amenity of neighbours (daylight, sunlight and privacy), and matters raised in representations.

Loss of open space

8.2 Notwithstanding the fact that it is no longer used as a bowling green (decommissioned in 2013 and in use as a contractor's compound), and that the Council has approved its disposal subject to Planning, the site and the playground/park to the south are identified as recreational open space and public open space respectively in the 2017 Open Space Study (which underpins the Green Infrastructure SPG), and therefore the proposals need to be assessed against LDP Policy C4 Protection of Open Space and the Green Infrastructure SPG.

8.3 The policy seeks to protect open space that has significant functional, conservation, environmental or amenity value, and identifies criteria against which proposals will be assessed, including: whether a proposal would cause or exacerbate a deficiency of open space, whether the open space has

significant functional or amenity value, whether it is of significant quality, and whether the developer can make satisfactory compensatory provision.

- 8.4 *Open space deficiency:* Following disposal of the land as public open space in 2015/16 the area has most recently been used as a site compound for the construction of a neighbouring development and has therefore not recently contributed towards open space provision.
- 8.5 *Functional/ amenity value:* There is no public access to the open space and it has most recently been used as a site compound, it therefore has no functional value. In relation to the impact on visual amenity the loss of the open space will have a minimal impact on the wider setting as the larger mature trees to the south dominate the local character. These trees will be retained as part of the enhanced park.
- 8.6 *Compensatory provision:* The scheme will contribute in the form of a financial contribution towards a new park on the site of the Adamsdown Play Centre and Playground. The park will be designed and delivered by the Council's Parks Department, paid for by Section 106 financial contributions from this and other student housing schemes in the Adamsdown ward. Protected trees will be retained and a potential new entrance to the park from Moira Terrace to the south will be created.
- 8.7 The area of the Park adjacent to the scheme will be hard landscaped, acting as a terrace for the use of the café, and a pedestrian route linking the recently completed Eclipse student housing public realm to the west with Howard Gardens and the student development on the Glossop Road site to the east.
- 8.8 It is therefore considered that the proposal will significantly improve the quality, function and amenity value of the open space at Howard Gardens, and therefore meets the policy compensatory provision criterion.

Proposed Uses

- 8.9 *Student housing use:* The site is located adjacent but outside the Central Business Area and the principle of large purpose-built student housing schemes in or close to the city centre is established. The immediate area centred on Newport Road and City Road has seen a number of large student schemes realised in recent years.
- 8.10 *Retail A3 use:* Although located outside the Central Shopping Area and any district or local centres the scale and nature of the A3 retail floor space, intended primarily as an ancillary facility to meet the on-site demands generated by a new student population, is considered acceptable in land-use policy terms. A condition is imposed to restrict any A3 use to café/ restaurant use only.

Scale and design

- 8.11 The scale of the development acknowledges the lower housing to the east and is of a similar scale to the Fusion development to the west. The principle of a taller element on the NW corner is established by the Fusion development and the development brief. The perimeter block layout respects neighbouring development, and design and materials are appropriate for the established residential context to the east and south, and the newly built student housing development to the west. Layout, scale and design of the building are considered acceptable.
- 8.12 The scheme benefits from a range of onsite community facilities (student common room, media room, study rooms and internal courtyard). Given this provision, and the contribution the scheme makes towards the creation of a new improved public park on the site of the old playground, no community facility contribution is requested.

Residential Amenity

- 8.13 *Daylight & sunlight:* A revised Daylight and Sunlight Amenity Study has assessed the impact of the development on neighbouring properties using the Building Research Establishment (BRE) 'Site Layout Planning for Daylight & Sunlight' guidance.
- 8.14 An adverse impact is identified on 60% of the Fusion Student development student bedroom windows facing the development (separation distance of 14m), and on 8 of the 9 properties on Howard Gardens facing the development (separation distance of 15m).
- 8.15 The BRE guidance is not mandatory and allows for flexible interpretation eg. historic city centre location, or an area with modern high-rise buildings.
- 8.16 The Fusion student accommodation is by its nature transient and therefore the need to safeguard levels of daylighting is not as important compared with traditional residential use.
- 8.17 In relation to the properties on Howard Gardens nos. 11-15 is in guesthouse use ('Nomads Backpackers') and does not therefore benefit from the same level of protection. Nos. 1 – 9 facing the development will experience an adverse impact, on ground floor windows in particular. However the development is restricted in height to 4 storeys (with a significantly set back 5th storey) facing Howard Gardens, at a separation distance of 15m, and is located in a developing high density urban context on the edge of the city centre, where such relationships are not unusual.
- 8.18 The report concludes levels of sunlighting are acceptable, with only a small number of instances where the results are below the recommended guidelines.

- 8.19 The development is not considered to cause unacceptable harm to residential amenity in relation to daylighting/ sunlight levels.
- 8.20 *Privacy:* Privacy distances are below the Council guidance recommended 21m, however in the case of Howard Gardens it is a typical urban street relationship and a separation distance of 15m is acceptable. Privacy issues in relation to the Fusion student development are mitigated by the use of projecting windows angled to face south for those student bedroom windows that directly face existing student bedroom windows.
- 8.21 The development is not considered to cause unacceptable harm to residential amenity in relation to privacy.

Representations

- 8.22 The main concern is the loss of public open space and this is addressed in the consultation response from Planning Policy, and in the assessment above.
- 8.23 The representation from Cllr. Owens makes reference to policies KP15 (Climate Change), EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity), EN7 (Priority Habitats and Species), and C6 (Health).
- 8.24 Policy KP15 seeks to mitigate against the effects of climate change by reducing carbon emissions and protecting carbon sinks and is of limited relevance in this case. Policies EN5, EN6 and EN7 deal with the protection of designated sites, semi-natural habitats and priority habitats and species, and are not applicable in this case. Policy C6 relates primarily to the provision of health facilities on strategic sites and is not applicable.
- 8.25 A local resident argues that the land should not be developed given the lack of open space in the Adamsdown ward, and should be returned to community use. She makes reference to the Green Infrastructure SPG, LDP section 1.2.5, and policies KP16 (Green Infrastructure), KP13 (Responding to Evidenced Social Needs), and KP14 (Healthy Living).
- 8.26 The loss of open space is assessed against LDP C4 Protection of Open Space and the Green Infrastructure SPG, see above. The Council decision to dispose of the former bowling green land has provided an opportunity for the creation of an enhanced and fully accessible public pocket park to serve the residents of Adamsdown. The development will make a financial contribution, calculated in accordance with the Infrastructure SPG, towards these works. KP13 and KP14

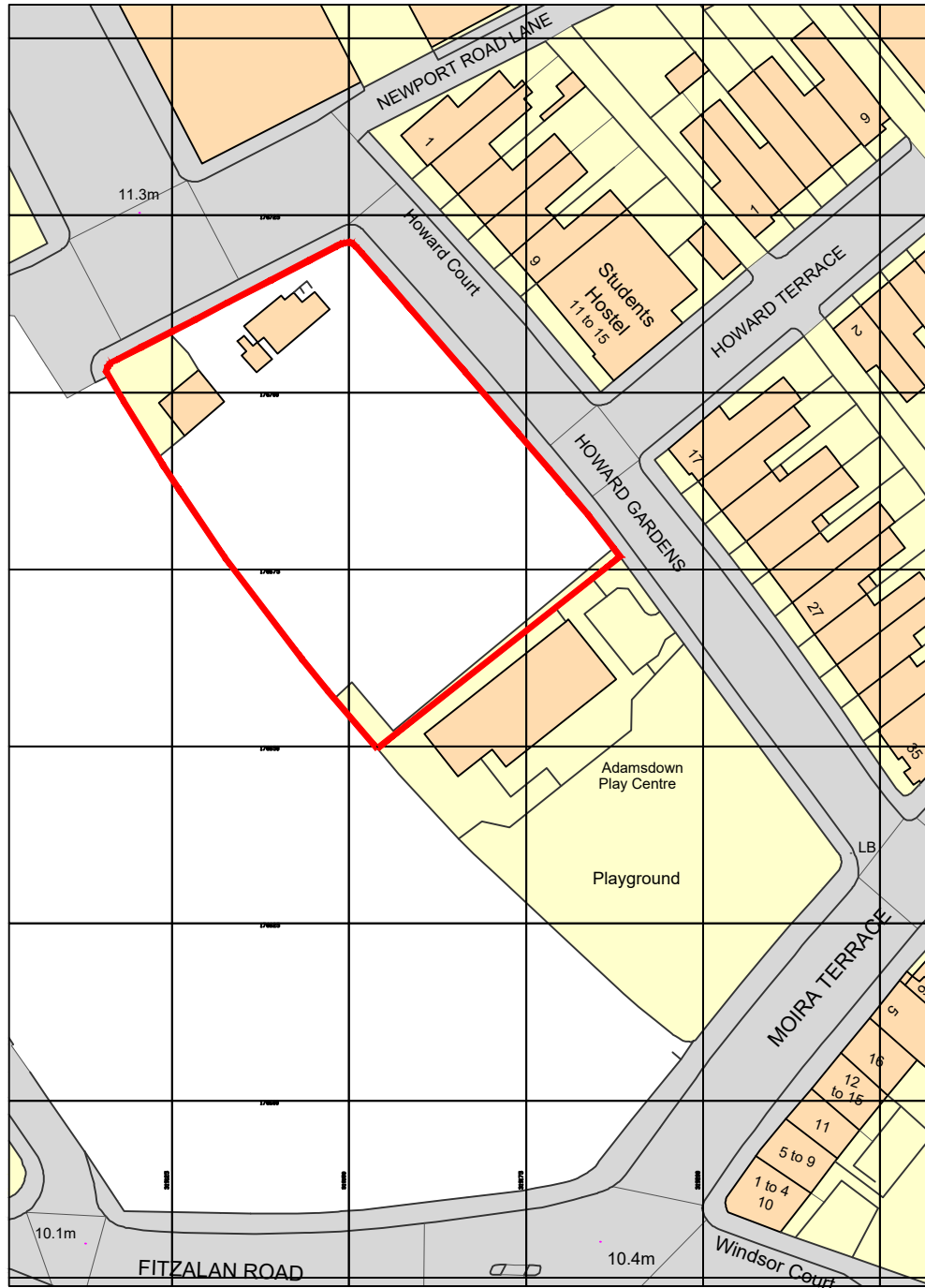
- 8.27 In relation to the principle of student housing in the local area there is strong demand for such accommodation within the city as evidenced by the number of schemes recently approved and coming forward.
- 8.28 The general principle of locating high quality purpose-built student housing schemes in sustainable locations is supported by the LDP. There is no specific policy framework for where such student accommodation is located, or for assessing the cumulative impact of concentrating student accommodation within a particular area.
- 8.29 Such changes of use as have been granted have been temporary (up to 1 year) to allow for voids to be filled. The voids arise when accommodation is not completed in time for the start of the academic year.
- 8.30 In relation to lack of parking the adopted Access, Circulation and Parking Standards SPG confirms that up to one parking space per 25 beds may be provided for operational use, amounting to a maximum of 28 spaces for the proposed development; there is no requirement for on-site resident or visitor car parking. The Transport Officer is therefore satisfied that subject to the cycle parking condition, the application is compliant with adopted parking policy.

Other Matters

- 8.31 *Ecology (Bats)*: A recommendation has been attached advising the developer of their duty in respect of protected species during demolition, and advising that a qualified and licenced ecological consultant be available on an 'on-call' basis at all stages of the demolition works to deal with any unexpected encounters with bats.
- 8.32 *Statutory pre-application public consultation (PAC)*: The agent has responded to the representation from JLL on behalf of Fusion Students which questioned the validity of the PAC, as follows: The application was registered as valid by the Council and this has not been challenged; the documentation required by legislation for the PAC ('any documents and particulars or evidence that would be required for a subsequent application, in the same or substantially the same form, to be a valid application') was included, together with additional documents requested by the LPA. The PAC information included an accurate description of the proposals, including the description of development on the draft Application Forms.
- 8.33 The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

9. **CONCLUSION**

- 9.1 The proposals provide a significant quantum of high quality purpose-built student housing in a sustainable city centre location. The quality of the layout, design and associated public realm, and the contribution towards the creation of a new public park designed to complement the application site, will enhance the appearance and amenity of the area.
- 9.2 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement to secure the following:
- Financial contribution of £210,000 towards the creation of a new public park immediately to the south of the application site on the site of the former Adamsdown Play Centre and playground (see indicative dwg. no. DLA-1847-L05 'Overall Landscape Scheme'), or improvement works associated with the creation of the new park to the equivalent value, to be delivered as part of the development.



— Site Boundary

REV	DATE	DESCRIPTION	BY
IN CASE OF DOUBT OR DISCREPANCIES PLEASE REFER TO ARCHITECT FOR INSTRUCTIONS. THIS DRAWING SHOULD NOT BE SCALED. THIS DRAWING IS COPYRIGHT.			
01. DESIGN	04. PRODUCTION INFORMATION	07. CONSTRUCTION	
02. DESIGN CONCLUSION	05. BUILDING REGULATIONS	08. FINAL CONSTRUCTION	
03. PLANNING	06. TENDER	09. SPARE	
DRAWING STATUS:			
PLANNING			
01. PRELIMINARY	02. FOR COMMENT	03. FOR APPROVAL	
OTHER:			
FOR APPROVAL			
PROJECT:			
PROPOSED STUDENT ACCOMMODATION Howard Gardens Cardiff			
DRAWING TITLE:			
Site Location Plan			
 4th Floor, Greyfriars House Greyfriars Road, Cardiff CF10 3AL Tel: 029 2055 8900 www.boyesrees.co.uk <small>Registered office. As above Reg No. 295 1683 (England & Wales)</small>			
DATE: August 2017		SCALE: 1:1000 @ A4	
JOB NO.: 5874		DRAWN BY:	
DWG NO.: PL(90)01		REV:	
CAD REFERENCE: N:\01 Projects\0874 Howard Gardens - Crossline\40_Architects\40_Plan\902_Plan.dwg			

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Sketch View 05 - Axonometric looking North West

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/02404/MJR** APPLICATION DATE: 10/10/2017

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: UrbanCentric

LOCATION: FORMER BROWNING JONES AND MORRIS, DUMBALLS ROAD, BUTETOWN, CARDIFF, CF10 5FE

PROPOSAL: DEMOLITION OF EXISTING WAREHOUSE AND ERECTION OF 206 RESIDENTIAL FLATS OVER TWO BUILDINGS WITH ASSOCIATED PUBLIC SQUARE, 4 NO. COMMERCIAL UNITS POTENTIALLY COMPRISING A1/A2/A3/B1 USES, PARKING, RESIDENTS ROOF TERRACE AND PUBLIC REALM WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, planning permission be **GRANTED** subject to the following conditions :

TIME LIMIT AND PLANS

TIME LIMIT

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

PLAN SPECIFICATION

2. Subject to the provisions of the conditions below, the development shall be carried out in accordance with the following approved plans and documents:

Plans

- 'Site Location Plan' (drawing no SP527 – P100)
- 'Existing Site Plan' (drawing no SP527 – P01)
- 'Demolitions Plan' (drawing no SP527 – P102)
- 'Proposed Site Plan' (drawing no SP527 – P101 Rev A)
- 'Proposed Site Plan' (drawing no SP527 – P02 Rev A)
- 'Proposed Ground Floor Plan' (drawing no SP527 – P03 Rev A)
- 'Proposed 1st Floor Plan' (drawing no SP527 – P04 Rev A)
- 'Proposed 2nd Floor Plan' (drawing no SP527 – P05 Rev A)
- 'Proposed 3rd Floor Plan' (drawing no SP527 – P06 Rev A)
- 'Proposed 4th Floor Plan' (drawing no SP527 – P07 Rev A)
- 'Proposed 5th Floor Plan' (drawing no SP527 – P08 Rev A)

- 'Proposed 6th Floor Plan' (drawing no SP527 – P09 Rev A)
- 'Proposed 7th Floor Plan' (drawing no SP527 – P10 Rev A)
 - 'Proposed 8th Floor Plan' (drawing no SP527 – P11 Rev B)
 - 'Proposed 9th Floor Plan' (drawing no SP527 – P12 Rev A)
 - 'Proposed 10th Floor Plan' (drawing no SP527 – P13)
 - 'Proposed 11th Floor Plan' (drawing no SP527 – P14)
 - 'Proposed Elevation to Dumballs Rd' (drawing no SP527 – P15 Rev A)
 - 'Proposed Elevation to Public Square 1' (drawing no SP527 – P16 Rev A)
 - 'Proposed Elevation to Vacant Land' (drawing no SP527 – P17 Rev A)
 - 'Proposed Elevation to St Williams House' (drawing no SP527 – P18 Rev A)
 - 'Proposed Elevation to Curran Road' (drawing no SP527 – P19 Rev A)
 - 'Proposed Elevation to Public Square 2' (drawing no SP527 – P20 Rev A)

Documents

- 'Flood Consequence Assessment Proposed Brownfield Redevelopment, Dumballs Road, Cardiff' (Revision A, dated 5th October 2017)

Reason: For the avoidance of doubt.

CONDITIONS TO BE DISCHARGED

DRAINAGE

3. No development, except for demolition, shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall:
- demonstrate how the site will be effectively drained
 - indicate how foul flows will communicate to the public sewerage system
 - indicate the means of disposal of surface water
 - demonstrate that surface water flows shall communicate to the 900mm public surface water sewer in Canal Parade at a rate not exceeding 10 l/s unless otherwise agreed in writing by DCWW
 - demonstrate that there is no resultant unacceptable risk to controlled waters arising from any infiltration of surface water into the ground

The scheme shall be implemented in accordance with the approved details prior to the occupation of any building on the site and shall be maintained and retained in perpetuity and no further surface water 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/controlled waters.

CEMP

4. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of site hoardings, site access, contractor parking, wheel washing facilities, dust suppression measures and the methods to monitor emissions of dust arising from demolition and construction activities on site. The demolition and construction phase shall be implemented in accordance with the approved CEMP. Reason: To manage the impact of construction in the interests of highway safety, protection of the environment and public amenity.

CYCLE PARKING

5. Notwithstanding the details shown on 'Proposed Ground Floor Plan' (drawing no SP527 – PO3 Rev A), no development shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be undercover and secure for the long term storage of bicycles. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the secure parking of cycles.

WIND MICRO-CLIMATE

6. No development shall take place until a desk-based study of the wind micro climate in the vicinity of the proposed buildings has been submitted to and approved in writing by the LPA. The study shall include details of any mitigation measures that may be required and the development shall be carried out in accordance with the approved details.
Reason: To ensure the comfort of pedestrians and cyclists using the public realm and adjacent footways and carriageway.

DUMBALLS ROAD HIGHWAY WORKS

7. No development, except for demolition, shall commence until a scheme of environmental footway improvements to Dumballs Road adjacent to the site has been submitted to and approval in writing by the LPA. The scheme shall include as required, but not be limited to, the closure and reconstruction as footway of redundant crossovers/accesses, and the reconstruction/resurfacing and re-kerbing of the remaining footway on Dumballs Road adjacent to the site, including surfacing, kerbs, edging, channels; the provision/renewal/improvement of street lighting and other street furniture. The agreed scheme shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.

Reason: To ensure the comprehensive enhancement/improvement of the adjacent public highway in the interests of highway and pedestrian safety, and to facilitate access to the proposed development.

CURRAN ROAD FOOTWAY PROVISION

8. No development, except for demolition, shall commence until a scheme for the provision of an adoptable standard footway on Curran Road as shown on the approved plans has been submitted to and approval in writing by the LPA. The scheme shall include as required, but not be limited to, surfacing, kerbs, edging, channels, the provision of street lighting and other street furniture. The agreed scheme shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.

Reason: To ensure the comprehensive enhancement/improvement of the adjacent public highway in the interests of highway and pedestrian safety, and to facilitate access to the proposed development.

LANDSCAPING SCHEME

9. No development shall commence until full details of both hard and soft landscape works and details of their management and maintenance have been submitted to and approved in writing by the local planning authority. The landscape details shall comply with the provisions of conditions 26 (FINISHED FLOOR LEVELS), 6 (WIND MICRO-CLIMATE), 7 (DUMBALLS ROAD HIGHWAY WORKS) AND 8 (CURRAN ROAD FOOTWAY PROVISION), and shall include the following details: proposed finished ground and floor levels, any wind micro-climate mitigation measures, hard surfacing materials, proposed and existing functional services above and below ground, litter bin(s) located in the vicinity of the commercial units, scaled planting plans (noting schedules of plants, species, plant sizes and proposed numbers/densities), and in the case of trees, tree pit section and plan views for each tree pit type, top soil and sub soil specifications, details of access to root available soil, planting and aftercare methodology and an implementation programme. These works shall be carried out in accordance with the approved details prior to the occupation of any part of the development and shall be managed and maintained thereafter in accordance with the approved details. Reason: To maintain and improve the appearance of the area and in the interests of visual amenity.

MATERIALS SPECIFICATION REQUIRED

10. The external walls and roofs of any building shall be constructed and finished in accordance with a schedule of materials and finishes which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Reason: To ensure that the finished appearance of the development is in keeping with existing buildings in the area.

MATERIALS

11. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.

Reason: To ensure a satisfactory finished appearance to the development.

ARCHITECTURAL DETAILING

12. No development shall take place until a scheme showing the architectural detailing of the buildings has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.

Reason: To ensure a satisfactory finished appearance to the development.

SWIFT BOXES

13. No development shall commence until a scheme showing the design, location and maintenance proposals for 8 no swift nest boxes has been submitted to and approved by the Local Planning Authority, further to the details contained in the Code 7 Consulting Ecology Phase 1 Survey & Assessment Report (August 2017). The scheme shall be implemented in accordance with the approved details prior to occupation and the swift nest boxes shall be retained and maintained thereafter in accordance with the approved details.

Reason: To ensure adequate provision for nesting birds in the interests of biodiversity enhancement.

ROAD TRAFFIC NOISE

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

- a. 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
- b. a lower rate of between 10 and 17 litres per second against zero back pressure.

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

SOUND INSULATION

15. Prior to the commencement of development, a scheme of sound insulation works to the floor/ceiling structure between the proposed ground floor commercial units and the first floor residential accommodation shall be submitted to and agreed by the Local Planning Authority in writing and shall be implemented in accordance with the approved details prior to occupation.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

PLANT NOISE

16. Prior to the commencement of development a noise assessment shall be carried out and submitted to the Local Planning Authority for approval to ensure the noise emitted from fixed plant and equipment on site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142:2014 (or any British Standard amending or superseding that standard). The development shall be implemented in accordance with the approved details prior to occupation.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

FUTURE KITCHEN EXTRACTION

17. If at any time the use of any of the proposed commercial premises is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to the Local Planning Authority for approval in writing and the approved details shall be installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

GROUND GAS PROTECTION

18. Prior to the commencement of development, 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 and approved in writing by the Local

Planning Authority. 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 by the Local Planning Authority. If no protection measures are required then 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 Cardiff Local Development Plan.

CONTAMINATED LAND MEASURES - ASSESSMENT

19. Prior to the commencement of development, an assessment of the nature and extent of contamination and a report of its findings shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall 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) an intrusive investigation to assess the extent, scale and nature of contamination which may be present
- (ii) 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;
- (iii) 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation. * A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental

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

CONTAMINATED LAND MEASURES– REMEDIATION & VERIFICATION PLAN

20. Prior to the commencement of development, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), 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.

CONTAMINATED LAND MEASURES – REMEDIATION AND VERIFICATION

21. The remediation scheme approved by the above condition shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority shall 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 shall be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), 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.

CONTAMINATED LAND MEASURES – UNFORSEEN CONTAMINATION

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

IMPORTED SOIL

23. 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 which shall be first submitted to and approved in writing by the Local Planning Authority.

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

IMPORTED AGGREGATES

24. 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 which shall be first submitted to and agreed in writing by the Local Planning Authority.

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

USE OF SITE WON MATERIALS

25. 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 Cardiff Local Development Plan.

COMPLIANCE CONDITIONS

FINISHED FLOOR LEVELS

26. The Finished Floor Level across the site shall be brought up to a minimum level of 8.2m AOD prior to occupation of the first residential unit and shall be maintained at that minimum level thereafter.
Reason: In line with the recommendations of the approved Flood Consequences Assessment (Revision A, dated 5th October 2017) to mitigate flood risk.

FLOOD ACCEPTABILITY MEASURES

27. Prior to occupation, new residents shall be advised of the flood risks and consequences, flood emergency plans and procedures, and the NRW early flood warning alert system. Flood emergency plans and procedures shall be put in place for future occupiers prior to occupation of the first residential unit.
Reason: To ensure that new residents are aware of the potential for the property to be affected in the scenario of an extreme flooding event.

PILING

28. 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.

FLEXIBLE USES

29. The commercial premises shall only be used for the following uses:
Unit 1 Class A1 (3,500sqft)
Unit 2 Class A1/A3 Retail unit (930sqft)

Unit 3 Class A1/A2/A3/B1 Flexible unit (1,388sqft)
Unit 4 Class A1/A2/A3 Retail unit (2,604sqft)
Reason: For the avoidance of doubt.

FOOD AND DRINK FLOORSPACE

30. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or re-enacting that Order with or without modification), the Class A3 (Food & Drink) floorspace shall be used as a restaurant, café or coffee shop and for no other purpose within Use Class A3 (Food & Drink).
Reason: To prevent the use of the premises as a drinking establishment where the primary purpose is the sale and consumption of alcoholic drink on the premises protect the amenities of adjacent occupiers.

SHOP FLOORSPACE

31. Class A1 (Shop) floorspace proposed in any of the ground floor commercial units shall not be used for purposes other than the sale of convenience goods, including those set out in Class A1 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking or re-enacting that Order with or without modification). For the avoidance of doubt "convenience goods" shall be taken to mean: food, drink, tobacco, non-durable household goods, newspapers and magazines.
Reason: To prevent changes to the type and scale of retail floorspace which may prejudice the retail strategy of the development plan and/or government planning guidance.

GROUND FLOOR WINDOWS

32. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or re-enacting that Order with or without modification), the ground floor windows of the commercial units shall allow an open and unrestricted view of a window display or the trading area or floorspace within the premises and the windows shall not be painted, covered over or otherwise obscured without the prior written consent of the Local Planning Authority.
Reason: In the interests of visual amenity.

NO HOT FOOD TAKEAWAY

33. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no sale of hot food for consumption off the premises shall take place from any of the commercial premises.
Reason: To ensure that the amenities of future occupiers are protected.

OPENING HOURS

34. No member of the public shall be admitted to or allowed to remain on any ground floor commercial premises between the hours of 23:00 hrs and 07:00 hrs on any day.

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

DELIVERY TIMES

35. There shall be no arrival, departure, loading or unloading of delivery vehicles to any of the ground floor commercial units between the hours of 19:00 hrs and 08:00hrs.

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

LANDSCAPING IMPLEMENTATION

36. 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.

CAR PARKING AND REFUSE FACILITIES

37. The proposed car parking and manoeuvring areas and refuse facilities shall be laid out in accordance with the details shown on 'Proposed Ground Floor Plan' (drawing no SP527 – PO3 Rev A) before the development is brought into beneficial use and shall be thereafter maintained and retained at all times for those purposes in association with the development.

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

CURRAN ROAD HIGHWAY WORKS

38. Notwithstanding the details shown on 'Proposed Ground Floor Plan' (drawing no SP527 – PO3 Rev A), the development hereby approved shall not extend to the resurfacing of the part of Curran Road shown hatched on the above plan.

Reason: For the avoidance of doubt and given that the scheme will deliver the public realm improvements that are the subject of conditions 7 and 8.

INFORMATIVES

RECOMMENDATION 2 : Any works to existing or proposed adopted public highway are to be subject to an agreement under Section 278 and/or S38 of the Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 3 : That the developer be advised of the advice from:

- DCWW, dated November 2017, a copy of which was sent to the Agent 17/11/17, in respect of connections to the public sewer, the adequacy of DCWW's maps of public sewers, DCWW's right of access to its apparatus at all times, that the developer may be required to contribute towards the provision of watermains and associated infrastructure, that a booster pump will need to be installed and associated watermains laid to the site to ensure an adequate mains water supply to service the development.
- NRW dated 10 November 2017, a copy of which was sent to the Agent 17/11/17
- South Wales Fire and Rescue dated 23 October 2017, a copy of which was sent to the Agent 17/11/17
- South Wales Police, dated November 2017, a copy of which was sent to the Agent 17/11/17
- Wales and West Utilities dated 30 October 2017, a copy of which was sent to the Agent 17/11/17. WWU advise that they have pipes in the area, and that their apparatus may be affected and at risk during construction works. The developer is advised to contact them to discuss their requirements in detail prior to commencement, that any diversion works would be fully chargeable and that the developer must not build over any of their plant or enclose their apparatus.
- Waste Management, dated 1 November 2017, a copy of which was sent to the Agent 17/11/17. Particular attention is drawn to the advice that when located on private land, litter bins must be serviced and maintained privately.

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 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 6 : That the Developer be advised that prior to the commencement of development, the Developer must notify the local planning authority of the commencement of development , and must 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 This is a full application, as amended, for the demolition of existing warehouse buildings and redevelopment to provide residential accommodation (206 flats over two buildings with residents roof terrace), a public square, 4 no ground floor commercial units (potentially comprising Class A1, A2, A3 and B1 uses), parking and public realm works. The flats would comprise 113 no one bedroom flats and 93 no two bedroom flats.
- 1.2 The stated vision is to *'create a compact living opportunity in a courtyard form at a key position in the city, which will act as a containment architecture for a new public square and a legible 'waypoint' on Dumballs Road where users can cross to Curran Road and vice versa'*.
- 1.3 The demolition of the existing industrial buildings would result in the loss of 2,260m² of employment floorspace. A flexible mix of economic land uses are proposed in four ground floor commercial units, as set out below, with the application form noting that 40 equivalent number of full-time posts would be created as a result:
Unit 1 Class A1 Convenience store (3,500sqft)
Unit 2 Class A1/A3 Retail unit (930sqft)

Unit 3 Class A1/A2/A3/B1 Flexible unit (1,388sqft)

Unit 4 Class A1/A2/A3 Retail unit (2,604sqft)

- 1.4 Two buildings are proposed, with a central plaza and a pedestrian walkway between Dumballs Road and Curran Road formed between them, which will integrate into the pedestrian network and become part of the public realm. Both buildings would be 8 storeys high (approx 24.5m) adjacent to Dumballs Road, with the southern most building rising to 9 storeys (approx 27.5m) and the northern building to 12 storeys (approx 38.5m), adjacent to Curran Road. The buildings would be modern in appearance, and finished in dark and red facing brickwork, with strips of facing slate. Balconies are proposed along the frontage facing Dumballs Road, on the SW corner adjacent to Curran Road and on the three elevations facing into the plaza. A roof garden is proposed on the 8th floor of the southernmost building.
- 1.5 The residential units would be accessed via an entrance lobby off the square, facing Dumballs Rd. Access to the 39 car parking spaces (including 2 disabled spaces) and 112 cycle parking spaces would be from Curran Road. Separate refuse storage is provided for commercial users, domestic users and bulky refuse. Refuse collection vehicles would enter the site from Curran Road to collect the residential refuse within the prescribed SPG distances. Deliveries to the commercial units in the square would be by loading from Dumballs Road. A substation is proposed adjacent to Curran Road.
- 1.6 Public realm improvements are offered via planning obligation, comprising the wholesale reinstatement of Curran Road within the length of the curtilage and beyond, and the completion of the avenue of trees along the Dumballs Road frontage.
- 1.7 The proposed landscaping is noted to be indicative only, with the Applicant's willingness to accept a condition noted. The drawings show a predominantly hard landscaped plaza, with a raised planted bed, two specimen trees and a decked seating area to capitalise on the southerly aspect. A key landscape proposal is the provision of an avenue of 12 no trees planted in tree grilles along the Dumballs Road frontage, to continue the existing avenue of trees to the north, with 6 no trees proposed in planted beds proposed along the Curran Rd frontage. Hedges are proposed adjacent to the parking proposed along the northern and southern boundaries.
- 1.8 The application is accompanied by a Design and Access Statement, PAC Report, Ecology Phase 1 Survey and Assessment Report, Site Investigation Report (Phase 1 geo-environmental desk study of the site), Flood Consequences Assessment and Transport Statement. A viability assessment report was also submitted in confidence and has been reviewed by the District Valuer (see section 9 for further information).
- 1.9 A screening opinion was issued which concluded that the development is not likely to have significant effects on the environment and, therefore, does not require the preparation of an Environmental Statement (SC/17/00013/MJR).

- 1.10 The description was amended to clearly reflect number of commercial units proposed and the flexible uses proposed therein. Amended plans were prepared which included the following key changes:
- The omission of a free-standing unit within the square
 - Amended landscaping plans to respond to the Tree Officer's comments (to be subject of a landscaping condition)
 - The parking fronting Curran Road has been moved east to allow for a 2m wide footway, with the number of car parking spaces along this frontage reduced by 3 to allow for larger planting beds
 - Corner balconies on the southern block looking on to the public square have been reduced to 'front on' balconies to avoid overlooking into flats in the northern block
 - Corner balconies overlooking Curran Road on the southern block have been added to floor plans for the 4th – 8th floors, to overcome a discrepancy between the plans and elevations.

2. **DESCRIPTION OF SITE**

- 2.1 This broadly rectangular 'brownfield' site is approx. 0.45 ha in size, and is occupied by two warehouse buildings that are currently operating as Browning Jones & Morris builders and plumbers merchant. The Dumballs Road frontage is formed by the two buildings, with the northern most one set back behind an area of hard standing. The Curran Road frontage is set back behind two gated service yards and a row of car parking spaces. The site is gently sloping, falling in a north easterly direction from a high point of approx 8.9m (AOD) near the SW corner of the site to a low point of approx 8.0m AOD near the NE corner. Not all of Curran Road adjacent to the site is adopted highway.
- 2.2 The site is bordered by the 5-storey Lloyds TSB office building to the north, a vacant cleared site to the south, and Dumballs Road and Curran Road to the east and west, respectively. The 3-storey 'Fusion Point', 4-storey 'Fusion Point 2' and new 6-storey 'No 1 Canal Parade' office buildings lie opposite the site, to the east of Dumballs Rd. The iconic 3 – 6 storey Cardiff and Vale College lies to their south. Cooper's Yard, a 2-storey courtyard office building, lies opposite the site to the west of Curran Road. Approx 20m to the North West, between Trade Street and Curran Road, lies a 6 – 9 storey development currently under construction to provide 102 apartments (pp 16/00504/MJR – Williams Court). An adjacent site - Crawshay Court – is the subject of a current application (16/01672/MJR). A max 8-storey student development was approved in outline on Land at Suffolk House, Trade St (17/01292/MJR) to the West. Further to the south of the site, planning permission has been granted for a high-density, residential-led development (c695 dwellings) including a 16 storey courtyard residential scheme fronting Dumballs Road (14/00430/DCI). A 23 storey residential tower block was recently approved (subj to s106) approx 260m to the south of the site along Dumballs Rd (17/00159/MJR).
- 2.3 In terms of the TAN 15 Development Advice Map, the site is mostly within Zone C1 (areas of floodplain served by significant infrastructure, including

flood defences), with the rest in Zone B (known to have been flooded in the past).

- 2.4 The site is located within Strategic Site A (Cardiff Central Enterprise Zone and Regional Transport Hub) and the Central Business Area, and approx 400m from the Central Shopping Area, as defined on the Cardiff Local Development Plan (LDP) Proposals Map. The LDP Constraints Map identifies that Dumballs Road, adjacent to the site would form a Rapid Transit Corridor. The site is located approx 0.96km to the south of the Ancient Monument 'Cardiff Castle and Roman Fort' (thus requiring consultation with Cadw).

3. **RELEVANT RECENT SITE HISTORY**

Site History

- 3.1 02/02821/C – Additional car park – refused 27/02/03

99/00446/R - The demolition of existing buildings and the construction of a new warehouse building – approved 20/05/99

96/01650R – Portal framed building with offices at first floor – approved 09/01/97

90/00131/R – Portal framed building with offices at 1st floor. Storage of materials and offices - Refused 11/06/90

Site History on vacant plot to South

01/01458/C – Unit 5 Dumballs Road – Raise roof & walls to rear section of building – approved 13/09/01

15/03147/MJR – C&J Food Products Dumballs Rd – Demolition of single/two storey food processing and storage units - approved 01/02/16

4. **POLICY FRAMEWORK**

Local Policy

- 4.1 **Cardiff Local Development Plan 2006-2026** (Adopted January 2016)

Key Policies:

KP2: STRATEGIC SITES

KP2(A): CARDIFF CENTRAL ENTERPRIZE ZONE AND REGIONAL TRANSPORT HUB

KP4: MASTERPLANNING APPROACH

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP6: NEW INFRASTRUCTURE

KP7: PLANNING OBLIGATIONS

KP8: SUSTAINABLE TRANSPORT

KP9: RESPONDING TO EVIDENCED ECONOMIC NEEDS

KP10: CENTRAL AND BAY BUSINESS AREAS

KP12: WASTE

KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS

KP14: HEALTHY LIVING

KP15: CLIMATE CHANGE
KP16: GREEN INFRASTRUCTURE
KP17: BUILT HERITAGE
KP18: NATURAL RESOURCES

Detailed Policies:

H3: AFFORDABLE HOUSING
H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE
EC2: PROVISION OF COMPLEMENTARY FACILITIES FOR EMPLOYEES
IN BUSINESS, INDUSTRIAL AND WAREHOUSING DEVELOPMENTS
EC3: ALTERNATIVE USE OF EMPLOYMENT LAND AND PREMISES
EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT
EN12: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
EN14: FLOOD RISK
T1: WALKING AND CYCLING
T2: STRATEGIC RAPID TRANSIT AND BUS CORRIDORS
T5: MANAGING TRANSPORT IMPACTS
T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
T9: CARDIFF CITY REGION 'METRO' NETWORK
R6: RETAIL DEVELOPMENT (OUT OF CENTRE)
R7: RETAIL PROVISION WITHIN STRATEGIC SITES
R8: FOOD AND DRINK USES
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

Supplementary Planning Guidance (SPG) and other local guidance

- 4.2 Relevant SPG approved following the adoption of the Cardiff Local Development Plan:
- Food, Drink and Leisure Uses (approved November 2017)
 - 'Green Infrastructure' (approved November 2017)
 - 'Planning Obligations' (approved January 2017)
 - 'Residential Design Guide' (approved January 2017)
 - 'Safeguarding Business and Industrial Land and Premises (November 2017)
 - 'Tall Buildings' (approved January 2017)
 - 'Waste Collection and Storage Facilities' (approved October 2016)
- 4.3 SPG approved prior to the adoption of the Cardiff Local Development Plan are no longer linked to adopted development plan policies. However, where such SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following SPG and other local guidance are considered relevant to the determination of this application:
- 'Access, Circulation and Parking Standards' (approved January 2010)
 - Dumballs Rd Area Planning Brief June 2006

National Policy

Planning Policy Wales (Edition 9, November 2016)

- 4.4 Section 1.2 explains that the purpose of the planning system is to manage the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It notes that the planning system 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. It recognises that a well-functioning planning system is fundamental for sustainable development (para 1.2.1).
- 4.5 PPW has been updated to include reference to the statutory purpose for the planning system introduced by the Planning (Wales) Act 2015 – that any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015. PPW has been updated to take into account the Well-being of Future Generations (Wales) Act 2015 more fully, and includes information on the provisions of the Act. It notes that the Act establishes a ‘sustainable development principle’ which it notes means that a defined public body must 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 and lists a series of key principles that they expect all those involved in the planning system to adhere to.
- 4.6 In addition, PPW sets out a series of sustainability objectives that reflect the vision for sustainable development and which should be taken into account in taking decisions on individual planning applications in Wales, structured around 7 well-being goals: 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, and a globally responsible Wales.

Technical Advice Notes (TANs)

- 4.7 Key TANs and related WG guidance:
- TAN 1: Joint Housing Land Availability Studies (2015):
 - TAN 2: Planning and Affordable Housing (2006)
 - TAN 4: Retail and Commercial Development (2016)
 - TAN5: Nature Conservation and Planning (2009)
 - TAN 8: Renewable Energy (2005)
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 15: Development and Flood Risk (2004)
 - Summary of what TAN 15 requires for highly vulnerable development (houses) to be considered acceptable
 - TAN 16: Sport, Recreation and Open Space (2009)
 - TAN 18: Transport (2007)
 - TAN 21: Waste (2014)
 - TAN 23: Economic Development (2014)

5. **INTERNAL CONSULTEE RESPONSES**

RESPONSE TO INITIAL CONSULTATION

- 5.1 **Pollution Control (Contaminated Land)**: Advise that: *The site has been identified as formerly commercial/industrial with uses including building and plumbers merchants, warehouse, car parking and (infilled) timber pond. In addition, there are further historical landfills identified within 250m of the proposed development. The activities associated with the onsite and offsite use may have caused the land to become contaminated and be associated with the generation of landfill gases. These factors may give rise to potential risks to human health and the environment for the proposed end use. The following information has been submitted as part of the application: Terra Firma (Wales) Ltd, August 2017; Desk Study Report Ref: 14369.*
- 5.2 Based on the above, Pollution Control recommend that the following conditions are imposed: Ground Gas Protection, Contaminated Land Measures – Assessment, Contaminated Land Measures - Remediation and Verification Plan, Contaminated Land Measures – Remediation and Verification, Contaminated Land Measures – Unforeseen Contamination, Imported Soil, Imported Aggregates, Use of Site Won Materials, and a standard contamination and unstable land advisory notice.
- 5.3 **Pollution Control (Noise)**: Recommend conditions to control road traffic noise, opening hours, delivery times and plant noise, and to require sound insulation between the flats and commercial units, and future kitchen extraction for any ground floor commercial properties involving the preparation/cooking of hot food. An advisory notice is recommended in respect of site noise. The EHO confirmed that an 11pm closing hours for the A3 units would be acceptable subject to sound insulation.
- 5.4 **Drainage Services**: Advise that DCWW's request that the drainage condition should control the discharge of surface water to 10l/s into the 900mm sewer in Canal Parade is acceptable.
- 5.5 Drainage Services subsequently advised:
This connection is a big problem for ourselves and DCWW in the Dumballs Road area, as the SW 900mm dia sewer in Canal Parade is actually a combined, as it has I believe an overflow from an upstream foul brick egg in the city centre. It also goes to Harrowby St pumping station anyway so is effectively fully foul from that point onwards. There are no other options for sw drainage in this area, as it is heavily contaminated from its previous industrial uses (a former railway line behind and a filled timber pond on the other side of the road) and so soakaways are not feasible. As the adjoining site (industrial estate between Dumballs Road and the river) is being developed for housing soon, it would make sense to look at options for a future sw sewer being laid from the road to the river, to accommodate flow currently going to foul/combined. However, that would have to be a consideration for DCWW if they saw it as a means of reducing flow to the Docks STW. The other option

would be for the Canal Parade sewer to be re-laid at a higher level, have the one foul removed and allow it to drain straight to the Bay. This, of course, is another decision for DCWW and not for ourselves.

5.6 Following clarification by DCWW of the drainage arrangements further to a site visit, Drainage Services confirm that the drainage arrangements are acceptable, subject to the recommended conditions.

5.7 The Council's Tree Officer:

Detailed comments are provided, summarised as follows:

- Welcomes the provision of 30 trees, but raised concerns that 14 are to be planted in narrow soft landscaping strips, with the remainder planted into a wholly hard landscaped environment.
- Raises concerns over the very tight spacing of some trees in relation to each other and building lines, with conflict with the building a certainty beyond the short-term and noting that at the spacing shown, trees must necessarily be fastigiated, upswept or diminutive in general terms.
- Recommends a reduction in the numbers of trees, the coalescing of narrow beds to form larger 15m³ soft landscape beds, the creation of a soft landscape bed at the end of the narrow shrub bed bisecting the central 'courtyard', and the planting of a stilted hedge bounding the car-parking on the side boundaries.
- Provides detailed advice on trees species and root available soil volumes (RASV).
- Notes that whilst the full details of landscaping can be agreed via condition, the parameters and layout should be agreed upfront – i.e. numbers, locations, RASV.

5.8 Waste Management: advise that the domestic and commercial refuse storage areas shown are acceptable, and provide advice in respect of design and commercial contracts. They advise that where A3/A1 units are proposed, litter bins should be provided in the immediate vicinity, by the developer and that when located on private land they must be serviced and maintained privately.

5.9 The County Ecologist: advises that he supports the conclusions of the Ecology Phase 1 Survey & Assessment Report, which are that the proposed demolition and subsequent development is not likely to have a significant adverse impact upon any nature conservation interests. He agrees that there is scope for ecological enhancement, which would enable the LPA to seek to maintain and enhance biodiversity as required by Section 6 of the Environment (Wales) Act 2016. He recommends a condition to secure the 8 Swift boxes proposed in section 6.4 and Plan 4 of the Ecology Phase 1 Survey & Assessment Report.

5.10 Neighbourhood Regeneration: Advise that:

Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

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

*If no on-site provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The following contribution is sought from the developer: **£174,197.22***

In respect of the Community Infrastructure Levy (CIL) tests, they advise that:

- Necessary to make the development acceptable in planning terms- A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via onsite provision or a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.*
- Directly related to the development – Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards the Butetown Pavilion on Dumballs Road
The Butetown Pavilion is located within easy walking distance of the proposed flats, approximately 800m to the south of the application site. The Pavilion currently provides a range of youth facilities for the surrounding area. Plans to upgrade the facility to provide a broader range of facilities to benefit the wider community, including residents of the proposed flats, are being developed.
The requested s.106 contribution of £174,197.22 would help facilitate these changes to the Pavilion, resulting in a community facility which is more able to respond to the varied needs of a growing population including the residents of the new flats at this site. Such uses may include a sports hall, rooms for hire and teaching spaces.*
- Fairly and reasonably related in scale and kind to the proposed development - Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.*

5.11 Parks Services: provide detailed design advice summarised as follows:

- Welcomes the inclusion of a public realm space, with concern raised that it is largely hard surfaced
- Raises concern that the freestanding commercial unit occupies a significant part of outdoor space and that the plaza appears to be designed primarily for customers of the commercial units, rather than providing a meaningful space for residents
- Welcomes the tree planting along Curran and Dumballs Rd.

5.12 An-off site s106 contribution of **£326,102** towards Open Space is requested. They advise that consultation will take place with Ward Members to agree use of the contribution and that this will be confirmed at s106 Stage, the closest areas of recreational open space being Canal Park and Callaghan Square.

- 5.13 Housing Development: Advise that an affordable housing contribution of 20% of the 206 units (41 units) is sought in line with LDP policy, that given the proposed design of the scheme particularly from a deliverability perspective it does not appear appropriate to deliver the affordable element on-site within the high rise blocks, that they need to discuss the potential for off-site provision elsewhere, but that if the applicant is unable to identify a satisfactory solution to on-site/off-site provision they would be prepared to accept a financial contribution of **£2,849,250** in lieu of 41 no units of on-site affordable housing provision.
- 5.14 Economic Development: Request a s106 contribution for loss of employment land of **£14,426** in line with losing 2,260m2 of B1 use.
- 5.15 The School Organisation Planning Team: request a financial contribution of **£181,795** towards school provision, noting:
- The catchment area English-medium primary School (St Mary The Virgin Primary) is projected to continue to be full and hence an English-medium primary school obligation would be sought proportionate to the development yield in this age range.
 - Although the catchment Welsh-medium primary school is projected to be full (Ysgol Gymraeg Pwll Coch), it follows the phased expansion of the new Ysgol Hamadryad that there would be sufficient places and hence no obligation would be sought for Welsh-medium primary or nursery places.
 - The catchment area secondary school (Fitzalan) is full and is projected to be oversubscribed from within catchment. A planning obligation would therefore be sought
 - The catchment secondary school (Y Glantaf) will be over-subscribed from within catchment by 2021, and a planning obligation would therefore be sought.
 - A separate obligation is also sought in respect of the proportion of pupils who access Special Educational Needs provision.

The contribution request calculated in accordance with the SPG may therefore be broken down as follows:

Number of dwellings:	206
English-medium nursery	£21,640
English-medium primary	£77,716
English-medium secondary	£45,910
English-medium sixth form	£11,233
Welsh-medium nursery	
Welsh-medium primary	
Welsh-medium secondary	£11,478
Welsh-medium sixth form	£2,808
Statemented SEN	£11,008
Totals	£181,795

5.16 The Council's Access officer: no comments received.

RESPONSE TO AMENDED PLANS CONSULTATION

5.17 The Operational Manager, Transportation confirms they have no objection subject to the comments and conditions recommended below:

The adopted Access, Circulation and Parking Standards SPG confirms that up to one car parking space per residential dwelling unit may be provided in the Central Area, there is no requirement for visitor car parking. There is similarly no minimum car parking requirement for the ancillary ground floor uses included in the application. The parking standards identify one cycle parking space be provided per bedroom, however in a sustainable location such as this flexibility can be applied as considered appropriate. In this case the development includes two secure cycle parking/storage facilities with 68 and 98 racks respectively within each block.

Being mindful of the central, sustainable location of the site and that of the apartment based residential and ancillary/local catchment uses I am satisfied that the proposed development is compliant with adopted parking policy as submitted, with on-site car and cycle parking provision to be secured by condition.

With reference to location and wider development considerations, it is noted that the site is in a city centre fringe location in the vicinity of Cardiff's main pedestrian shopping area, with direct access to employment, leisure, shopping, etc. opportunities. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having very good access to bus and rail based public transport services in and around Central Station, with access to both local and national rail and bus services. The site is therefore considered to be very sustainably located in transport terms and entirely appropriate for the proposed form of development.

In keeping with all recent developments in Dumballs Road, in the interests of pedestrian amenity and visual continuity, a condition is sought for the reconstruction of the disused crossovers/entrances and resurfacing of the remaining pavement on Dumballs Road to provide a continuous width footway along the site frontage. A condition is also sought to secure the proposed 2m footway to the rear of the building on Curran Road.

The above footway provision/conditions, along with the lighting contribution sought by colleagues, are considered to satisfy the relevant transport improvement requirements to make the development acceptable and as such no further works or S106 is sought by Transportation in this instance.

Following consideration of the submitted Transport Statement I am also satisfied that there is sufficient capacity on the adjacent public highway and junctions to accommodate the traffic generated by the development.

Conditions are requested to control the provision of car and cycle parking, to secure highway works along Dumballs Road and Curran Road, to require a

CEMP and a recommendation for highway works to be subject to a Section s278 and s38 Agreement under the Highways Act 1980.

5.18 The Tree Officer:

*My only concern is the spacing between the two trees in the square. At 5m, this means each tree can only have a 2.5m radial spread towards the other, before conflict arises. This means that phototropic growth will develop in other directions, leading to an imbalanced crown and increased risk of structural vulnerabilities in the medium-long-term, unless very small trees are used, which would be out of place in the context. I suggest doubling the spacing to allow for more balanced crown forms, or using an individual but larger tree. If two trees at 10m spacing are used, appropriate species include *Celtis australis*, *Ostrya carpinifolia*, *Pinus pinea*, *Pinus sylvestris* (with crowns pruned to a 'cloud' or 'umbrella' shape) and *Zelkova serrata* (minimum 20m³ root available soil volume per tree). If single trees are used, appropriate species include *Platanus orientalis* and *Tilia tomentosa* (minimum 30m³ root available soil volume).*

Full details of landscaping will be required at the earliest opportunity, comprising finalised scaled planting plan, plant schedule, tree pit section and plan view for the three tree pit types, topsoil and subsoil specification, planting methodology, aftercare methodology and landscaping implementation programme. It must be clear that tree pits will not be compromised by services, existing or proposed.

5.19 Waste Management has no further observations or objection.

5.20 Parks Services:

- Welcomes the removal of the flexible unit from the public square, but remains concerned that the space outside the buildings is designed primarily for people to move through the square to the ground floor units, and that whilst some seating is shown adjacent to the planted bed it does not provide a well-designed meaningful space that residents will feel comfortable using or staying within for any length of time, with the tables and umbrellas suggesting the sitting out area could be a commercial space relating to a café to be based in one of units.
- Because the space is effectively public realm largely serving the units, they would not currently consider this as 'public open space' which could reduce the off-site contribution, in line with the Planning Obligation SPG.
- The design of the public realm and tree planting along Dumballs road should be conditioned and include details of maintenance responsibility.

6. **EXTERNAL CONSULTEE RESPONSES**
RESPONSE TO INITIAL CONSULTATION

6.1 Cadw have no objection to the impact of the proposed development on the scheduled monument 'Cardiff Castle and Roman Fort'.

6.2 Glamorgan Gwent Archaeological Trust advise they have no objection, noting that there are no recorded archaeological features within the site.

- 6.3 South Wales Police have no objection to the development, but provide recommendations in respect of lighting, building lines, access control, windows and doors, glazing and CCTV, balconies, car parking, cycle/bin store, mail delivery, protection for the public plaza, landscaping and smoke/fire alarms, Secure by Design and opening hours for the A3 (closing hours no later than 23:00hrs).
- 6.4 Wales and West Utilities advise that they have pipes in the area, and that their apparatus may be affected and at risk during construction works. The developer is advised to contact them to discuss their requirements in detail prior to commencement, that any diversion works would be fully chargeable and that the developer must not build over any of their plant or enclose their apparatus.
- 6.5 South Wales Fire and Rescue advise that the developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances. Advice on standards are provided.
- 6.6 Dwr Cymru Welsh Water provide the following initial comments:

Sewerage:

We have reviewed the information submitted as part of this application with particular focus on the Flood Consequence Assessment reference ES17.41 Rev A dated 5th October 2017. The report identifies the need to undertake further investigations to understand the existing drainage arrangement and to confirm where the foul and surface water connect to the public sewerage system. The report indicates that ground contaminants would preclude the use of infiltration methods, we recommend that the authority's Land Drainage team assess this and confirm if the use of soakaways are not a viable option. We would encourage the use of sustainable drainage techniques wherever possible and request further verification of these findings.

The proposed surface water strategy as currently outlined is to communicate flows to the public sewer, subject to the further on site investigations and confirmation that soakaways are not viable then we would only consider the communication of new storm water to the designated 900mm public surface water sewer in Canal Parade. This dedicated surface water sewer is the more sustainable option than the 150mm sewer in Dumballs Road as this asset communicates with the public combined system, and due to the diameter may not have capacity to accommodate additional flows. The drainage strategy states that a discharge rate shall be agreed with Welsh Water, to date we have not reached an agreement on this matter and welcome dialogue from the applicant once all alternative options have been exhausted, to progress these discussions. Due to age of the buildings and the size of the surface water sewer in Dumballs Road it is likely that the surface water from the current buildings would drain to the public combined system. Our previous assessment was based upon the removal of surface water from this system to free up capacity for the new foul flows which would be a significant increase from the current site. Notwithstanding the broad principles provided within the

Drainage Strategy we acknowledge that further work and discussions are required before a final scheme be submitted for approval.
DCWW recommend a standard condition and advisory notices.

DCWW subsequently advise that the drainage condition should control the discharge of surface water to 10l/s into the 900mm sewer in Canal Parade.

6.7 Further to concerns raised by the Council's Drainage Engineers, DCWW confirmed that they have been to site to understand the arrangement of the manhole and where the surface water goes and confirm that the Council's Drainage Engineer was correct that some flow gets into the pumping station but the line does continue on to a possible positive outfall. They confirm they are happy that the pumping station has adequate capacity and that they would prefer to continue with the option to connect to the 900mm sewer in Canal Parade. They confirm they are happy with the proposed drainage condition.

6.8 Natural Resources Wales confirm they have no objection to the application and provide the following advice:

The proposed development site lies partially within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). 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 of the River Taff, a designated main river. We have reviewed the following Flood Consequences Assessment submitted in support of this application. The FCA confirms:

- *The site will be flood free during the 1% plus climate change (1 in 100 year with climate change) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines from the River Taff.*
- *Based on a lifetime of development of 100 years, the proposed development the FCA acknowledges that the site will be affected by both the 0.5% and 0.1% probability tidal scenarios for 2117.*
- *The proposed development is above the impoundment level of Cardiff Bay.*

The FCA has proposed the following mitigation measures:

- *NRW provided a comprehensive flood forecasting and warning service in Wales. We recommend signing up to this service.*

In consideration of the above, we have no adverse comments to make from a flood risk perspective.

6.9 NRW provide further advice in respect of flood resistance/resilience measures, and later requested conditions to address potentially contaminated land and agreed that the finished floor levels condition is necessary.

6.10 Western Power Distribution: no comments received.

RESPONSE TO AMENDED PLANS CONSULTATION

6.11 South Wales Police: No further comments.

7. **REPRESENTATIONS**

- 7.1 The application was advertised by press and 10 site notices. Local Members were consulted and adjacent occupiers notified in respect of the original application and amended plans.
- 7.2 Two objections were received from the owner/occupier of 25 Carlotta Way, who objected to the application on the following summarised grounds:
- (i) All units are proposed as market housing, contrary to policy H3. Affordable Housing should be delivered on-site unless there are exceptional circumstances.
 - (ii) It should be possible to adjust the plans to allow part of the development to be managed as social rented housing.
 - (iii) There is local demand for social rented housing from Butetown and Grangetown residents who do not wish to see family members forced to move far away.
 - (iv) Dumballs Road must not become a class divide within the Butetown ward.
- 7.3 A representation was received from Nat West, asking for their details to be removed.

8. **ANALYSIS**

- 8.1 The key issues for consideration are:
- (i) *Whether the principle of the loss of the existing warehouse uses and proposed residential uses is acceptable in this location*
- 8.2 The site is located within Strategic Site A (Central Enterprise Zone and Regional Transport Hub), allocated under policy KP2(A) for major employment-led initiatives, focussing on financial and business services, together with other mixed uses including residential development. The site is currently in active use as Browning Jones & Morris builders and plumbers merchants. The proposal would involve the loss of 2,260sq m of existing employment floorspace, with approx 782sq m of flexible commercial floorspace (A1/A2/A3/B1) proposed, in addition to the residential floorspace.
- 8.3 Policy H6 of the LDP (change of use or redevelopment to residential use) identifies criteria against which the change of use of previously developed land will be considered, including whether there is an overriding need to retain the existing use of the land and whether necessary community and transportation facilities are accessible or can be readily provided. Dumballs Road contains a number of low-density, land-hungry warehouse / industrial uses, with much of the area being largely under-utilised having regard to its strategic city centre location. The applicant has identified in their Design and Access Statement that, despite the premises having been actively marketed for Class B (office / warehouse) uses, the units are considered to be of an unsuitable design for current tenant demands. The proposed commercial uses, which significantly are all defined as 'employment uses' in TAN 23 (Economic Development), will help mitigate the loss of the existing economic floorspace.

8.4 The principle of residential development is well established within the Central Business Area and wider Dumballs Road area, and the site is well served by transport links and is close to local amenities. Taking into consideration the above, the loss of the existing employment use and proposed residential use is acceptable in land-use policy terms.

(ii) Whether the proposed ground floor commercial uses are acceptable in this location

8.5 Class A1 (Shop) use: As the site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District / Local Centres as identified within the Local Development Plan, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy. Whilst an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area, taking into consideration the size of the proposed retail units, there is the potential for the floorspace to be attractive to other 'city centre' type retailing, which could compete directly with existing and future provision within the Central Shopping Area (CSA) and other designated centres. A condition is therefore recommended to preclude the sale of comparison goods in order to minimise the potential for direct competition with retail provision in the CSA and district / local centres.

8.6 Class A2 (Financial and Professional Services) and B1 (Office) uses: The site is located within the Central Business Area and as such, the proposed A2 and B1 uses are considered acceptable in this instance.

8.7 Class A3 (Food and Drink) uses: Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. Given that the application proposes 206 apartments to the upper floors of the building and that the site is situated on one of the main north-south pedestrian routes between the city centre and Cardiff Bay, the applicant will be expected to demonstrate how their proposal can address concerns over the potential impact of a ground floor A3 uses on the amenity of residential occupiers and the wider public. Conditions are recommended to prevent hot food takeaways and the use of the commercial premises as drinking establishments, and to control opening and delivery hours, cooking odours and noise insulation.

8.8 The proposed Class A uses are welcomed, as they would provide active frontages during the day time, contribute to a sense of place, and help mitigate against the loss of employment within the site. Taking into consideration the above, the proposal is acceptable in land use policy terms.

(iii) Placemaking and Public Realm Considerations

8.9 As a development of 8 storeys and above, the application falls to be assessed against the Tall Buildings SPG, and an assessment against the Section 6 criteria is set out below:

A mix of land uses:

- 8.10 This criteria is satisfied through the provision of a public square and a mix of land uses, which will provide active frontages to the ground floor, and enliven the streets and public spaces throughout the day and night. A condition is recommended to ensure that the ground floor windows of the commercial units are not obscured, to ensure active frontages.

Form and silhouette of the building, incl. visual and heritage impact

- 8.11 The principle of high density residential uses is established within this strategic site, with the policy KP2(A) key masterplanning requirements encouraging 'high rise, high density developments at appropriate locations within the site', with 'residential densities in excess of 100 dwellings per hectare not considered unreasonable in principle'. The site's location falls outside of the 'area of very high sensitivity', identified in the Tall Buildings SPG and section 2 of this report sets out the height of surrounding buildings, lending further weight to the acceptability in principle of tall buildings in this area.
- 8.12 A pre-application process was undertaken and was valuable in guiding the scheme's evolution. The design intent was to establish a benchmark height along Dumballs Road, as a common lower datum against which other buildings in 'non-nodal' locations can sit and against which key towers and higher iconic buildings can shine, and the proposal is considered to be successful in this regard. The scheme, as amended, is acceptable in terms of its scale, massing and form, with its varied heights and compact, courtyard layout. The architectural expression is welcomed, with articulation and design providing vertical emphasis and visual interest, and the taller 9 and 12 storey elements presenting a positive feature in the skyline and streetscape, providing legibility and helping to break up the overall massing.
- 8.13 The proposed buildings will not harm any key views or vistas, taking into consideration the scale, height, form, massing and surrounding context. In terms of heritage assets, the site is approx 400m from the St Mary St Conservation Area, approx 650m from Mount Stuart Square Conservation Area, and approx 300m from the nearest listed buildings (Grade II listed Cardiff Central Station and the Parish Church of St Mary and St Stephen, Bute St). The general duty placed on Local Planning Authorities when considering proposals relating to Statutory Listed Buildings is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they may possess (section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Given the distances involved and the scale of the intervening built form, it is considered that the setting of the listed buildings, and the character and appearance of the Conservation Areas would be preserved. With respect to the impact on the scheduled monument 'Cardiff Castle and Roman Form', the proposed development at up to 12 storeys high will be visible from the keep of the castle in one of the original key views, looking south. However, given that modern high rise buildings are already a significant part of this view, it is considered that the proposed development will not harm the

scheduled monument or its setting. Cadw were consulted given that the application falls within their consultation zone and they have no objection.

- 8.14 In terms of adaptability, the DAS notes that the building will be constructed with a frame which will allow it to be modified and reused overtime without the need for total demolition.

Quality and appearance

- 8.15 The buildings are modern and would be finished in dark and red facing brickwork, with strips of facing slate to articulate the building form. Conditions are attached to require a materials specification, materials samples and a scheme of architectural details to be submitted and approved to ensure the architectural quality demonstrated in the submission is delivered.

Impact and Interface at Street Level

- 8.16 The formation of the public square and the pedestrian route between Dumballs Road and Curran Road are key benefits of the scheme, helping the buildings connect successfully to the street and creating a landscaped 'place'. The pedestrian route would significantly improve the permeability of the area, helping to ensure the future status of Curran Road as the area develops, and helping to strengthen the links between the City Centre and Bay.

- 8.17 The removal of the free-standing commercial unit from the plaza, in the amended plans submission, is welcome, providing clear views of the main entrance and a more open plaza. The widening of the Curran Road pavement from 1.2m to 2.0m is also welcomed, as is the more thoughtful indicative landscaping scheme. A condition is recommended to require a definitive landscaping scheme to be submitted. This will help ensure that key elements of the scheme are delivered, including the avenue of trees proposed along the Dumballs Road and Curran Road frontages, and the specimen trees and areas for sitting out in the plaza.

- 8.18 With respect to public realm, this large scale development of 206 apartments will place increased pressure on the surrounding pedestrian environment. Planning Policy Wales, Paragraph 3.4.3 states that '*When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility*'. Cardiff LDP Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements. In addition, Policy KP2A (Central enterprise Zone) identifies that developments shall 'ensure a consistent approach to the use of high quality street furniture and paving materials'.

- 8.19 To help integrate the proposed development with the surrounding area and to improve pedestrian movements to, from and around the site, the following public realm works are sought by the Council:

- The resurfacing of the footway along the sites Dumballs Road frontage with 200x100mm red block pavers (to match wider Dumballs Road design),
- The resurfacing of the vehicle crossover to the north of the site (at Dumballs Road) with block paving, consistent with and to tie into recently completed public realm works in the vicinity,
- The removal of all redundant vehicle crossovers,
- The replacement of all concrete kerbstones,
- The replacement of one lighting column (to match those located outside the Cardiff and Vale College),
- That the footway to the rear of the site at Curran Road be surfaced with concrete sett paving and bordered with a conservation kerbstone.

8.20 The developer has agreed to undertake these works, which will be secured by condition. In addition, the developer would provide a financial contribution of **£12,500** towards the upgrading of five lighting columns along Dumballs Road, between the application site and the junction with Penarth Road, in order to help improve the safety of the route from the site to the city centre and public transport facilities, to be secured via s106. The resurfacing of the Curran Road highway, proposed by the developer, is not a priority for this scheme, and a condition to this effect is recommended.

8.21 Taking into consideration the surrounding land uses, building height and scale, balcony arrangements, and the separation distances involved, there would not be any unacceptable harm to existing or future residential amenity, as a result of loss of privacy, overshadowing, loss of light or overbearing impact. The development will not compromise the development of the vacant plot of land to the south, taking into consideration the scale, height, form, massing, separation distances involved and elevation details. A condition is recommended to require a study of the wind micro climate and ensure that any necessary mitigation to ensure the comfort of people using the public realm and adjacent footways and carriageway are designed into the landscaping scheme.

8.22 With regards waste management and servicing, waste management have confirmed that the proposed details are acceptable, and a condition is attached to ensure that the details are implemented and maintained.

Sustainable building design

8.23 The development is in a truly sustainable location, within walking distance of sustainable transport modes and all the services and facilities the city centre has to offer, thus, reducing the need to travel by car. The re-use of this brownfield site and compact building form is also sustainable, making efficient use of the scarce land resource. The DAS notes that the design will take on board the spirit of the now defunct 'Code for Sustainable Homes' and the ethos of 'Lifetime Homes', and that insulation levels will be high and this is welcomed.

- (iv) Impact on air quality, noise, light pollution and contaminated land
- 8.24 The development would not cause or result in unacceptable harm as a result of air quality, noise and contaminated land, taking into consideration the recommended conditions by, and the lack of objection from, Pollution Control. Conditions are recommended to control sound insulation, plant noise, road traffic noise, future kitchen extraction, ground gases, piling, land contamination, imported soils and aggregates, opening hours and delivery times, and hot food takeaways.
- (v) Whether the proposal would make satisfactory provision for access, parking and circulation
- 8.25 The site enjoys a highly sustainable location, being within walking distance to Central Station, bus stops and city centre employment and leisure uses. The Operational Manager Transportation has confirmed that the proposal is compliant with parking policy, subject to the recommended conditions, and that there is sufficient capacity on the adjacent highway and junctions to accommodate the traffic generated by the development. Their suggested conditions are all recommended, including standard cycle and car parking conditions, a CEMP condition and, importantly, conditions to secure improvements to Dumballs Road and Curran Road, which will significantly improve the area and follow the approach to public realm secured further north through other developments.
- (vi) Water Resources, Drainage and Flood Risk
- 8.26 In terms of the TAN15 Development Advice Map zones used to control and manage development (zones A, B and C with subdivision into C1 and C2), the site is mostly within Zone C1 (areas of floodplain served by significant infrastructure, including flood defences), with the remainder Zone B (known to have been flooded in the past). All residential premises are classed as 'highly vulnerable development' in the TAN 15 precautionary framework identifying the vulnerability of different land uses to flooding and zone C is defined as a 'high risk area'. TAN 15 states that development should only be permitted within Zone C1 if determined by the planning authority to be justified in that location.
- 8.27 The Welsh Government 'Summary of what TAN 15 requires for highly vulnerable development (houses) to be considered acceptable' sets out the following justification criteria:
- 1) *Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) **AND***
 - 2) *Its location is necessary to assist a local authority regeneration initiative or strategy, or contribute to key employment objectives, necessary to sustain an existing settlement or region **AND***
 - 3) *The site meets the definition of previously developed land (i.e. is not a Greenfield site) and concurs with the aims of Planning Policy Wales (ie. the presumption in favour of sustainable development) **AND***
 - 4) *A Flood Consequences Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood*

event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable'.

8.28 Assessed against these criteria:

- 1) the area is developed and served by significant infrastructure, including sea defences, with the FCA (para 7.4) noting that the existing flood defence regime in the catchment is such that flood defence to a level of at least 8.0m AOD is afforded to the site.
- 2) The site is located within a 'Strategic Site A (Cardiff Central Enterprise Zone and Regional Transport Hub)', as defined on the Cardiff Local Development Plan (LDP) Proposals Map to help meet the need for new dwellings and jobs.
- 3) The site is a brownfield site / previously developed land.
- 4) A FCA supports the application, which has been subject to consultation, including with Drainage Services and NRW who confirm they no adverse comments to make from a flood risk perspective.

8.29 The FCA confirms the site is flood free during the 1% plus climate change (1 in 100 year with climate change) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines from the River Taff. It notes that flood risk from tidal flooding is low due to the presence of two significant flood defence features in the form of the Cardiff Bay Barrage and the harbour wall which protect the site to a minimum level of 8.0m AOD.

8.30 In terms of flood mitigation, the FCA recommends that the minimum Finished Floor Level of the site is brought up to a level of 8.2m AOD (from the min existing on-site level of 8.0m AOD) and a condition is recommended to ensure this. The FCA concludes that this minimum FFL of 8.2m in combination with the existing flood defences will provide a secure measure of flood protection. The FCA also sets out other mitigation measures to manage extreme flood events, including the presence of two access points, the ability of residents to take safe refuge within their homes above ground floor, and the availability of flood forecasts and warnings via the NRW's floodline information service. A further condition is recommended to ensure that future occupiers are made aware of the flooding risks and consequences, and that flood emergency plans and procedures are put in place for future occupiers, in line with the TAN 15 criteria. An advisory notice is attached containing further advice from NRW.

8.31 Taking the above into consideration, it is considered that the development meets the TAN 15 justification tests and that the consequences of flooding have been considered and found to be acceptable.

(vii) Impact on wildlife and habitats

8.32 The County Ecologist supports the conclusions of the Ecology Phase 1 Survey & Assessment Report, which are that the proposed demolition and subsequent development is not likely to have a significant adverse impact upon any nature conservation interests. Taking into consideration his advice that there is scope for ecological enhancement, which would enable the LPA to seek to maintain and enhance biodiversity as required by Section 6 of the

Environment (Wales) Act 2016, a condition is recommended to secure the provision of 8 Swift boxes.

Other Legislation

(viii) Crime and Disorder Act 1998

- 8.33 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. The project would deliver better-lit footpaths and roadways, segregated pedestrian and vehicular entrances and controlled access to the residential flats via a service lobby. The 'pod' unit originally proposed in the central plaza and which would have partially obscured the entrance to the flats has been removed. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision. An advisory notice, referring the Applicant to the advice of South Wales Police is recommended.

(ix) Equality Act 2010

- 8.34 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. The DAS notes that the access to the site would be safe, well-lit and level, with the development itself designed to have level thresholds. A landscaping condition is recommended which includes the requirement to submit ground levels and comply with the requirement to raise the FFL of the site to 8.2m AOD. Public realm improvements will be secured by condition, which would secure better lit and surfaced footpaths along Curran and Dumballs Roads. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

(x) Well-Being of Future Generations Act 2016

- 8.35 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.

(xi) The Environment (Wales) Act 2016

- 8.36 The Environment (Wales) Act 2016 enshrines in law principles and polices for managing natural resources in a sustainable way. Amongst other things, it introduces a new biodiversity duty on public authorities to seek to maintain and enhance biodiversity when exercising their functions, and in so doing to promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. This duty and the resilience of ecosystems have

been considered and discharged in the evaluation of this application, with a condition recommended to secure swift boxes to enhance biodiversity.

(xii) Response to third party objections

- 8.37 The objections raised by the third party in respect of affordable housing are noted. A financial contribution towards the delivery of affordable housing off-site has been secured, as noted in Section 9 of this report. Housing Development has confirmed that, given the proposed design, it does not appear appropriate to deliver the affordable element on site within the high rise blocks and that they would be prepared to accept a financial contribution in lieu of on-site provision. Whilst the level of contribution falls significantly short of 20% that the policy seeks, it should be noted that the written justification to the policy clearly notes that *'in negotiating affordable housing, each proposal's actual contribution will depend on that scheme's capacity for provision. This will ensure that the affordable housing contribution in itself will not make the scheme unviable'* (para 5.11). It establishes that affordable housing contributions should not make a scheme unviable, and that viability assessments and reviews will be required to agree the level of contribution. Section 9 sets out details of the viability assessment and review, and the recommended s106 offer.

9. **S106 Requirements and Viability**

- 9.1 The total planning obligations requested amount to **£3,558,270.22**, broken down as follows and calculated in accordance with Council policy and guidance:
- £2,849,250 towards affordable housing
 - £326,102 towards Public Open Space
 - £174,197.22 towards community facilities
 - £14,426 towards compensatory employment and training opportunities
 - £181,795 towards school places
 - £12,500 towards street lighting improvements
- In addition, the applicant has been asked undertake a scheme of public realm/highway improvement works along Curran Road and Dumballs Road.
- 9.2 The Applicant provided a viability appraisal (Viability Statement Former Browning Jones & Morris Dumballs Road, Cardiff, CF10 5 PE), prepared by Urban Centric (Cardiff) Ltd and dated December 2017, which concluded that the s106 contributions should be £0 on grounds of viability.
- 9.3 In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council commissioned the District Valuer (DV) to prepare an assessment of the viability appraisal. The DV's draft report (Review of Development Viability Appraisal Address: Former Browning Jones & Morris, Dumballs Road, Cardiff, CF10 5 FE) dated 6 February 2017 confirmed that the scheme viability could not support any s106 obligations.
- 9.4 Section 106 obligations are required to meet planning policy and guidance, and national planning obligations tests, and are also subject to viability.

Notwithstanding the viability exercise carried out by the Applicant and verified by the District Valuer, the view of the LPA is that a significant market housing scheme on this site that does not offset negative consequences of development or help meet local needs would be difficult to support.

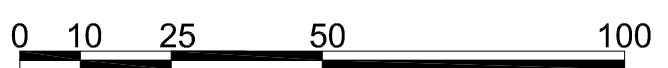
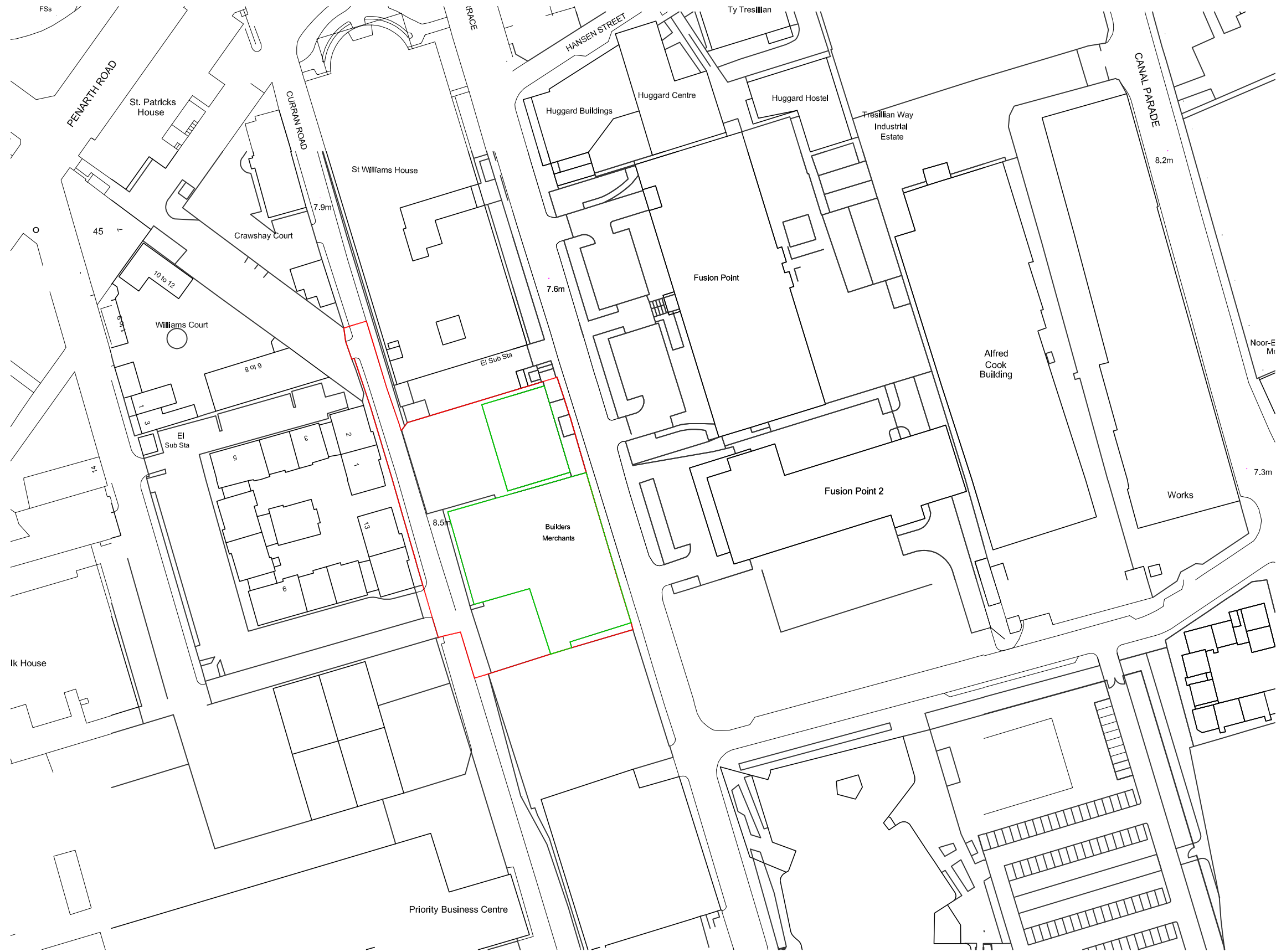
- 9.5 To help secure a positive recommendation, the developer has:
- offered **£396,000** for s106 contributions, to be allocated by the Council
 - agreed to undertake the requested public realm works to Curran Road and Dumballs Road, to be secured by condition
 - agreed to a further viability assessment, in the event that construction of the ground floor of the development does not occur within 24 months of the issue of the planning permission to allow the financial contributions to be reassessed and to protect the Council's position.
- 9.6 Given the above, and taking into consideration the very real positives of the scheme - namely of delivering 206 dwellings in a highly sustainable location, on a brownfield site that forms part of a strategic site allocated for redevelopment, as part a high quality and well-designed scheme that includes the provision of a landscaped public square and a pedestrian through-route that will significantly improve the permeability of the strategic site - this offer is recommended to members of Planning Committee.
- 9.7 Further to internal consultation, it is proposed that the **£396,000** for s106 contributions should be split as follows:
- £123,025 towards off-site affordable housing
 - £123,025 towards the improvement of community facilities in the vicinity, to include improvements to the Butetown Youth Pavillion
 - £123,025 for school places
 - £12,500 towards the upgrading of five lighting columns along Dumballs Road, between the application site and the junction with Penarth Road in order to help improve the route to the city centre and public transport facilities
 - £14,425 for compensatory employment and training opportunities.
- 9.8 The Agent has confirmed their agreement to the Section 106 contributions, the further viability assessment and review and to undertake the requested public realm works to Dumballs Road and Curran Road. It is considered that the above section 106 Heads of Terms fully satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

10. **CONCLUSION**

- 10.1 The amended proposals are considered to provide a high quality scheme delivering 206 new dwellings in a highly sustainable location within the Cardiff Central Enterprise Zone strategic site. The proposed use, location, design, access and parking provision, and amenity of future occupiers are all acceptable. The provision of a new landscaped public square, an important pedestrian through route between Curran Road and Dumballs Road, mixed

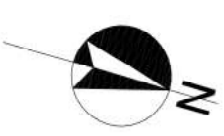
uses at ground floor and the public realm improvements along Curran Road and Dumbals Road are welcomed.

- 10.2 The proposals have been assessed against local and national policies and guidance and there are no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application, with all material factors, policy implications and issues raised through consultation satisfactorily addressed. It is recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement.



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Project Name :	Dumballs Road, Cardiff	Scale :
Project Ref :	SP527	1:1250 @ A3
Drawing Title :	Demolitions Plan	
Drawing Number :	SP527 - P102	
Revision:	-	Drawn by: rb Date: OCT '17



Coopers Yard 13

1 2

CURRAN ROAD

Extent of proposed highways / Public Realm improvements linking to the proposed Crawshay Tower development

Proposed footway

Cycles

Plant

Refuse

Refuse

Plant

Car Park

UNIT 2
A1/A3 Retail Unit

Residential Entrance

Car Park

Substation

Bulky Goods Storage

Vacant Land

Yard

Residential Entrance

UNIT 3
A1/A2/A3/B1
Flexible Unit

Cycles

UNIT 1
A1 Convenience Store

UNIT 4
A1/A2/A3 Retail Unit

St Williams House

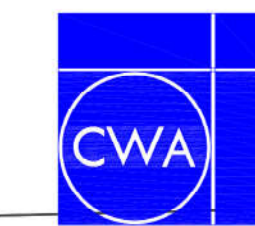
Existing footway

DUMBALLS ROAD

One Canal Parade

Fusion Point 2

REV A 23.11.17 - Stand-alone pod removed. Landscape & pavement amendments



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Project Name :	Dumballs Road, Cardiff	Scale :
Project Ref :	SP527	1:200 @ A1
Drawing Title :	Proposed Site Plan	
Drawing Number :	SP527 - P02	
Revision:	A	Drawn by: rb Date: AUG'2017

- 1. Red brickwork
- 2. Dark brickwork
- 3. Tile type hanging
- 4. Dark grey coloured door and window frames
- 5. Grey curtain walling with clear glass
- 6. Timber balustrades



ELEVATION TO DUMBALLS ROAD (EAST FACING)

REV A 23.11.17 - Stand-alone pod removed. Landscape & pavement amendments
Corner balconies amended

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Project Name :	Dumballs Road, Cardiff
Project Ref :	SP527

Drawing Title :	Proposed Elevation to Dumballs Road	Scale :	1:100 @ A1
Drawing Number :	SP527 - P15		

Revision:	A	Drawn by:	rb	Date:	AUG' 2017
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- 1. Red brickwork
- 2. Dark brickwork
- 3. Tile type hanging
- 4. Dark grey coloured door and window frames
- 5. Grey curtain walling with clear glass
- 6. Timber balustrades

Eleventh FFL +32550

Tenth FFL +29650

Ninth FFL +26800

Eighth FFL +23950

Seventh FFL +21100

Sixth FFL +18250

Fifth FFL +15400

Fourth FFL +12550

Third FFL +9700

Second FFL +6850

First FFL +4000

Access to
Car Park

Parking bays in
between planters

Parking bays in
between planters

Access to
Car Park

ELEVATION TO CURRAN ROAD (WEST FACING)

REV A 23.11.17 - Stand-alone pod removed. Landscape & pavement amendments
Corner balconies amended



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Project Name :	Dumballs Road, Cardiff	Scale :	
Project Ref :	SP527	Drawing Number :	SP527 - P19
Drawing Title :	Proposed Elevation to Curran Road	Scale :	1:100 @ A1
Revision:	A	Drawn by:	rb
		Date:	AUG' 2017

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/01672/MJR** APPLICATION DATE: 07/07/2017

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: South Central Cardiff Ltd

LOCATION: ITEC TRAINING SOLUTIONS LTD CRAWSHAY COURT, 6
CURRAN ROAD, BUTETOWN, CARDIFF, CF10 5TG

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND
CONSTRUCTION OF 25 STOREY APARTMENT BUILDING
(140 NO. UNITS) WITH ANCILLARY AREAS, PARKING, A1/A3
UNIT(S) AND RESIDENT'S ROOF TERRACE

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **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 Section 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans and documents:

Plans:

 - Proposed Site Plan (SP495 – P02 Rev B);
 - Proposed Ground and First Floor Plans (SP495 – P03);
 - Proposed 2nd-8th & 9th-21st Floor Plans (SP495 – P04);
 - Proposed 22nd & 23rd Floor Plans (SP495 – P05);
 - Proposed 24th & 25th Floor Plans (SP495 – P06);
 - Proposed Elevation to Penarth Road (NW Facing) (SP495 – P07);
 - Proposed Elevation to Cardiff Bay (S Facing) (SP495 – P08);
 - Proposed Elevation to City Centre (N Facing) (SP495 – P09);
 - Proposed Elevation to Brickworks (SP495 – P10);
 - Site Location Plan (SP495 – P100);
 - Demolition Plan (SP495 – P101);
 - Topographical Survey (SP495 – P102);

Documents:

 - Flood Consequences Assessment, Jubb Consulting (July 2017);
 - Transport Statement, Vectos (October 2017);
 - Transport Statement Addendum, Vectos (16 February 2018);

- Transport Note, Vectos (1 March 2018)

Reason: For the avoidance of doubt

3. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:
 - (i) The parking of vehicles of site operatives and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of plant and materials used on constructing the development;
 - (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) Details of highways/footway closures;
 - (vi) Wheel washing facilities;
 - (vii) Measures to control the emission of dust and dirt during demolition and construction; and
 - (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

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

4. The proposed car parking and manoeuvring areas shall be laid out in accordance with the details shown on the 'Proposed Site Plan' (drawing no. SP495 – P02 Rev B) before the development is brought into beneficial use and shall be thereafter maintained and retained at all times for those purposes in association with the development.

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

5. The secure cycle parking for a minimum of 140 no. cycles for the apartments hereby approved shall be provided prior to the development being brought into beneficial use and shall be retained in perpetuity. Prior to their installation details of the cycle parking for the ground floor commercial unit shown on the 'Proposed Site Plan' (drawing no. SP495 – P02 Rev B) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the commercial unit being brought into beneficial use and shall be retained in perpetuity.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

6. No development shall take place until a photographic survey of the adopted highway adjacent to the site has been submitted to and approved in writing by the Local Planning Authority nor shall any development take place until a scheme of public realm reinstatement/improvement works to this highway has also been

submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the reinstatement/resurfacing as required of the carriageway and footway abutting the site to include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture required as a consequence of the scheme. Any reinstatement/improvement works deemed necessary by the Local Planning Authority shall be completed prior to the occupation of any part of the development.

Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T6 of the adopted Local Development Plan (2006-2026).

7. Ground floor windows and doors shall be installed to avoid opening outwards over the adjacent public footways.
Reason: In the interests of pedestrian safety.
8. No development shall take place until a site assessment, including ground permeability testing, has been undertaken to determine whether sustainable drainage techniques can be utilised, and a drainage scheme for the disposal of surface and foul water including any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the development.
Reason: To ensure an orderly form of development.
9. Prior to their installation, the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details.
Reason: To ensure a high quality finished appearance to the development.
10. Prior to their installation, details of the sliding gate to the vehicular entrance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details.
Reason: To ensure a high quality finished appearance to the development.
11. The ground floor commercial premises hereby approved shall be used only for purposes within Class A1 or A3 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever. Any A3 use shall be restricted to coffee shop/café/restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use (including as a bar or other vertical drinking establishment).

Reason: To ensure the amenity of future residents and occupiers of other premises in the vicinity are protected.

12. The residential and commercial refuse storage facilities shown on drawing no. SP495 – P02 Rev B (Proposed Site Plan) shall be provided before the development is brought into beneficial use and shall be thereafter retained for future use.

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

13. No member of the public shall be admitted to or allowed to remain on the ground floor commercial premises hereby approved outside the hours of 08:00 to 23:00 on any day.

Reason: To protect the amenities of future residential occupiers and other occupiers in the vicinity of the site.

14. There shall be no loading or unloading of vehicles between the hours of 22:00 and 07:00 hours.

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

15. No development other than demolition and remediation works shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The approved 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.

The development shall be carried out in accordance with the approved details.

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

16. No above ground superstructure works shall take place until a scheme of sound insulation works to the floor/ceiling and party wall structures between the commercial unit and residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation.

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

17. If at any time the use of either of the ground floor commercial premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a deodorising filter. Details of the above equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed prior to the commencement of use for the cooking of food and shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected site in accordance with Policy R4 of the adopted Cardiff Local Development Plan (2006-2026).

18. No above ground superstructure works shall take place until full details of hard and soft landscaping, including the 9th floor communal terrace, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be prepared by a qualified landscape architect and shall include:

- A landscaping implementation programme.
- Scaled planting plans
- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities
- Scaled, site specific, tree pit and planter sectional and plan drawings
- Topsoil and subsoil specification (including structural soil media) for all planting types, including soil type parameters, certification in accordance with British Standards, interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology

The landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

19. C4R Landscaping Implementation

20. No development other than demolition and remediation works shall take place until details of existing ground levels and proposed finished

ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The finished floor levels of the development shall be a minimum of 7.9 metres AOD. The development shall be carried out in accordance with the approved details.

Reason: These details are not included with the application and are required to ensure an orderly form of development and to satisfactorily safeguard against flood risk.

21. No development shall take place until 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, has been submitted to the Local Planning Authority for written 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 by the Local Planning Authority. If no protection measures are required than no further actions will be required.

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

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

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

22. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall 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:

- 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;

- (i) 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;
- (ii) an assessment of the potential risks to:
 - (iii) human health
 - groundwaters and surface waters
 - adjoining land
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
 - (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

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

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

23. No development shall take place until 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 has been 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 shall 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation writing.

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.

24. The remediation scheme approved by Condition 23 shall 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 shall 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 shall be submitted to and approved in writing by the Local Planning Authority.

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

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.

25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall 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 shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed in writing with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

26. 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 Cardiff Local Development Plan.

27. No development shall take place until a wind tunnel assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted study shall include measures, where necessary, to mitigate the effects of wind. The development shall be carried out in accordance with the recommendations of the approved assessment.

Reason: In the interests of pedestrian safety.

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

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on

a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

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

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

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

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

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

RECOMMENDATION 5: Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used. This legislation does not apply to bats in the living area of a dwelling-house. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately. For buildings other than a dwelling-house, no works of site clearance, demolition or construction should take place unless a licence to disturb these species has been granted in accordance with the relevant legislation. The Cardiff office of NRW can be contacted at:

Rivers House
St Mellons Business Park
St Mellons
Cardiff
CF3 0EY

Enquiry Line: 0300 065 3000

For further advice on bats please contact:

Bat Conservation Trust
5th Floor,
Quadrant House
250 Kennington Lane
London
SE11 5RD

Bat Helpline: 0345 1300228

RECOMMENDATION 6: That the applicant be advised that the condition regarding works to the adopted highway on Curran Road (Condition 7) and any other works to existing or proposed adopted public highway will be subject to agreement(s) under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Council.

RECOMMENDATION 7: That the Applicant / Developer be advised of South Wales Police's recommended design and layout principles for designing out crime, set out in their letter of 3 August 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 8: That the Applicant / Developer be advised of DCWW's advice regarding public sewer connections and water supply, set out in their letter of 10 August 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 9: That the Applicant / Developer be advised of Wales and West Utilities' advice regarding their requirements during works, set out in their letter received on 2 August 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 10 : That the Applicant / Developer be advised of Natural Resources Wales' advice regarding the incorporation of flood resistance/resilience measures into the design and construction of the development, referred to in their letter received on 2 August 2017, which has been forwarded to the Agents acting on behalf of the Applicant.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought for the demolition of the existing buildings and the construction of a 25 storey apartment building (140 no. units) with ancillary areas, parking, a ground floor A1/A3 unit and resident's roof terrace at Crawshay Court, Curran Road, Butetown.
- 1.2 The ground floor of the building would accommodate a double-height A1/A3 commercial unit which would be positioned at the north-eastern corner of the building. It would have a floorspace of approximately 87 square metres.
- 1.3 The building is arranged with the highest element positioned nearest to Penarth

Road. The tower varies in overall height between 21 and 25 storeys, with a maximum height of approximately 75 metres. A 9 storey element attached to the southwest elevation will accommodate a resident's private garden terrace on the roof. This element would be approximately 27 metres in height.

- 1.4 The building would retain privacy distances of approximately 19 metres to St. Patrick's House to the northwest, a minimum of 17.2 metres to Brickworks, currently under construction to the southwest, and approximately 10.6 metres to St. Williams House to the east.
- 1.5 The building would be finished in a range of materials including smooth cast colour concrete panels, black and grey curtain walling, zinc cladding (pre-weathered), glazing, timber screening and brickwork.
- 1.6 The site is accessed via Curran Road. 27 no. car parking spaces are proposed including 2 no. disabled spaces. 140 no. cycle parking spaces are proposed in accordance with the Council's guidelines, plus provision for the commercial unit. Refuse storage facilities are proposed which would be accessed from the northwest elevation with a separate storage area for the commercial waste, again, in accordance with Council guidelines.
- 1.7 A solar array will be added to the south elevation which will power the communal areas of the building.
- 1.8 A pre-application report has been submitted with the application, together with a Bat Survey, a Transport Statement, a Transport Statement Addendum and a Flood Consequences Assessment.
- 1.9 The proposed development was screened under the Environmental Impact Assessment Regulations 2017 in August 2017 which concluded that an Environmental Statement was not required as the development does not meet or exceed the thresholds set out in Schedule 2 of the Regulations nor were the impacts of the development likely to result in significant effects on the environment.

2. **DESCRIPTION OF SITE**

- 1.1 The site comprises approximately 0.13 hectares and currently accommodates two-storey offices in a traditional building with gables and a pitched roof.
- 1.2 The site is generally flat and level.
- 1.3 Immediately east and northwest the site is bordered by 5 storey office development.
- 1.4 The site is within 200 metres of Central Station and the Transport Interchange. It is within the Central Business Area and within 350 metres of the Central Shopping Area.
- 1.5 The site is located within Zone C1 as defined by the Development Advice Map

(DAM) referred to in Technical Advice Note 15 (July 2004).

3. **SITE HISTORY**

- 3.1 14/01026/DCI: Permission granted in July 2014 for demolition of existing office buildings and redevelopment of the site to provide 6 storey office building with undercroft car parking, open space, and new access from Curran Road.
- 3.2 02/02112/C: Permission granted in November 2002 for conversion of roof void to additional office accommodation and addition of 5 no. dormers.

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.

4.1.4 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*

4.2.2 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.

4.2.4 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):

11	Noise
12	Design
15	Development and Flood Risk
16	Sport, Recreation and Open Space
18	Transport
21	Waste
23	Economic Development

4.3 Local Development Plan (January 2016):

KP2(A)	Cardiff Central Enterprise Zone and Regional Transport Hub
KP5	Good Quality and Sustainable Design
KP6	New Infrastructure
KP7	Planning Obligations
KP8	Sustainable Transport
KP10	Central and Bay Business Areas
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP14	Healthy Living
KP15	Climate Change
KP17	Built Heritage
KP18	Natural Resources
H6	Changes of Use or Redevelopment to Residential Use
EC3	Alternative Use of Employment Land and Premises
EC4	Protecting Offices in the Central and Bay Business Areas
EN9	Conservation of the Historic Environment
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
T6	Impact on Transport Networks and Services
R6	Retail Development (Out of Centre)
R8	Food and Drink Uses
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:

Waste Collection and Storage Facilities (October 2016)

Planning Obligations (January 2017)

Tall Buildings Design Guide (January 2017)

Residential Design Guide (January 2017)

Locating Waste Management Facilities (January 2017)

Dumballs Road Area Planning Brief (June 2006)

Food, Drink and Leisure Uses (November 2017)

Safeguarding Business and Industrial Land and Premises (November 2017)

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The Operational Manager, **Transportation**, makes the following comments:

- (i) Trip Generation - He accepts the information provided in the additional note following the Transport Statement (TA) Addendum which confirms that, whilst the trips generated by the new development (122 no. two-way trips over twelve hours (i.e. per day)) would exceed the existing use (53 no. two-way trips), the traffic generated would be almost half that under the office development approved in 2014 (217 two-way trips) which was not a concern to the Council at the time (see paragraph 3.1);
- (ii) He is satisfied with the amended car parking arrangements;
- (iii) He is satisfied with the proposed cycle storage arrangements, having received confirmation from the applicant that there is adequate space to manoeuvre the top tier cycles between the rack and the wall;
- (iv) He notes the amended site plan which now excludes the public highway adjacent to the site. He recommends a condition for public

realm/reinstatement works on Curran Road should these be required as a consequence of the development being carried out;

- (v) He requests a financial contribution of £102,000 to construct a 2m footway adjacent to the proposed development and to the junction with Penarth Road (including dropped kerbs to facilitate cycle access from Curran Road to Penarth Road and vice versa), re-instatement of the access to St Patrick's House and installation of a raised 6m table including an uncontrolled pedestrian crossing facility in Curran Road. These contributions would be secured via a Section 106 Agreement.

5.2 The **Operational Manager, Environment (Contaminated Land)**, in reviewing available records, identifies the site as formerly commercial/industrial. Activities associated with this use may have caused the land to become contaminated and therefore 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. Should there be any importation of 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. They request the inclusion of the relevant conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with LDP Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

5.3 The Council's **Tree Officer** is content with the amended site plan showing the repositioning of new trees into raised beds, avoiding planting the in plaza/footpath and car parking area. Relevant conditions are recommended.

5.4 The **Operational Manager, Waste Management**, advises:

- (i) The commercial refuse area is acceptable;
- (ii) The bins on the site plans meet the space requirements. There appears to be plenty of space to manoeuvre the bins in the stores;
- (iii) Resident refuse - Although the overall amount capacity is exceeded she is sure that there will be enough to accommodate these flats. If one take into account only 32 bins are needed for the residual waste there will be plenty of space to replace these with the eight smaller 240L bins.

5.5 The Council's **Ecologist** notes that the survey work did not find any signs of bat use of the buildings, and no bats were found to be using the buildings or the immediate area. However as there was some bat roost potential, he supports the recommendation that an ecologist be "on call" for the duration of the demolition process so that in the unlikely event that bats are observed during the demolition process, they can be notified and Natural Resources Wales be

consulted. As the bat use of the general area was very low, and the habitat is unsuitable for bats, he sees no value in requiring the applicant to incorporate bat boxes into any new buildings.

- 5.6 The **Air Quality Officer** has been consulted on the application and any comments received will be reported.
- 5.7 The **Noise Pollution Officer** requests a noise report that focuses on the rail noise from Central Station and road noise from Penarth Road. He appreciates that the station is several hundred metres away, but once the proposed building gets over the 8th floor the façade will be on direct line of sight to the platforms and having done a rough and ready level vs. distance calculation there is the possibility that acoustically treated facades may be necessary to meet World Health Organisation internal noise levels.
- 5.8 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.9 The **Operational Manager, Regeneration**, references Section 8 of the Planning Obligations Supplementary Planning Guidance (SPG) 2017 which states growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through the provision of new facilities or the extension to, or upgrading of, existing facilities. If no onsite provision is proposed, a financial contribution will be sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

No. of bedrooms	Number of Dwellings	Contribution per dwelling	Total
1	102	£720.51	£73,492.02
2	37	£997.63	£36,912.31
3	1	£1,385.60	£1,385.60
4		£1,718.14	£0.00
5+		£2,106.11	£0.00
Where number of bedrooms unknown		£1,291.38	£0.00
Single Student Bedroom		£554.24	£0.00
TOTAL:			£111,789.93

- 5.10 In summary, a financial contribution of £111,789.93 is sought. CIL Regulation 122(2) states that obligations must be necessary to make the development

acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.

- 5.11 Concerning necessity, she refers to the Planning Obligations SPG helps to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) supports the provision of community facilities as part of new residential developments. This also accords with Planning Policy Wales which supports the negotiation of planning obligations and states “Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable”. A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via onsite provision and/or a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision._
- 5.12 Concerning relationship with the development, she advises there are several community facilities located within close proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards the Butetown Pavilion on Dumballs Road. The Butetown Pavilion is located within easy walking distance of the proposed flats. The Pavilion currently provides a range of youth facilities for the surrounding area. Plans to upgrade the facility to provide a broader range of facilities to benefit the wider community, including residents of the proposed flats, are being developed. The contribution would help facilitate these changes to the Pavilion, resulting in a community facility which is more able to respond to the varied needs of a growing population including the residents of the new flats at this site. Such uses may include a sports hall, rooms for hire and teaching spaces.
- 5.13 Concerning reasonableness, contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.
- 5.14 The **Operational Manager, Drainage Division**, has been consulted and any comments received will be reported to Committee.
- 5.15 The **Operational Manager, Parks and Sport**, advises that although an area of public realm is shown in front of the building, the details provided are very limited and it is difficult to determine whether this will provide a usable recreational space for residents or the public. It appears to be more of a circulation space for people accessing the ground floor retail units (with potential seating for café use), rather than public open space. Therefore he has not included this area in the POS calculation below. The inclusion of trees planted into cell systems is welcome, as additional tree planting is important in this area; the area of cells will need to reflect the species of tree planted.

- 5.16 Concerning provision, he begins by referring to LDP Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport) and KP16 (Green Infrastructure) and the 2017 Planning Obligations SPG, supported by policies set out in the 2008 SPG for Open Space which set 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. Based on the information provided on the number and type of units, he has calculated the additional population generated by the development to be 201. This generates an open space requirement of 0.488 ha of on-site open space based on the criteria set for housing accommodation, or an off-site contribution of £208,547. Therefore 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.
- 5.17 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. 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.
- 5.18 Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Canal Park, Callaghan Square and Taffs Mead Embankment. One other possibility would be to use a POS contribution to provide additional much needed open space in this area of Butetown.
- 5.19 The **Operational Manager, Building Control**, confirms that a building regulations application will be required.
- 5.20 The **Operational Manager, Economic Development**, advises that the site is well located within the city centre within a five minute walk of Cardiff Central Station and city centre bus routes. The site is also located within the Cardiff Central Enterprise Zone, a zone designated for the attraction of Financial and Professional Services sector companies. The F&PS sector is highlighted as a key sector for Cardiff and Wales employing over 50,000 people within the city. The site is also within the Butetown Ward and therefore within the current assisted area (Tier 2) and therefore attracts discretionary funding as well as further incentives through the Cardiff Central Enterprise Zone schemes. The site is a key regeneration site for the city with proposals progressing to the south through the Dumballs Road residential scheme and also potential redevelopment of the site north of Penarth Road at the back of Central Station.
- 5.21 He is concerned at the continuing change of use requests for office property to residential / student accommodation developments and would oppose a change of use request for the site on Curran Road from office to residential accommodation with the loss of circa 12,500 sq ft of employment space. The

Cardiff LDP aims to deliver 40,000 new jobs to 2026 and is one of the fastest growing cities in the UK. To deliver the expected jobs growth in the city it is essential that Cardiff retains its key city centre sites that can deliver the required density and high quality office developments to attract new jobs and investment and retain existing jobs in the city.

- 5.22 If the site were to be progressed as change of use to residential accommodation then he would seek a significant financial contribution. He recognises that mixed use development may be considered appropriate, however if mixed use schemes with a reasonable proportion of business space are not feasible or forthcoming on a particular site within a protected employment area, a planning obligation will be required to compensate for this loss, and mitigate the impact of this change. The Curran Road site office building of circa 12,500 sq ft with the capacity to provide between 100 and 150 jobs and the low rise nature of the site could provide higher densities of employment opportunities, however if the building is lost to a residential use it is unlikely that the site will revert back to an employment site.
- 5.23 A financial contribution is therefore sought to address the concerns relating to the loss of this employment land at a key employment site in the city centre. They request a financial contribution of £23,959. This contribution will form a package of assistance that will help support and develop companies within the Butetown ward and provide further employment opportunities. This figure is equitable to other figures that have been agreed on sites of the same size in other parts of the city. The developer contributions for the loss of employment land will be utilised for Economic Development projects and are calculated from the Council's Planning Obligations SPG.
- 5.24 In line with the LDP, the **Housing Strategy Team**, seek an affordable housing contribution of 20% of the 140 units (28 units) on this brown-field site. Their priority is to deliver affordable housing on-site and they would require detailed discussion with the applicant to ascertain if the affordable housing can be delivered successfully and sustainably on the site via a RSL partner. The priority is to deliver social rented accommodation delivered at the following prices - 1 bed @ £45,000 & 2 bed @ £52,000. All affordable housing units would need to meet Welsh Government DQR standards in terms of design requirements. They would be willing to discuss the delivery of the affordable housing on another site that the applicant may already own or be in the process of purchasing in the vicinity/area of the site. In exceptional cases if they cannot deliver the affordable housing on-site or off-site on another site then they would consider a financial contribution. Based on a 20% contribution of 28 flats, the affordable housing contribution would be £1,872,240.
- 5.25 The **Chief Schools Officer** advises that the total pupil yield from a development of this size and type would be expected to be c. 9 pupils.
- 5.26 The catchment area English-medium primary School (Grangetown Primary) is projected to continue to be full and hence an English-medium primary school obligation would be sought proportionate to the development yield in this age range.

- 5.27 Although the catchment Welsh-medium primary school is projected to be full (Ysgol Gymraeg Pwll Coch), it follows the phased expansion of the new Ysgol Hamadryad that there would be sufficient places and hence no obligation would be sought for Welsh-medium primary or nursery places.
- 5.28 The catchment area secondary school (Fitzalan) is full and is projected to be oversubscribed from within catchment. A planning obligation would therefore be sought.
- 5.29 The catchment secondary school (Y Glantaf) will be over-subscribed from within catchment by 2021, and a planning obligation would therefore be sought.
- 5.30 A separate obligation is also sought in respect of the proportion of pupils who access Special Educational Needs provision.
- 5.31 The contribution request calculated in accordance with the SPG may therefore be broken down as follows:

Number of dwellings:	140
English-medium nursery	£11,427
English-medium primary	£39,487
English-medium secondary	£23,220
English-medium sixth form	£5,131
Welsh-medium nursery	
Welsh-medium primary	
Welsh-medium secondary	£5,805
Welsh-medium sixth form	£1,283
Statemented SEN	£5,527
Total	£91,880

6. EXTERNAL CONSULTEES RESPONSES

- 6.1 **Dwr Cymru Welsh Water** has reviewed the submitted information however they note that a drainage strategy has not been included. As part of the mandatory pre-application enquiry they have provided confirmation that sufficient capacity exists in the public sewer network to accommodate the foul only flows from the proposed development. They did however recommend that an assessment be undertaken to verify whether sustainable drainage techniques can be utilised for the disposal of surface water. They note that the application form indicates that the preference is to discharge surface water to the mains sewer.
- 6.2 They recommend that the applicant conducts the on-site investigations as

described above and produce a full surface water strategy to include evidence to support their proposal, confirmation that the current site drains surface water to the public sewer, alternative options considered, pre and post development discharge rates and details of the betterment offered on the proposed from the current discharge rate.

- 6.3 They have undertaken a brief site visit and can confirm that a portion of the sewer in Curran Road appears redundant. The proposed point of connection and thus the foul drainage strategy, will therefore be necessary to understand the impact of the receiving sewer and they advise that works to address this sewer are undertaken prior to the communication of new flows from the development. They recommend relevant conditions.
- 6.4 The **South Wales Police Designing Out Crime Officer** notes that the development is part of a planned redevelopment which will eventually connect the city centre with the Bay. The site is located south of the city centre and Penarth Road while Trade Street lies to the West. To the east are existing buildings on Dumballs Road. To the south are mainly office buildings which along with Trade Street are currently experiencing problems with anti-social behaviour. The fact that the area is being developed with residential use being introduced will assist in reducing anti-social behaviour in the vicinity. It is encouraging to see that the applicant has considered security and community safety, which is evidenced in the section titled Community Safety and includes improvement to lighting, access control to apartments, enclosed parking along with Secured by Design ethos. The development could achieve a Secured by Design award if the applicant wishes to make contact with the South Wales Police Designing out Crime Officer. They have no objection to this development however they would wish for the contents of this report to be given due consideration and make detailed recommendations in respect of street furniture/bollards, canopies, lighting, access control, doors and windows, balconies, mail delivery, CCTV, dwelling identification, cycle and bin storage, car parking, meters, smoke and fire alarms and commercial units.
- 6.5 **CADW**, having carefully considered the information provided with this planning application, considers there to be no adverse impact. They therefore have no objections to the proposed development within the vicinity of scheduled monument Cardiff Castle and Roman Fort (GM171).
- 6.6 Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance. PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly

damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

- 6.7 The proposed application area is located some 890m south of scheduled monument Cardiff Castle and Roman Fort (GM171). The proposed development, standing some 75 metre high will be visible from the keep of the castle in one of the original key views, looking south towards the mouth of the river Taff. However, the existing BT Stadium House (17 storeys high) will be in this view as will be the Transport Interchange Building. Thus modern high rise buildings are already a significant part of this view and whilst the proposed building will be visible it will not, in their opinion, constitute a significant change to the current setting of the scheduled monument.
- 6.8 **Natural Resources Wales** do not object to the application. The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Their Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Taff, a designated main river. The submitted FCA prepared by Jubb Consulting Engineers Ltd., dated July 2017, shows based on a minimum finished floor level of 7.9m AOD:
- (i) The proposed development is not located within the 1% (1 in 100 year) plus 25% for climate change or the 0.1% (1 in 1000 year) annual probability fluvial flood outlines;
 - (ii) Based on a life time of development of 100 years, the proposed development is predicted to be affected by tidal flooding during the 0.5% (1 in 200 year) plus climate change and the 0.1% (1 in 1000 year) plus climate change tidal flood scenarios for 2117 (undefended).
- 6.9 They consider the risk of tidal flooding to the proposed development is minimal as the site is afforded protection by Cardiff Bay Barrage. This is a flood defence structure which provides protection to Cardiff from tidal flood risk. The FCA has proposed management of this risk by recommending signing up for the Flood Warnings service. In consideration of the above, they have no adverse comments to make from a flood risk perspective.
- 6.10 In areas at risk of flooding, they recommend consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground

floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. Additional guidance can be found on the gov.uk website. Advice and information on protection from flooding is in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website.

6.11 As it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, they recommend the Local Planning Authority considers consulting other professional advisors on the acceptability of the developer's proposals, on matters that they cannot advise the Local Planning Authority on such as emergency plans, procedures and measures to address structural damage that may result from flooding. They refer to the above information and the FCA to aid these considerations. Please note, they do not normally comment on or approve the adequacy of flood emergency response plans and procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

6.12 **Wales & West Utilities** enclose an extract from their mains records of the area covered by the application together with a comprehensive list of General Conditions for guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission. Wales & West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. Should the planning application be approved then they require the promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. There must be no building over any of their plant or apparatus.

7. **REPRESENTATIONS**

7.1 **Local Members** have been consulted. Any comments received will be reported to Committee.

7.2 The application was publicised as a major development by press and site notices under Article 12 of the Town and Country Planning (Development Management Procedure (Wales) Order 2012 (as amended).

7.3 **Neighbouring occupiers** have been consulted. Any responses received will

be reported to Committee.

8. **ANALYSIS**

- 8.1 The Tall Buildings Supplementary Planning Guidance (January 2017) supplements policies in the Local Development Plan (LDP) (particularly KP5 (Good Quality and Sustainable Design)) and provides advice on the provision of high quality well-designed tall buildings within Cardiff. The themes contained within this document therefore provide a sound basis for assessing the merits of this application.

Principle of Development

- 8.2 The application site is located within the boundary of LDP Policy KP2A (Central Enterprise Zone and Regional Transport Hub - Strategic Site), which is allocated for major employment led initiatives, focussing on financial and business services, together with other mixed uses including residential development.
- 8.3 Policy H6 of the LDP (Change of Use or Redevelopment to Residential Use) identifies criteria against which the change of use of previously developed land will be considered, including whether there is an overriding need to retain the existing use of the land and whether necessary community and transportation facilities are accessible or can be readily provided. The 'Dumballs Road' section of the Central Enterprise Zone contains a number of low-density, land-hungry warehouse / business uses, with much of the area being largely under-utilised having regard to its strategic city centre location. The applicant has identified in their Design and Access Statement that there has been a turnover of occupiers since 2006 and that the premises are largely considered to be of an unsuitable design for modern business demands, having been actively marketed during that period.
- 8.4 The principle of residential development is well established within the wider Dumballs Road area and the site is well served by transport links and is close to local amenities. In addition, the proposal incorporates a commercial unit at the ground floor of the building, which will assist in creating active uses along the Curran Road frontage and in adding vitality to the streetscape throughout the day.
- 8.5 As the site is located outside the Central Shopping Area (CSA) of the City Centre and also falls outside of any designated District / Local Centres as identified within the Local Development Plan, any proposal for a Class A1 (shop) use at this location would have to satisfy the three tests of out-of-centre retail policy. In this regard and given the relatively small scale of the proposed unit (approximately 87sqm), an element of convenience retail could be considered acceptable to serve the newly established population and the wider residential community within the surrounding area.
- 8.6 Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity

considerations. Taking into consideration the relatively small scale of the proposed floorspace, it is anticipated that the unit would operate as a coffee shop / snack bar type use, which would assist in contributing towards the creation of an active streetscape along Curran Road. In order to minimise any potential noise and disturbance to residents located above the ground floor, a condition could be applied to restrict the opening hours of the commercial unit.

Skyline and Key Views

- 8.7 The site is located at a key junction linking Penarth Road with Dumballs Road and Callaghan Square, south of the railway. The existing Brains Brewery to the north is identified for future re-development and the preliminary 'Central Quay' proposals give an indication of how this site could potentially be re-developed. The site is strategically positioned within an area that is likely to be substantially re-developed in the near future.
- 8.8 The application is supported by a number of key viewpoints from Callaghan Square, Central Station and Curran Road. These viewpoints demonstrate that the building would sit comfortably near this key junction and would create a landmark presence south of the railway, acting as a focal point for the future development of this part of the Central Enterprise Zone. The future redevelopment of the Brains Brewery site may result in the building being read as part of a cluster of tall buildings south of the railway.

Historic Environment

- 8.9 It is noted that CADW, in their assessment of the application, do not object to the proposals and conclude that, although the development will be visible from the keep of Cardiff Castle, it will be viewed in the context of other existing tall buildings and therefore, in their opinion, it will not constitute a significant change to the current setting of the scheduled monument.
- 8.11 It is not considered that the development would result in harm to the St. Mary Street Conservation Area, which is approximately 350 metres north of the site.

Design Proposals

- 8.12 LDP Policy KP 5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces. Such criteria includes, for example, a proposal's response to the local character and context, creating legible development, providing a diversity of land uses, creating distinctive places, providing a healthy environment, and adaptable design. The Tall Buildings SPG expands on these criterion and provides a guide for assessing the acceptability of a tall building proposal to ensure their design and appearance is of exceptional quality.

Mixed Use

- 8.13 The proposed development contains an A1/A3 unit at ground floor which would have a mezzanine floor creating, in effect, a two-storey glazed frontage at the most prominent northeast corner. This unit will help encourage pedestrian activity around and within the building and help create an active frontage on this key corner location which fronts onto Curran Road.

Form and Silhouette

- 8.14 A thorough pre-application dialogue between the applicant and Council officers has helped guide the evolution of the design towards the submission of the application.
- 8.15 The form of the building is considered to add interest from both close views and long-range views through the use of high quality external finishing materials, articulation, and interest to the top of the building through varying heights and the installation of a solar array. As a consequence the building is considered to create a striking form which will be appreciated from numerous public vantage points.
- 8.16 The proposal will, in the considered opinion of officers, provide a landmark feature that makes a positive contribution to this part of the city centre and will aid legibility. It is considered that the amended proposal successfully creates an elegant and slender building.

Quality and Appearance

- 8.17 The use of smooth cast Portland colour concrete panels, zinc cladding, and brickwork gives confidence that the finished building will be of high quality and, together with the glazing (especially double height to the north east corner), will help create a robust and elegant finished appearance.
- 8.18 The double height glazing at ground and first floor also will help avoid a 'bulky' feel to the development a street level by creating transparency and activity.

Street Interface and Impact

- 8.19 It is recognised that the building is positioned close to a key junction which will form an important point when the surround area is substantially re-developed. The provision of the ground floor commercial unit will help provide vibrancy and activity around and within the building, enlivening what is currently a quiet section of Curran Road outside of normal working hours.
- 8.20 The development will create a 'public plaza' outside the building foyer and entrance to the commercial unit. Although no detailed plans have been submitted for this space, conditions are recommended to ensure that an attractive space is created through appropriate soft landscaping and high quality hard landscaping. This will enhance the building's presence at street level. The tree planting arrangements to the site frontage have been amended

following input from the Tree Officer during the processing of the application.

- 8.21 Financial contributions have also been secured to carry out public realm improvements adjacent to and north of the application site.
- 8.22 The application is accompanied by desk study wind assessment which concluded that some wind funnelling could occur between the building and St. Williams House to the east (i.e. along Curran Road) due to the buildings being 10.6 metres apart. The report recommends that a wind tunnel study is carried out to provide a quantitative assessment of the likely wind loads on the building and the dynamic response of the tower. A relevant condition is attached.

Sustainable Building Design

- 8.23 The building will be constructed to achieve high insulation levels and low water use technologies will be employed. A substantial solar array will be installed to the roof of the building to power communal areas of the building.
- 8.24 In respect of future adaptability, the application confirms that the building will be constructed with a frame which will allow for modification and re-use negating the need for demolition in the event that adaptation for another use occurs.

Amenity Considerations

- 8.25 The site is bounded to the east and northwest by office development five storeys high. Mindful of the proposed separation distances, the relationship with these neighbouring buildings is considered to be acceptable.
- 8.26 The relationship with the 'Brickworks', (currently under construction to the southwest) is also considered to be satisfactory. The minimum distance between the two buildings would be approximately 20 metres (17.2 metres to balconies on part of the Brickworks). This distance is considered to be satisfactory and the privacy and amenities of existing and future occupiers are not considered to be unduly prejudiced by the development.
- 8.27 A condition is attached to safeguard future occupiers of the building from the potential of noise pollution.
- 8.28 The proposals are considered to be in accordance with LDP Policy KP5(x) (Good Quality and Sustainable Design) in that no undue effect on the amenity of neighbouring occupiers would occur and LDP Policy EN13 (Air, Noise, Light Pollution and Contamination) in that no unacceptable harm to health or local amenity would arise.

Transportation

- 8.29 It is recognised that the site is located in a sustainable location within short walking distance of Cardiff's city centre and is well served by public transport, with Cardiff's Central train station opposite together with the future Transport Interchange.

- 8.30 The car parking provision within the site of 27 no. spaces for 140 no. apartments reflects the site's highly sustainable location. Cycle parking is also promoted as a viable transport alternative through the provision of 140 no. spaces (1 space per apartment) plus additional spaces for staff and patrons of the commercial unit.
- 8.31 The comments of the Transportation Officer in paragraph 5.1 are noted, who is now satisfied with the transport evidence submitted with the application. He has no objections to the development, subject to relevant conditions and a financial contribution to secure public highway improvements (see Section 9 below). A development of this scale will place increased pressure on the surrounding pedestrian environment and the improvements sought will ensure the development aligns with paragraph 3.4.3 of Planning Policy Wales which states that *"When a new building is proposed, an existing building is being extended or altered, or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility."* Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements. In addition, Policy KP2A (Central Enterprise Zone) identifies that developments shall *"ensure a consistent approach to the use of high quality street furniture and paving materials."*

Flood Risk

- 8.32 It is noted that the Flood Consequences Assessment accompanying the application concludes that the development, with a finished floor level of 7.9 metres AOD, would not be located within the 1% (1 in 100 year) plus 25% for climate change or the 0.1% (1 in 1000 year) annual probability fluvial flood outlines. The report identifies a small risk of tidal flooding which proposes management through signing up to the Flood Warnings service. Natural Resources Wales (NRW), in making their comments, consider this risk to be minimal as the Cardiff Bay barrage affords protection and they do not object to the application.
- 8.33 The applicant has been advised of NRW's representations and has been issued with a copy of their response, which makes recommendations for the incorporation of flood resistant/resilient measures into the design and construction of the building. A relevant recommendation is attached. A condition is also proposed to ensure finished floor levels are at least 7.9 metres AOD as per the findings of the assessment.
- 8.34 Mindful of the conclusions of the submitted FCA and the advice received by NRW, it is considered that the risks and consequences of flooding can be acceptably managed in accordance with the guidance contained in TAN15.

Other Considerations

- 8.35 *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.
- 8.36 *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
- 8.37 *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.

9. SECTION 106 AGREEMENT

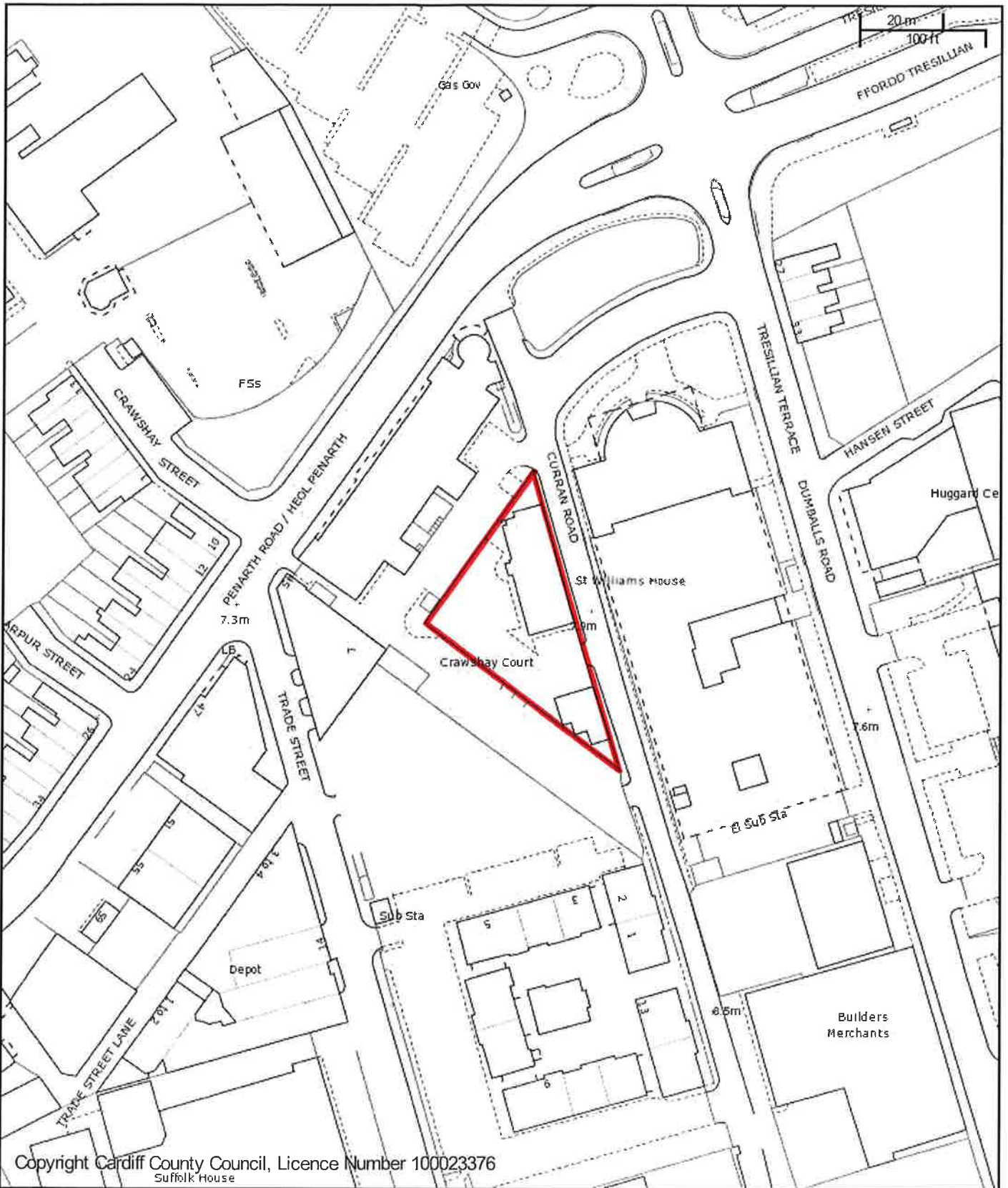
- 9.1 The following planning obligations have been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations).
- (i) £102,000 for Highways and public realm improvements to Curran Road
 - (ii) £23,959 for Economic development
 - (iii) £208,547 for public open space
 - (iv) £91,880 for school places
 - (v) £1,872,240 for affordable housing
 - (vi) £111,789.93 for community facilities
- 9.2 These requests amount to a total sum of £2,410,415.93.
- 9.3 However, the submission of a viability appraisal during the application process concluded that the development would be unviable were these contributions to be required for the scheme. This appraisal was independently assessed by the District Valuer who identified a sum of £400,000 that could be provided for financial contributions without threatening the scheme’s viability. The applicant has agreed to contribute this sum through a Section 106 Agreement which is proposed to be apportioned in the following way:

- (i) £102,000 towards public realm enhancements on Curran Road;
- (ii) £23,959 to help support and develop companies within the Butetown ward and provide further employment opportunities;
- (iii) £91,880 towards new school places;
- (iv) £111,789.93 towards improving facilities at the Butetown Pavilion;
- (v) £35,185.53 towards public open space; and
- (vi) £35,185.53 towards affordable housing

9.4 To help secure a positive recommendation, the developer has agreed a further viability assessment in the event that construction of the ground floor of the development does not occur within 24 months of the issue of the planning permission to allow the financial contributions to be reassessed and to protect the Council's position.

10. **CONCLUSIONS**

10.1 The amended proposals are considered to provide a high quality tall building south of the railway which will act as a landmark feature near the future regeneration of the Brains Brewery site and the wider Dumballs Road area. Being conveniently located close to Central Station and near Transport Interchange, the building maximises opportunities for travel by sustainable modes. The provision of a commercial unit at ground floor and the provision of a 'public plaza' with tree planting and soft landscaping will enhance this part of Curran Road. The proposals have been assessed against relevant LDP Policies, particularly KP5 (Good Quality and Sustainable Design) and the Tall Buildings Design Guide SPG and has been found to be compliant with their aims, subject to the completion of a legal agreement to secure a range of compensatory measures. It is therefore recommended that permission be granted subject to the completion of a legal agreement to secure the measures identified in Section 9, and relevant conditions.



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City of Cardiff Council
Cyngor Dinas Caerdydd



Title

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Ordnance Survey 100023376 (2014).

FSs

PENARTH ROAD

IAN TERRACE

TRADE STREET

St. Patricks House

Car Park to St. Patricks House

CURRAN ROAD

St. Williams House

No. 45

Brickworks

Plant

Car Park to St. Patricks House

Existing boundary stone wall retained

Car Park Entrance

2.7m high stone brickwork

Sub-station

Car Park (27)

1m high plants to car park

Public Plaza

Foyer

Ridge

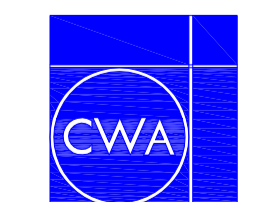
A1/A3 Retail Unit

Bulk Storage & Communications Release

Cycle parking (covered)

Cycle parking (covered)

Cycle parking (covered)



C. W. ARCHITECTS Ltd
Grosvenor House, 8 Park Grove, Cardiff CF10 3BN
Tel: +44 (0)2920 223123 Fax: +44 (0)2920 388367 E-Mail: office@cwarchitects.co.uk

Project Name :	Crawshay Court, Curran Road, Cardiff	Scale :	1:200 @ A1
Project Ref :	SP495	Drawing Title :	Proposed Site Plan
Drawing Number :	SP495 - P02	Revision:	-
Drawn by:	rb	Date:	MAY 2017



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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

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 101st 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 CONSULTEE 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 th Form	£112,357
Welsh-medium Secondary + 6 th Form	£28,089
Total	£266,955

- 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**

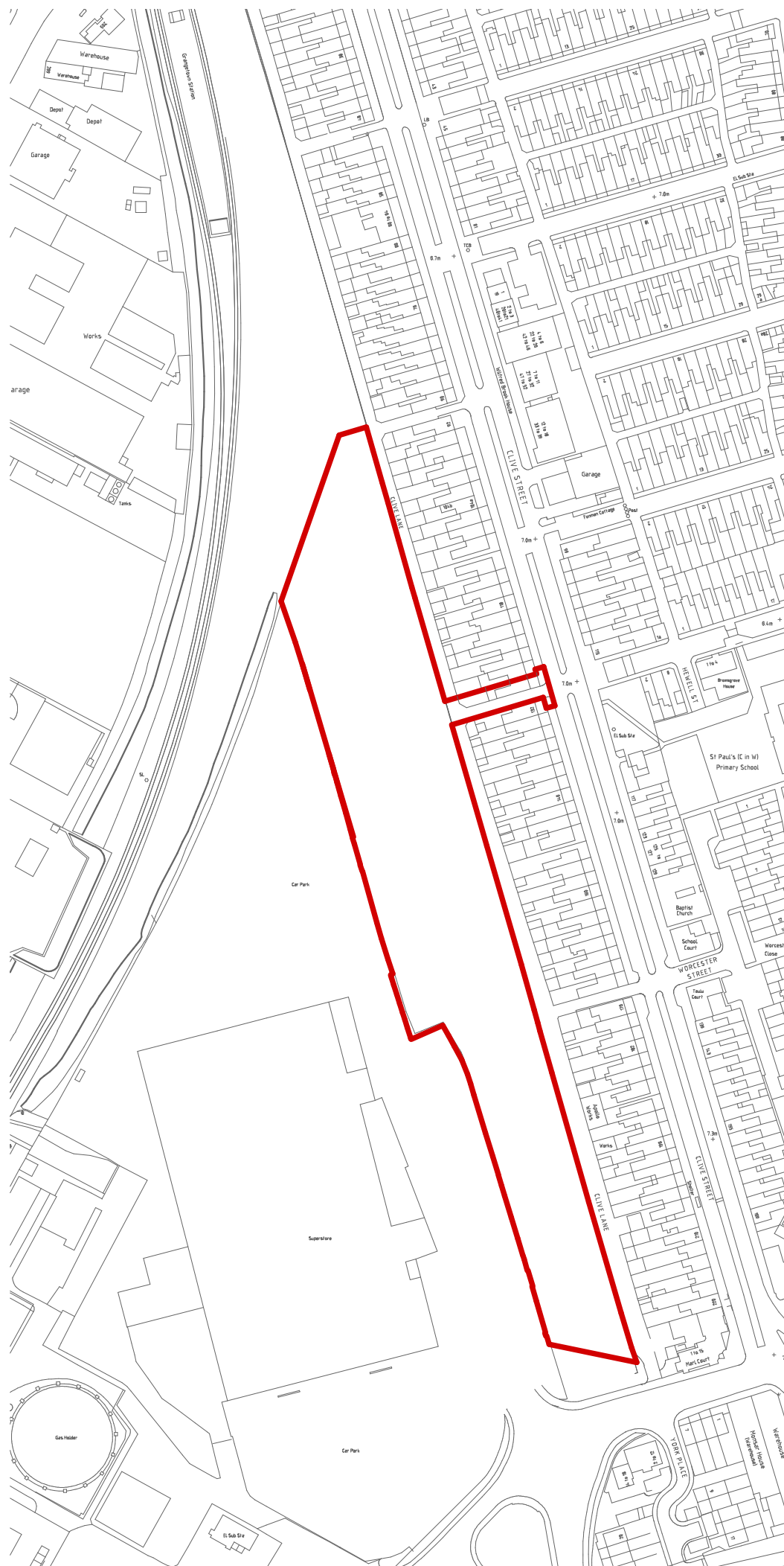
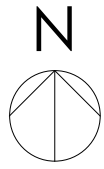
- 9.1 The Section 106 Agreement attached to the outline permission secured the following contributions to mitigate any significant adverse impacts and to provide essential, enabling and necessary infrastructure as defined within LDP Policies KP6 and KP7:
- (i) Affordable Housing: 20% on site provision (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

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Cardiff CF11 9LJ

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Project
Clive Lane, Grangetown

Client
Pegasus Developments

Drawing Title

Location Plan

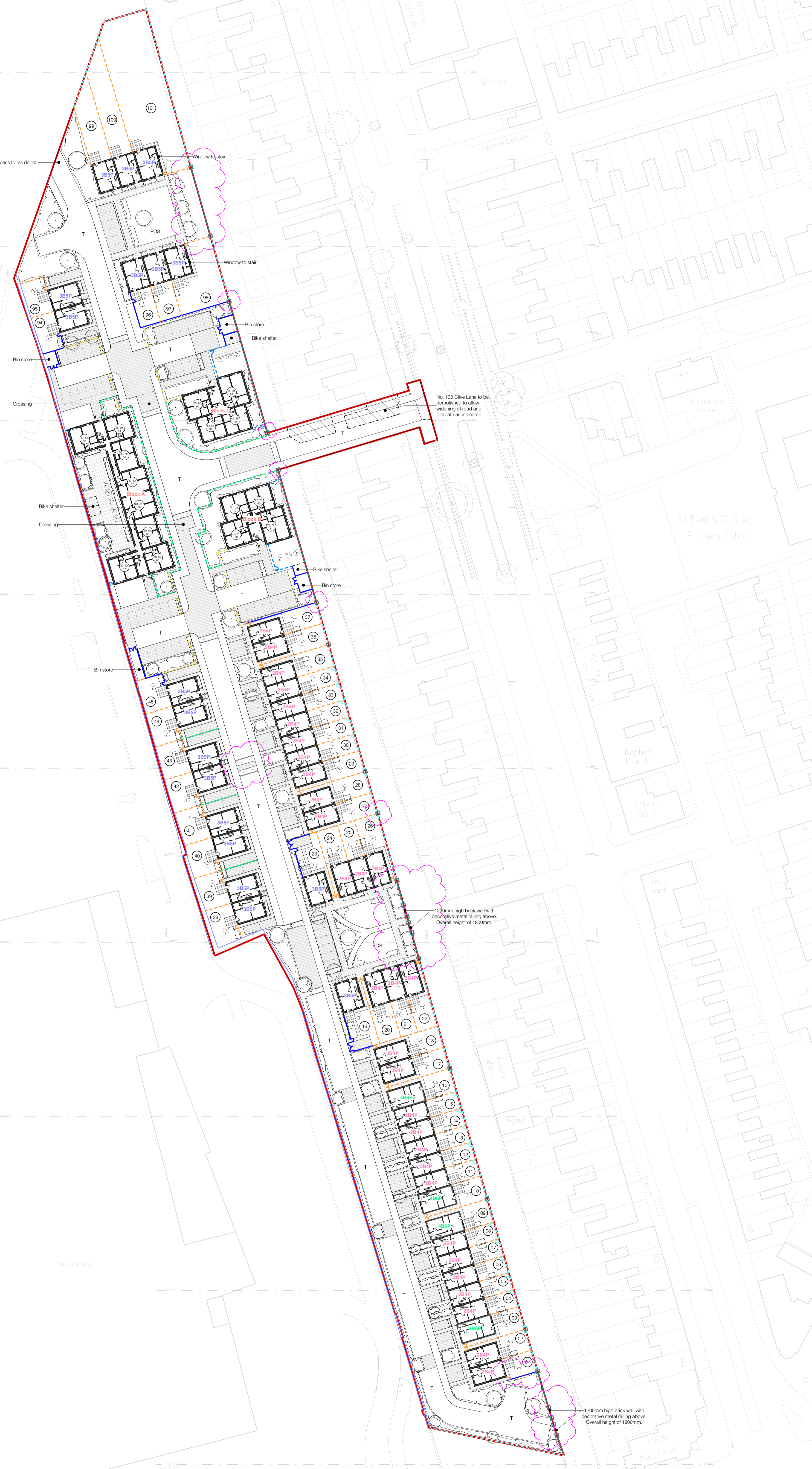
NOTES Do not scale. All dimensions are in millimetres unless stated otherwise

Date
Oct '17

Scale
1 : 2500 @ A3

Drawing No.
3599 PA 001

Rev.



Boundary Types

- 1100mm high decorative metal railing.
- 700mm high brick wall with brick on end coping and decorative metal railing above. Overall height of 1500mm.
- 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 ha & misc timber fencing.
- 2100mm high ha & 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.

Landscaping Materials

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

Symbols

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

Notes

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.

Revisions

A PLANTING ADDED TO POS AND PARKING AREA REVISED.
01 FEB '18



Project	Client	Date	Scale	Drawing Title	Drawing No.	Rev.
Clive Lane	Pegasus Developments	Dec '17	NTS	View of Public Open Space	3599 PA 080	A

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



Project	Client	Date	Scale	Drawing Title	Drawing No.	Rev.
Clive Lane	Pegasus Developments	Dec '17	NTS	View From Main Approach	3599 PA 081	A

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COMMITTEE DATE: 15/03/2018

APPLICATION No. 17/02832/MJR DATE RECEIVED: 28/11/2017

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Piazza Estate Ltd

LOCATION: 116-118 City Road, Roath, Cardiff

PROPOSAL: DEMOLITION OF EXISTING A3 UNIT AND RESIDENTIAL APARTMENTS ABOVE. PROPOSED A3 COMMERCIAL UNIT AT GROUND FLOOR AND 8 NO. RESIDENTIAL STUDENT CLUSTERS ACCOMMODATION ON 4NO. STOREY WITH COMMON FACILITIES ON THE GROUND FLOOR.

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, or otherwise under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

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

Plans

P.01	Site Location Plan
P.02	Existing Site Plan
P.03	Existing Ground Floor Plan
P.04	Existing First Floor Plan
P.05	Existing Second Floor Plan
P.06	Existing Roof Plan
P.07	Existing South West Elevation
P.08	Existing South East Elevation
P.09	Existing NE & NW Elevations
P.10A	Proposed Site Plan
P.11A	Proposed Ground Floor Plan
P.12	Proposed First Floor Plan
P.13	Proposed Second Floor Plan
P.14	Proposed Third Floor Plan
P.15	Proposed Fourth Floor Plan
P.16	Proposed Roof Plan
P.17	Proposed South West Elevation
P.18A	Proposed South East Elevation
P.19	Proposed North West Elevation

P.20 Proposed North East elevation
P.21 Site Photos

Documents

WYG Pre-Application Consultation Report ref: A106055 dated November 2017
Elio Leo Architects Design & Access Statement
Dickson Consulting Drainage Strategy Report, revision B ref: 17.1164.
Agent Email dated 15 December 2017 with attached Transport Statement
Email dated 04 January 2018 from G Webber, Transport Consultant with attached Additional Transport Comments
Agent email dated 08 January 2018 with additional Air Quality information.

Reason. For the avoidance of doubt.

3. Notwithstanding the submitted plans, details of the facilities for the secure storage of 20 cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the beneficial use of the development and shall thereafter be retained and maintained.
Reason: To ensure that adequate provision is made for the secure parking of cycles.
4. The refuse storage facilities shown on the approved plans shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason. To protect the amenities of the area.
5. Prior to commencement of development, a construction management plan shall be submitted to and approved by the Local Planning Authority to include (but not be exclusive to) details of construction traffic routes, site hoardings, site access, wheel washing facilities and parking of contractors vehicles. A phasing plan shall identify phases of construction of development and shall ensure safe and convenient pedestrian, cycle and vehicular access around and through those areas not under construction or where construction is complete. The development shall be carried out in accordance with the provision of the approved phasing plan or any variation thereof agreed in writing with the Local Planning Authority.
Reason: In the interests of highway safety and public amenity and to ensure an orderly form of development and safe access through and within the site.
6. No part of the development hereby permitted shall be occupied until a travel/parking/traffic/resident/letting management plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; the management of traffic at the start and end of term;

the control of vehicular access to the site; the exclusion and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority.

Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.

7. No part of the development hereby permitted shall be commenced until a scheme of public realm reinstatement/improvement works to the City Road / Pearson Road footway and the side, and rear lanes adjacent to the site has been submitted to and approval in writing by the LPA. The scheme to include the removal, re-kerbing and reinstatement as footway of the existing vehicle dropped kerb to the front of the site on City Road / Pearson Road; the reinstatement/resurfacing as required of the remainder of the footway abutting the site; and the resurfacing of the side and rear lane to the south and west of the site, to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.
Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.
8. No customers shall be admitted to or allowed to remain on the ground floor commercial premises between the hours of 22:00 and 08:00 on any day.
Reason. To protect the amenity of adjacent residential occupiers.
9. Insofar as relates to any Class A3 (Food & Drink) use of the ground floor commercial units hereby approved, the premises shall be used as a coffee shop/café/restaurant and no other purpose (including as a bar or other vertical drinking establishment) within Use Class A3 (Food & Drink) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason. The use of the premises as a bar or drinking establishment may prejudice the amenities of the area and may increase instances of crime and disorder.
10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order) no sale of hot food for consumption off the premises shall take place from the premises.
Reason: To ensure that the use of the premises does not prejudice the amenities of the area.
11. Prior to the commencement of the development an Acoustic Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Acoustic Assessment must:

- 1) Conduct a background noise assessment of the site to determine the types and extent of sounds affecting the site;
- 2) Consider the likely impact of the road traffic noise from City Road affecting the habitable rooms in the development;
- 3) Consider the likely impacts of other environmental noises from other land uses in the vicinity of the development;
- 4) Consider the likely impact of commercial noise from the proposed Food & Drink unit upon the habitable rooms in the development;
- 5) Consider the likely impact of permitted, but as yet undeveloped sites in the area; and
- 6) Recommend likely mitigation measures that would be required to minimise the potential impacts of the noise. The mitigation measures must be based upon points (2) – (5) above.

Any mitigation measures recommended must be installed and demonstrated, in writing, to be effective to the satisfaction of the Local Planning Authority prior to beneficial occupation.

Reason: To prevent unacceptable harm to health and/or local amenity because of noise pollution in accordance with LDP Policy EN13 – Air, Noise, Light Pollution and Land Contamination.

12. If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

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

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

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM)

which identifies and assesses all identified potential source, pathway, and receptor linkages;

- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

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

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

14. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. 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 / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), 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 Cardiff Local Development Plan.

15. The remediation scheme approved by condition 14 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), 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 Cardiff 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. The louvre panels to the first and second floor windows of the north west elevation, serving the 2no. kitchen/hub rooms shall be installed prior to the beneficial occupation of the student accommodation and shall thereafter be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.
Reason. To protect the privacy and amenity of adjacent and future occupiers.
18. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- i) A suitable connection point to the existing public sewer network for both foul and surface water,
 - ii) A method statement to demonstrate how the public sewer will be protected during construction and for the lifetime of the development.
 - iii) A plan showing how surface water will drain to the agreed connection point (see i above) and limited to a maximum discharge rate that does not exceed 5 l/s.

Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

19. No development shall take place until a scheme showing the architectural detailing of the building(s) has been submitted to and

approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented.

Reason: To ensure a satisfactory finished appearance to the development.

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

Reason: To ensure that the finished appearance of the development is in keeping with the area.

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

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

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

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

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

RECOMMENDATION 4 : The applicant is advised that works to the Highway will be subject to agreement(s) with the Council under Section 278 and/or Section 38 of the Highways Act 1980.

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

RECOMMENDATION 6: Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An application for the construction of a 3 to 5 storey building with a ground floor commercial unit and 2 to 4 floors of student accommodation comprising 6x 5 bedroom cluster flats, with 5no. communal hubs.

The ground floor (student use) accommodates an entrance foyer, lift area, gym room, cycle and refuse storage facilities.

- 1.2 The application indicates that the commercial unit will occupy approx. 98sqm of ground floor area, fronting and accessed off City Road, with a proposed Class Class A3 (Food & Drink) use. The opening hours for these premises would be 08:00 – 22:00, controlled by condition (7 above).

- 1.3 The building's form is 3 storey flat roof to the rear part of the site (along Pearson Street), with the taller 5 storey element forming the frontage to City Road & the corner to Pearson Street.

- 1.4 The City Road upper elevation is to be finished in a combination of glazing, brown facing brick and white render, with false balconies. There is a small projecting 'fin' feature to the northern end of this elevation (adjacent to no. 120).

The ground floor elevation (to the entrance foyer and commercial unit) is finished in large areas of glazing/glass doors, with separation formed by grey metal cladding.

- 1.5 The upper floors elevation to Pearson Street has an initial continuation of the white render which then gives way to a combination of facing brick and grey metal cladding to the first and second floor, with complete grey metal cladding coverage to the third and fourth floor element. The 5 storey element benefits from projecting windows with false balconies formed by railings.

The ground floor elevation has a glazed façade to the commercial unit frontage, with a grey facing brick finish to the area containing the refuse storage facilities.

A covered walkway is retained to the rear of the building (adjacent to 1 Pearson Street) giving access to the cycle store and providing emergency egress.

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 236sqm in area, forming the northern corner of the junction of City Road and Pearson Street. The property is currently in use as a restaurant to the ground floor, with two floors of residential accommodation above (one floor in the roofspace).

- 2.2 The adjacent property on City Road (120) is in use as a ground floor restaurant, with accommodation above. The property to the southern corner of the same junction has a retail ground floor use, with residential above and to the rear.

To the opposite side of City Road there are commercial ground floor uses (Class A1 Shops), some with accommodation above.

To the rear of the site, the properties are residential terraced dwellings fronting Pearson Street.

3. **SITE HISTORY**

- 3.1 08/01372/C – Conversion of first floor to four flats – Approved.

08/02034/C – Change of use of ground floor to restaurant – Approved.

09/01286/C – Change use of ground & first floors to restaurant with external alterations – Refused.

4. **POLICY FRAMEWORK**

- 4.1 The relevant Local Development Plan Policies are:

Policy KP5 (Good Quality and Sustainable Design)

Policy H6 (Change of Use or Redevelopment to Residential Use)

Policy T1 (Walking and Cycling)

Policy T5 (Managing Transport Impacts)

Policy T6 (Impact on Transport Services and Networks)

Policy W2 (provision for Waste Management Facilities in Development)

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

Access, Circulation and Parking Standards 2010

Waste Collection and Storage Facilities 2007

- 4.3 In addition to the above, the following new Supplementary Planning Guidance is also relevant:

Food Drink and Leisure Uses Nov 2017

Infill Sites Nov 2017

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The Transportation Manager has no objection, subject to conditions in respect of construction site and student management plans, increased cycle parking provision (to 20 from 14) and highways improvement works. In addition, the following financial contributions are requested:

A combined transportation contribution of **£35,000** is sought to provide:-

A contribution toward installation of improved pedestrian crossing facilities (including footways and crossings) in the immediate vicinity of the proposed development (£22,000);

The investigation and implementation of new and amended TROs in the vicinity of the site. Including, but not limited to, implementation a 20mph area speed limit in the vicinity of the development, and parking and loading TRO amendments as required as a consequence of the development (£13,000).

To provide improved pedestrian access to support the proposed development and facilitate safe commodious access to/from adjacent facilities, sustainable transport options and encourage the uptake of active travel.

- 5.2 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.3 The Waste Manager considers the indicated refuse storage facilities to be acceptable.
- 5.4 The Pollution Control Manager (Contaminated Land) has no objection, subject to a condition in respect of unforeseen contamination, along with contaminated land advice.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of an Acoustic Assessment, with further advice in respect of construction site noise.
- 5.6 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.
- 5.7 The Parks Manager has no objection to the proposed change of use, subject to the developer agreeing to a financial contribution of **£16,396** towards the provision of or maintenance of existing open space in the vicinity of the site.
- 5.8 The Neighbourhood Regeneration Manager has no objection, advising that the proposals do not generate the requirement for a financial contribution.
- 5.9 The Housing Strategy Manager advises that given the proposal is for student accommodation, no affordable housing contribution is required.
- 5.10 The Air Quality Manager has no objection, subject to a condition in respect of an Air Quality Assessment.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions and advice in respect of site drainage.
- 6.2 South Wales Police do not object to the proposals, providing advice in respect of the Secured by Design principles (passed to the Agent).

7. **REPRESENTATIONS**

- 7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures. No comments have been received.
- 7.2 Local Members have been consulted and no comments have been received.

8. **ANALYSIS**

- 8.1 An application for the construction of a 3 to 5 storey building with a ground floor commercial unit and 2 to 4 floors of student accommodation comprising 6x 5 bedroom cluster flats, with 5no. communal hubs.
- 8.2 The application site falls within City Road District Centre as defined by the Adopted Local Development Plan proposals map and should therefore be assessed against Policy R4 which aims to promote and protect the shopping role of district centres while supporting a mix of appropriate uses. Policy R4 aims to promote and protect the shopping role of district centres and favours retail, office, leisure and community facilities within District Centres. Criterion (iv) permits proposals for uses other than Class A1 at ground floor level if they would not cause unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages.

Paragraph 5.273 of the supporting text recognises that the provision of residential accommodation at upper floors within centres can support their vitality, attractiveness and viability.

Assessed against this policy framework, the redevelopment of the site for student accommodation raises no land use policy concerns. Given the site's location in a designated district centre the commercial A3 element at ground floor level is supported, subject to an assessment of residential amenity. This unit will serve to maintain and enhance the vitality and viability of the City Road district centre.

The A3 use has been assessed against Policy R8 (Food and Drink Uses) of the adopted LDP and the Food Drink and Leisure Uses SPG (November 2017). Policy R8 states that food and drink uses are most appropriately located within existing retail centres and are unlikely to be acceptable within or adjacent to residential area, where they would cause nuisance and loss of amenity, or result in the loss of a residential property.

Paragraph 1.4 of the SPG also acknowledges that there are instances where the provision of appropriately sized retail (including A3) units may be actively encouraged or required as part of redevelopment plans.

In this case, given the nature of the development proposed and the extant use of the ground floor as a restaurant, it is considered that the proposals do not raise any land use policy concerns.

- 8.3 The proposed building, in terms of the City Road frontage building, presents a flat roof contemporary design in contrast to the existing traditional pitched roof structure, and is approx. 4.0m higher than the existing ridge height.

Although the proposals introduce (effectively) two additional floors of accommodation, the increase in height is considered to be acceptable to this corner location, having no adverse impact on the amenity of adjacent occupiers, or the wider environment, presenting a 'bookend' to this end of terrace in the street scene.

The design and finish of the taller element is considered to be acceptable, with the split in materials (brick to render) providing a vertical emphasis to the façade, with the coloured balustrades adding a splash of colour and vibrancy. The ground floor presentation to the street is that of a commercial shopfront, with a high degree of glazing.

- 8.4 The side elevation of the taller element (fronting Pearson Street) presents a different approach to the City Road frontage in that the use of render is limited to a small wrap around from City Road, with the remainder of this structure finished in facing brick and grey metal cladding (to floor 3 & 4).

The upper floors feature projecting bay windows, with false balconies and full height glazing. It is considered that these windows add a degree of activity at upper floor level that provides interest to the large façade. The glazed finish to the ground floor (to the commercial unit frontage) continues the approach from City Road and will add further activity and light to this area.

- 8.5 The rearmost element of the proposals see the introduction of a second floor to the current building, which is one of a flat roof two storey structure. The relationship with the adjacent dwelling at no. 1 Pearson Street however remains relatively unchanged, as both the current building and the proposed, directly abut the side elevation of no. 1. It is of note that although the proposals introduce an additional floor, the overall height of the proposed building does not exceed that of the ridge to no. 1. In this case, it is considered that the scale of the rear element does not cause any undue harm to the street scene.

The Pearson Street façade of the rear element is slightly different to that of the taller element in that the projecting windows are replaced with narrower full height windows that are separated by sections of facing brick and cladding panels. This provides a distinction between the two elements and is

considered to add further interest and diversion from the larger scale than that of the existing building.

To the reverse façade of the rear element (facing along the backs of the properties fronting City Road), there are four sets of new windows, serving 2x 'living hubs' and 2x disability studio rooms. The 'living hub' windows are protected from views into the rear garden of no. 1 Pearson Street by angled louvres, and the studio room windows sit over the roofs of the ground floor annexes to the adjacent properties fronting City Road. In this case, it is considered that the proposals do not result in any adverse impact on the privacy or amenity of adjacent occupiers.

9. **OTHER CONSIDERATIONS**

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

9.2 *Equality Act 2010* – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

9.3 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

10. **PLANNING OBLIGATIONS**

10.1 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Transportation - £35,000 – Pedestrian crossing improvements and TRO's

Parks – £16,396 – Towards the improvement of open space in the vicinity. Details to be agreed in line with the CIL tests.

The agent has indicated that the applicant agrees to the requested contributions.

11. **CONCLUSION**

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

318900m

319000m

319100m

177400m

1774

177300m

1773

177200m

1772

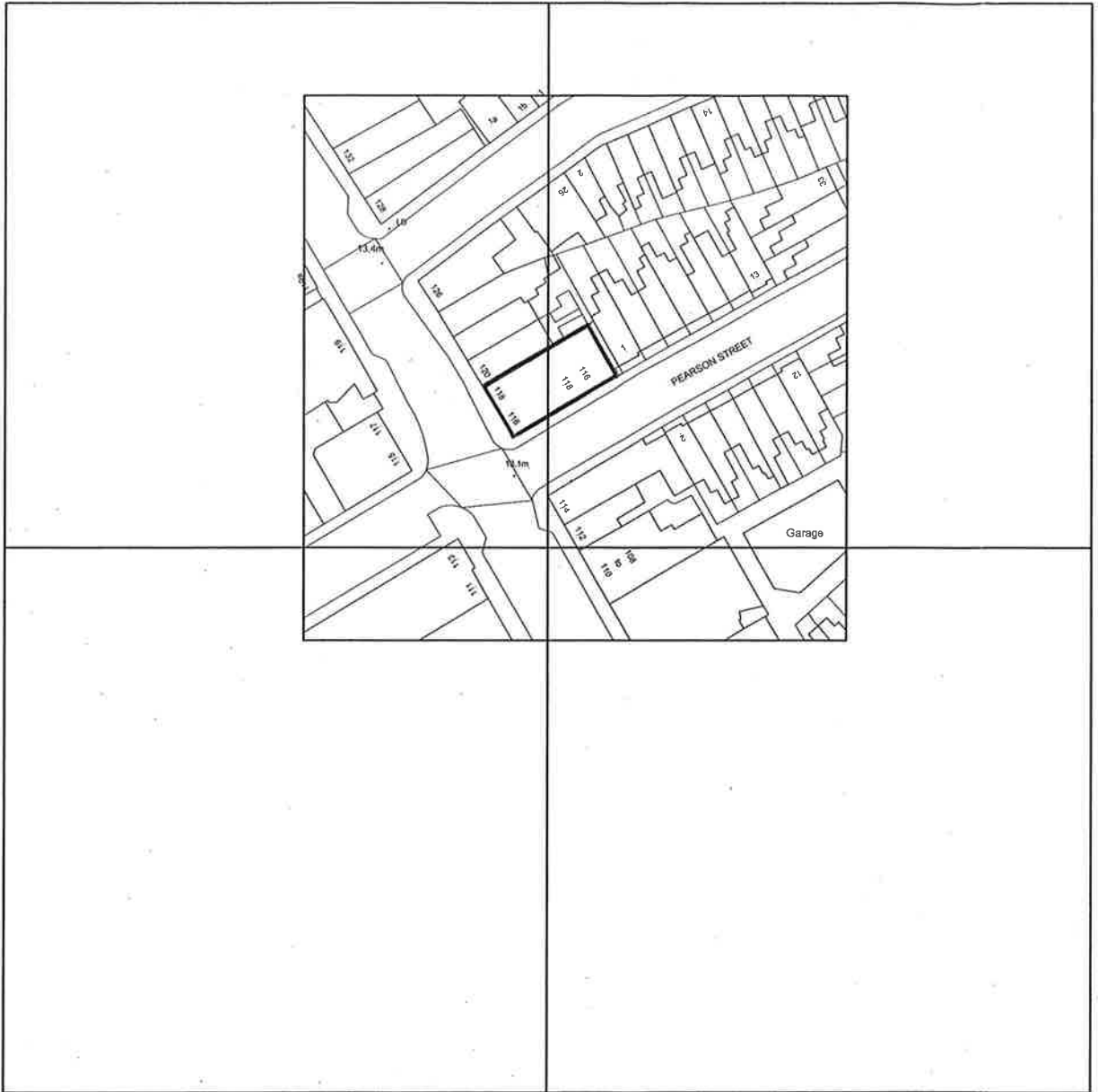
318900m

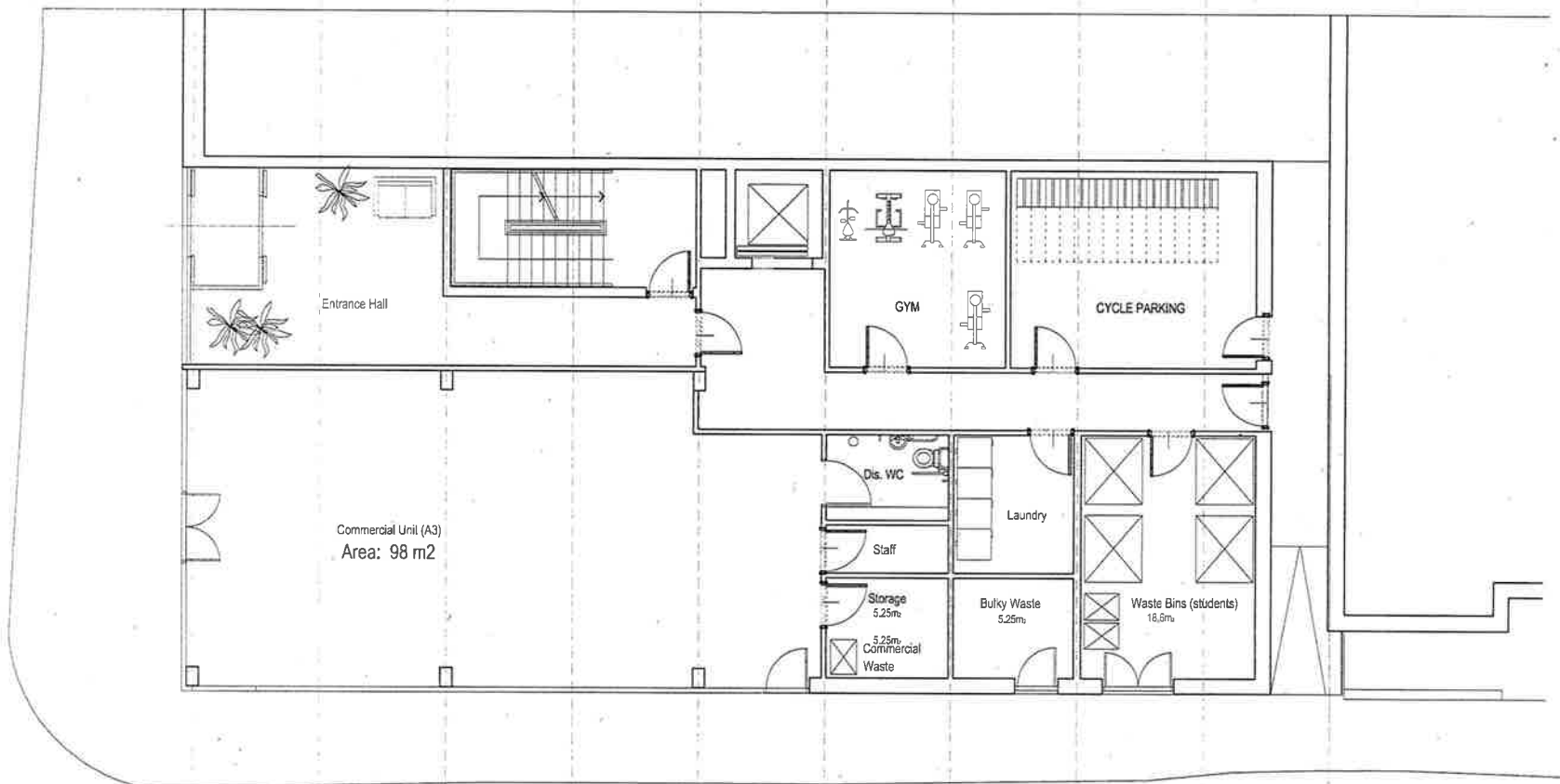
319000m

319100m

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SITE LOCATION PLAN





PROPOSED GROUND FLOOR PLAN
SCALE 1:100

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.11.A	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED GROUND FLOOR PLAN		
<small>ELIO LEO ARCHITECT - Trade Representative Registration 116-118 City Road, Cardiff, CF11 1JG, Wales, UK Tel: 0117 9241111, Fax: 0117 9241112, Email: info@elioleo.co.uk</small>					

17/2832 MR 06/12/17



PROPOSED SOUTH WEST ELEVATION
SCALE 1:100

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.17	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED SOUTH WEST ELEVATION		
<small>ELIO LEO ARCHITECT RIBA (HARTFORD) ARCHITECT 116-118 CITY ROAD, CARDIFF, WALES CF11 1AA T: 0144673336 N: 0749313343 © 2017 www.elioleoarchitect.com</small>					

parapet
+13.950

+11.000

+8.550

+5.850

+3.150

Ground Floor
SSL +
0.150



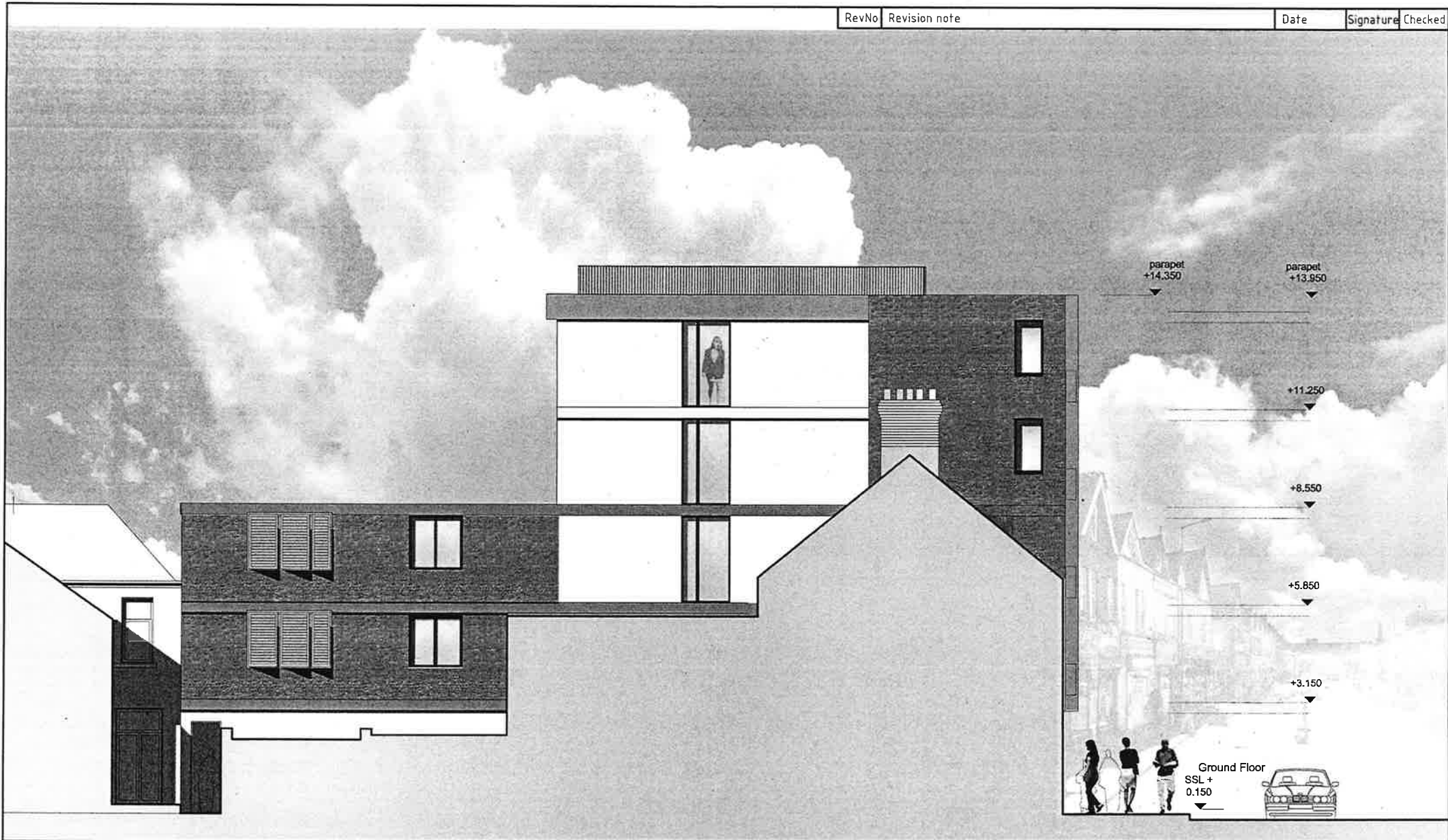
PROPOSED SIDE ELEVATION

PROPOSED SOUTH EAST ELEVATION

SCALE 1:100

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.16A	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED SOUTH EAST		
<small>ELIO LEO ARCHITECT RIBA CHARTERED ARCHITECT STUDIO 6 BLUE HALL, 100A STREET, EDINBURGH, YORK OF EDINBURGH (SFT) EAST TEL: 01463778009 012736512345 ELIO.LEO@ELIOLEOARCHITECT.COM WWW.ELIOLEOARCHITECT.COM</small>					

11/2/17



PROPOSED NORTH WEST ELEVATION
SCALE 1:100

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.19	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED NORTH WEST ELEVATION		
<small>ELID LEO ARCHITECT RIBA CHARTERED ARCHITECT 116-118 CITY ROAD, CARDIFF, SOUTH WALES CF11 1JH T: 01495 25252 M: 07884 12345 E: DESIGN@ELIDLEOARCHITECT.CO.UK WWW.ELIDLEOARCHITECT.CO.UK</small>					

11/12/17



**PROPOSED NORTH EAST ELEVATION
SCALE 1:100**

Designed by EL	Checked by EL	Date 09.2017	File name X1	Dwg.N. P.20	Scale 1:100/A3
116-118 CITY ROAD CARDIFF			PROPOSED NORTH EAST ELEVATION		
<small>ELIO LEO ARCHITECT - 118A CHARTERS ARCHITECT 118A CHARTERS ARCHITECT - 118A CHARTERS ARCHITECT 118A CHARTERS ARCHITECT - 118A CHARTERS ARCHITECT</small>					

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**



PLANNING COMMITTEE

15 March 2018

REPORT OF THE DIRECTOR OF CITY OPERATIONS

AGENDA ITEM:

PLANNING COMMITTEE – DELEGATIONS

Reason for this Report

1. To agree a transparent approach to delegated power arrangements with regard to the Council's planning functions and the procedure to be used in the exercise of this delegated authority.
2. To recommend that the Planning Committee Scheme of Delegations attached in the Appendix to this report be approved.

Background

3. The Planning Committee is a standing committee established by full Council to discharge the town and country planning and development control functions of the authority in accordance with its terms of reference, which are set out in the Council's constitution.

Delegations

4. The Welsh Government Development Management Manual section 9.5 states with regard to a Scheme of Delegation:

"Section 70 of the 1990 Act provides LPAs with the power to determine an application for planning permission. Section 101 of the Local Government Act 1972 allows the local authority to arrange for the discharge of its functions, including the determination of an application for planning permission, by a committee, sub-committee or by delegation to an officer of the authority (normally the Head of Service in the case of planning decisions).

Every LPA has a scheme of delegation setting out the development types or other criteria of planning applications which will be determined by planning committee. It identifies the circumstances in which applications can be determined by the Head of Service under delegated powers. These circumstances normally relate to issues such as the type of development, the number of objections received, and who submits the application.

The delegation of decision-making to officers has benefits for all stakeholders in terms of simplifying procedures and freeing up committee members to concentrate on major development, policy issues or controversial cases, removing applications which would typically not elicit member discussion and evaluation at committee. Where there is no need to await a committee cycle and decision, time can be saved in dealing with planning applications.

A scheme of delegation should ensure that the right type of application is determined at the right decision level, reflecting the complexity and conformity of the proposal with planning policy. It should allow minor applications and those in conformity with the development plan, a straightforward route to determination since the LPA's policy position is already stated in the local development plan which is in the interests of efficient and consistent decision making."

- 5 It is considered that an effective scheme of delegation will have a number of benefits including:
 - Providing clarity for all those involved in the development control process
 - Providing a clear and consistent approach that will increase efficiency by speeding up the process whilst ensuring that all appropriate cases are dealt with by the Planning Committee.
 - Increasing levels of probity and transparency by ensuring that developers and all those submitting or making representations on planning applications have clear and available information about how applications are delegated and decided.
 - Allowing Members more time to consider complex, sensitive or strategically important planning applications by reducing the level of applications that go to the Committee.

- 6 It is therefore proposed that The Head of Planning has authority to determine all matters which are delegated to the Planning Committee under the Council's constitution and to carry out any functions under Planning legislation, subject to consultation with the Chair of the Planning Committee (or in his or her absence, the Vice Chair) in any case where written objections on valid planning grounds have been submitted and remain unwithdrawn, EXCEPT for the following matters which are reserved for determination by the Planning Committee:
 - 6.1 Planning applications submitted by current Elected Members of the Council, Directors and Assistant Directors.
 - 6.2 An Elected Member of the Council has requested in writing to the Chair of Planning Committee within the statutory consultation period (being 21 days from the commencement of the formal public consultation) that an application be referred to Planning Committee for consideration giving valid planning reasons, except in cases where the Head of Planning, in consultation with Chair of Planning Committee (or in his or her absence, the Vice Chair) determines at his discretion that the application should be determined as a delegated decision.
 - 6.3 The Director of Planning, Transport and Environment or the Head of Planning considers that the application should be determined by Planning Committee by virtue of the application raising significant policy and material considerations/concerns and/or widespread local concerns.
 - 6.4 Approval of the application would represent a significant departure from policies contained within the approved Local Development Plan.

- 6.5 Cardiff Council is the applicant and the scheme is not of a 'minor' nature in the opinion of the Director of Planning, Transport and Environment or Head of Planning.
- 6.6 Applications where the decision would conflict with an objection received from a statutory consultee and the objection has not been withdrawn or has been unable to be resolved by negotiation or by imposing a planning condition on any consent issued, except in cases where the Head of Planning, in consultation with Chair of Planning Committee (or in his or her absence, the Vice Chair) determines at his discretion that the application should be determined as a delegated decision.
- 6.7 Applications where a valid petition has been submitted in accordance with the Council's Planning Committee Procedure Rules.
- 6 In the absence of the Head of Planning, it is proposed that the delegation shall be exercisable by either of the Planning Operational Managers. In the case of a senior management re-organisation, any officers with similar duties to the officers and the job titles to those specified in the scheme will have the powers assigned to the officers and the job titles in the scheme.
- 7 In the absence of the Chair of Planning Committee, it is proposed that the authority passes to the Vice Chair of Planning Committee.
- 8 Reports will be prepared for all delegated applications outlining the material issues for consideration together with a recommendation. Each report is to be signed by the report author, the Head of Planning or either of the Planning Operational Managers and where written valid planning objections and/or concerns have been submitted, or as otherwise considered appropriate by the Head of Planning, also to be following consultation with, signed by, the Chair of Planning Committee (or in his/her absence, the Vice Chair).

Legal Implications

- 10 Under section 101 of the Local Government Act 1972, where any functions of a local authority may be discharged by a committee, then, unless the local authority otherwise directs, the committee may arrange for the discharge of any of those functions by an officer of the authority. The Council has made not contrary direction in this case, and therefore, it is within the power of the Planning Committee to delegate to an appropriate Council officer any of the functions falling within the Committee's terms of reference, provided Members are satisfied that it is appropriate to do so. It should be noted that any delegation so made does not prevent the Committee from exercising those functions in any case it considers appropriate. However, any such officer delegation may not be further delegated, unless expressly provided for in the Committee resolution (pursuant to the Scheme of Delegations, Section 4A, paragraph 1.6 (ii)).
11. Accordingly this report seeks approval from the Planning Committee to delegate those functions set out in the Appendix to the Council's Head of Planning and in his absence to either of the Planning Operational Managers to facilitate the efficient and effective discharge of those functions. Further, in the interests of clarity and transparency the Constitution Committee be asked to consider incorporating the delegations set out in the Appendix to this report within the Constitution Scheme of Delegations. Any such amendment to the Scheme of Delegations would be subject to approval by full Council.

Financial Implications

12 This report has no direct financial implications

RECOMMENDATION

Planning Committee is recommended to:

1. Approve the Scheme of Delegations to the Head of Planning as set out in the Appendix to this Report
2. Ask the Constitution Committee to consider incorporating the Planning Committee's approved delegations (under recommendation 1 above) in the Scheme of Delegations within the Constitution.

Andrew Gregory
Director of City Operations
15 March 2018

Appendix

Development Management Delegations Scheme

The Head of Planning has authority to determine all matters which are delegated to the Planning Committee under the Council's constitution and to carry out any functions under Planning legislation, subject to consultation with the Chair of the Planning Committee (or in his or her absence, the Vice Chair) in any case where written objections on valid planning grounds have been submitted and remain unwithdrawn, EXCEPT for the following matters which are reserved for determination by the Planning Committee:

1. Planning applications submitted by current Elected Members of the Council, Directors and Assistant Directors.
2. An Elected Member of the Council has requested in writing to the Chair of Planning Committee within the statutory consultation period (being 21 days from the commencement of the formal public consultation) that an application be referred to Planning Committee for consideration giving valid planning reasons, except in cases where the Head of Planning, in consultation with Chair of Planning Committee (or in his or her absence, the Vice Chair) determines at his discretion that the application should be determined as a delegated decision.
3. The Director of Planning, Transport and Environment or the Head of Planning considers that the application should be determined by Planning Committee by virtue of the application raising significant policy and material considerations/concerns and/or widespread local concerns.
4. Approval of the application would represent a significant departure from policies contained within the approved Local Development Plan.
5. Cardiff Council is the applicant and the scheme is not of a 'minor' nature in the opinion of the Director of Planning, Transport and Environment or Head of Planning.
6. Applications where the decision would conflict with an objection received from a statutory consultee and the objection has not been withdrawn or has been unable to be resolved by negotiation or by imposing a planning condition on any consent issued, except in cases where the Head of Planning, in consultation with Chair of Planning Committee (or in his or her absence, the Vice Chair) determines at his discretion that the application should be determined as a delegated decision.
7. Applications where a valid petition has been submitted in accordance with the Council's Planning Committee Procedure Rules.

In the absence of the Head of Planning, this delegation shall be exercisable by either of the Planning Operational Managers. In the case of a senior management re-organisation, any officers with similar duties to the officers and the job titles specified in this scheme will have the powers assigned to the officers and the job titles in this scheme.

In the absence of the Chair of Planning Committee, the authority passes to the Vice Chair of Planning Committee.

Reports will be prepared for all delegated applications outlining the material issues for consideration together with a recommendation. Each report is to be signed by the report author, the Head of Planning or either of the Planning Operational Managers and where written valid planning objections and/or concerns have been submitted, or as otherwise considered appropriate by the Head of Planning, also to be following consultation with, signed by, the Chair of Planning Committee (or in his/her absence, the Vice Chair).

Applications decided by Delegated Powers between 01/02/2018 and 28/02/2018

Total Count of Applications: 190

ADAM

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02862/MJR	05/12/2017	MALIK	DISCHARGE OF CONDITIONS 4 (DRAINAGE), 5 (CONTAMINATION), 6 (REMEDIATION SCHEME), 12 (WASTE STRATEGY), 14 (ROLLER SHUTTER DOOR), 15 (PARKING), 16 (CYCLE PARKING), 17 (CONSTRUCTION MANAGEMENT PLAN) AND 18 (ENVIRONMENTAL IMPROVEMENTS) OF 15/02271/MJR	FORMER RIVA BINGO, AGATE STREET, ADAMSDOWN, CARDIFF, CF24 1PF	76	False	Partial Discharge of Condition (s)	19/02/2018
18/00017/MJR	04/01/2018	Cardiff and Vale University Health Board	INTERNAL ALTERATION WORKS TO THE SECOND FLOOR OF BUILDING 11 INVOLVING ALTERATIONS TO WALLS, DOORS, CEILINGS AND FLOORS PLUS NEW INTERNAL PARTITIONS AND DECORATION WORKS	CARDIFF ROYAL INFIRMARY, NEWPORT ROAD, ADAMSDOWN, CARDIFF, CF24 0SZ	47	True	Permission be granted	20/02/2018

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/03076/MNR	19/12/2017	Williams	CONSTRUCTION OF TWO SELF CONTAINED FLATS.	REAR OF 110 BROADWAY, ADAMSDOWN, CARDIFF, CF24 1NJ	59	False	Permission be granted	16/02/2018
18/00349/MNR	09/02/2018	Munir	AMENDMENT OF INTERNAL LAYOUT CREATING FLATS PREVIOUSLY APPROVED UNDER 17/02851/MNR	210 NEWPORT ROAD, ROATH, CARDIFF, CF24 1DN	17	True	Permission be granted	26/02/2018

BUTE

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02070/MJR	24/08/2017	Skyview Estates Ltd	DISCHARGE OF CONDITIONS 2 (ARCHITECTURAL DETAILING), 3 (FINISHES), 4 (MATERIALS), 5 (METHOD STATEMENT), 6 (LEVELS), 7 (PLANT AND MACHINERY), 8 (MATERIALS AND FINISHES), 9 (ARCHITECTURA/ENGINEERING DETAILS) AND 10 EXTERNAL VISIBLE PIPES) OF LISTED BUILDING CONSENT 07/02362/C	CORYS BUILDINGS, 57 BUTE STREET, BUTETOWN, CARDIFF, CF10 5AJ	182	False	Full Discharge of Condition	22/02/2018
17/02364/MJR	03/10/2017	Associated British Ports	DISCHARGE OF CONDITIONS 8 (REMEDIATION SCHEME), 17 (LANDSCAPING) AND CONDITION 22 (REMEDIATION STRATEGY) OF 17/00383/MJR	LAND ADJACENT TO ATKIN GROUP, CARGO ROAD, CARDIFF BAY, CARDIFF, CF10 4RP	142	False	Full Discharge of Condition	22/02/2018
17/03116/MJR	28/12/2017	Rightacres Property Company Limited	CHANGE OF USE OF LAND FOR USE AS A TEMPORARY CAR PARK	PART OF LAND AT S A BRAIN & CO LTD, 13 CRAWSHAY STREET, BUTETOWN, CARDIFF, CF10 5DS	56	True	Permission be granted	22/02/2018
17/02925/MJR	05/12/2017	Cadwyn Housing Association	ERECTION OF 7 ONE-BED AND 7 TWO-BED AFFORDABLE RESIDENTIAL SHIPPING CONTAINER UNITS, ONE WARDEN'S OFFICE SHIPPING CONTAINER UNIT, ROOFTOP P.V. SOLAR PANELS, EXTERNAL STORAGE CONTAINERS (FOR STORAGE OF BINS AND AS SPRINKLER STORE), BOUNDARY FENCING, ASSOCIATED LANDSCAPING AND OTHER ASSOCIATED WORKS.	238 BUTE STREET, BUTETOWN, CARDIFF, CF10 5HT	73	False	Permission be granted	16/02/2018
17/03049/MJR	18/12/2017	Rightacres Property Company Limited	DEMOLITION OF BUILDINGS IN PREPARATION FOR REDEVELOPMENT OF THE SITE AS PART OF THE CENTRAL QUAY DEVELOPMENT PROPOSALS.	S A BRAIN & CO LTD, 13 CRAWSHAY STREET, BUTETOWN, CARDIFF, CF10 5DS	50	True	Prior Approval be granted	06/02/2018

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
18/00220/MNR	30/01/2018	Gorilla TV Ltd	DISCHARGE OF CONDITION 14 (EXTERNAL PLANT) OF 11/00026/DCI	GORILLA TV LTD FOURTH FLOOR, GLOWORKS CENTRE OF CREATIVE INDUSTRIES, HEOL PORTH TEIGR, BUTETOWN, CARDIFF, CF10 4GA	8	True	Full Discharge of Condition	07/02/2018

CAER

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02921/DCH	07/12/2017	Loane	RETENTION OF SHED	59 HEOL EGLWYS, CAERAU, CARDIFF, CF5 5PA	56	True	Permission be granted	01/02/2018

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/03036/MJR	18/12/2017	The City of Cardiff Council	DISCHARGE OF CONDITION 29 (DETAILS OF BIN STORE, SPRINKLER TANK AND HOUSING, GRANDSTAND, SPORTS PITCH STORAGE OR EXTERNAL DINING CANOPY) OF 17/01453/MJR	LAND AT AND ADJACENT TO THE FORMER GLYN DERW HIGH SCHOOL, PENALLY ROAD, CAERAU, CARDIFF	49	True	Full Discharge of Condition	05/02/2018

CANT

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
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17/03105/DCH	21/12/2017	Cooper	LOFT CONVERSION WITH DORMER TO REAR	34 BURLINGTON TERRACE, CANTON, CARDIFF, CF5 1GG	46	True	Permission be granted	05/02/2018
17/02846/DCH	24/11/2017	Hopkins	SECOND FLOOR EXTENSION TO FORM ADDITIONAL BEDROOM	115 ROMILLY ROAD, CANTON, CARDIFF, CF5 1FN	69	False	Planning Permission be refused	01/02/2018
17/03023/DCH	19/12/2017	Brown	Formation of first floor extension over existing rear monopitched extension, further ground floor extensions and dormer to form second floor bedroom suite	25 CHARGOT ROAD, CANTON, CARDIFF, CF5 1EW	44	True	Permission be granted	01/02/2018
17/02994/DCH	11/12/2017	Aslam	GROUND AND FIRST FLOOR REAR/SIDE EXTENSION	75 BROAD STREET, CANTON, CARDIFF, CF11 8BW	70	False	Permission be granted	19/02/2018
18/00116/DCH	17/01/2018	Massey	GROUND FLOOR REAR EXTENSION AND ROOF EXTENSIONS	9 VICTORIA AVENUE, CANTON, CARDIFF, CF5 1ET	42	True	Permission be granted	28/02/2018
17/02946/DCH	08/01/2018	Davies	SINGLE STOREY EXTENSION TO REAR, HIP TO GABLE AND REAR DORMER ROOF EXTENSIONS, AND NEW OFF ROAD PARKING	24 AUBREY AVENUE, CANTON, CARDIFF, CF5 1AQ	30	True	Permission be granted	07/02/2018
18/00118/DCH	23/01/2018	Paul	SINGLE STOREY 'GARDEN ROOM' TO REAR OF PROPERTY	121 BROAD STREET, CANTON, CARDIFF, CF11 8BW	36	True	Permission be granted	28/02/2018
18/00201/DCH	25/01/2018	Williams	DEMOLITION OF EXISTING REAR EXTENSION AND ERECTION OF NEW REAR EXTENSION TO TERRACED HOUSE.	21 GRANVILLE AVENUE, CANTON, CARDIFF, CF5 1BW	32	True	Permission be granted	26/02/2018

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/03084/MNR	16/01/2018	Bamrah	GROUND & FIRST FLOOR REAR EXTENSIONS, AND CONVERSION TO THREE FLATS	129 LLANDAFF ROAD, CANTON, CARDIFF, CF11 9NH	41	True	Permission be granted	26/02/2018

17/02961/MNR	11/12/2017	SPL TA HOLDINGS LTD	CHANGE OF USE FROM 4 BED DWELLING TO 7 BED HMO AND CONSTRUCT NEW SINGLE STOREY EXTENSION AND DORMER TO LOFT CONVERSION	15 GROSVENOR STREET, CANTON, CARDIFF, CF5 1NH	70	False	Permission be granted	19/02/2018
17/02677/MNR	08/11/2017	BERESFORD	CONVERT 4 BED HOUSE INTO 2NO APARTMENTS WITH REAR DORMER AND 2 STOREY REAR EXTENSION	6 LIBRARY STREET, CANTON, CARDIFF, CF5 1QD	100	False	Permission be granted	16/02/2018
17/02238/MNR	14/09/2017	Halai	DISCHARGE OF CONDITIONS 3 (GAS PROTECTION), 4 (CONTAMINATED LAND), 6 (GROUND PERMEABILITY) AND 9 (CONSTRUCTION MANAGEMENT) OF 14/01133/DCO	LAND AT 7 BROADACRES, CANTON	151	False	Full Discharge of Condition	12/02/2018
17/01314/MNR	08/06/2017	Thompson	DISCHARGE OF CONDITIONS 4 (CYCLE SPACES) AND 5 (WASTE STORAGE) OF 15/03026/MNR	REAR OF 49, BEDA ROAD, CANTON, CARDIFF, CF5 1LX	251	False	Full Discharge of Condition	14/02/2018
18/00181/MNR	24/01/2018	Price	USE AS 4 FLATS	22 ST JOHN'S CRESCENT, CANTON CARDIFF CF5 1NX	15	True	Permission be granted	08/02/2018
18/00182/MNR	30/01/2018	Price	USE AS 4 FLATS	10 ST JOHN'S CRESCENT, CANTON, CARDIFF, CF5 1NX	9	True	Permission be granted	08/02/2018

CATH

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/03041/DCH	14/12/2017	Mitchell	RENEWAL OF 12/01869/DCH - REMOVAL OF CONDITIONS 7 AND 8 OF PLANNING PERMISSION 01/00312W TO ALLOW THE CONVERSION OF GARAGE SPACE INTO LIVING SPACE	TY HEULOG, FANNY STREET, CATHAYS, CARDIFF, CF24 4EH	54	True	Permission be granted	06/02/2018

17/03109/DCH	21/12/2017	MSM HOMES LTD	REAR GROUND FLOOR EXTENSIONS 4000MM OR LESS DEPTH FROM ORIGINAL MAIN HOUSE AND ANNEX WALLS, (THE PROPOSED NEW FOOT-PRINT WILL OCCUPY LESS THAN 50% OF THE GARDEN AREA)	33 BLACKWEIR TERRACE, BLACKWEIR, CARDIFF, CF10 3EQ	46	True	Permission be granted	05/02/2018
18/00079/DCH	15/01/2018	Quin & Co Ltd	REAR DORMER ROOF EXTENSION, INSERTION OF ROOF LIGHT TO FRONT ROOF, INCREASE OF OCCUPANTS FROM 4 (C4) TO 6 (C4) AND ASSOCIATED INTERNAL ALTERATIONS	119 RHYMNEY STREET, CATHAYS, CARDIFF, CF24 4DL	23	True	Permission be granted	07/02/2018
18/00103/DCH	05/02/2018	James	ALTERATIONS TO 17/00106/DCH TO REPLACE THE ROOFLIGHTS WITH ROOF LANTERNS	75 COSMESTON STREET, CATHAYS, CARDIFF, CF24 4LQ	9	True	Permission be granted	14/02/2018
18/00024/DCH	12/01/2018	Worthy	ROOF EXTENSION FROM HIP TO GABLE WITH REAR FACING DORMER, TWO STOREY REAR EXTENSION	35 MAINDY ROAD, CATHAYS, CARDIFF, CF24 4HL	38	True	Permission be granted	19/02/2018
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17/00375/MJR	10/04/2017	Mansford LLP	THE REMOVAL OF INTERNAL WALLS BETWEEN EXISTING RETAIL UNITS WITHIN HIGH STREET ARCADE AND TO THE ADJACENT PROPERTY OF 8-10 HIGH STREET TO CREATE A LARGE RETAIL UNIT. THE PROPOSAL INCLUDES THE MAKING GOOD WITH APPROPRIATE DETAILING THAT ENSURES THE ORIGINAL BUILDING FORMAT IS STILL LEGIBLE.	13-21 HIGH STREET ARCADE AND 10-12 DUKE STREET ARCADE, CITY CENTRE, CARDIFF, CF10 1BB	317	False	Planning Permission be refused	21/02/2018

17/02952/MJR	05/12/2017	Cardiff University	UPGRADE AND IMPROVEMENTS OF EXISTING LABORATORY AND OFFICE SPACE ON THE GROUND LEVEL OF THE MAIN BUILDING, INCLUDING THE UPGRADE OF MECHANICAL VENTILATION AND EXTRACTION WHICH WILL INVOLVE THE REMOVAL OF AND REPLACEMENT OF FLUE PIPES AND THE ADDITION OF A NEW ROOF MOUNTED AIR HANDLING UNIT. NEW SECONDARY GLAZING AND THE REFURBISHMENT AND REDECORATION OF EXISTING SINGLE GLAZED WINDOWS IN THE LINE WITH THE APPROVED SCHEME REF 16/01396/MJR	CARDIFF UNIVERSITY, PARK PLACE, CATHAYS PARK	77	False	Permission be granted	20/02/2018
17/02762/MJR	17/11/2017	Cardiff University	DISCHARGE OF CONDITION 2 (RESTRICTION ON DEMOLITION) OF CAC 16/01740/MJR	CARDIFF UNIVERSITY, 46 PARK PLACE, CATHAYS PARK, CARDIFF, CF10 3BB	94	False	Full Discharge of Condition	19/02/2018
17/02951/MJR	13/12/2017	Metro Bank PLC	DEMOLITION AND REDEVELOPMENT OF 40-44 QUEEN STREET TO PROVIDE A RETAIL UNIT IN CLASS A2 (BANK) USE, INCLUDING INSTALLATION OF A SHOPFRONT AND TWO ATMS AND ASSOCIATED WORKS	40-44 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2BX	50	True	Permission be granted	01/02/2018
A/17/00211/MJR	08/12/2017	Metro Bank PLC	SIGNAGE	40-44 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2BX	55	True	Permission be granted	01/02/2018
17/03072/MJR	20/12/2017	Rightacres Property Co. Limited	DISCHARGE OF CONDITIONS 19 (FUTURE KITCHEN EXTRACTION) AND 20 (REFUSE STORAGE) OF 14/02405/MJR	PLOT 3, CENTRAL SQUARE, CARDIFF	51	True	Full Discharge of Condition	09/02/2018
17/03022/MJR	12/12/2017	Virgin Money plc	LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL FACILITATING WORKS FOR PROPOSED CHANGE OF USE FROM CLASS A3 SUI GENERIS VIRGIN MONEY LOUNGE (TO INCLUDE A2 FINANCIAL SERVICES / HOSPITALITY / COMMUNITY SPACE / EXHIBITIONS / DISPLAYS AND SEMINARS)	THE OLD LIBRARY, TRINITY STREET, CITY CENTRE, CARDIFF, CF10 1BH	73	False	Permission be granted	23/02/2018

18/00064/MJR	11/01/2018	Metro Bank PLC	DEMOLITION OF 40-44 QUEEN STREET	40-44 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2BX	35	True	Permission be granted	15/02/2018
18/00083/MJR	17/01/2018	Rightacres Property Company Limited	DISCHARGE OF CONDITION 19 (KITCHEN EXTRACTION) OF 14/02405/MJR	LAND TO NORTH OF CARDIFF CENTRAL RAILWAY STATION INCORPORATING CARDIFF BUS STATION, MARLAND HOUSE AND WOOD STREET, CARDIFF	36	True	Full Discharge of Condition	22/02/2018
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17/02041/MNR	21/08/2017	on behalf of The Alchemist Bar and Restaurant Ltd	EXTERNAL AND MINOR FABRIC ALTERATIONS TO BASEMENT AND GROUND FLOOR OF FORMER BANK TO CHANGE USE INTO RESTAURANT/BAR	117-118 ST MARY STREET, CITY CENTRE, CARDIFF, CF10 1DY	175	False	Permission be granted	12/02/2018
17/02926/MNR	12/12/2017	Ramazan	RECONFIGURATION OF STORE AT REAR OF RESTAURANT WITH 1ST FLOOR EXTENSION TO ACCOMMODATE 3 NO. 1 BED FLAT UNITS	50 CRWYS ROAD, CATHAYS, CARDIFF, CF24 4NN	56	True	Permission be granted	06/02/2018
17/03120/MNR	21/12/2017	CF Cardiff Ltd	VARIATION OF CONDITION 6 OF 00/02300/C TO ALLOW OPENING BETWEEN 08.00 HRS AND 04.00 HRS AND REMOVAL OF CONDITION 7 TO ALLOW THE SALE OF HOT FOOD FOR CONSUMPTION OFF THE PREMISES	GROUND FLOOR, 95 ST MARY STREET, CITY CENTRE, CARDIFF, CF10 1DX	56	True	Permission be granted	15/02/2018
17/02025/MNR	18/08/2017	Aslam	TWO STOREY REAR EXTENSION AND CONVERSION FROM 12 STUDIOS TO 8 FLATS	2A COLUM ROAD, CATHAYS PARK, CARDIFF, CF10 3EG	187	False	Permission be granted	21/02/2018

17/02498/MNR	09/01/2018	GOA Invest S.A.	NEW SHOPFRONT	WEST COAST CAPITAL (USC) LTD, 97-99 ST DAVID'S DEWI SANT, GRAND ARCADE, CITY CENTRE, CARDIFF, CF10 2EL	29	True	Permission be granted	07/02/2018
A/17/00184/MNR	09/01/2018	GOA Invest S.A.	NEW SIGNS	WEST COAST CAPITAL (USC) LTD, 97-99 ST DAVID'S DEWI SANT, GRAND ARCADE, CITY CENTRE, CARDIFF, CF10 2EL	29	True	Permission be granted	07/02/2018
A/18/00002/MNR	04/01/2018	Pravins	ADVERTISEMENT	22-24 ST DAVIDS WAY, CITY CENTRE, CARDIFF, CF10 2DP	28	True	Permission be granted	01/02/2018
18/00009/MNR	04/01/2018	Pravins	ALTERATIONS TO SHOP FRONT	22-24 ST DAVIDS WAY, CITY CENTRE, CARDIFF, CF10 2DP	28	True	Permission be granted	01/02/2018
A/18/00007/MNR	24/01/2018	Davies	SIGNAGE	JD GYM, THE FRIARY, CITY CENTRE, CARDIFF, CF10 3FA	26	True	Permission be granted	19/02/2018

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18/00016/DCH	09/01/2018	Broad	REMOVE EXISTING MAIN PITCHED ROOF OF BUNGALOW, RAISE AT EAVES (APPROX. 300MM) & RIDGE (APPROX. 1000MM) TO PROVIDE NEW PITCHED ROOF WITH ROOM FOR ROOF ACCOMMODATION. GLAZED GABLES TO SIDE ELEVATION AND REAR ELEVATION.	16 PARC-Y-FELIN, CREIGIAU, CARDIFF, CF15 9PB	41	True	Permission be granted	19/02/2018
17/02908/DCH	19/12/2017	Wood	PROPOSED SINGLE STOREY REAR EXTENSION	TY CAPEL, OLD FARM LANE, CREIGIAU, CARDIFF, CF15 9SQ	52	True	Permission be granted	09/02/2018

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17/02234/MJR	14/09/2017	Redrow Homes (South Wales)	DISCHARGE OF CONDITION 28 (DRAINAGE) OF 14/02188/MJR	LAND SOUTH OF PENTREBANE ROAD, CARDIFF	155	False	Full Discharge of Condition	16/02/2018

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17/02760/DCH	14/11/2017	Abdul	GROUND FLOOR SIDE EXTENSION	33 TORRENS DRIVE, LAKESIDE, CARDIFF, CF23 6DR	94	False	Permission be granted	16/02/2018
17/03046/DCH	15/12/2017	Holtam	SINGLE STOREY KITCHEN EXTENSION, COVERED GARDEN KITCHEN AND LANDSCAPING WORKS TO THE REAR OF THE PROPERTY, PLUS LANDSCAPING WORKS TO THE FRONT DRIVEWAY	37 CEFN COED ROAD, CYNCOED, CARDIFF, CF23 6AP	63	False	Permission be granted	16/02/2018
17/02052/DCH	08/09/2017	Morgan	ATTIC CONVERSION WORKS TO PROVIDE ADDITIONAL BEDROOM WITH EN-SUITE AND ADDITION OF REAR PITCHED-ROOF DORMER. ROOF LIGHTS TO REAR ELEVATION	87 LAKE ROAD WEST, ROATH PARK, CARDIFF, CF23 5PJ	161	False	Permission be granted	16/02/2018
17/02747/DCH	21/11/2017	Ryan	SINGLE STOREY SIDE AND REAR EXTENSION AND DEMOLITION OF EXISTING GARAGE	MELWOOD, 1 WERNGOCH ROAD, CYNCOED, CARDIFF, CF23 6SD	86	False	Permission be granted	15/02/2018
17/03118/DCH	21/12/2017	Rahman	CONSTRUCTION OF AN ATTACHED GARAGE	2 LLANDENNIS ROAD, CYNCOED, CARDIFF, CF23 6EF	42	True	Permission be granted	01/02/2018
17/02866/DCH	12/12/2017	Malik	REAR CONSERVATORY EXTENSION	45A LAKESIDE DRIVE, LAKESIDE, CARDIFF, CF23 6DF	51	True	Permission be granted	01/02/2018
17/03126/DCH	22/12/2017	Hall	SINGLE STOREY REAR EXTENSION	14 HEATH HALT ROAD, CYNCOED, CARDIFF, CF23 5QF	63	False	Permission be granted	23/02/2018

17/02991/DCH	11/12/2017	Callaghan	DEMOLITION OF EXISTING DILAPIDATED, DAMP GARAGE AND ATTACHED OUTBUILDING. ERECTION OF NEW GARAGE AND FAMILY ROOM TO SIDE OF HOUSE. RE-ROOFING OF MODERN LEAN TO EXTENSION.	142 LAKE ROAD EAST, LAKESIDE, CARDIFF, CF23 5NQ	72	False	Permission be granted	21/02/2018
18/00052/DCH	12/01/2018	Carter	REPLACE EXISTING ATTACHED GARAGE WITH SIDE EXTENSION AND NEW ROOF TO REAR CONSERVATORY	10 WINNIPEG DRIVE, LAKESIDE, CARDIFF, CF23 6ET	38	True	Permission be granted	19/02/2018
18/00010/DCH	09/01/2018	Evans	PROPOSED FRONT PORCH AND REPLACEMENT ROOF TO GARAGE	4 OGWEN DRIVE, LAKESIDE, CARDIFF, CF23 6LH	30	True	Permission be granted	08/02/2018
18/00026/DCH	08/01/2018	Popov	CONSTRUCTION OF RESIDENTIAL PARKING SPACE OVER STORE	18 CLEARWATER WAY, LAKESIDE, CARDIFF, CF23 6DJ	29	True	Permission be granted	06/02/2018
18/00206/DCH	05/02/2018	Hastings	ALTERATIONS TO 16/02861/DCH - OMIT MIDDLE AREA OF SINGLE STOREY FLAT ROOF AND REPLACE WITH CONTINUOUS LEAN-TO ROOF	6 HOLLYBUSH ROAD, CYNCOED, CARDIFF, CF23 6TA	18	True	Permission be granted	23/02/2018
18/00088/DCH	24/01/2018	Vinestock	REAR AND SIDE GROUND FLOOR EXTENSION	5 JELlicoe GARDENS, ROATH PARK, CARDIFF, CF23 5QW	33	True	Permission be granted	26/02/2018
18/00165/DCH	23/01/2018	Young	NEW GLASS CONSERVATORY TO SIDE OF HOUSE	2 LLYSWEN ROAD, CYNCOED, CARDIFF, CF23 6NG	34	True	Permission be granted	26/02/2018
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17/01996/MNR	21/08/2017	Poole	NEW DWELLING ON INFILL SITE ADJACENT TO EXISTING HOUSE AT 13 CEFN COED ROAD	PART OF LAND AT 13 CEFN COED ROAD, CYNCOED, CARDIFF, CF23 6AN	182	False	Planning Permission be refused	19/02/2018

17/03113/MNR	02/01/2018	Rahman	CONSTRUCTION OF NEW DWELLING.	REAR OF 2 LLANDENNIS ROAD, CYNCOED, CARDIFF	44	True	Planning Permission be refused	15/02/2018
18/00066/MNR	10/01/2018	Lugsdin	REMOVAL OF CONDITIONS 4, 5 AND 6 OF 14/00218/DCO RELATING TO CODE FOR SUSTAINABLE HOMES AS NO LONGER APPLIES	9A FARM DRIVE, LAKESIDE, CARDIFF, CF23 6HQ	26	True	Permission be granted	05/02/2018

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17/03057/MJR	04/01/2018	Cardiff Council	INSTALLATION OF TWO-STOREY MODULAR CONTAINER BUILDING COMPRISING OF 8NO. 2-BEDROOM UNITS OF HOSTEL ACCOMMODATION WITH ASSOCIATED CYCLE PARKING AND SCREENED LAUNDRY DRYING AREA	GREEN FARM LODGE, GREEN FARM LANE, ELY, CARDIFF, CF5 4RS	46	True	Permission be granted	19/02/2018
17/02072/MNR	12/10/2017	Plovers	DISCHARGE OF CONDITIONS 8 & 9 (MATERIALS) OF PLANNING PERMISSION 15/00252/MNR	PART OF LAND AT 15 GWENT ROAD, ELY, CARDIFF, CF5 4PB	112	False	Full Discharge of Condition	01/02/2018
17/02665/MNR	06/11/2017	Ely Court Care home Ltd	PROVIDE BREATHABLE PAINT COATING TO EXISTING PEBBLEDASH WALL FINISH	THE COURT NURSING HOME, CWRT Y CADNO, ST FAGANS, CARDIFF, CF5 6XD	99	False	Permission be granted	13/02/2018

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18/00011/DCH	10/01/2018	Bancroft	DEMOLITION OF EXISTING OUTHOUSE. CONSTRUCTION OF SINGLE STOREY REAR EXTENSION WITH GABLED VAULTED ROOF.	8 SUMMERFIELD AVENUE, GABALFA, CARDIFF, CF14 3QA	27	True	Permission be granted	06/02/2018

18/00186/DCH	24/01/2018	Loughran	GROUND FLOOR REAR EXTENSION	88 NEWFOUNDLAND ROAD, GABALFA, CARDIFF, CF14 3LD	33	True	Permission be granted	26/02/2018
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17/02196/MNR	10/10/2017	HEK Jones Solicitors	2 STOREY REAR EXTENSION PLUS REAR DORMER LOFT CONVERSION AND VELUX'S TO FRONT ROOF TO AND CONVERSION TO 4 FLATS AND ALTERATIONS TO OFFICES	H J CARDIFF LTD, 104 WHITCHURCH ROAD, GABALFA, CARDIFF, CF14 3LY	129	False	Permission be granted	16/02/2018
18/00043/MNR	12/01/2018	Tesco Stores LTD	REMOVAL OF EXISTING TIMBER CLADDING AND REPLACING WITH PRE-FINISHED ALUMINIUM PROFILED CLADDING	TESCO EXTRA, EXCELSIOR ROAD, GABALFA, CARDIFF, CF14 3AT	38	True	Permission be granted	19/02/2018
18/00073/MNR	18/01/2018	Rainbow Nails Bar Ltd	CHANGE OF USE FROM AN OFFICE TO A NAIL BEAUTY SHOP	96 WHITCHURCH ROAD, GABALFA, CARDIFF, CF14 3LY	27	True	Permission be granted	14/02/2018

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18/00022/DCH	11/01/2018	MCABE	SINGLE STOREY REAR EXTENSION	193 CORPORATION ROAD, GRANGETOWN, CARDIFF, CF11 7AS	46	True	Permission be granted	26/02/2018
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17/03011/MJR	13/12/2017	Wales and West Housing Association	DISCHARGE OF CONDITIONS 10 (GAS MONITORING), 11 (CONTAMINATION), 12 (REMEDIATION) AND 21 (BIODIVERSITY MEASURES) OF 15/02834/MJR	LAND TO THE WEST OF, CLIVE LANE, GRANGETOWN	55	True	Partial Discharge of Condition (s)	06/02/2018
18/00232/MJR	02/02/2018	J G Hale Construction	DISCHARGE OF CONDITIONS 4 (GAS MONITORING SCHEME), 5 (CONTAMINATION) AND 6 (REMEDIATION SCHEME) OF 16/02994/MJR	162-168 PENARTH ROAD, GRANGETOWN, CARDIFF, CF11 6NJ	12	True	Full Discharge of Condition	14/02/2018
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17/03030/MNR	19/12/2017	White Dove Garages Limited	PROPOSED CHANGE OF USE INCLUDING EXTENSION OF THE EXISTING SALES AND CUSTOMER CAR PARKING AREA; PROVISION OF A NON-FRANCHISED CAR SALES DISPLAY AREA, WITH SINGLE STOREY SALES CABIN, INCORPORATING NEW ACCESS FROM BESSEMER CLOSE; AND PROVISION OF NEW STORAGE AND VEHICLE PREPARATION AREA WITH SINGLE STOREY VALETING AND PREPARATION BUILDING AND ASSOCIATED WORKS INCLUDING BOUNDARY WALLS AND ENCLOSURES.	LAND REAR OF WHITE DOVE GARAGES, HADFIELD ROAD, LECKWITH, CARDIFF	44	True	Permission be granted	01/02/2018
17/01690/MNR	14/07/2017	Abbey Garages (Cardiff) Limited	VARY CONDITIONS 2 (REMEDIATION STRATEGY) AND 3 (STORAGE TANKS) OF 15/01417/MNR	FORDTHORNE, 281 PENARTH ROAD, LECKWITH, CARDIFF, CF11 8YZ	209	False	Permission be granted	08/02/2018
17/03131/MNR	27/12/2017	Larsen	CHANGE OF USE OF PROPERTY FROM C3 SINGLE DWELLING TO C4 HOUSE IN MULTIPLE OCCUPATION (3-6 PERSONS)	51 MARDY STREET, GRANGETOWN, CARDIFF, CF11 6QW	40	True	Permission be granted	05/02/2018

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17/02900/DCH	15/12/2017	Llewellyn	REFURBISHMENT WORKS, ATTIC CONVERSION, REAR DORMER ROOF AND HIP TO GABLE EXTENSIONS, AND SINGLE STOREY GARAGE, W.C. & UTILITY ROOM TO REAR GARDEN	69 CAEGWYN ROAD, WHITCHURCH, CARDIFF, CF14 1TD	48	True	Permission be granted	01/02/2018
17/03088/DCH	19/12/2017	Rashid	HIP TO GABLE & REAR DORMER SET BACK 300mm FROM ORIGINAL MAIN HOUSE REAR WALL AND VELUX ROOF LIGHT NOT EXCEEDING 150mm ABOVE ROOF PLANE	17 HEATH PARK AVENUE, HEATH, CARDIFF, CF14 3RF	59	False	Permission be granted	16/02/2018
18/00003/DCH	03/01/2018	Groves	PROPOSED SINGLE STOREY EXTENSION TO REAR	76 ST INA ROAD, HEATH, CARDIFF, CF14 4LT	36	True	Permission be granted	08/02/2018
18/00156/DCH	23/01/2018	Davies	GROUND FLOOR REAR AND SIDE EXTENSION	7 PEDAIR ERW ROAD, BIRCHGROVE, CARDIFF, CF14 4NU	34	True	Permission be granted	26/02/2018
18/00142/DCH	22/01/2018	Afia	SINGLE STOREY SIDE EXTENSION, MATERIALS TO MATCH EXISTING	20 HEATHWAY, HEATH, CARDIFF, CF14 4JT	37	True	Permission be granted	28/02/2018
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17/02808/MNR	20/11/2017	HAWKES	PROPOSED DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF DETACHED 2 STOREY 3 BED DWELLING WITH CAR PARKING	LAND AT HOMELANDS, 164A PANTBACH ROAD, RHIWBINA, CARDIFF, CF14 1UG	93	False	Planning Permission be refused	21/02/2018
17/03028/MNR	04/01/2018	St Isan Road Surgery	DISCHARGE OF CONDITION 3 (HARD AND SOFT LANDSCAPING) OF 17/02116/MNR	ST ISAN ROAD SURGERY, 46 ST ISAN ROAD, HEATH, CARDIFF, CF14 4UU	35	True	Full Discharge of Condition	08/02/2018

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17/02852/DCH	27/11/2017	Holden	ERECTION OF RETAINING WALLS IN THE FRONT AND REAR GARDENS TO REDUCE SLOPE OF GARDENS AS PART OF LANDSCAPING WORKS	38 TYN Y BERLLAN, LISVANE, CARDIFF, CF14 0TS	84	False	Permission be granted	19/02/2018
18/00086/DCH	16/01/2018	Williams	SINGLE STOREY FRONT EXTENSION AND INTERNAL ALTERATIONS	7 CHARTWELL DRIVE, LISVANE, CARDIFF, CF14 0EZ	35	True	Permission be granted	20/02/2018

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17/02975/DCH	08/12/2017	James	CONSTRUCTION OF A NEW 1.8 METRE HIGH TIMBER FENCE ALONG BOUNDARY OF SITE ADJACENT TO HIGHWAY	4 CLOS Y GWALCH, THORNHILL, CARDIFF, CF14 9JH	70	False	Permission be granted	16/02/2018
17/02636/DCH	30/11/2017	Jerrett	CONSTRUCTION OF DETACHED DOUBLE GARAGE	25 HUNTSMEAD CLOSE, THORNHILL, CARDIFF, CF14 9HY	78	False	Planning Permission be refused	16/02/2018
17/02758/DCH	14/11/2017	Fenton	SINGLE STOREY EXTENSION TO PROVIDE ADDITIONAL LIVING SPACE.	18 RAGNALL CLOSE, THORNHILL, CARDIFF, CF14 9FR	94	False	Permission be granted	16/02/2018
18/00091/DCH	16/01/2018	Niblett	PROPOSED LOFT CONVERSION WITH SIDE GABLE END BUILD UP AND REAR FLAT ROOF DORMER	37 MORRIS AVENUE, LLANISHEN, CARDIFF, CF14 5JW	21	True	Permission be granted	06/02/2018

18/00080/DCH	15/01/2018	Davies	DEMOLITION OF SINGLE STOREY OUTBUILDING, CONSTRUCTION OF SINGLE STOREY EXTENSION TO SIDE OF PROPERTY TO FORM KITCHEN	152 TEMPLETON AVENUE, LLANISHEN, CARDIFF, CF14 5JJ	28	True	Permission be granted	12/02/2018
18/00056/DCH	15/01/2018	Ellinor	REPLACE LEAKING FLAT ROOF INTO PITCHED ROOF TO SIDE AND FRONT	13 NORTH RISE, LLANISHEN, CARDIFF, CF14 0RN	37	True	Permission be granted	21/02/2018
<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/00967/MJR	10/05/2017	Wales & West Housing Association	SUBMISSION OF DETAILS FOR APPROVAL OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING FOR 70-DWELLING SCHEME PREVIOUSLY APPROVED UNDER OUTLINE 13/01923/DCO AND REMOVAL OF CONDITIONS 5-7 (RELATING TO CODE FOR SUSTAINABLE HOMES).	LAND AT CHILTERN CLOSE, LLANISHEN, CARDIFF	274	False	Permission be granted	08/02/2018
17/00988/MJR	02/05/2017	Investment Construction Ltd	DISCHARGE OF CONDITIONS 11 (CONTAMINATION), 12 (REMEDIATION SCHEME), AND 15 (GAS INVESTIGATION) OF 14/00283/DCO	TRAVIS PERKINS TRADING CO LTD, 1 MALVERN DRIVE, LLANISHEN, CARDIFF, CF14 5DR	294	False	Full Discharge of Condition	20/02/2018
<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02741/MNR	15/12/2017	Gropetis	RETENTION OF OUTSIDE STORE SHED AND TOILET	THE SAGE BAKERY, 11 STATION ROAD, LLANISHEN, CARDIFF, CF14 5LS	48	True	Permission be granted	01/02/2018

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/03045/DCH	14/12/2017	Cole	FRONT APEX DORMER. HIP TO GABLE ROOF EXTENSION. REAR DORMER	7 PROSPECT DRIVE, LLANDAFF, CARDIFF, CF5 2HL	53	True	Permission be granted	05/02/2018
18/00169/DCH	25/01/2018	Davies	FRONT AND REAR GROUND FLOOR EXTENSION	19 GERDDI TAF, LLANDAFF, CARDIFF, CF5 2SQ	34	True	Permission be granted	28/02/2018
18/00193/DCH	29/01/2018	Jones	LOFT CONVERSION WITH FLAT ROOF DORMER AND JULIET BALCONY TO THE REAR, MAIN ROOF OF HOUSE TO BE ALTERED TO CREATE A GABLE END, LOFT CONVERSION TO CONSIST OF BEDROOM WITH AN EN SUITE	3 WHITEHALL ROAD, LLANDAFF, CARDIFF, CF5 2QE	30	True	Permission be granted	28/02/2018

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17/02018/MNR	16/10/2017	Harrison	EXTENSION AND ALTERATIONS TO EXISTING HOUSE TO FORM 3 NO SELF CONTAINED FLATS, WITH OFF ROAD PARKING	128 CARDIFF ROAD, LLANDAFF, CARDIFF, CF5 2AB	135	False	Permission be granted	28/02/2018
18/00164/MNR	24/01/2018	GDST	DISCHARGE OF CONDITION 3 OF 17/01958/MNR (ARBORICULTURAL METHOD STATEMENT)	HOWELLS SCHOOL, CARDIFF ROAD, LLANDAFF, CARDIFF, CF5 2YD	21	True	Full Discharge of Condition	14/02/2018

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<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
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17/03135/DCH	29/12/2017	Murphy	TWO STOREY SIDE EXTENSION TO CREATE A LIVING AREA AND ENSUITE BEDROOM	6 ROBERTS VILLAS, TY-MAWR ROAD, LLANDAFF NORTH, CARDIFF, CF14 2HD	52	True	Permission be granted	19/02/2018
18/00285/DCH	05/02/2018	Habib-A-Alam	ALTERATIONS TO 17/00959/DCH - REDUCE AREA OF KITCHEN/DINING ROOM AND MOVE THE 'WORK OUT AREA' TO THE SITE BOUNDARY WITH A PITCHED ROOF	2 ABERPORTH ROAD, GABALFA, CARDIFF, CF14 2RW	14	True	Permission be granted	19/02/2018

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02817/MNR	13/12/2017	Evans	CHANGE OF USE TO ADULT DAY CENTRE	CARING AGENCY, 89 GABALFA AVENUE, GABALFA, CARDIFF, CF14 2PA	50	True	Permission be granted	01/02/2018
18/00065/MNR	15/01/2018	Benham	CHANGE OF USE FROM C3 TO C4 HOUSE IN MULTIPLE OCCUPATION	22 WHITEFIELD ROAD, LLANDAFF NORTH, CARDIFF, CF14 2JG	42	True	Permission be granted	26/02/2018

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<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02978/DCH	22/12/2017	Williams	PROPOSED SINGLE STOREY EXTENSION TO KITCHEN AND DINING ROOM AT THE REAR OF HATHERLEIGH ROAD CARDIFF	40 HATHERLEIGH ROAD, LLANRUMNEY, CARDIFF, CF3 4AS	49	True	Permission be granted	09/02/2018
17/03044/DCH	27/12/2017	Orzechowski	SINGLE STOREY SIDE EXTENSION WITH TOILET AND GARAGE	24 MALMESMEAD ROAD, LLANRUMNEY, CARDIFF, CF3 5QG	50	True	Planning Permission be refused	15/02/2018

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18/00119/MJR	19/01/2018	Wates Residential	AMENDMENTS TO CONDITION 3 OF 16/02803/MJR TO RELOCATE THE SALES-SUITE VISITOR PARKING	LAND AT BRAUNTON CRESCENT AND CLEVEDON ROAD, LLANRUMNEY, CARDIFF	26	True	Permission be granted	14/02/2018

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18/00054/MNR	10/01/2018	Alim	CHANGE OF USE TO A3 HOTFOOD TAKEWAY	54 COUNTISBURY AVENUE, LLANRUMNEY, CARDIFF, CF3 5SN	49	True	Permission be granted	28/02/2018

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17/03013/DCH	03/01/2018	Vedmore	2ND FLOOR ATTIC EXTENSION WITH DORMER TO REAR	61A PANT GLAS, PENTWYN, CARDIFF, CF23 7EW	44	True	Permission be granted	16/02/2018

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<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02943/DCH	11/12/2017	GREENWELL	PROPOSED SIDE EXTENSION	HALEWELL HOUSE, MELROSE AVENUE, PENYLAN, CARDIFF, CF23 9BA	67	False	Permission be granted	16/02/2018

17/03123/DCH	22/12/2017	Hurn	SINGLE STOREY REAR EXTENSION TO EXISTING HOUSE. ALTERATIONS TO FRONT ELEVATION TO INCLUDE NEW ENTRANCE AND REVISIONS TO FENESTRATION COMPLETE WITH NEW BALUSTRADING TO BALCONY ABOVE. TO REAR OF GARDEN PROPOSED NEW GARAGE , BOUNDARY WALL TO LADY MARY ROAD AND WIDENED VEHICULAR ACCESS.	24 LAKE ROAD EAST, PENYLAN, CARDIFF, CF23 5NN	56	True	Permission be granted	16/02/2018
17/00359/DCH	27/02/2017	KHAN	PROPOSED SINGLE STOREY REAR EXTENSION WITH BALCONY OVER, LOFT CONVERSION WITH DORMERS. DEMOLITION OF REAR GARAGE & ERECTION OF DETACHED REAR ANNEX WITH GARAGE	70 LAKE ROAD EAST, PENYLAN, CARDIFF, CF23 5NN	357	False	Planning Permission be refused	19/02/2018
17/03056/DCH	03/01/2018	Haris	PROPOSED SINGLE STOREY REAR GRANNY FLAT TO BE USED IN AN ANCILLARY CAPACITY TO THE MAIN DOMESTIC HOUSEHOLD	4 EGREMONT ROAD, PENYLAN, CARDIFF, CF23 5LN	56	True	Permission be granted	28/02/2018
17/03033/DCH	14/12/2017	Bull	SINGLE STOREY REAR EXTENSION. CONVERSION OF EXISTING GARAGE TO HABITABLE SPACE WITH NEW PORCH ENTRANCE	8 CLOS DERWEN, PENYLAN, CARDIFF, CF23 5HJ	69	False	Permission be granted	21/02/2018
18/00059/DCH	11/01/2018	JOHNSON	SINGLE STOREY SIDE EXTENSION AND ASSOCIATED ALTERATIONS. DEMOLITION AND REBUILD EXISTING SINGLE GARAGE AS HOME OFFICE / STORE	11 COLCHESTER AVENUE, PENYLAN, CARDIFF, CF23 9BN	35	True	Permission be granted	15/02/2018
18/00044/DCH	18/01/2018	Mr Gordon	TO CHANGE THE DORMER WINDOW FRAME FROM SOFTWOOD TO ALUMINIUM. THE STYLE AND DIMENSIONS OF THE ALUMINIUM FRAME WILL REPLICATE THAT OF THE WOODEN FRAME. ALL OTHER ASPECTS OF THE EXISTING PLAN WILL REMAIN THE SAME.	6 PEN-Y-LAN PLACE, PENYLAN, CARDIFF, CF23 5HE	21	True	Permission be granted	08/02/2018
18/00146/DCH	25/01/2018	Chandratreya	REAR EXTENSION - EXTEND WIDTH TO ALIGN WITH SIDE ELEVATION OF ORIGINAL HOUSE	93 CYNCOED ROAD, PENYLAN, CARDIFF, CF23 5SD	18	True	Permission be granted	12/02/2018

18/00099/DCH	17/01/2018	Allan	CONSTRUCTION OF A REAR DORMER ROOF EXTENSION AND INSERTION OF ROOFLIGHTS INTO THE FRONT ELEVATION	137 FFORDD NOWELL, PENYLAN, CARDIFF, CF23 9FB	40	True	Permission be granted	26/02/2018
18/00228/DCH	30/01/2018	Hatcher	DOUBLE STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION	65 OAK WOOD AVENUE, PENYLAN, CARDIFF, CF23 9EZ	29	True	Permission be granted	28/02/2018
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18/00023/MJR	08/01/2018	Lidl UK GmbH	DISCHARGE OF CONDITION 8 (SOIL) OF 16/02300/MJR	LIDL STORE, COLCHESTER AVENUE, PENYLAN, CARDIFF, CF23 9AN	45	True	Full Discharge of Condition	22/02/2018
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17/02850/MNR	18/12/2017	James	DISCHARGE OF CONDITION 4 (EXTERNAL FINISHING MATERIALS), CONDITION 5 (MEANS OF SITE ENCLOSURE), CONDITION 6 (HARD AND SOFT LANDSCAPE WORKS), CONDITION 11 (DRAINAGE) AND CONDITION 16 (CONSTRUCTION MANAGEMENT SCHEME) OF 16/01477/MNR	50 BRONWYDD AVENUE, PENYLAN, CARDIFF, CF23 5JQ	70	False	Full Discharge of Condition	26/02/2018
17/03035/MNR	21/12/2017	Miroiu	DEMOLITION OF EXISTING GARAGE AND DEVELOPMENT OF A NEW FAMILY HOUSE	20 CARISBROOKE WAY, PENYLAN, CARDIFF, CF23 9HW	48	True	Planning Permission be refused	07/02/2018
18/00229/MNR	30/01/2018	Micalef	AMENDMENTS TO 16/03024/MNR - REVISED LAYOUTS TO 4 FLATS	245 ALBANY ROAD, ROATH, CARDIFF, CF24 3NW	22	True	Permission be granted	21/02/2018

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17/03075/DCH	20/11/2017	Black	NEW SINGLE-STOREY EXTENSION TO THE REAR	48 ARABELLA STREET, ROATH, CARDIFF, CF24 4TA	73	False	Permission be granted	01/02/2018
18/00002/DCH	03/01/2018	Davies	PROPOSED SINGLE STOREY SIDE EXTENSION TO EXISTING KITCHEN	59 ANGUS STREET, ROATH, CARDIFF, CF24 3LX	34	True	Permission be granted	06/02/2018
18/00174/DCH	25/01/2018	Rawlings	HIP TO GABLE LOFT CONVERSION WITH ADDITION OF REAR BOX DORMER TO CREATE ADDITIONAL BEDROOM WITH EN-SUITE	43 TIMBERS SQUARE, ROATH, CARDIFF, CF24 3SH	32	True	Permission be granted	26/02/2018
18/00326/DCH	09/02/2018	Quattro Developments Ltd	DISCHARGE OF CONDITIONS 5 (PAINT SAMPLE) AND 7 (TIMBER DETAILS) OF 17/02750/DCH	8 NINIAN ROAD, ROATH, CARDIFF, CF23 5EE	19	True	Full Discharge of Condition	28/02/2018

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17/02981/MNR	08/12/2017	Bashir	CONVERSION OF A PROPERTY WITH 8 BEDROOMS INTO FOUR SELF CONTAINED FLATS WITH SINGLE STOREY REAR EXTENSION AND EXTERNAL ALTERATIONS	32 NINIAN ROAD, ROATH, CARDIFF, CF23 5EG	75	False	Permission be granted	21/02/2018
17/02985/MNR	13/12/2017	Ali	CHANGE OF USE FROM CAR SALES TO HAND CARWASH WITH ERECTION OF DEMOUNTABLE CANOPY	105-109 CITY ROAD, ROATH, CARDIFF, CF24 3BN	69	False	Permission be granted	20/02/2018
17/03068/MNR	18/12/2017	Thayer	CHANGE OF USE FROM A1 TO A3 (GREEK RESTAURANT & TAPAS) DEMOLISH REAR GARAGE.	11 WELLFIELD ROAD, ROATH, CARDIFF, CF24 3NZ	60	False	Permission be granted	16/02/2018

17/03082/MNR	26/01/2018	Rafiq	GROUND & FIRST FLOOR EXTENSION, REAR DORMER AND CONVERSION TO FOUR FLATS	169 RICHMOND ROAD, ROATH, CARDIFF, CF24 3BT	26	True	Permission be granted	21/02/2018
18/00239/MNR	30/01/2018	Blundell	AMENDMENTS TO 17/01534/MNR - ROOFLINE OVER STAIRCASE. PART INFIL GROUND FLOOR WINDOW TO CLOAKS	8 WORDSWORTH AVENUE, ROATH, CARDIFF, CF24 3FQ	17	True	Planning Permission be refused	16/02/2018
17/03096/MNR	17/01/2018	Christo	CHANGE OF USE FROM HOT FOOD TAKEAWAY & STORE TO DUAL USE A2 (FINANCIAL & PROFESSIONAL SERVICES) AND B1 (OFFICE), AND DEMOLITION OF REAR STORE/WC AND NEW 2 STOREY EXTENSION	70 CITY ROAD, ROATH, CARDIFF, CF24 3DD	29	True	Permission be granted	15/02/2018

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17/02988/DCH	11/12/2017	Lenahan	SINGLE STOREY REAR EXTENSION	12 GOULD CLOSE, OLD ST MELLONS, CARDIFF, CF3 5BD	67	False	Permission be granted	16/02/2018
17/03074/DCH	28/12/2017	ALDARMI	LOFT CONVERSION RAISING THE EXISTING RIDGE	3 GREENACRE DRIVE, PONTPRENNAU, CARDIFF, CF23 8PA	41	True	Permission be granted	07/02/2018
18/00069/DCH	22/01/2018	Brown	FIRST FLOOR BEDROOM/EN-SUITE SIDE EXTENSION	33 CHAMOMILE CLOSE, PONTPRENNAU, CARDIFF, CF23 8RE	25	True	Permission be granted	16/02/2018
17/02641/DCH	15/01/2018	Puddle	CERTIFICATE OF LAWFULNESS APPLICATION FOR THE BRICKING UP OF A GARAGE AND PUTTING IN A WINDOW AND CREATING A STUDY/DEN AND LAUNDRY ROOM WITH NO CHANGE TO THE DRAINAGE	12 SCOTNEY WAY, PONTPRENNAU, CARDIFF, CF23 8PJ	28	True	Permission be granted	12/02/2018

18/00107/DCH	19/01/2018	Da Silva	PLANNING APPLICATION FOR THE ERECTION OF AN EXTENSION TO THE SOUTH/SIDE ELEVATION OF THE EXISTING PROPERTY WITH DORMER WINDOWS WITHIN THE FRONT AND REAR ROOF PLANES AND INCLUDING THE REUSE AND RELOCATION OF EXISTING FEATURES INCLUDING DORMER WINDOWS, BAY WINDOW AND ROOF LIGHT.	Y BWYTHYN, TY'R WINCH ROAD, OLD ST MELLONS, CARDIFF, CF3 5UW	40	True	Permission be granted	28/02/2018
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17/02530/MJR	24/10/2017	Persimmon Homes East Wales	DISCHARGE OF CONDITIONS 13 (PHASE 4 - HABITAT MANAGEMENT) AND 14 (ECOLOGICAL MITIGATION STRATEGY) OF 13/00578/DCO	PHASE 4, LAND EAST OF CHURCH ROAD AND NORTH AND SOUTH OF, BRIDGE ROAD, OLD ST MELLONS	125	False	Full Discharge of Condition	26/02/2018
17/01273/MJR	05/06/2017	c/o Agent	DEVELOPMENT OF 4NO 3BEDROOM SEMI-DETACHED DWELLINGS	LAND AT UNICORN INN, CHURCH ROAD, OLD ST MELLONS, CARDIFF, CF3 6YA	255	False	Permission be granted	15/02/2018
18/00121/MJR	19/01/2018	Greenman	DISCHARGE OF CONDITION 5 (GROUND GAS MONITORING) OF 16/02659/MJR	CARDIFF GATE TRAINING AND DEVELOPMENT CENTRE, CHURCH ROAD, OLD ST MELLONS	20	True	Full Discharge of Condition	08/02/2018

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A/17/00204/MNR	27/11/2017	FIRTH	INSTALLATION OF REPLACEMENT ILLUMINATED AND NON ILLUMINATED SIGNS TO THE EXTERIOR OF THE BUILDING	THE CARDIFF GATE, GREENWOOD CLOSE, PONTPRENNAU, CARDIFF, CF23 8RD	67	False	Permission be granted	02/02/2018

17/03024/MNR	14/12/2017	Loosemore	DISCHARGE OF CONDITION 3 (MEANS OF SITE ENCLOSURE) OF 17/00717/MNR	HIGH TREES, DRUIDSTONE ROAD, OLD ST MELLONS, CARDIFF, CF3 6XD	54	True	Partial Discharge of Condition (s)	06/02/2018
18/00060/MNR	15/01/2018	St John's College	DISCHARGE OF CONDITION 10 (MATERIALS) OF 12/00254/DCO	LAND SOUTH OF BEGAN FARM, BEGAN ROAD, OLD ST MELLONS, CARDIFF	31	True	Full Discharge of Condition	15/02/2018
18/00092/MNR	18/01/2018	St John's College	DISCHARGE OF CONDITION 3 (GROUND LEVELS) OF 12/00254/DCO	LAND SOUTH OF BEGAN FARM, BEGAN ROAD, OLD ST MELLONS, CARDIFF	28	True	Full Discharge of Condition	15/02/2018

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17/03100/DCH	22/12/2017	Langmay-Gibbs	TWO STOREY SIDE EXTENSION AND CONVERSION OF DOUBLE GARAGE TO SINGLE GARAGE	1 TROED-Y-GARTH, PENTYRCH, CARDIFF, CF15 9AB	41	True	Permission be granted	01/02/2018
18/00145/DCH	22/01/2018	Jordan	SINGLE STOREY REAR EXTENSION	16 BRONHAUL, PENTYRCH, CARDIFF, CF15 9TA	28	True	Permission be granted	19/02/2018

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17/03128/DCH	22/12/2017	Williams	TWO STOREY FRONT AND SIDE EXTENSION OF EXISTING THREE BEDROOM HOUSE TO CREATE FOUR BEDROOM HOUSE.	3 PINE TREE CLOSE, RADYR, CARDIFF, CF15 8RQ	56	True	Permission be granted	16/02/2018

17/03132/DCH	27/12/2017	Datta	TWO STOREY REAR EXTENSION, RAISED TERRACE AREA, LEAN TO ROOF OVER FRONT ENTRANCE DOOR AND INCREASING THE WIDTH OF THE SITE ACCESS FROM THE HIGHWAY	2 PARK ROAD, RADYR, CARDIFF, CF15 8DF	51	True	Permission be granted	16/02/2018
17/03067/DCH	22/12/2017	Jones	EXTENSION AND ALTERATIONS TO EXISTING FIRST FLOOR BEDROOM	2 PENTWYN, RADYR, CARDIFF, CF15 8RE	56	True	Permission be granted	16/02/2018
17/03091/DCH	21/12/2017	Wales	SINGLE STOREY REAR EXTENSION AND SINGLE STOREY SIDE EXTENSIONS (INCLUDING BALCONY TO REAR)	13 PARK ROAD, RADYR, CARDIFF, CF15 8DG	55	True	Permission be granted	14/02/2018
18/00058/DCH	17/01/2018	Price	SINGLE STOREY SIDE EXTENSION TO PROVIDE GARDEN ROOM, AND CONVERSION OF GARAGE/STORE TO BEDROOM	2 HAZEL TREE CLOSE, RADYR, CARDIFF, CF15 8RS	30	True	Permission be granted	16/02/2018
18/00147/DCH	22/01/2018	Baker	CONVERSION OF GARAGE INTO HABITABLE ROOM, PORCH EXTENSION, AND BAY WINDOW EXTENSION TO LOUNGE, AND ALTERATIONS TO ELEVATIONS	72 DAN-Y-BRYN AVENUE, RADYR, CARDIFF, CF15 8DD	35	True	Permission be granted	26/02/2018

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18/00020/DCH	05/01/2018	Evans	REMOVE EXISTING LEAKING REAR DORMER WINDOW AND REPLACE WITH DOUBLE STOREY REAR EXTENSION	24 HEOL WEN, RHIWBINA, CARDIFF, CF14 6EG	54	True	Permission be granted	28/02/2018
18/00039/DCH	11/01/2018	Sydenham	PROPOSED SINGLE STOREY REAR HOUSE EXTENSION AND FORMATION OF DOUBLE DOORS TO SIDE OF HOUSE	47 COED Y WENALLT, RHIWBINA, CARDIFF, CF14 6TN	48	True	Permission be granted	28/02/2018

17/02875/DCH	27/12/2017	Jones	DEMOLITION AND REBUILDING OF GARAGE, CONSTRUCTION OF SINGLE STOREY REAR EXTENSION, CONSTRUCTION OF SINGLE STOREY FRONT EXTENSION, ALTERATION OF ACCESS AND DRIVEWAY AND CONVERTING TWO DWELLINGS INTO ONE DWELLING	31-33 HEOL LLANISHEN FACH, RHIWBINA, CARDIFF, CF14 6LA	56	True	Permission be granted	21/02/2018
17/02378/DCH	05/10/2017	Williams	SINGLE-STOREY REAR EXTENSIONS. SINGLE-STOREY SIDE EXTENSION. REMOVAL OF SIDE DOOR LOBBY AND REALIGNMENT OF UNDER-STORE PARTITION. FORMING RECESS IN KITCHEN/STUDY PARTITION. OPENING UP WALL FROM EXISTING KITCHEN TO PROPOSED KITCHEN IN EXTENSION. FORMING WIDER OPENING IN EXISTING REAR EXTERNAL WALL/PROPOSED LIVING/STUDY PARTITION	1 LON-Y-DAIL, RHIWBINA, CARDIFF, CF14 6DZ	120	False	Permission be granted	02/02/2018
17/02379/DCH	05/10/2017	Williams	SINGLE-STOREY REAR EXTENSIONS. SINGLE-STOREY SIDE EXTENSION. REMOVAL OF SIDE DOOR LOBBY AND REALIGNMENT OF UNDER-STORE PARTITION. FORMING RECESS IN KITCHEN/STUDY PARTITION. OPENING UP WALL FROM EXISTING KITCHEN TO PROPOSED KITCHEN IN EXTENSION. FORMING WIDER OPENING IN EXISTING REAR EXTERNAL WALL/PROPOSED LIVING/STUDY PARTITION	1 LON-Y-DAIL, RHIWBINA, CARDIFF, CF14 6DZ	120	False	Permission be granted	02/02/2018
17/02670/DCH	08/11/2017	Hodges	SINGLE STOREY REAR EXTENSION	3 LON-Y-DAIL, RHIWBINA, CARDIFF, CF14 6DZ	86	False	Permission be granted	02/02/2018
17/02671/DCH	08/11/2017	Hodges	SINGLE STOREY REAR EXTENSION	3 LON-Y-DAIL, RHIWBINA, CARDIFF, CF14 6DZ	86	False	Permission be granted	02/02/2018
17/03130/DCH	02/01/2018	Aldridge	CONSTRUCTION OF PROPOSED GROUND FLOOR REAR EXTENSION	36 HEOL BRIWNANT, RHIWBINA, CARDIFF, CF14 6QG	34	True	Permission be granted	05/02/2018

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17/02759/MNR	15/11/2017	Rhiwbina Baptist Church	REAR FIRST FLOOR EXTENSION TO CREATE OFFICES FOR STAFF	RHIWBINA BAPTIST CHURCH, LON UCHA, RHIWBINA, CARDIFF, CF14 6HL	92	False	Planning Permission be refused	15/02/2018

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18/00129/DCH	19/01/2018	Canton Court Flats Management Co Ltd	REMOVAL OF EXISTING FLAT ROOF AND REPLACE WITH A NEW PITCHED ROOF	69-77 CANTON COURT, RIVERSIDE, CARDIFF, CF11 9BH	28	True	Permission be granted	16/02/2018
18/00195/DCH	25/01/2018	Conner	SINGLE STOREY REAR & SIDE EXTENSION TO PROVIDE NEW LIVING/DINING AREA	74 LLANFAIR ROAD, PONTCANNA, CARDIFF, CF11 9QA	32	True	Permission be granted	26/02/2018

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17/03048/MNR	14/12/2017	AARON WISE	PROPOSED CONVERSION, ALTERATION AND EXTENSION TO APARTHOTEL FORMING 5 UNITS WITH ASSOCIATED ADMINISTRATIVE AND SERVICE ACCOMMODATION	51 FITZHAMON EMBANKMENT, RIVERSIDE, CARDIFF, CF11 6AN	64	False	Permission be granted	16/02/2018
17/02794/MNR	21/11/2017	WH Developments Ltd	VARIOUS EXTERNAL ALTERATIONS AND INTRODUCTION OF ADDITIONAL CARETAKER UNIT WITHIN ANCILLARY FLOORSPACE OF THE EXISTING BUILDING	WELLINGTON HOUSE, 1-9 WELLINGTON STREET, RIVERSIDE, CARDIFF, CF11 9BE	77	False	Permission be granted	06/02/2018

17/03080/MNR	19/12/2017	RAYSON	PROPOSED CONVERSION AND EXTENSION OF EXISTING PROPERTY TO FORM 2 SELF CONTAINED FLATS	105 FAIRLEIGH ROAD, PONTCANNA, CARDIFF, CF11 9JW	44	True	Permission be granted	01/02/2018
17/03003/MNR	11/12/2017	JONES HUGHES	PARTIAL DEMOLITION AND REBUILD OF OUTBUILDING TO FORM A 2 STOREY DETACHED DWELLING	REAR OF 73-75, SEVERN ROAD, PONTCANNA, CARDIFF, CF11 9EB	52	True	Planning Permission be refused	01/02/2018
17/01360/MNR	13/06/2017	Paskalis	DEMOLISH END TERRACE HOUSE. REPLACE WITH TWO NEW BUILD FLATS.	14 FAIRLEIGH ROAD, PONTCANNA, CARDIFF, CF11 9JU	240	False	Permission be granted	08/02/2018
18/00136/DCH	19/01/2018	FUTURE JOINERY	DEMOLISH EXISTING STORE. PROPOSED 2 STOREY REAR EXTENSION AND DORMER EXTENSION TO LOFT AND RELATED ALTERATIONS	13 TUDOR STREET, RIVERSIDE, CARDIFF, CF11 6AB	38	True	Permission be granted	26/02/2018
A/18/00008/MNR	24/01/2018	WED2B	2 NEW FASCIA SIGNS	WELLINGTON HOUSE, 1-9 WELLINGTON STREET, RIVERSIDE, CARDIFF, CF11 9BE	26	True	Permission be granted	19/02/2018

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17/02966/DCH	07/12/2017	Beachus	TWO STOREY SIDE EXTENSION TO FORM NEW AT GROUND FLOOR LEVEL & MASTER BEDROOM & ENSUITE AT FIRST FLOOR.	217 TROWBRIDGE GREEN, TROWBRIDGE, CARDIFF, CF3 1RE	56	True	Permission be granted	01/02/2018
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18/00138/MJR	23/01/2018	David Wilson Homes	DISCHARGE OF CONDITION 14 (NOISE) OF 13/01172/DCO	LAND ADJACENT TO SPRINGFIELD NURSERIES, NEWPORT ROAD, ST MELLONS, CARDIFF, CF3 2WJ	24	True	Full Discharge of Condition	16/02/2018
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17/02948/DCH	05/12/2017	Lineker	VARIATION OF CONDITION 2 OF 16/02587/DCH TO INCLUDE AMENDED DRAWINGS TO RAISE THE DORMER EAVES IN ORDER TO ALLOW A LIFT TO BE INSTALLED AND SIDE DORMER INCREASED IN LENGTH TO ALLOW FOR FULL ACCESS AROUND REAR BEDROOM	23 HEOL PANT-Y-RHYN, WHITCHURCH, CARDIFF, CF14 7BZ	76	False	Permission be granted	19/02/2018
17/03134/DCH	29/12/2017	Bodman	BUNGALOW SIDE-EXTENSION AND LOFT CONVERSION INCLUDING SIDE AND REAR DORMERS.	3 HEOL DOLWEN, WHITCHURCH, CARDIFF, CF14 1RX	52	True	Permission be granted	19/02/2018
17/02977/DCH	08/12/2017	Harrington	FIRST FLOOR SIDE EXTENSION AND SINGLE STOREY DOUBLE GARAGE	3 PENDWYALLT ROAD, WHITCHURCH, CARDIFF, CF14 7EF	69	False	Permission be granted	15/02/2018
18/00095/DCH	17/01/2018	Jones	SINGLE STOREY REAR EXTENSION	26 CAMBOURNE AVENUE, WHITCHURCH, CARDIFF, CF14 2AQ	22	True	Permission be granted	08/02/2018
18/00249/DCH	02/02/2018	Bailey	TO AMEND THE ROOF DESIGN AND HEIGHT OF EXTENSION TO THE FRONT PREVIOUSLY APPROVED UNDER 17/01716/DCH	11 HANBURY CLOSE, WHITCHURCH, CARDIFF, CF14 2TB	6	True	Permission be granted	08/02/2018
18/00184/DCH	25/01/2018	Dalton	CONSTRUCTION OF A TIMBER OUTBUILDING TO THE REAR OF THE PROPERTY, POSITIONED 2M AWAY FROM THE BOUNDARY LINE	TREODA ISAF, COLLEGE ROAD, WHITCHURCH, CARDIFF, CF14 1EZ	32	True	Permission be granted	26/02/2018

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17/02756/MNR	17/11/2017	WBS Ltd	DISCHARGE OF CONDITIONS 7 (SAMPLES) AND 8 (SHOPFRONT DETAILS) OF 17/01412/MNR	57 MERTHYR ROAD, WHITCHURCH, CARDIFF, CF14 1DD	76	False	Full Discharge of Condition	01/02/2018
17/02764/MNR	07/12/2017	The Cadarn Housing Group Ltd	INSTALLATION OF SOLAR PV PANELS TO THE SOUTH EAST & SOUTH WEST EXISTING ROOF COVERINGS. PV PANELS WILL BE FIXED TO THE EXISTING ROOF STRUCTURE AND COVERING USING 'SCHLETTER RAPID2PLUS' SOLAR PV PANEL MOUNTING SYSTEM AND THE PANELS WILL BE LOCATED ON THE ROOF TO COMPLY WITH PERMITTED DEVELOPMENT RIGHTS AS PER THE INCLUDED ROOF PITCH PLANS	NEWYDD HOUSING ASSOCIATION (1974) LTD UNITS 5A AND 5B, GREENMEADOW SPRINGS BUSINESS PARK, VILLAGE WAY, TONGWYNLAIS, CARDIFF, CF15 7NE	56	True	Permission be granted	01/02/2018
17/02814/MNR	11/12/2017	K Jackson	NEW DWELLING	LLWYN-CELYN HOUSE, PANTMAWR ROAD, WHITCHURCH, CARDIFF, CF14 7TB	67	False	Planning Permission be refused	16/02/2018
17/02611/MNR	01/11/2017	Graves	PEDESTRIAN IMPROVEMENTS TO SITE ENTRANCE	VELINDRE HOSPITAL, VELINDRE ROAD, WHITCHURCH, CARDIFF, CF14 2TL	112	False	Permission be granted	21/02/2018