

COMMITTEE DATE: 15/06/2016

APPLICATION No. **16/00812/MJR** APPLICATION DATE: 11/04/2016

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: Ely Bridge Development Company

LOCATION: PART OF FORMER PAPER MILL ARJO WIGGINS, OLD MILL BUSINESS PARK, SANATORIUM ROAD, CANTON, CARDIFF, CF11 8DS

PROPOSAL: CONSTRUCTION OF HIGHWAY KNOWN AS GREEN STREET 1 ON OUTLINE MASTERPLAN

RECOMMENDATION 1 : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. Full engineering details of a pedestrian/cycle link connecting the Green Street to the Riverside Walk/Cycleway, together with a timetable for its provision shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of these works on site. The pedestrian/cycle link shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure an orderly form of development and to make provision for satisfactory access to the development for future occupiers, in accordance with policies KP5, KP6, KP8, T1 and T5 of the Cardiff Local Development Plan.
3. The footways on both sides of the carriageway shall have a minimum clear width of 2.0 metres.
Reason: For the avoidance of doubt and to ensure that the footways are suitable for all users, in accordance with policies T1 and T5 of the Cardiff Local Development Plan.
4. No materials, waste, arisings or plant shall be stored or operated within the River Ely Site of Importance for Nature Conservation, or be allowed to fall, be washed or be blown into it.
Reason: To protect the features of interest for nature conservation for which the Site of Importance for Nature Conservation has been designated, in accordance with policy EN5 of the Cardiff Local Development Plan.
5. 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. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme 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.

6. 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 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.

7. 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 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.

8. The construction of service trenches must comply with the recommendations as set out in Section 3.2.3 of Arup's Remediation

Scheme and Verification Plan Report reference REP003 Dated October 2012.

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

9. Prior to the commencement of the works an Asbestos Monitoring Plan must be submitted to and approved by the Local Planning Authority, in order to ensure that appropriate measures are taken to monitor and mitigate against the release of any asbestos fibres which may be present within the existing crushed concrete capping layer. All works shall be undertaken in accordance with the approved documents.
Reason: To ensure that the development can be carried out safely without any acceptable risks to workers, neighbours or any other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.
10. The development hereby approved shall be carried out in accordance with the Rubicon Heritage Services Ltd Written Scheme of Investigation for Archaeological Watching Brief dated February 2015, which was approved by the Local Planning Authority on 18th March 2015 for the discharge of condition 13 of planning permission number 14/00772/DCO dated 05/12/2014, and all the archaeological work described in the approved Written Scheme shall be completed.
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, in accordance with policies KP17 and EN9 of the Cardiff Local Development Plan.
11. No artificial lighting shall be installed which would result in spillage of light onto the River Ely or adjacent riparian habitat. Prior to installation of the lighting scheme for this development the specifications, location and direction of artificial lights shall be agreed in writing with the Local Planning Authority and implemented as agreed.
Reason: To maintain a dark corridor for use by bats and otters, in the interests of the preservation of protected species and in accordance with policy EN7 of the Cardiff Local Development Plan and paragraphs 5.2.8 and 5.5.1 of Planning Policy Wales (January 2016).
12. No development shall be carried out that does not incorporate fully, or accord with, the mitigation measures detailed in the Flood Consequences Assessment Reference 12/8618 Revision 2 dated 14th May 2013.
Reason: In the interests of flood management, in accordance with policy EN7 of the Cardiff Local Development Plan and Planning Policy Wales Technical Advice Note 15.
13. Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority, to include details of vehicles (numbers/type), traffic routes, restricted hours of operation, site hoardings, site access (including

temporary), position of haul roads, details of the location of compounds for the storage of plant and materials, plant and wheel washing facilities and parking of contractors vehicles.

Reason: In the interests of highway safety, public amenity and to avoid any conflict situations with other users of the highway in the vicinity of the site particularly those associated with the school on Sanatorium Road during construction; in accordance with policies T5 and T6 of the Cardiff Local Development Plan.

14. During the period of construction, any excavation within 20 metres of the River Ely that is in excess of 600mm deep and will be left open at night shall have at least one gently sloping side, or an escape route for otters by means of wooden ramp(s).

Reason: To protect a European Protected Species, in the interests of biodiversity and in accordance with policy EN7 of the Cardiff Local Development Plan.

15. Details of any lighting required during construction works shall be agreed in writing with the Local Planning Authority prior to installation, and implemented as agreed.

Reason: To ensure the River Ely corridor continues to be used by bats and otters, in the interests of biodiversity and in accordance with policy EN7 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The applicant is advised that Wales & West Utilities has pipes in the area. Prior to the commencement of development the developer must contact:

Theresa Cubitt
Wales and West Utilities,
Wales and West House,
Spooner Close,
Celtic Springs,
Coedkernow,
NEWPORT
NP10 8FZ
Telephone : 02920 278835
www.wwutilities.co.uk

to discuss Wales and West Utilities' requirements in detail, as their apparatus may be at risk during construction works. Should diversion works be required, these will be fully chargeable.

RECOMMENDATION 3: The developer is advised that if these roads are to be offered for adoption then they would be subject to a Section 38 Agreement and associated Technical Approval Process being in place, prior to implementation of any of these works on site, as currently being progressed for those detailed applications that already have permission/s in place.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application is for full planning permission for one of the new Green Streets associated with the proposed redevelopment of the site for mixed use including residential (outline planning permission 12/01663/DCO). The street will extend north-east/south west between the Neighbourhood Centre and the Riverside Park. It is one of two applications for planning permission for new Green Streets which were submitted concurrently, the other (application 16/00813/MJR) being for "Green Street 2" which will be to the south of this site, running north-east/south west between the main boulevard and the Riverside Park.
- 1.2 The plans give details of the layout and dimensions of the road, which follows the pattern shown on the indicative layout and approved access details for outline planning permission 12/01663/DCO, i.e., the primary distributor road, accommodating the bus route, will be in the form of a tree-lined boulevard which will act as the transport spine for the site. The Boulevard will lead to the Neighbourhood Centre, which will be designed according to "shared space" principles. "Green Streets" will lead off this boulevard, creating a link to the riverside park. These streets will be interspersed with shared streets and mews courts, giving pedestrians priority over vehicles. The application also includes technical details of utilities and street lighting layout, highway signage and road markings, storm drainage details, longitudinal sections and cross sections, finishes and kerbing details, road contours and road alignment.

2. DESCRIPTION OF SITE

- 2.1 The wider Ely Mill site is around 20 hectares in size and is located adjacent to the eastern bank of the River Ely, to the south west of an embankment carrying the City (Radyr) railway line and the railway from Cardiff to Swansea, which runs alongside Cowbridge Road East. At its northern end the site borders onto Cowbridge Road West for a distance of approximately 150 metres where that road descends from the Ely Bridge roundabout to the bridge over the river.
- 2.2 The frontage onto the river Ely is approximately 1,000m in length. The site varies in width between around 32m and 300m. It is generally level throughout and former buildings and other structures have been removed following the granting of planning permission for site remediation works.
- 2.3 A line of mature trees runs along the southern boundary of the site separating it from playing fields to the south. The majority of the site is separated from the surrounding areas by the river and railway lines. An area of industrial units and warehouses, along with a new primary school, is situated on Sanatorium Road and Paper Mill Road close to the eastern site boundary, beyond which is a predominately residential area.
- 2.4 Vehicular access to the site is currently via Sanatorium Road only. Sanatorium Road leads to Paper Mill Road which is linked to Cowbridge Road East via a footbridge over the main railway line. There is also a pedestrian underpass beneath the City railway line, which is currently blocked.

3. **SITE HISTORY**

- 3.1 04/01295 – Area of flat standing for storage of Millennium Stadium pitch whilst it is being used for non-grass events.
- 3.2 04/02749 – Mixed use scheme comprising up to 900 dwellings, live/work units, employment and associated commercial uses, new highway access and publicly accessible green space. Planning Committee resolved to grant permission on 18/01/2006 subject to a S106 obligation relating to sustainability, affordable housing, transportation, open space, community facilities and provision of live/work units. The S106 obligation has not been signed.
- 3.3 12/00910/DCO - Site remediation including breaking up, crushing and stockpiling of concrete hardstandings and foundations, excavation and re-compaction of made ground, appropriate treatment of contamination, removal of drains and services and treatment of Japanese knotweed and any other associated works.
- 3.4 12/01663/DCO – Outline application for mixed use development comprising residential accommodation including that required by the elderly falling within use classes C2 and C3, a neighbourhood centre comprising possible retail, food and drink, community meeting premises, medical health facility and office/start up units (use classes A1, A2, A3, D1 and B1), a park incorporating pedestrian/cycle trail and play areas all with associated parking, access and highway works, flood mitigation works and landscaping.
- 3.5 13/01641/DCO – Removal of a central pier/concrete sill structure from within the River Ely, and downstream gravel deposits, to alleviate restrictions in river flows.
- 3.6 14/00774/DCO – Flood protection and earthworks including site clearance in advance of redevelopment.
- 3.7 14/00773/DCO – Construction of road on viaduct to enable access to and from Cowbridge Road West/Ely Bridge.
- 3.8 14/00772/DCO – New highways, utilities and drainage infrastructure associated with the redevelopment of the site.
- 3.9 14/00854/DCO – Flood defence works comprising construction of a bund.
- 3.10 14/00855/DCO – Flood mitigation works comprising construction of a bund including regrading of footpath.
- 3.11 16/00813/MJR – Construction of highway known as Green Street 2 on outline masterplan. (Undetermined).

4. **POLICY FRAMEWORK**

4.1 *Cardiff Local Development Plan 2006-2021:*

KP5 (Good Quality and Sustainable Design);
KP6 (New Infrastructure);
EN4 (River Corridors);
EN11 (Protection of Water Resources);
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).

4.2 *Planning Policy Wales (January 2016):*

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities (including water supplies, sewerage and associated waste water treatment facilities, waste management facilities, energy supplies and distribution networks and telecommunications), while ensuring proper assessment of their sustainability impacts
- 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. In general, developments likely to support the achievement of an integrated transport system should be encouraged.
- 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.

4.11.11: 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.

8.7.3 The proposed access to a development should reflect the likely travel patterns involved. It should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car.

4.3 *Technical Advice Note 12 - Design (March 2016):*

5.9.4 Particular care should be taken to ensure that the design of infrastructure avoids severance and fragmentation of communities. Permeable access for all is vital. Issues such as gradient, lighting, and security should be addressed in the design of pedestrian and cycle routes in particular to ensure that routes are coherent, legible, direct, attractive, safe, and unobstructed. The different needs of cyclists and pedestrians, including those with mobility impairments and/or sensory impairments, and potential for conflict should also be recognised and

addressed. Safety and perception of safety are vitally important in efforts to encourage walking and cycling. Designs should take account of the need to protect the interests of all vulnerable road users.

5.9.6 When taking account of transport infrastructure needs in the design process, the emphasis should be on the safe accessible movement of people and goods along attractive routes which relate well to urban and rural environments. The layout of infrastructure should contribute to the promotion of walking, cycling and public transport. To achieve this, consideration should be given to all forms of modes at the start of the design process ensuring that direct and attractive routes for different modes such as pedestrians and cyclists, can be safeguarded or, where possible, enhanced.

5.9.7 The needs of disabled people, children and older people should be given particular attention and in the interests of inclusive design should be considered at the outset.

5.11.6 The street should be regarded as public space where people can meet. Street networks within housing developments should generally be interconnected or 'permeable' to facilitate safe walking and cycling. They should also connect with adjacent street networks and make provision for future connections with subsequent developments. This does not preclude the use of cul de sacs but they should be used with caution to avoid restricting permeability. Routes which increase crime risks, such as isolated routes to the rear of premises or routes which are not easily overlooked should be avoided.

5.14.2 Particular attention is needed to reflect the needs of all sectors of the community in the design of public spaces and streets, and inclusive design principles should be applied to achieve this. A range of facilities may be needed to serve those such as carers or older people who may value locally based facilities; children, for whom segregation from traffic may be a particular concern; those with restricted mobility; and those with limited or no vision. The intention should be to encourage a hierarchy of connected public spaces so that there is a network of provision that reflects local needs.

5.14.5 The development should take positive steps to provide adequate public lighting, but also to minimise unnecessary light pollution in their schemes for enhancement of the public realm. Lighting should be considered as an integral and creative part of the design of the public realm. Consideration should be given to methods of:

- directing light more accurately;
- reducing carbon emission from the energy use of street lighting;
- reducing glare by use of low profile reflectors and ensuring appropriate rather than excessive levels of illumination.

4.4 *Technical Advice Note 18 – Transport (2007):*

5.10 The design of new streets should be considered in the context of the particular location. Carriageway widths should be appropriate to the particular context and the street character. Tracking should be used to ensure vehicles (including emergency and service vehicles) can move within streets while enabling the space between kerbs or buildings to be varied. Shared surfaces and home zones should be used with great care to avoid problems and concerns over safety for those with disabilities. Streets should be designed to control vehicle speeds naturally rather than having to rely on traffic calming

measures that involve vertical deflection.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 *Transportation:* We still remain concerned that no pedestrian/cycle link is provided to the south of these streets providing a connection to the Riverside Path. The developer should demonstrate how this will be achieved, i.e. there is an embankment situated between the two. This detail should be included within the submission, or alternatively I would request that it be secured by way of an appropriately worded condition.
- 5.2 The footways on both sides of the carriageway should have a minimum clear width of 2.0 metres. Gradients of the speed tables to be agreed at the Technical Approval stage associated with the S38 Agreement/process. Confirmation is required that the Refuse Vehicle Auto-tracked is the largest that the Council uses. The Refuse vehicle requires the full space to manoeuvre within the turning head and therefore double yellow lines/parking restrictions would likely be required in order to ensure these areas are kept free from parked cars.
- 5.3 On the basis of the above and subject to those amendments being incorporated into the layout, I would have no objection in principle to the application. Please note that if these roads are to be offered for adoption then they would be subject to a Section 38 Agreement and associated Technical Approval Process being in place, prior to implementation of any of these works on site, as currently being progressed for those detailed applications that already have permission/s in place.
- 5.4 *Drainage:* No comments received.
- 5.5 *Parks:* No comments received.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Wales & West Utilities:* Mains details are provided. Wales & West Utilities has pipes in the area. The developer must not build over any Wales & West Utilities plant or enclose any of their apparatus. Gas pipes owned by other Gas Transporters and also privately owned may be present in this area. Should the planning application be approved the promoter of these works must contact Wales and West Utilities directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

7. **REPRESENTATIONS**

- 7.1 The application was advertised by site notices. No comments have been received.

8. **ANALYSIS**

- 8.1 The principle of providing highways infrastructure in this location has been established by the granting of outline planning permission for residential mixed use development, reference 12/01663/DCO and this street was shown indicatively on the plans of highways and drainage infrastructure that were approved under 14/00772/DCO. This application seeks approval for the details of the works required to provide the approved highway.
- 8.2 The issues to consider are whether the proposed works will provide acceptable access arrangements for pedestrians, cyclists and other highway users.
- 8.3 The Transportation Officer has indicated that the proposals are acceptable provided minor concerns are addressed, e.g. details of the pedestrian/cycle links between the cul-de-sacs and the riverside trail are required and carriageway widths should be at least 2m. These can be controlled via planning conditions, as they were for previous applications.
- 8.4 The proposed Green Street is in the same location as a road already shown indicatively on the plans approved under 14/00772/DCO therefore I have no concerns with regard to the impact on biodiversity, trees or flood risk as these issues have been considered previously, e.g. Natural Resources Wales previously raised no concerns with regard to flood risk as the development will be in accordance with the Flood Consequences Assessment which was approved for the outline permission. Any comments received from the Council's drainage engineer along with any late recommendations for conditions relating to drainage matters will be reported to the Planning Committee, as will any comments and recommendations from the Parks service relating to the details of the proposed landscaping strips.
- 8.6 In conclusion, the principle of providing a street at this location has already been accepted and the submitted details which will enable these works to commence on site are considered to be appropriate, subject to conditions. Although the Cardiff Local Development Plan has been adopted since the previous applications were approved and Planning Policy Wales has been updated, there are no significant changes in national or local policy that would indicate that the principle of this proposal is unacceptable. It is recommended that the application be approved. Conditions that were imposed on the previous permission for highways infrastructure can be added to this approval for the sake of consistency and to ensure that all relevant issues are addressed.

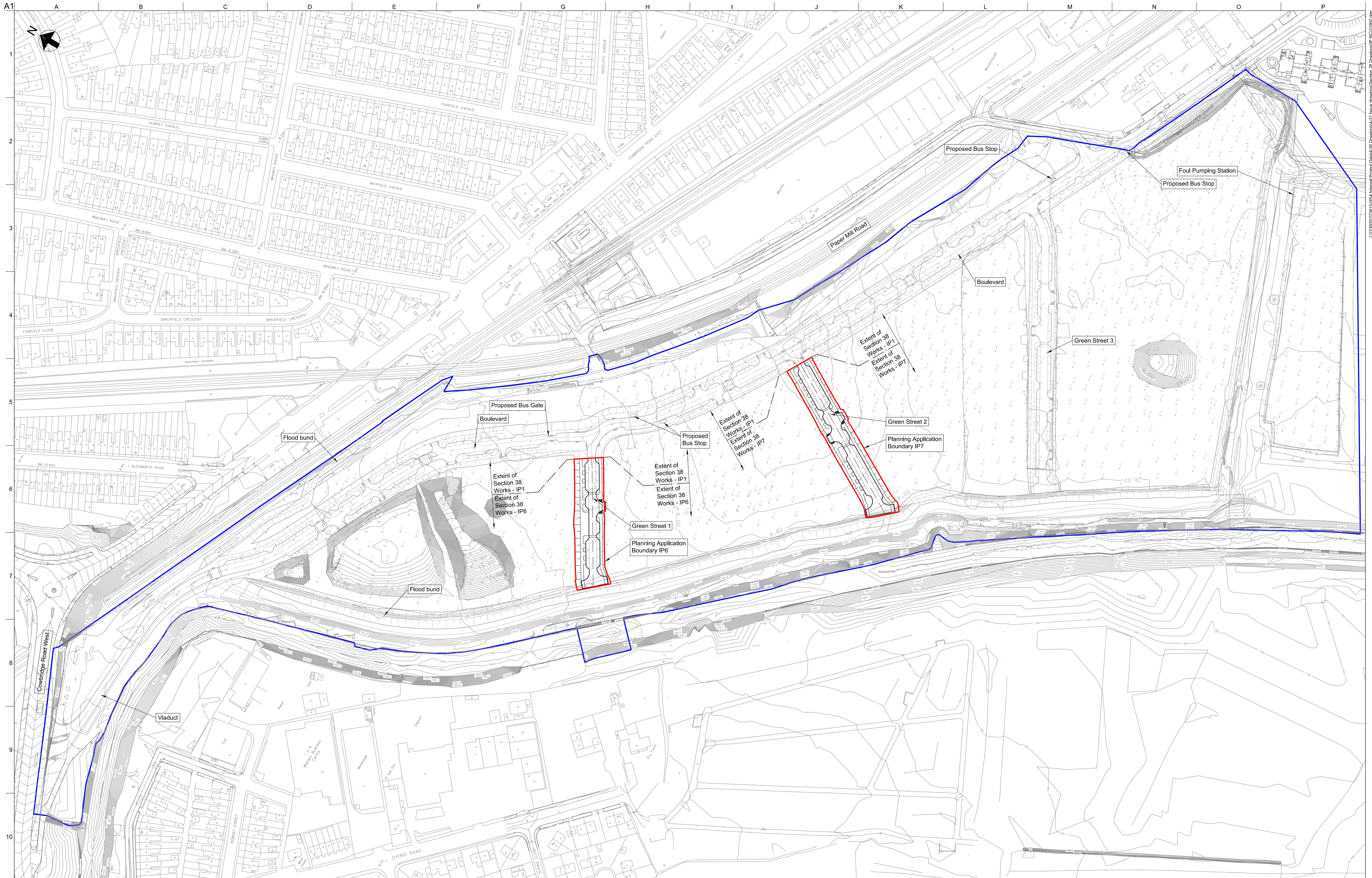
9. **OTHER CONSIDERATIONS**

- 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.

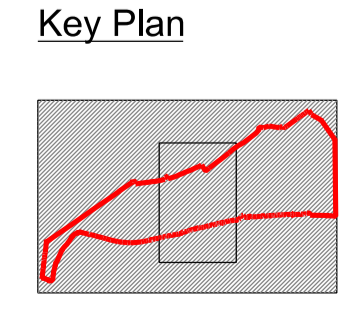
9.2 Equality Act 2010

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.



Legend:-
 Section 38 Adoption Boundary
 Blue Line Boundary

Notes:-
 1. The details shown on this drawing are for Planning 38 approval only.



Issue	Date	By	Chkd	Appd
A1	04/02/16	CB	SW	JS
Issued For Approval				
A0	27/10/15	DS	SW	JS
Issued for Approval				

Client
 Ely Bridge Development Company

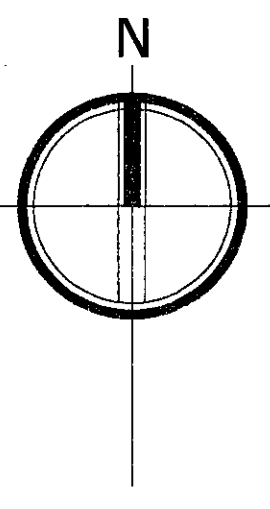
Job Title
 The Mill
 Infrastructure Works
 Section 38 - IP6

Scale at A1 1:1250 @ A1, 1:2500 @ A3
 Discipline Civil

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Drawing Title
 Planning Application Boundary
 (IP6 and IP7)

Drawing Status
Approval
 Job No 223615
 Drawing No CG1900
 Issue A1



SCHEDULE OF ACCOMMODATION - The Mill - Rev 13									
Block	Unit No.	Area (sqm)	Area (sqft)	Area (sqm)	Area (sqft)	Area (sqm)	Area (sqft)	Area (sqm)	Area (sqft)
APARTMENTS - NEIGHBOURHOOD CENTRE									
BLOCK 1									
1	1	45.00	483	132	1427				
1	2	45.00	483	132	1427				
1	3	45.00	483	132	1427				
1	4	45.00	483	132	1427				
1	5	45.00	483	132	1427				
1	6	45.00	483	132	1427				
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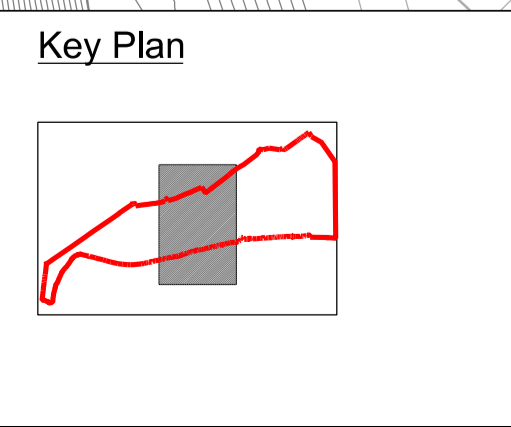


Legend:-

- Section 38 Adoption Boundary
- Footpaths for Adoption under Section 38 agreement
- Roadways for Adoption under Section 38 agreement
- Landscaped area (EBDC to maintain)
- ⊕ Tree Location (EBDC to maintain)
- ⊕ Tree Location
- Gully and connection for Adoption
- - - Kerb Drainage / Linear drainage channel for Adoption
- Main Storm Drainage (DCWW)
- Storm Drainage for Adoption
- Street Lighting Column

Notes:-

- The details shown on this drawing are for Section 38 approval only.
- All dimensions are in metres unless stated otherwise.
- See Landscape Architects drawings for Landscape and Tree details.



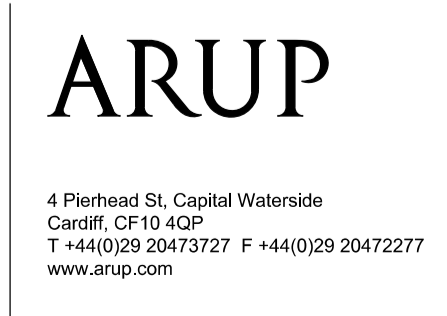
Issue	Date	By	Chkd	Appd
A0	27/10/15	DS	SW	JS
Issued for Approval				

Client
Ely Bridge Development Company

Job Title
The Mill Infrastructure Works Section 38 - IP6

Scale at A1 1:500 @ A1, 1:1000 @ A3

Discipline
Civil



Drawing Title
Site General Arrangement Coloured Plan

Drawing Status
Approval

Job No
223615

Drawing No
CG1902

Issue
A0