

## LOCAL MEMBER OBJECTION / PETITION

COMMITTEE DATE: 15/06/2016

APPLICATION No. **15/00362/MJR** APPLICATION DATE: 16/02/2015

ED: **RUMNEY**

APP: TYPE: Full Planning Permission

APPLICANT: Hennessy Developments Ltd

LOCATION: 599 NEWPORT ROAD, RUMNEY, CARDIFF, CF3 4FA

PROPOSAL: PROPOSED DEMOLITION OF EXISTING COMMERCIAL  
UNITS & ERECTION OF NEW DEVELOPMENT TO FORM 32  
NO SELF CONTAINED FLATS

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**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.9 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 Numbered – P464 A\_100; A\_101; A\_102; A\_103; A\_110 rev. A; A\_111; B\_100; B\_101; B\_102; B\_103 rev. A; B\_110 rev. A; B\_111 rev. A; L\_001; L\_002 rev. C; L\_200 rev. B; L\_210 rev. B; L\_110 and L\_220 rev. C.  
Plan R Ltd. Design & Access Statement.  
Bingham Hall Partnership Ltd. Flood Consequences Assessment ref: C4863 dated May 2015.  
Proposed Junction Layout Plan no. C4863/S278-SK01B.  
Cardiff Treescapes Outline Soft Landscaping, Planting and Maintenance Schedule, received 9<sup>th</sup> June 2015.  
  
Reason: For the avoidance of doubt.
3. Notwithstanding the submitted plans, details of refuse storage and management, providing the following capacities, shall be submitted to and approved in writing by the local planning authority:  
  
**Block A**  
2x 1100 litre bins for general waste;  
2x 1100 litre bins for dry recyclables; and  
1x 240 litre bin for food waste.

## **Block B**

2x 1100 litre bins for general waste;  
2x 1100 litre bins for dry recyclables; and  
1x 240 litre bin for food waste.

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

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

4. Notwithstanding the submitted plans, details of cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure appropriate provision for cyclists.

5. Prior to the commencement of development a scheme of highway improvements shall be submitted to the Local Planning Authority for approval and shall be implemented prior to beneficial occupation. The works, as shown indicatively on dwg.no. C4863/S278-SK01 Rev. B form Bingham Hall shall comprise, but not be limited to; the construction of a central island on Newport Road to deter illegal right turns in-out of the site, the promotion of the associated Traffic Regulation Order, the scarification and resurfacing of the north bound section of Newport Road fronting the site, together with necessary revisions to existing street lighting/drainage etc.

Reason: To ensure an orderly form of development and in the interests of highway safety.

6. 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 details of site/compound, hoardings and site access/egress. 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.

7. The development hereby approved shall be carried out in accordance with the Flood Consequences Assessment (FCA) produced by Bingham Hall Partnership Ltd. Ref: C4863, Version 1, dated May 2015, and the following mitigation measures detailed within the FCA: Finished slab levels are set at 9.65m Above Ordnance Datum (AOD) (Newlyn) – Section 4.23, page 7 of the FCA.

Reason: To reduce the risk of flooding to the proposed structures.

8. No materials, waste, arisings or plant shall be stored or operated within the River Rhymney SINC, outside the site boundary identified within the planning application, or allowed to fall, be washed or blown into it.

Reason: To protect the features of interest for nature conservation for which the SINC has been designated.

9. No site clearance/demolition to take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be provided if a suitably qualified and experienced consultant ecologist can evidence that there are no birds nesting in this vegetation immediately (48 hrs) before clearance  
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.
10. No works of roof replacement or repair to 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 roof 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 until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
12. Notwithstanding the submitted Cardiff Treescapes outline soft landscaping, planting and maintenance schedule dated 1<sup>st</sup> June 2015, unless otherwise agreed in writing with the LPA, no site clearance, preparation or development shall take place until the following have been submitted and approved in writing by the LPA: -
  - A Soil Resource Survey (SRS) and Plan (SRP) prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
  - A revised soft landscaping, planting and maintenance schedule that incorporates the requirements and recommendations of the SRP and where necessary makes provision for the importation of planting soils that have been certified in accordance with British Standard 3882:2015 and British Standard 8601:2013 and shown

to be fit for purpose in an interpretive report prepared by a soil scientist.

Reason: The information required is necessary to ensure the longevity of any soft landscaping, in the interests of visual amenity.

13. D3D Maintenance of Parking Within Site
14. C20 Architectural Detailing
15. E1B Samples of Materials
16. F7Y Ground Gas Protection
17. C7Za CONTAMINATED LAND MEASURES - ASSESSMENT
18. C7Zb CLM - REMEDIATION & VERIFICATION PLAN
19. C7Zc CLM - REMEDIATION & VERIFICATION
20. C7Zd CLM - UNFORESEEN CONTAMINATION
21. D7Z Contaminated materials
22. E7Z Imported Aggregates
23. D7G Road Traffic Noise
24. The 1.8m high opaque glazed balustrade identified in plan no. P464/B\_111 revision A, serving the flat identified as 'Flat 14' on plan no. P464/B\_103 revision A shall be installed prior to the beneficial occupation of that flat and shall thereafter be retained and maintained.  
Reason: To protect the privacy and amenity of adjacent and future occupiers.

**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:** Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing public transport services in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam

Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

**RECOMMENDATION 4** : 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 5** : Bats often roost in houses, buildings and trees, and work on these buildings and trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on buildings or trees in which bats are known to be roosting, Natural Resources Wales 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 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.

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

For further advice on bats please contact :  
The Bat Conservation Trust  
5th Floor  
Quadrant House  
250 Kennington Lane  
London  
SE11 5DR  
Tel : 0845 1300228

**RECOMMENDATION 6:** The Highway improvement works required under condition 4 above shall be subject to an agreement under Section 278 of the Highways Act 1980.

**RECOMMENDATION 7 :** You should contact Welsh Water before commencing the development since it may lie within the easement of a public sewer that crosses the site. The approximate position of the sewer is marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Developer Services on 0800 9172652 or via email at [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com) . Please note that the grant of planning permission does not give any rights to build within a sewer easement without first obtaining the consent of Welsh Water

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An application for the demolition of a vacant former tool hire premises with redevelopment of the wider site as 32 self-contained flats, accommodated in 2no. four storey blocks. The proposed flats comprise 23x 2 bed and 9x 1 bed units
- 1.2 The proposed Block A is a flat roof building and has a frontage to Newport Road of approx. 21.4m, with a return along the river bank frontage of approx. 28.6m. The building has differing roof levels, with a maximum height of approx. 12m, reducing to approx. 9.4m at the roof terrace parapet. This block is set approx. 4.5 – 5.0m off the back edge of the Newport Road pavement.

The proposed Block B has a river bank frontage of approx. 23.8m and a return depth (facing onto the open space to the west of the site) of approx. 21m

- 1.3 The proposed building is to be predominantly finished in a mix of red/orange facing brick, with cream render and an orange cladding feature wall to the main

entrance area. The third floor, (which has a return off the front & rear main elevations), is finished in grey metal cladding, with areas of glazed balustrade.

- 1.5 The site is shown as being enclosed by a 2.1m to 2.3m high block wall to the north, a 2.1m high timber close boarded fence to the west and 1.1m high bow topped black railings to the south (river) and east (Newport Road).
- 1.6 There are areas of communal open space around the two accommodation blocks and in between. The proposals include off street parking for 36 vehicles, including 2 disability spaces and 2 visitor spaces.
- 1.7 Access to the site is off Newport Road, via a new access/egress roadway layout, with pedestrian refuge centrally located within the crossover. Indicative junction layout plans have been submitted to show a dedicated left turn only arrangement onto Newport Road from the site.
- 1.8 Amended plans have been received which relocate the Block B bin store away from the northern boundary of the site, to a position more centrally located (adjacent to the proposed Block A store).

Amended plans have also been received which make alterations to the fourth floor of Block B in that:

- A previously proposed rooftop balcony area to the elevation facing the rear of the dwellings on Castle Avenue has been removed;
- Flat 14 as identified has been reduced in size, with the elevation facing the rear of the dwellings moving back by approx. 1.5m (total 3.0m off the main side elevation). The previously proposed full window and patio door to this elevation is replaced with 2 small high level windows;
- An obscurely glazed 1.8m high balustrade is proposed to the remnants of the previously proposed rooftop balcony (serving flat 14), with primary aspects over the amenity/parking areas of the development site.
- As a result of the changes to flat 14, flat 13 has been reduced from a 3 bed to a 2 bed unit.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 3000sqm in area, set to the south of the dwellings fronting Castle Avenue and to the north of the river Rhymney. The site is constrained in that there is a combined sewer crossing it diagonally north-east to south-west.
- 2.2 The adjacent properties on Castle Avenue are two storey terraced dwellings, who's gardens are separated from the application site by an existing lane (overgrown and not in substantive use). The nearest dwellings to Newport Road are predominantly two storey semi detached properties. Opposite the site on the other side of Newport Road, the Rhymney Pottery sits on ground that has a reduced level to the carriageway.

To the south of the site runs the river Rhymney. Beyond the river there is the 'Southern Way' viaduct and Newport Road interchange beneath.

### 3. **SITE HISTORY**

- 3.1 04/374R – Outline application for the construction of 24 flats – Approved subject to S106 Agreement – No Agreement completed at this time;

07/1421E – retail foodstore and associated works – Approved (Not implemented)

### 4. **POLICY FRAMEWORK**

- 4.1 The relevant Local Development Plan Policies are:

Policy KP5 (Good Quality and Sustainable Design)

Policy H3 (Affordable Housing)

Policy H6 (Change of Use or Redevelopment to Residential Use)

Policy EN14 (Flood Risk)

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

Infill Sites 2011

Affordable Housing 2007

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

- 5.1 The Transportation Manager has no objection, making the following initial comments:

*Though the Design & Access Statement from Plan R Ltd makes reference to the previous commercial use of the premises it makes no attempt to quantify the issue of an increase in the number of vehicle manoeuvres over and above existing - beyond mention of the 'large numbers of movements by HGVs, trucks, vans etc' that would have been associated with the previous use. However, that use is long defunct, and anyway would not have generated anywhere near the peak hour vehicle movements that would be associated with the proposed development of 32 flats – which can therefore be viewed as effectively a new use.*

*The introduction of new peak hour right turning manoeuvres is of particular concern in terms of highway safety and the free flow of traffic mindful of the*



*location of the site on such a busy main road near its junction with New Road. Though the previous consent for retail use (07/1421/E) was conditioned to deter right turns in/out of the site this is another issue which is not addressed in the D&AS – beyond describing the proposed access arrangements, which include the provision of a new ‘pedestrian island’ at the site access, as an improvement to highway safety. I would request that the proposed access arrangement be revised along the following lines;*

*Though the D&AS refers to the site being readily accessible on foot via existing footways on both sides of Newport Road this is certainly not the case to south where roundabout at the Newport Road/Southern Way interchange represents an impassable barrier for pedestrians – who will instead be obliged to walk some distance northwards in order to use the pelican crossing near Castle Avenue. The new frontage footway shown is therefore of no practical value – while no footway at all is proposed on the northern side of the access. I would suggest that whole access be tightened as far as possible while still maintaining satisfactory access/egress by Council refuse vehicles (tracking diagrams to demonstrate this would be required), and also moved as far southwards as possible (for reasons that I will go on to describe). This would enable the existing Newport Road footway to be extended along the northern side of the site access for a distance that would at a minimum facilitate safe access to the southern side via the proposed pedestrian island. The overall movement southwards of the access could be further enhanced by means of a minor reorientation of Block A in order to bring it parallel to the site’s southern boundary.*

*The purpose of the suggested movement of the access southwards is to facilitate measures to maximise the effect of a scheme to deter illegal right turns to/from the site. Though a condition will be required obliging the developer to promote a TRO making right turns illegal enforcement of it may prove to be a problem in the future. To this end I’d suggest the installation of a system of highway pole cones (Jislon from Rediweld or similar) at 1.5 metre centres along the centre of Newport Road – extending as far northwards as possible whilst still maintaining provision for buses to be able to turn right from Newport Road into New Road, and also vehicular access to/from 603 Newport Road. Tracking diagrams would again be needed to verify this. For pedestrian safety the island itself should be constructed in Trief kerbs (or similar) with a central lowered pedestrian area of sufficient size to accommodate prams/wheelchairs etc, together with associated illuminated ‘keep left’ bollards. The footpath shown along the southern frontage of the site should be constructed in deterrent paving. The works, which would be subject to a Section 278 agreement, may also need to include the scarification and re-surfacing of the western section of Newport Road along the site frontage (depending on its existing condition and whatever damage which it might incur during the construction period.*

*The requirement of the SPG (Access, Circulation & Parking) is for ‘between 0.5 and 1 spaces per unit’ for 1 bed flats and ‘between 0.5 and 2’ for 2 beds. The overall provision of 36 spaces in association 32 flats is therefore in compliance with this. Adequate provision is also made for cycle parking – though the provision for Block A should be within a secure lockable structure.*

*Many of the letters of objection make reference to additional vehicle manoeuvres in/out of the site at this location. These are valid concerns but must be seen in the context of the previous commercial use of the site with parking which entailed reversing manoeuvres directly onto Newport Road, and also the previous consent for retail use – which would make it difficult to sustain a highway objection to the current application. Also the current application present the opportunity to design out illegal right turns as per my comments.*

*A contribution towards public transport enhancement will also be required in accordance with current policy aimed at encouraging non-car borne modes of travel. A contribution of £6,000 (exclusive of Regulatory's admin charge) secured via a Section 106 agreement would enable bus boarders to be installed at the stop on New Road near its junction to Ty Mawr Avenue and would be an appropriate contribution.*

Significant dialogue with the agent regarding the access arrangement off Newport Road has taken place. Subsequently, a scheme for the improvement of the new junction were submitted (Plan C4863/S278-SK01B). After further consideration, the Transportation Manager advised that this arrangement is acceptable, subject to an appropriate condition (condition 5 above).

- 5.2 The Waste Manager considers the indicated refuse storage area to be acceptable, subject to the proposals accommodating the appropriate capacities. Condition 3 is recommended in order to secure those capacities.
- 5.3 The Pollution Control Manager (Contaminated Land) has no objection to the proposals, subject to contaminated land conditions and advice.
- 5.4 The Pollution Control Manager (Noise & Air) has no objection, subject to a condition relating to traffic noise and advice regarding construction site noise.
- 5.5 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.
- 5.6 The Parks Manager has no objection to the proposals, subject to the developer agreeing to a financial contribution of **£45,301** towards the provision of or maintenance of existing open space in the vicinity of the site.
- 5.7 The Council's Ecologist has no objection, subject to the imposition of conditions relating to the protection of nesting birds and advice regarding Bats.
- 5.8 The Housing Strategy Manager has considered the proposals and makes the following comments:

*“In line with the emerging LDP, an affordable housing contribution of 20% of the 32units (6 units) is sought on this brown-field site.*

*Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality*

*Requirements for purchase by a nominated Registered Social Landlord partner.*

*However, given the proposed design of the residential and overall scheme, the proposal for private units for sale, and the potential service charges for this type of residential development, all of the above could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord. However, we would like to discuss in detail with the applicant the potential for on-site delivery of the affordable housing.*

*If on-site affordable housing is not possible then we could accept the affordable housing to be wholly delivered as a financial contribution in lieu of on-site affordable housing provision. On that basis we would seek a financial contribution of **£435,000** (in lieu of the 6 units) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).”*

- 5.9 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.10 The Council’s Tree Protection Officer has no objection in principle to the submitted landscaping details. However, a condition requiring the submission of further soils analysis information, and any amended landscape details informed by it is considered appropriate.
- 5.11 The Neighbourhood Renewal Manager has no objection. The following comments are made:

**Request for Community Facilities**

*Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that ‘the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities’. If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings including student accommodation.*

*No onsite community facilities have been proposed therefore a contribution towards community facilities is required.*

*An estimated contribution of **£18,908** would be required which is based on the approximate amount of residential dwellings outlined as part of the planning application. If the number of dwellings increased or decreased as part of the full planning application the contribution would be adjusted accordingly.*

**Community Infrastructure Levy (CIL)**

*CIL Regulation 122(2) provides:*

*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

*Comments in respect of the request for contributions towards community facilities are as follows:*

**(a) Necessary to make the development acceptable in planning terms:**

*The SPG for ‘Community Facilities and Residential Development’ was formally adopted by Council on 22<sup>nd</sup> March 2007. The SPG was adopted to provide guidance on national and local planning policy which highlights the importance of the planning system in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development. Policy 21 of the City of Cardiff Local Plan (adopted January 1996) supports the provision of community facilities as part of new residential developments.*

*It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states “Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable”. A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.*

**(b) Directly related to the development**

*The nearest community facilities to the proposed development are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities. :*

- 1. Eastern Leisure Centre:** *This leisure centre, although located within the Llanrumney ward, is the nearest indoor sports facility within walking distance from the proposed development site.*

*It is anticipated that the facility is likely to experience added pressure as a result of the new population from the proposed development. Therefore, any financial contribution will help to provide the best possible facility for the area and offset the impact of the additional population.*

*In addition there are also a number of existing church halls in the ward which could be subject to additional use as a result of the increased population from the development and could be upgraded to cater for this with the community facilities contribution.*

**(c) Fairly and reasonably related in scale and kind to the proposed development**

*Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.*

**6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 Natural Resources Wales have no objection to the proposals, subject to a condition requiring development to be implemented in accordance with the approved Flood Consequences Assessment.
- 6.2 Glamorgan Gwent Archaeological Trust have no objection.
- 6.3 Welsh Water have been consulted and no objection is raised in respect of site drainage or water supply, subject to conditions and advice relating to drainage and development around the existing sewer.

**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.
- 7.2 21 individual letters of objection have been received from neighbouring residents, which raise the following concerns:
- Overspill parking into the surrounding streets will exacerbate existing congestion;
  - Cars leaving the site (left turn only) but wanting to travel towards town will use Castle Avenue/Castle Crescent to turn;
  - Loss of privacy/overlooking;
  - Loss of light due to scale;
  - Unacceptable location of bin store;
  - Lack of landscaping to screen views towards flats;
  - Increased traffic on Newport Road junction will exacerbate existing congestion;
  - Poor drainage capacity as existing, with instances of flooding;
  - Over-development will have an impact on road network;
  - Over-bearing – out of keeping with the area;
  - The development will have an impact on the adjacent River Rhymney, a SSSI;
  - Lack of consultation.
- 7.3 Local Members have been consulted and Councillor Parry makes the following comment:

*I am sending this as I am receiving a large number of calls etc. from very worried residents. I know that there will be many more once this is on the*

*grapevine ... due to the very large number of proposed units also.... Access and egress onto very very busy Newport Rd... (Rumney Bridge). I am told that that site was flooded only a couple of weeks ago as it is next to Rumney River. I have also witnessed flooding of same.*

Councillor Parry further comments:

*I have very real concerns re this app. Including the entrance for almost Forty Flats to be on a narrow congested Rumney Bridge. We have always had hugely irate residents complaining on a daily basis as the queues of traffic are horrendous. , It is on a floodplain, it is adjacent to a tidal Rumney River. And the number of flats are “too many”.*

- 7.4 Councillor Derbyshire objects to the proposals, making the following comments:

*Both Councillor Parry and myself are not happy with the size and scale of this proposed development. Can you put forward our objections and also ensure we are informed when this is due to come to the planning committee as we would both like to speak to the committee if available.*

Councillor Derbyshire further comments:

*Just to confirm my opposition to this development on highway grounds. I am concerned about the access and egress to the site which is almost on the busy roundabout. Although I understand that there will be a left turn only coming out of the site, given that most vehicles will want to go the other direction toward Cardiff city centre I believe there is potential for accidents as residents try to go in that direction as there is no obvious place for them to turn around if they go left. As for the argument that previously people used the site for tool hire, well many of them would be travelling up the hill afterwards so the issue of turning round was not such a problem. Plus the fact that people were in and out of the hire shop mostly in the evenings and weekend whereas there will be commuter traffic at the time many of the occupants will be leaving for work so much busier on an already busy Newport Road.*

- 7.5 A petition of 75 signatories has been submitted in objection to the proposals. The grounds for objection cited are:

- The proposals are too large and obtrusive;
- Traffic Safety;
- Parking provision;
- Use of Castle Avenue/Castle Crescent to turn right.

- 7.6 Amended plans have been received and a re-consultation exercise with Local Members, neighbours, and other interested parties has been undertaken.

- 7.7 Subsequent to the above mentioned re-consultation, further objections have been received from the occupiers of 16 New Road and 1 & 8 Castle Avenue, citing the following grounds:

- Overdevelopment, out of keeping with the area;
- Overlooking from Block B into the rear of 1 Castle Avenue;
- Impact of additional cars on the existing traffic problems;
- The use of Castle Avenue for turning;
- The location of the bin store adjacent to the northern boundary;
- The amended plans do not address the overlooking issue;
- The amended plans do not address the use of Castle Avenue as a turning place or overspill parking street.

The representation also makes suggestions regarding the above objections. The representation is available for Members to consider.

## 8. **ANALYSIS**

- 8.1 An application for the demolition of a vacant former tool hire premises with redevelopment of the wider site as 32 self-contained flats, accommodated in 2no. four storey blocks. The proposed flats comprise 1x 3 bed, 22x 2 bed and 9x 1 bed units.

The application was deferred by Planning Committee at its meeting of the 20<sup>th</sup> April 2016 in order to undertake a site visit. That visit took place on the 11<sup>th</sup> May 2016.

The application was further deferred by Planning Committee on the 18<sup>th</sup> May 2016 in order to explore reasons for refusal of consent, on grounds of overlooking from Block B towards the rear of the dwellings fronting Castle Avenue. This matter is discussed in paragraph 8.11 below.

- 8.2 The application site is adjacent to existing housing and accommodates redundant commercial units having been formerly occupied by a builder's yard and tool hire centre.

This site has been vacant since 2007 and has a previous resolution to grant planning consent for residential development (04/0374/R) and more recently a planning consent for retail development (07/01421/E).

The application site is identified as white land as defined by the Adopted Cardiff Local Development Plan Proposals Map and therefore has no specific land use allocation and no specific land use policy applies.

Policy H6 of the Adopted LDP permits the change of use of redundant premises or redevelopment of redundant previously developed land for residential use where there is no overriding need to retain the existing use and no overriding alternative local land use requirement; the resulting residential accommodation and amenity will be satisfactory; there will be no unacceptable impact on the operating conditions of existing businesses; necessary community and transportation facilities are accessible or can easily be provided or improved and that there are no unacceptable land contamination risks to the end users.

Taking into account the above factors the residential redevelopment of the site raises no land use policy concerns.

- 8.3 Outline planning permission was previously sought for the residential development of this Brownfield site (04/374R – 24 flats). Whilst the Planning Committee of the time resolved to grant consent, subject to the completion of a legal agreement, that agreement was never completed and that application has now been withdrawn. However, is it considered reasonable to believe that the principle of its redevelopment has been established.

The application site is located to the north of the river Rhymney and A4232 flyover and therefore falls just inside a stretch of Newport Road which is largely characterised by traditional two storey residential development.

#### 8.4 Layout, Scale & Massing

While the immediately adjacent built form to the north of the site is two storey pitch roof dwellings, the scale of development fronting onto the street fluctuates as you travel along Newport Road northwards. Taking this, the separation distance proposed between the frontage building and the neighbouring building to the north, the change in levels in the area and the positioning of the proposed building adjacent to the flyover into account, it is considered that site could accommodate a development containing buildings of the scale and massing of those proposed.

While the proposed buildings would each be 4 storeys in height, through the top floor being set in and the building having a flat roof; combined with the site being located at a lower ground level than the neighbouring properties, it is considered that the height of the building proposed is considered acceptable relative to the adjacent dwellings to the north.

The massing of the building would be broken up by small projections and recesses within the buildings elevations, through changes in the finishing materials, through the top floor of the building being set in and also the inclusion of windows which have a vertical emphasis. The massing of the two buildings is therefore considered to be acceptable.

The layout provides for Block A to have an important frontage to Newport Road. Although this frontage is slightly in front of the building line of the nearest properties along Newport Road, given the historic context of this site, and the degree of separation that is maintained between Block A and no. 603 Newport Road, this is not considered to be a significant issue.

Block B is sited closest to the existing dwellings fronting Castle Avenue, and is the subject of amended plans relating to the impact of the originally proposed fourth floor roof top balcony and its overlooking of the rear of the dwellings fronting Castle Avenue. At its nearest point to the garden of no. 11 Castle Avenue, the north elevation of Block B is separated by approx. 10.5m. The distance from the same point to the end elevation of the annexe to no. 11 is approx. 24m and to the main rear elevation of no. 11 is approx. 28.6m.



The amended fourth floor of this Block sees these distances increased to approx. 13.4m, 27.0m and 31.2m respectively. The remainder of Block B and all of Block A are considerably further from the rear of the dwellings on Castle Avenue.

In this case, it is considered that the separation is such that there would be no sustainable grounds to refuse consent.

It is worthy of note that the development proposed under application 04/374R was for three storey blocks, with pitched roofs, located in very similar positions to those under consideration here. The current proposed development is of four storeys height, but with a flat roof design. In this case, the scale and massing of the current proposals, whilst larger than previously 'approved', would only be marginally so.

#### 8.5 Materials

The material finish to the dwellings to the north of the site are combinations of red facing brick, pebble dash and white/cream render.

The proposed materials are reflective of this combination, with predominantly red brick walls with panels of cream render and smaller areas of orange rain screen cladding.

The fourth floor has a grey standing seam cladding finish, with grey framed glazing and doors.

Given the local material palette, the proposals would be considered acceptable, having no adverse visual impact.

#### 8.6 Amenity Space

It is acknowledged that the available amenity space is limited, and its arrangement is constrained by the layout of the proposed development. However, it is considered that the space that is available offers sufficient amenity for future occupiers to use in a communal fashion.

The limited provision of open space on site has influenced the comments of the Parks Manager, who is seeking a financial contribution towards off-site provision.

#### 8.7 Access & Parking

The initial comments from the Transportation Manager were instrumental in the submission of an amended access arrangement, with highways works proposed that would physically deter any right turn manoeuvre out of the site. The proposed layout, subject of a condition above, is considered to be acceptable to the Transportation Manager.

The proposed on site car parking provision for 36 vehicles is within the parameters set out in the Council's guidance on parking standards. The layout of the site is such that there is sufficient manoeuvring room to allow vehicles, including refuse vehicles, to enter and leave in forward gear.

In light of the comments from the Transportation Manager, the proposed access and parking proposals are considered to be acceptable.

#### 8.8 With regard to other comments made in representations:

- The application has been considered by the Transportation Manager, who raises no objection in terms of parking provision, traffic movements or highway safety. In this case, there would be no sustainable grounds to refuse consent;
- The degree of overlooking has been examined above and the distances are such that they fall within the parameters of the Council's planning guidance;
- The dwellings fronting Castle Avenue are set slightly above ground level at the application site. In addition, when viewed from the rear of these dwellings the site (and proposed buildings) would be viewed against the backdrop of the existing Southern Way Viaduct. In this case, whilst there may be some impact on the degree of natural light into the rear of the dwellings, it is considered that this impact would be insufficient to warrant or sustain refusal of consent;
- The location of the bin store, adjacent to the retained 2.3m high boundary wall, and separated from the garden to no. 11 Castle Avenue by the existing rear lane and their garage building is considered to be acceptable;
- There are currently no trees or bushes within the site in the area of the boundary wall to the north, with this area given over to parking bays under the proposed scheme, whilst there are existing trees & bushes outside (but overhanging) the site. The primary direction of view from the rear of the majority of dwellings on Castle Avenue is such that it would be directed through the space between the two blocks. There are no reasonable grounds to oblige a developer to plant a treeline along this boundary;
- A condition is recommended to secure detailed drainage of the site. The proposals have been considered by Natural resources Wales in respect of flooding and they raise no objection;
- The site is adjacent to the River Rhymney Site of Importance for Nature Conservation (SINC), not a SSSI. The proposals have been considered by the Council's Ecologist, who has no objection, subject to conditions relating to works being timed to protect nesting birds and an informative in respect of Bats;
- The application has been publicised by direct notification, site and press notices, in accordance with adopted procedures and appropriate legislation.

With regard to the comments received post amended plan notification referred to in para. 7.7 above:

- The issues of scale have been examined by Committee and are considered acceptable;

- The issue of overlooking has been raised by Members of Committee and para. 8.11 below provides Members with a potential reason for refusal, in accordance with the resolution of the 18<sup>th</sup> May 2016. However, the amended plans submitted are considered by Officers to overcome this issue and Members are advised accordingly (para. 8.11);
- The application has been assessed by the Transportation manager, who has no objection, subject to conditions. There are no reasonable grounds to require the applicant to provide any further justifications on this issue
- The applicant cannot be reasonably held accountable for the actions of drivers using the surrounding highway network (existing and/or future);
- The bin store in question has already been relocated within the site, as reported to Committee on the 18<sup>th</sup> May 2016.

8.9 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Parks – £45,301 – Towards the improvement of open space in the vicinity. Details to be agreed in line with the CIL tests.

Affordable Housing - £435,000 – A financial contribution in lieu of any on site provision is acceptable to the Housing Strategy Manager.

Community Facilities - £18,908 - Towards the improvement of community facilities in the vicinity. Details to be agreed in line with the CIL tests.

Transportation - £6,000 – Towards the provision of bus boarders to existing nearby stops.

In addition, a Section 278 Agreement under the Highways Act will be required for the approved (in principle) highways works.

The applicant has confirmed that they accept the above mentioned contribution requests.

8.10 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.

8.11 Members resolved to defer determination of this application in order to examine reasons for refusal of consent on grounds of overlooking from Block B to the rear of the dwellings on Castle Avenue. Should Members be minded to refuse consent, the following is offered as a possible reason:

*The proposal, by reason of the design and setting of the rooftop balcony to the northern side elevation of Block B would result in a degree of overlooking that would cause unacceptable harm to the privacy and amenity of occupiers of the dwellings fronting Castle Avenue, contrary to the provisions of Policy KP5 of the adopted Cardiff Local development Plan 2016 and paragraph 9.3.3 of Planning Policy Wales (Edition 8 – Jan 2016).*

Notwithstanding the above, Member attention is drawn to the amended plans that have been received which show that the balcony area that raised Members concerns has been removed from the proposals, and the fourth floor has also been pulled back further away from the northern boundary of the site.

It is considered therefore that the amendments would make refusal of consent on the grounds identified unsustainable at appeal.



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A2



Location Plan  
1:1250

**DRAINAGE LEGEND:**

- - - FOULED DRAINAGE RUN - EXISTING
- - - FOULED DRAINAGE RUN - PROPOSED
- - - SURFACE WATER DRAINAGE RUN

Site Area= 3013m<sup>2</sup>

Planning Issue

**dlp ARCHITECTURE**

Architectural Design / Planning / Survey / Building Control / Construction / Sustainable Design  
 Spilstone House, 40 Wood Lane, Cardiff, CF14 2AT  
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**PROJECT**  
 Proposed demolition of existing commercial units & erection of new development to form 32 No self contained flats  
 599 Newport Road, Rumney, Cardiff, CF3 4FA

**DATE:** 02/10/15  
**SCALE:** As indicated  
**DRAWN BY:** Pete Legg  
**CHECKED BY:** JC

**DRAWING NUMBER:** P464  
**REVISION:** L\_001



Site Plan as Existing  
1:250



Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

A2 - 1:250



**TOTAL SITE AREA:** 3013m<sup>2</sup>

**Car Parking:**  
 32 No Resident spaces  
 2 No Disabled spaces  
 2 No Visitor spaces  
 38 No Cycle spaces

**SURFACE FINISHES KEY:**

- Grass
- Tarmacadam hardstanding
- Paving slabs
- Pavious

**DRAINAGE LEGEND:**

- FOUL DRAINAGE RUN - EXISTING
- FOUL DRAINAGE RUN - PROPOSED
- SURFACE WATER DRAINAGE RUN

**DRAINAGE NOTES:**

Surface water & Highway drainage to new soakaways to be designed in accordance with BRE 365

**BIN STORAGE:**

Recycling: 4 x 1100L bins  
 Composting: 4 x 1100L bins  
 Food Waste: 2 x 240L bins

### Planning Issue

- 24/02/16 - C - PL - JD - Block B third floor required in size & building removed to North elevation
- 12/05/16 - B - PL - JD - Bin stores amended & repositioned
- 12/05/16 - A - PL - JL - Landscaping, hardstanding paving & access amended & private amenity added



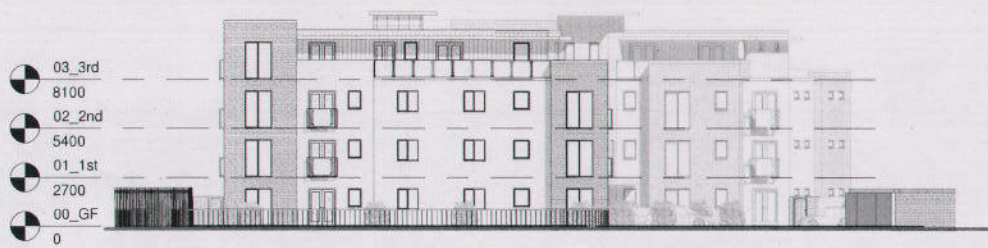
Architectural Design: Planning, Building Control, Construction Details, Sustainable Design  
 Systems: Heating, Air Conditioning, Control, Lighting, Security  
 T: 02920316857 M: 07785082007 info@ddparhitecture.co.uk

**PROJECT:**  
 Proposed demolition of existing commercial units & erection of new development to form 32 No self contained flats  
 599 Newport Road, Rumney, Cardiff, CF3 4FA

**DATE:**  
 Site Plan as Proposed

**SCALE:** As indicated  
**DATE:** 02/02/15  
**DRAWN BY:** Pipa Legg  
**CREATED BY:** JC  
**LAUNCH NUMBER:** P464  
**REVISION:** L\_002  
**DATE:** G

Site Plan as Proposed  
 1 : 250

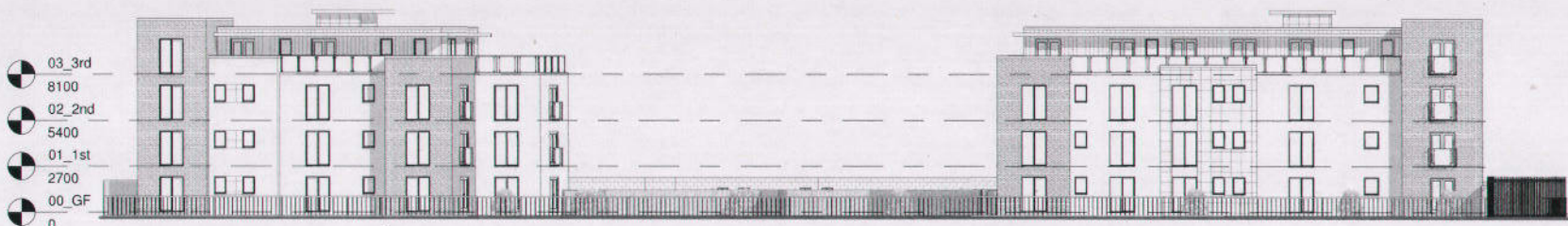


East Elevation From Newport Road

1:200

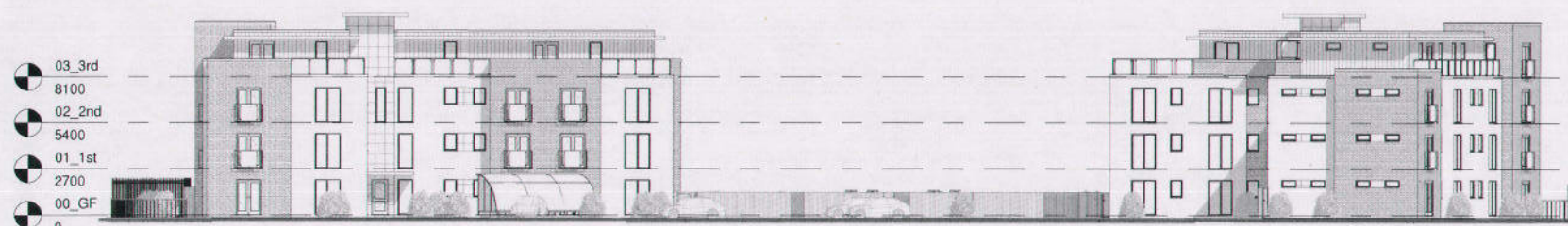
**FINISHES KEY:**

- A: GREY SINGLE PLY FLAT ROOF MEMBRANE
- B: DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C: DARK GREY ALUMINIUM CAPPING
- D: CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E: RED / ORANGE BRICKWORK EXTERNAL WALLS
- F: GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G: ORANGE METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- H: STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS



South Elevation

1:200



North Elevation

1:200

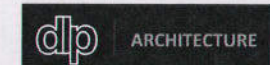


West Elevation

1:200

**Planning Issue**

24/05/16	B	PL	JO	Block B third floor reduced in size & balcony removed to North elevation
12/06/15	A	PL		Cladding removed from east elevation
4/8/15	REV	NAME	AK	AKA



A structural design & feasibility - building & planning team & construction design & construction management  
 Systema House, 49, Broad Street, Cardiff, CF1 4 2AT  
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**PROJECT**  
 Proposed demolition of existing commercial units & erection of new development to form 32 No self contained flats  
 599 Newport Road, Rumney, Cardiff, CF3 4FA

**DRAWING INFO**  
 Site Elevations as Proposed

SCALE	DATE	DESIGNED BY	CHECKED BY
As indicated	02/10/15	PL	JO
<b>DRAWING NUMBER</b>		<b>REV</b>	
P464	L_210		B

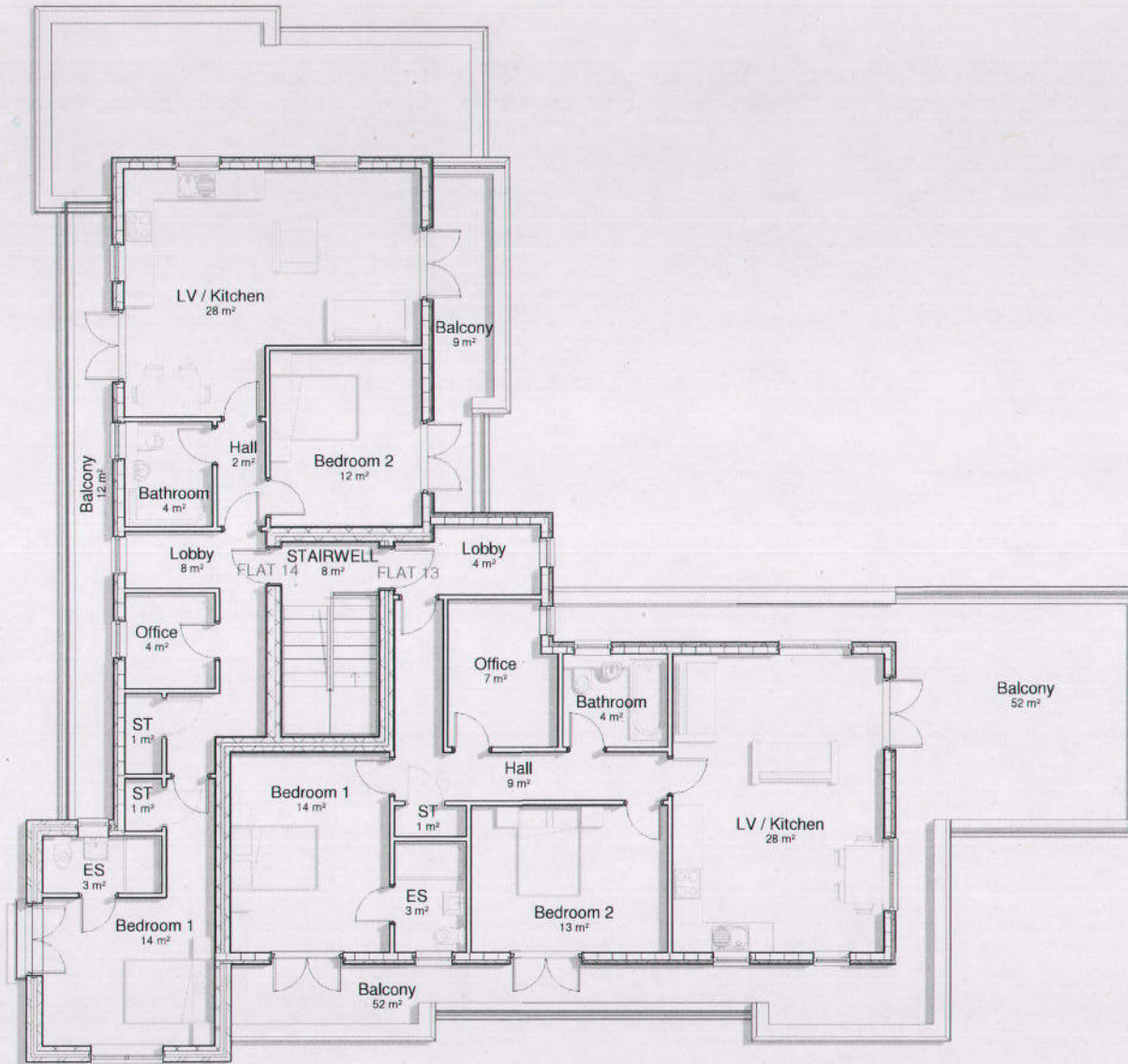
Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size

**FINISHES KEY:**

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
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- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : ORANGE METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- H : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS



**BLOCK B - Third Floor Plan**  
1 : 100

**Planning Issue**

24/05/16 A PL JO Flat 14 reduced in size / layout & balcony removed to North elevation

date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design  
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PROJECT  
Proposed demolition of existing commercial units & erection of new development to form 32 No self contained flats  
599 Newport Road, Rumney, Cardiff, CF3 4FA

DRAWING TITLE  
BLOCK B - Third Floor Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	02/02/15	PL	JO

DRAWING NUMBER	REVISION
P464 B_103	A

24-05-2016 12:28:33









East Perspective View

**FINISHES KEY:**

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : DARK GREY ALUMINIUM CAPPING
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / ORANGE BRICKWORK EXTERNAL WALLS
- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : ORANGE METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- H : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS

**SURFACE FINISHES KEY:**

-  - Grass
-  - Tarmacdam hardstanding
-  - Paving slabs
-  - Pavioours



South West Perspective View

**Planning Issue**

24/05/16	C	JO	Block B third floor reduced in size & balcony removed to North elevation	
12/05/16	B	PL	JO Bin stores amended & repositioned	
12/08/15	A	PL	Landscaping, hardstanding parking & access amended & private amenity added	
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design  
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 T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT  
 Proposed demolition of existing commercial units & erection of new development to form 32 No self contained flats  
 599 Newport Road, Rumney, Cardiff, CF3 4FA

DRAWING TITLE  
 Perspective Views as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	02/02/15	Pete Legg	JO
DRAWING NUMBER	REVISION		
P464	L_220	C	