

COMMITTEE DATE: 10/08/2016

APPLICATION No. **15/02834/MJR** APPLICATION DATE: 27/11/2015

ED: **GRANGETOWN**

APP: TYPE: Outline Planning Permission

APPLICANT: Pegasus Developments (Clive Lane) Ltd

LOCATION: LAND TO THE WEST OF, CLIVE LANE, GRANGETOWN,
CARDIFF

PROPOSAL: HYBRID APPLICATION COMPRISING AN OUTLINE
APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO
116 NO. NEW DWELLINGS), INCLUDING DEMOLITION OF
NO. 130 CLIVE STREET AND ASSOCIATED GARAGE TO
CREATE NEW MEANS OF VEHICULAR ACCESS FROM
CLIVE STREET AND FULL APPLICATION FOR REMOVAL OF
APPROXIMATELY 60,000M3 OF MATERIAL TO ENABLE
LOWERING OF SITE LEVELS

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.
 - A. Prior to the commencement of the approved development, details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the Local Planning Authority.
 - B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site (where not permitted by this permission) 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 first reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Application for approval of all other reserved matters shall be made to the Local Planning Authority before the expiration of 10 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 (Development Management Procedure) (Wales) Order 2012. B, C and D. In accordance with the provisions of Section 92

of the Town and Country Planning Act 1990.

2. The removal of the material comprising the former railway embankment 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.

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

- (i) Site Location Plan (A-90-01)
- (ii) Existing Site Plan (A-90-02)
- (iii) Indicative Site Plan (A-90-10 Revision D)
- (iv) Indicative Site Layout (A-90-11 Revision B)
- (v) Site Parameters (1) (A-90-31)
- (vi) Site Parameters (2) (A-90-31)
- (vii) Site Parameters (3) (A-90-31)
- (viii) Site Parameters (4) (A-90-31)
- (ix) Site Parameters (5) (A-90-31)
- (x) Site Parameters (6) (A-90-31)
- (xi) Site Parameters (A-90-100 Revision C)
- (xii) Drainage Strategy (July 2015)
- (xiii) Flood Consequences Assessment (July 2015)
- (xiv) Reptile Mitigation Strategy (10 March 2016)

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

- (xv) Drainage Strategy (July 2015)
- (xvi) Flood Consequences Assessment (July 2015)
- (xvii) Reptile Mitigation Strategy (10 March 2016)

Reason: The plans and documents form part of the application

4. Prior to the commencement of the site clearance works a Management Plan (MP) shall be submitted to and approved in writing by the Local Planning Authority. The MP shall include details of construction traffic routes, times of deliveries, loading/unloading and storage of plant and materials, site compounds, any temporary facilities for construction/sales staff, site hoardings (including the erection, maintenance and security), site access, wheel washing facilities, measures to control the emission of dust and dirt during construction, details of parking for contractors vehicles, site operatives and visitors, and the future arrangements for the cleared site. The approved MP shall be adhered to throughout the site clearance works period.

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

5. Prior to the construction of any dwelling a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of construction traffic routes, times of deliveries, loading/unloading and storage of plant and materials, construction compounds, any temporary facilities for construction/sales staff, site hoardings (including the erection,

maintenance and security), site access, wheel washing facilities, measures to control the emission of dust and dirt during construction and details of parking for contractors vehicles, site operatives and visitors. The approved CMP shall be adhered to throughout the construction period.

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

6. Prior to the commencement of development of a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP shall include measures to reduce environmental impacts of construction waste. Development shall be carried out in accordance with the approved SWMP unless any modification to the approved SWMP is approved in writing by the Local Planning Authority.

Reason: To reduce environmental impacts of construction waste.

7. No part of the demolition of 130 Clive Street shall take place until a demolition management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include, but not be limited to, details of dust control measures, noise management, proposed temporary means of site enclosure, method of protection of the exposed end of 128 Clive Street and the future arrangements for the cleared site. The management plan shall take account of the 'worst case' scenario for demolition activities and the Cardiff Council Pollution Control's "Construction Site Handbook". The demolition shall proceed in accordance with the approved plan.

Reason: To protect the amenities of neighbouring occupiers and the visual amenities of the surrounding area.

8. The temporary site clearance access junction arrangements and modifications to the central island on Ferry Road south of the site to allow right turn movements from the site onto Ferry Road shall be carried out in accordance with the "Proposed Temporary Access Works" (drawing no TW01) received on 6 July 2016. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority prior to commencement of any site clearance and the highway shall be fully restored following completion of the site clearance works and in any event prior to beneficial occupation of the development.

Reason: To facilitate safe access to and egress from the site during site clearance, in the interests of highway safety and so as to minimise the impact of the works on the surrounding residential area.

9. Prior to the construction of any dwelling details of the Clive Lane access road, junction arrangements and improvements to footways together with shortening of the central island on Clive Street, introduction of junction buildouts and provision of crossing facilities, shall be to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surfacing, kerbs, edging, drainage, lighting, lining, signing, telematics/signal equipment, street furniture, soft landscaping and Traffic Orders as may be required. The approved

scheme shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the development.

Reason: To facilitate safe and efficient access to and egress from the proposed development by the incoming residents, in the interests of highway and pedestrian safety.

10. Prior to the construction of any dwelling 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 written approval. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required 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 Local Planning Authority. 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.

11. Prior to the construction of any dwelling 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 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; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks; and an appraisal of remedial options, and justification for the preferred remedial option(s).

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.

12. Prior to the construction of any dwelling 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.

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.

13. The approved remediation scheme shall be carried out 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.

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.

14. A monitoring scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the Local Planning Authority and the provision of reports on the same shall be submitted to and approved by the Local Planning Authority, prior to the occupation of any approved building. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring shall be produced, and submitted to the Local Planning Authority. Timeframe for the submission of the report(s) shall be agreed with 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.

15. 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.

16. 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 in writing by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance "*Requirements for the Chemical Testing of Imported Materials for Various End Uses.*" 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. Verification shall be undertaken in accordance with a scheme which has first been approved in writing by the Local Planning Authority.
Reason: To ensure that the safety of future occupiers is not prejudiced.
17. 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 in writing by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance "*Requirements for the Chemical Testing of Imported Materials for Various End Uses.*" 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. Verification shall be undertaken in accordance with a scheme which has first been approved in writing by the Local Planning Authority.
Reason: To ensure that the safety of future occupiers is not prejudiced.
18. 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.
19. Prior to the commencement of development, a detailed scheme for the treatment and disposal of soils affected by Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall accord with the advice in the publication *The Eradication of Japanese Knotweed* (WDA: Cardiff 1998) and *Guidance for the Control of Invasive Plants Near Watercourses* (Environment Agency 2001). Thereafter the development shall be carried out in accordance with the approved scheme.

Reason: To ensure the safe destruction and prevention of spread of Japanese Knotweed.

20. 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.

21. Prior to the construction of any dwelling a range of measures to encourage biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Such measures may include, but not be limited to, bat bricks, bat tiles/ridge tiles, bat soffit boxes, bat roosting boxes, bug boxes, wildflower meadows, bird nesting boxes and/or bricks, and living roofs or walls. The measures shall be implemented in accordance with the approved details prior to beneficial occupation.

Reason: To maintain and enhance biodiversity.

22. No construction works shall commence an assessment of the potential to dispose of surface water by sustainable means has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

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.

23. The foul drainage scheme hereby approved shall be implemented in accordance with the approved details prior to the occupation of the development.

Reason: To ensure an orderly form of development.

24. Prior to the construction of an dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The 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.

25. Prior to the construction of any dwelling details of proposed ground levels 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 a satisfactory form of development

26. The slab level of any building above ordnance datum shall not be less than 7.2 metres.

Reason: To ensure that no building is liable to flooding.

27. The existing boundary wall to the west boundary of the site shall be retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

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

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 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 4: That the applicant be advised to have regard to the advisory notes contained in Dwr Cymru Welsh Water's letter dated 30 December 2015.

RECOMMENDATION 5: That the applicant be advised to have regard to the recommendations within the South Wales Police Crime Prevention Design Advisor's letter dated 18 December 2015.

RECOMMENDATION 6: That the applicant be advised to have regard to the contents of Wales and West Utilities letter dated 4 December 2015.

RECOMMENDATION 7: The Highway Works condition and any other permanent works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 8: That the developer provides new residents with a welcome pack upon their arrival detailing sustainable transport options available in the area in order to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from the Operational Manager, Transportation.

RECOMMENDATION 9: That the applicant be advised to have regard to the advice contained within Natural Resources Wales' letter dated 17 December 2015.

RECOMMENDATION 10: 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 A hybrid application on land west of Clive Lane, Grangetown, seeking outline planning permission for residential development of up to 116 dwellings including the demolition of 130 Clive Street and its associated garage to create a new means of vehicular access from Clive Street and full permission for removal of approximately 60,000 cubic metres of material to enable the lowering of site levels.
- 1.2 Access is included for consideration at this outline stage. Appearance, landscaping, layout, and scale are reserved.
- 1.3 No. 130 Clive Street would be demolished to accommodate a new vehicular access into the site. Options for 3 no. pedestrian links are shown to the north, centre and south of the site. A maintenance access would be retained to enable Network Rail to access existing railway land to the north.
- 1.4 An indicative site plan has been submitted showing the construction of up to 116 dwellings in a mix of two, three and four bedroom houses and apartment blocks. The application envisages that the site will be developed in partnership with Wales and West Housing and Taff Housing Association and the development is intended to be predominantly affordable.
- 1.5 151 no. car parking spaces are shown on the indicative site plan to serve the new development (1.3 spaces per dwelling).
- 1.6 The full element of the application relates to the removal of the existing railway embankment and levelling the site to create a platform for development. Approximately 60,000 cubic metres would be removed and transferred for re-use elsewhere.
- 1.7 The proposals were screened with regard to the need for the preparation of an Environmental Statement to accompany the application, in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). On 11 May 2015 the Council issued its opinion confirming that the proposed development:
 - Is not a major development of more than local importance, is not proposed within an environmentally sensitive or vulnerable location and is not likely to give rise to particularly complex and potentially hazardous effects; and
 - Would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

2. **DESCRIPTION OF SITE**

- 2.1 The site extends to approximately 1.97 hectares of redundant 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 to 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 and currently contains a former railway embankment approximately 4 metres high. The embankment was covered in grass and scrub with some tree planting (including 5 no. 'B' Category Trees – individuals and groups) prior to the vegetation clearance which took place early in 2016. An element of Japanese Knotweed is present
- 2.3 A secure maintenance access exists into the site from the south via Ferry Road. There is currently no authorised public access to the site.
- 2.4 The site is 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).

3. **SITE HISTORY**

- 3.1 None.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 8 (January 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.*

4.5 Technical Advice Notes (TANs):

1	Joint Housing Land Availability Studies
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

4.6 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

4.7 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:

Affordable Housing (2007) (as amended by the Interim Planning Policy Affordable Housing Delivery Statement (October 2010))

Biodiversity (2011)

Community Facilities and Residential Development (March 2007)

Developer Contributions for School Facilities (March 2007)

Developer Contributions for Transport (January 2010)

Archaeologically Sensitive Areas (July 2006)

Access, Circulation and Parking Standards (January 2010)

Trees and Development (March 2007)

Waste Collection and Storage Facilities (March 2007)

Residential Design Guide (March 2008)

Open Space (March 2008)

5. **INTERNAL CONSULTEES RESPONSES**

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

- (i) The Traffic generation exercise in the Transport Statement (TS) accompanying the application has been carried out through the TRICS database with a land use category of mixed affordable housing (flats and houses). The land use definition is given in detail, although the quantum of affordable dwellings differs slightly between the TS 75% and DAS 71%. To determine the impact of the proposed development the forecast traffic was compared to the base surveyed traffic to establish the level of impact at key junctions of Clive Street/Penarth Road and Clive Street/Ferry Road.
- (ii) The affordable residential land use category broadly results in a third fewer trips than a standard C3 open market residential land use, and the impact of the development is calculated as 41 two way trips in the AM peak and 37 in the PM peak. The report concludes that this would amount to one trip every two minutes, with a worst case impact of 1.5% at the Clive Street/Penarth Road junction. As such the report considers the proposal is negligible in traffic terms.
- (iii) The TS also identifies that the development will generate a number of local infrastructure changes in order to facilitate direct vehicular access to the site, primarily involving demolition of 130 Clive Street and the construction of a simple priority T-junction onto Clive Street. The proposed the access will have a carriageway width of 6 metres, with 2 metre footways along either side, extending across Clive Lane into the development site.
- (iv) Swept path analysis has been undertaken to ensure that the proposed site access and internal layout will enable a large 3-axle rigid refuse vehicle to enter and leave the site in a forward gear. Although only indicative, given the outline nature of the proposals, turning heads are also proposed at each end of the site, of sufficient size to allow the same rigid refuse vehicle to make 3 point turns.
- (v) Conditions are requested to ensure that full details of the junctions with Clive Street and Clive Lane, and the internal highway layout are submitted for approval by the Local Planning Authority. The highway works condition as drafted would also secure junction/footway buildouts and the installation of a tabled pedestrian zebra crossing on the south side of the new junction on Clive Street. The requested crossing facilities at the new junction will provide existing and incoming residents with safe, commodious pedestrian access to bus services, local schools on Bromsgrove Road and other facilities located on the east side of Clive Street. The provision of the crossing facility is regarded as an essential requirement given the proposal for family housing and will form part of a wider School Safety Zone being considered by the Council as well as support Active Travel.
- (vi) Pedestrian and cycle access to the development appears to be indicatively shown at the south to/from Ferry Road, to/from the existing lane to the side of 174 Clive Street and at the new vehicular site access at 160 Clive Street. He would suggest that cycle/pedestrian access to

- Clive Lane is also incorporated to the north of the site, to help with access to Grangetown Rail Station located on Penarth Road.
- (vii) The application suggests that 151 car parking spaces will be provided for the mixed 48 dwelling houses and 68 flats, amounting to 1.3 spaces per unit across the development. The submission also confirms that cycle parking will be provided in accordance with the standards detailed in the Council's adopted SPG.
 - (viii) In respect of the full element of the application seeking approval for site clearance, an additional Transport Note confirms that the embankment will need to be reduced by approximately 4 metres to create a level development plateau and that the clean excavated material will be transported to two other construction sites for use as fill. The note estimated the operation will take approximately 12 months and will generate approximately 30 loads per working day (60 combined in/out traffic movements), which it estimates will amount to approximately 8 movements per hour (4 in and 4 out). It is proposed that the vehicles will utilise what is described as the existing Network Rail access at the southern end of the site, to/from Ferry Road. However, inspection of available Council records suggests that the land to be crossed is actually owned by Cardiff Council. The note goes on to suggest a 'left in left out' traffic management system will be employed at the junction with Ferry Road; such that vehicles travelling to the site will approach from Ferry Road to the south, turning left into the site after the Ikea roundabout, and then leave turning left out towards Clive Street and onto Penarth Road. However, he is not comfortable with the heavy muck shift lorries, of the size that will be required or frequency suggested travelling along the full length of Clive Street, onto Penarth Road and then onto the A4232 south or north. Given that the A4232 is the ultimate destination for either route identified and that the impact on Clive Street is considered excessive and inappropriate for a residential area, a construction route from and to Ferry Road south of the site should be established by temporarily modifying the central island of Ferry Road to allow right out movements from the site. A Temporary Access Works condition is therefore required to secure the implementation of a temporary access arrangement to/from the south of the site for the purpose of site clearance.
 - (ix) Given the policy compliant nature of the proposed development he concludes that an objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. He therefore has no objection to the application subject to relevant conditions.

5.2 The **Operational Manager, Environment (Contaminated Land)**, notes that the site is located on a former railway and as such there is the potential for contamination of the land at the site. Further, there are a number of former landfill sites within 250m of the site which may pose a risk of ground gas to the site. He has read the Geotechnical and Geo-environmental Report (Terra Firma, 2014). The report provides evidence of land contamination at the site from a limited number of sampling locations. Given the size and proposed residential end use of the site then further site investigation is required to determine the presence, nature and extent of contamination at the site. The

report itself acknowledges the initial investigation sampling limitations. Therefore he would recommend relevant conditions which require site investigation and ground gas investigation following the clearance of the existing railway embankments and prior to the construction of any dwelling.

- 5.3 The **Council's Tree Officer** notes that the submitted tree assessment reports the presence of over an acre of 'B' (moderate quality and value) category trees at this site, with the largest concentration towards the northern end. These trees essentially represent early successional woodland and he would expect to see them retained unless there is an overriding design necessity for their removal and their loss can be fully mitigated.
- 5.4 Aside from their ecological value, these trees have visual amenity and environmental value that the development ought to acknowledge. As things stand the development offers up just two very small areas of land at the northern and southern ends of the site that could be given over to early successional woodland. To have meaningful ecological, environmental and visual amenity value, avoid becoming 'lurking space' and help offset the very substantial losses of 'B' category trees proposed, he suggests that the x15 and x8 unit blocks at the northern and southern ends of the site (and associated car-parking) be deleted and given over to early successional woodland planting, to be managed thereafter to maintain the ecotype.
- 5.5 Whilst the layout makes indicative provision for 68 no. trees, the great majority of these will be in very tight spaces only capable of supporting small or tightly fastigated trees that will offer only minimal long-term amenity and environmental benefits. It would be better to provide for fewer but larger trees in spaces designed to support their unconstrained above and below ground growth and he suggests that the layout is amended to provide for this. If the woodland blocks he requests are provided for along with spaces deliberately designed to support the unconstrained above and below ground growth for 10 no. large, long-lived tree species, then he considers it can be argued that the scheme successfully mitigates the losses and will be better proofed against the predicted effects of climate change.
- 5.6 Since this site is extensively vegetated, it is likely that a potentially valuable and re-usable soil resource is present. The geotechnical/geo-environmental report highlights the presence of made ground with no high levels of industrial contamination. Subject to the outcome of a Soil Resource Survey (SRS) and Plan (SRP) prepared in accordance with the 2009 DEFRA Code, he considers that soils should be re-used for landscaping purposes as appropriate. It is unlikely that reused soils will be a suitable medium for the planting of large root-ball or container trees, but it may be suitable for less demanding planting such as small, bare-root trees and hedging, some shrubs and some herbaceous planting. The loss of 60,000m³ of existing materials without consideration of its suitability for re-use as part of landscaping, would represent a potentially massive waste of resources.
- 5.7 Any reserved matters application would need to be supported by a detailed upfront landscaping scheme that has been informed by the SRS and SRP and

comprises a scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan views, planting methodology and aftercare methodology.

- 5.8 The **Operational Manager, Waste Management**, notes that current site plans give no details of waste storage arrangements for the proposed residential units. She requires these details before recommending their approval.
- 5.9 She confirms that Blocks A, C, and D will require a communal bin store to accommodate one 240 litre bin for compostable waste, and two 1100 litre bins for recycling and general waste. Block B will require one 240 litre bin for compostable waste and three 1100 bins (two for recycling). She confirms that communal bin stores should be no further than 30 metres from the collection vehicle or the dwelling. Ideally communal bin stores should have double doors that open outward. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided- natural or artificial, and good natural ventilation if completely enclosed. Access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps to facilitate access for bulk bins. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Waste Management will not carry keys or access codes for bin storage areas; so waste must either be presented at the entrance to the development for collection, or the access gates to the site must be left open. Bulk containers must be provided to the Councils' specification as determined by Section 46 of the Environment Protection Act 1990 and can be purchased directly from the Council.
- 5.10 A designated area for the storage of bulky waste is a requirement of all communal bin stores. The City of Cardiff Council offers residents a collection service, at a small fee, for items which are too large to be disposed of in general waste bins (i.e. fridges, televisions, mattresses etc). There must be a designated area where these items can be left, with appropriate access to allow Council collection crews to remove. This area will prevent unwanted waste being left in the communal bin store or other areas, thereby improving the aesthetics of the site.
- 5.11 She advises that each house will require one 140 litre bin for general waste, one 240 litre bin for recycling and one 25 litre kerbside caddy for food waste. Refuse storage should be sensitively integrated within the design.
- 5.12 The developers of all new residential units are required to purchase the bin provision required for each unit.
- 5.13 The submitted swept path analysis clearly shows the access on the site is sufficient for refuse collections.
- 5.14 All road surfacing must have suitable foundations to withstand the weight of a refuse collection vehicle (27 tonnes). Block paving is not appropriate as it can break/sink over time, particularly where vehicles are manoeuvring.

- 5.15 Concerning fly tipping in Clive Lane, she can confirm that 7 reports were received from local residents between June 2015 and January 2016. The Council's fly-tipping clearance crews visit Clive lane every week to deal with issues, mainly for the clearance of large fly-tipped items, such as fridges and televisions. The proposed design will not improve the way Clive lane is treated. This will impact on the environmental quality of the area and could encroach on the aesthetics of the proposed site. They recommend that the detailed design of this development is adapted to design-out the current issues and preventing them from escalating further. The design should improve the appearance of the lane, enhancing ownership and pride of space and therefore discourage fly-tipping.
- 5.16 The **Council's Ecologist** expresses concern at the lack of green infrastructure that has been incorporated into the proposed layout of the scheme. Although it is a 'brownfield' site, it supported secondary woodland, grassland and scrub which would have provided a range of green infrastructure benefits, including for biodiversity and climate change mitigation. 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.
- 5.17 In respect of **reptiles** the only condition he would suggest would be to secure full implementation of the Reptile Mitigation Strategy, as provided by Wildwood Ecology and dated 10th March 2016.
- 5.18 He accepts that the **bat survey** of 130 Clive Street produced a negative result. The Bat surveyors' recommendation that bat roost features should be incorporated into new build can be picked up by a relevant condition.
- 5.19 The proposal entails loss of 'Greenfield habitat', which constitutes foraging habitat for birds and bats, among others. Whilst opportunities to compensate directly for this loss of foraging habitat are limited, there are nonetheless opportunities for indirect compensation for the wider impact upon these species. Specifically, nesting/roosting opportunities should be required by planning condition to be built in to new build, in accordance with the advice given in the TCPA's '*Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009*', and in the Bat Conservation Trust's '*Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010*'.
- 5.20 The **Operational Manager, Environment (Noise & Air)**, having considered the noise assessment, requests a condition to secure the correct standard of mitigation at certain properties on the site. Mitigation measures include sound reduction specifications for walls, roofs, and glazing, no rooms in the roof space, provision of trickle vents compliant with specifications, and gardens to be enclosed by 1.8m close board fencing with a minimum density of 12kg per square metre.

- 5.21 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.22 The **Chief Schools Officer** advises that the local English-medium primary school (Grangetown Primary) and secondary school (Fitzalan High School) are each projected to be over-subscribed from within catchment, and requests are accordingly made for £163,041 and £155,061 respectively. The catchment WM secondary school/ sixth form (Ysgol Gyfun Gymraeg Glantaf) is also projected to be subscribed from within catchment, and a request for £38,765 is made. No request is made towards Welsh-medium primary school provision as there are sufficient places available. As it is not considered possible to expand the above schools on-site, financial contributions towards the purchase of land to accommodate new school provision would be sought. The combined (primary and secondary schools) calculated contribution towards land costs amounts to £228,027, assuming approximate land costs of £600,000 per acre as previously advised. The total contribution is therefore £584,894.
- 5.23 The **Operational Manager, Parks and Sport**, given the proposed number of properties on site, including a number of apartments (which appear from the indicative site layout to have limited sized gardens for residents), and houses where children are likely to be present, the provision of on-site space where residents could sit or children play would be preferable. 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. Therefore duplicating these elements on site would not be viable or desirable. However the access to these is very difficult, particularly for unaccompanied children, due to the high levels of traffic and large number of busy junctions, which cut off the site from surrounding spaces. The crossing points and access routes to parks like Grangemoor and the Ely Trail are currently poor. Therefore improvements to this would be highly beneficial.
- 5.24 The rear gardens of houses provide some private play space, and in theory the road could be designed to provide a more homezone approach to allow some recreational use, but the number of cars using it will be quite significant given the number of properties. The site itself presents challenges in terms of designing an open space due to its narrow width, so creating an open space would inevitably mean omitting houses. Maintenance of a small on-site open space by the Council could also be an issue, unless there is a housing association on site which could provide maintenance. The Council owned area at the Ferry Road end of the site could be used to create an open space, although proximity to the busy junction doesn't make this ideal, so screening from traffic would need to be good.
- 5.25 The indicative layout (Drawing A-90-11) has the benefit of most land being clearly allocated to individual properties, although a couple of areas of verge for which maintenance would have to be determined.
- 5.26 He agrees with the Tree Officer's comments about the lack of trees on site to replace the substantial amount lost. One definite option (assuming underground services aren't an issue) would be to increase the width of verge

along the west boundary adjacent to the Ikea car park as this could accommodate a significant row of trees planting. Overall a few substantial trees on this site would have a large impact but again this requires space.

- 5.27 Policy C5 of the Cardiff Local Development Plan 2006-2026 (Provision for open space, outdoor recreation and sport on new residential developments) requires the provision of open space for recreational activity. The Open Space Supplementary Planning Guidance (SPG) (2008) 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 199.70. This generates an open space requirement of 0.485 ha of on-site open space based on the criteria set for Housing accommodation. These figures are based on 49 houses and 67 apartments, and makes assumptions on the number of habitable rooms and therefore final projected population. Therefore the figures will vary once detailed once the final numbers of properties and habitable rooms are known.
- 5.28 As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. Based on the above assessment the contribution payable will be £216,812. 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. Information on the open space projects reasonably related to the development, to which the contribution will be allocated, will be provided for inclusion within the Section 106 Agreement. This would involve local consultation with various parties and be subject to Member approval.
- 5.29 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. The closest areas of recreational open space are Grange Gardens, The Marl and Grangemoor Park. Based on the 2009 Cardiff Council Open Space Survey there is a deficiency in open space provision of 23.43 hectares in the Grangetown Ward, in which the development is situated (Measured by the Fields in Trust recommended standard of 2.43 hectares per 1000 population). The quality and facilities of existing open spaces also require improvement, with additional capacity to take into account the increased residential population resulting from the development.
- 5.30 The **Operational Manager, Regeneration**, advises that, as stated in the Community Facilities and Residential Development Supplementary Planning Guidance (SPG), *“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 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. No on-site community facilities have been proposed in the application therefore a contribution towards local community facilities will be required. No exact number of dwellings or details of dwelling types is provided. Consequently, the developer is requested to provide a community facility contribution in line with the SPG. If the development contains 116 dwellings, an indicative amount which could be required towards community facilities would be in the region of £114,666 (based on £988.50 per dwelling. Several community facilities are located in 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 one of the many local community facilities, which could include Channel View Leisure Centre and Grangetown Play Centre.

- 5.31 The **Operational Manager, Drainage Division**, accepts the principle of surface water management (subject to permeability testing). He advises the applicant that any attenuation plastic boxes under an active highway may make the road unadoptable from a Local Authority perspective. In terms of using permeable surfacing, I request that in the deeds for the proposed properties that the permeable credentials of the surfacing are to be maintained, to the design standards of the original construction.
- 5.32 The **Housing Development (Enabling) Officer** notes that the development will consist of 71% affordable housing units, to be delivered by Wales & West Housing Association. Although they are aware of the plans and are working with Wales & West Housing Association to deliver a higher than policy percentage of affordable housing development on the site, this has not yet been finalised. It must therefore be ensured that this application meets the requirements of Technical Advice Note (TAN) 2. The application has been submitted by a private company and Para 3.3 of the Design and Access Statement states “...it is envisaged the site will be developed in partnership with Wales & West Housing Association and the dwellings will be predominantly affordable, but with some for sale on the open market”. Based on this DAS submission it does not contain a secure mechanism to ensure that the affordable housing remains as affordable housing on first and subsequent occupations, particularly as a Registered Social Landlord (RSL) would not be party to the s106 agreement.
- 5.33 The Council therefore needs to ensure that a policy compliant affordable housing contribution is secured as part of the planning application. In line with the Local Development Plan, an affordable housing contribution of 20% of the total number of units would be sought on this brown-field site.
- 5.34 Their 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 (RSL) partner. For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and for the affordable intermediate rented housing, the amounts that a Registered Social Landlord (RSL) would

pay for the units is based on an intermediate rent level and is specified below:

- (i) 1 bed apartments (at an RSL purchase price of £60,000)
- (ii) 2 bed apartments (at an RSL purchase price of £77,548)
- (iii) 2 bed houses (at an RSL purchase price of £89,829)
- (iv) 3 bed houses (at an RSL purchase price of £110,000)
- (v) 4 bed houses (at an RSL purchase price of £143,578)

These prices relate to the properties only and any additional service charges for un-adopted roads, public open space, public realm etc will not be due by any future residents of the affordable housing units or the Registered Social Landlord.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **Welsh Water** refers to the drainage strategy ref 14099-D101 dated July 2015 submitted alongside the application and note that soakaway testing has not been undertaken. They therefore request that if the Local Planning Authority is minded to grant permission for the development that relevant conditions and advisory notes are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

6.2 **Glamorgan Gwent Archaeological Trust** advise that the the information held in the Historic Environment Record (for which they are curators) indicates there are no recorded archaeological features within the application area. It is therefore unlikely that archaeological material would be disturbed. The record is not definitive and previously unknown archaeological features still may be disturbed. Should this occur, the Trust should be informed. They have no archaeological objection to this application.

6.3 **Natural Resources Wales** does not object to the proposed development. Regarding flood risk management, they note that the application site is 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). Their Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 0.1% (1 in 1000 year) annual probability tidal outlines. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. The Flood Consequences Assessment accompanying the application confirms:

- (i) The site levels will be lowered to between 7.2-7.5m AOD. The FCA has not assessed how this lowering will impact the flood risk to the site. However, given that the site is currently not at risk from fluvial flooding and the proposed site levels will remain higher than the perimeter levels (between 6.6 – 7.2m AOD), there should be no fluvial flood risk to the site as a result of lowering the site levels; Therefore, the proposed development is not located within the 1% (1 in 100 year, plus 20% for climate change) or 0.1% (1 in 1000 year) annual probability fluvial flood outlines. This is compliant with A1.14 and A1.15 of TAN 15;
- (ii) The flood map outlines indicate the site could be at risk from tidal flooding, however the site is afforded protection by Cardiff Bay Barrage. Cardiff Bay Barrage is a flood defence structure that provides protection to Cardiff from tidal flood risk. In this instance, they advise that no further

assessment is required from the applicant regarding tidal flood risk. Notwithstanding this, the FCA has proposed management of this risk, recommending that the occupiers sign up to NRW's flood warning service and a flood plan be developed and all residents made aware of its content.

- 6.4 In areas at risk from flooding they recommend that 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. The developer can also access advice and information on protection from flooding from 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.
- 6.5 As it is for the Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, they recommend the Authority considers consulting other professional advisors on the acceptability of the developer's proposals, on matters that they cannot advise 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. They do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.
- 6.6 Regarding **European Protected Species**, the submitted Preliminary Roost Assessment Report accompanying the application concludes further surveys will be required in order to determine the impacts upon bats as a result of the development. They advise that these surveys should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 2nd Edition' published by the Bat Conservation Trust 2012. They request to be consulted again if any survey undertaken finds bats are present at the site and further advice is required.
- 6.7 In respect of **land contamination**, they consider the controlled waters at this site are not of the highest environmental sensitivity, therefore they will not be providing detailed site-specific advice or comments with regards to land contamination issues. They recommend the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed. These comments are based on our assumption gross contamination is not present at this location. Please consult us again if, during development, gross contamination is found to be present at the site and further advice is required.

- 6.8 **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.
- 6.9 The **South Wales Police Crime Prevention Design Advisor** refers to Section 17 of the Crime and Disorder Act 1998 which states: *“It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder.”* Paragraph 5.17.1 of Technical Advice Note 12 (Design) states: *“Local authorities are required to have due regard to crime and disorder prevention in the exercise of their functions under Section 17 of the Crime and Disorder Act 1998. Consideration should be given to practical ways in which the design of development can reduce opportunities for crime, disorder and anti-social behaviour.”* Paragraphs 4.10.12, 8.2.1, 9.1.1 and 9.1.2 of Planning Policy Wales are relevant.
- 6.10 The Design Advisor confirms that crime in the vicinity of the application site is high when compared to other areas of Cardiff and they list a number of recommendations for consideration to demonstrate the discharge of the Local Authority’s functions under the Crime and Disorder Act. They would welcome the opportunity for detailed consultation with the developers to explore opportunities for designing out crime prior to any decision. Their recommendations include:
- (i) Lighting on all roads, pavements and parking areas to comply with BS 5489-1-2003;
 - (ii) Defensible spaces to front of dwellings;
 - (iii) Natural surveillance to all parking, with on plot parking preferred. Gating to large parking areas;
 - (iv) Roads designed to limit vehicle speeds to a maximum of 20mph in residential areas;
 - (v) Natural surveillance to all pedestrian routes;
 - (vi) Excessive permeability to the site should be avoided;
 - (vii) Natural surveillance to public open spaces, particularly play areas;
 - (viii) Secure enclosures and access to rear gardens;
 - (ix) Doors, ground floor windows and vulnerable windows to meet PAS 24 2012;
 - (x) Where applicable, communal entrances equipped with electronic door release and phone/video links;
 - (xi) Service meters to be external;
 - (xii) Provision of secure cycle storage to apartments;
 - (xiii) All affordable/social housing and WG funded projects are required to meet Secured by Design Standards.
- 6.11 **Cardiff Bus** has been consulted. Any comments received will be reported to Committee.

6.12 **Network Rail** has been consulted and any comments received will be reported to Committee.

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 10 December 2015.

7.3 The occupier of 66 Clive Street does not object to the application but expresses the following serious concerns:

- (i) Traffic congestion at the Clive Street/Penarth Road junction can be severe at peak times, and has worsened since the recent remodelling. The increase in traffic from the development would worsen this situation. The junction should be redesigned or the phasing of the traffic lights improved;
- (ii) Clive Lane may be used as an access road to allow new residents to access Clive Street further north than the dedicated access road created by demolishing 130 Clive Street. This must be prevented by installing bollards either side of the new access (on Clive Lane).
- (iii) Clive Lane suffers from a serious fly tipping problem and while this development will help improve the situation along the length of the development itself, it will push the problem to the northerly end. This development must therefore pay for CCTV to cover the lane and the installation of fencing to separate the Network Rail land from Clive Lane. It should also pay for vehicle gates that can be closed after business hours to be installed to prevent vehicles fly tipping waste at night on the northern half of Clive Lane;
- (iv) A contribution should also be sought to eradicate the Japanese Knotweed currently spreading along the railway embankment, otherwise in time this will affect this development and existing properties.
- (v) This development will further increase the pressure on local schools and other services and adequate additional provision will need to be made.

7.4 IKEA expresses concern regarding their boundary wall, noting that the application seeks permission to remove the embankment. They confirm that several repairs have been carried out to this wall as several parts were deemed unsafe therefore they have concerns on the impact of the ground works on the safety of their customers and employees.

7.5 Objections have been received from 6 no. residents of Clive Street (Flats 1 and 3 at 154, 164, 168, 198, and Flat 3 at 210). Their objections are summarised as follows:

- (i) Change of use from green land to housing;

- (ii) Impact on traffic and parking. Applicant's car ownership predictions of 33% of dwellings owning a car are likely to be incorrect. 45% of homes have 1 car;
- (iii) Questions whether priority would be given to pedestrians and cyclists along Clive Lane;
- (iv) Increased risk of flooding from removing soil, replacing soil with tarmac including concerns over the capacity of the existing system.
- (v) Impact of building heights on adjacent properties including concerns regarding overlooking and their proximity to existing houses on Clive Street;
- (vi) Increased noise pollution and inconvenience during construction;
- (vii) Concerned regarding positioning of new street lights and resulting light pollution;
- (viii) Impact upon endangered wildlife including nesting birds and bats;
- (ix) Loss of 'A', 'B' and 'C' Category trees;
- (x) No neighbour consultation was carried out by the applicant despite the application form indicating so;
- (xi) Expects to receive compensation for disruption of their personal space and wellbeing and quality of life;
- (xii) Negative impact upon existing property values;
- (xiii) A part completed building site will invite vandalism and anti-social behaviour;
- (xiv) Increase in vermin moving into local houses from the site;
- (xv) Noise and air pollution arising from increased residents and traffic;
- (xvi) Future occupiers may not respect surrounding area;
- (xvii) Impact upon existing businesses along Clive Lane;
- (xviii) Lack of existing school and nursery places in Grangetown. Development will increase pressure for places;
- (xix) Lack of parking provision within the development;
- (xx) Disturbance of Clive Lane as a daily cycling and walking route;
- (xxi) Many local residents do not speak English as a first language or have lack of IT skills to put their concerns across. Recommends that the applicant meets with local residents to discuss the proposed development;
- (xxii) Loss of views;
- (xxiii) Increased litter and rubbish dumping;
- (xxiv) Works began in January 2016 to clear the site causing harm to the environment and wildlife;
- (xxv) Heights of proposed buildings are unclear;
- (xxvi) Loss of daylight;
- (xxvii) Cardiff does not have the infrastructure (jobs, transport and schools) to cope with all the new homes that need to be built;
- (xxviii) Siting of new buildings too close to existing dwellings.
- (xxix) Seeks compensation in the event that permission is granted.

8. **ANALYSIS**

- 8.1 This application was deferred by Planning Committee on 13 July 2016 to enable Members to visit the site prior to the determining the application. The site visit took place on 3 August 2016.

Principle of Development

- 8.2 This brownfield site is allocated in the Local Development Plan as a non-strategic housing site which has the potential to accommodate approximately 80 units, therefore its re-development is considered to be acceptable in principle.

Highways and Transportation

- 8.3 This hybrid application contains two important highways issues for consideration: The impacts of transporting the material excavated from the removal of the former railway embankment to another location for fill (for which full permission is sought) and the creation of a new vehicular access into the site off Clive Street to facilitate traffic movements for the new housing development. Details of site layout, including internal access arrangements, are reserved for subsequent approval.
- 8.4 The removal of approximately 60,000 cubic metres of material is estimated to take 12 months, generating approximately 30 loads per day (60 vehicle movements in and out), which equates to approximately 8 movements per hours (4 in, 4 out). The application originally intended for vehicles to travel along Clive Street and Penarth Road before joining the A4232, however the Operational Manager, Transportation, considers it would be preferable to utilise Ferry Road to minimise vehicle movements along Clive Street (paragraph 5.1). This has been accepted by the applicant and a relevant condition is attached to implement the necessary temporary highway works.
- 8.5 The demolition of 130 Clive Street to facilitate the creation of a new 6 metre wide access with 2 metre wide footways is supported by the Operational Manager, Transportation. Relevant conditions are attached to secure highway improvements to Clive Street, including a tabled pedestrian zebra crossing immediately south of the new junction which improves pedestrian access to local schools and facilities and will form part of a wider School Safety Zone being considered by the Council as well as support Active Travel.
- 8.6 Although layout is reserved for subsequent approval an indicative site plan accompanies the application illustrating the potential arrangement for dwellings, apartments and car parking provision. 151 car parking spaces are shown on the plan, which equates to 1.3 spaces per unit. As the site is located in a highly sustainable location, well served by public transport (Clive Street is sited on a bus route linking the City Centre with the International Sports Village and Grangetown railway station is approximately 300 metres to the north), and being mindful that affordable housing provision is intended to be greater than private market housing, the precise level of parking provision is a matter for further negotiation and can be confirmed at the reserved matters stage.
- 8.7 The indicative site plan has been amended to show the potential for an additional pedestrian access at the north end of the site to improve walking routes for those residents. Due to the site's narrow and linear nature, four

possibilities for pedestrian links are shown, with three accessing Clive Lane to the east and the potential for a southern access across land in the Council's ownership adjacent to Ferry Road.

Design and Place Making

- 8.8 The application has been received following a pre-application discussion in which various aspects of the proposals were discussed. It is recognised that layout and appearance are reserved for subsequent approval which, if this application is approved, will enable officers to ensure the delivery of a high quality development that makes a positive contribution to the locality, in accordance with the aims of Local Development Plan (LDP) Policy KP5 (Good Quality and Sustainable Design).
- 8.9 The density of the scheme is considered to represent an efficient use of land in this inner urban area. The layout and illustrative sketches suggest the creation of apartment blocks to site entrance to give a sense of arrival when entering the site which is supported in principle. Further apartment blocks are proposed to the north and south boundaries of the site, with two-storey dwellings linking these together. The approach is considered to be acceptable in design terms.
- 8.10 Amendments to the indicative layout were submitted to show increased potential for soft landscape and amenity space provision. Whilst this is encouraged, officers would encourage the provision of a meaningful area of on-site amenity open space to serve future occupiers of the development, which will include a significant provision of family housing. It is recognised that this is a matter for further negotiation at reserved matters stage.
- 8.11 Consideration of enclosures, surveillance, parking, landscaping, and use of materials are detailed matters that will be considered at reserved matters.

Residential Amenity

- 8.12 The indicative site plan shows apartment blocks being sited 10.5 metres (Block A) and 9 metres (Blocks B) from the rear boundaries of properties on Clive Street with the proposed building heights ranging between 18 and 24 metres above ordnance datum (AOD). Further consideration will be required at reserved matters stage to ensure that the heights are acceptable in relation to the Clive Street properties to the east. If designed towards the minimum end of the range, it is considered that satisfactory relationships can be achieved.
- 8.13 No indication is given that this outline stage in respect of floor layouts or window arrangements. Again, it is considered that these can be achieved without resulting in a loss of privacy for neighbouring occupiers.

Open Space Provision

- 8.14 The Operational Manager, Parks and Sport is willing to accept a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality in the

absence of any on-site provision (although he does favour the latter). The precise sum will be agreed once the characteristics of the dwellings and their habitable rooms are known. It is likely that Grangemoor Park, Ferry Road Nature Reserve and/or The Marl would be beneficiaries of any contribution that is secured.

Trees and Ecology

- 8.15 Whilst the comments of the Council's Tree Officer and Ecologist are noted, the removal of the existing railway embankment will necessitate the loss of existing habitats and this must be considered in the light of the site's allocation for residential development in the Local Development Plan. Layout and Landscaping are reserved for subsequent approval, at which time the applicant will need to submit proposals for a high quality landscaping scheme across the whole site, including the provision of tree planting.

Flood Risk and Drainage

- 8.16 In respect of flood risk, it is noted that Natural Resources Wales (NRW) has no objection to the determination of the application, having considered the Flood Consequences Assessment (FCA). The recommendations made by NRW include informing residents of a flood warning service and this advice is included as an advisory.
- 8.17 It is noted that the lowered ground level will be between 6.6m -7.2m AOD and the finished floor level of all buildings will be at least 7.2m AOD. In view of NRW's consultation response, and having considered the submitted FCA, it is considered that that the flooding risks can be acceptably managed in accordance with Technical Advice Note 15.
- 8.18 Relevant conditions are attached regarding foul and surface water drainage.

Objections

- 8.19 In respect of the issues raised during the public consultation process which have not already been addressed in this report, the following comments are made:
- (i) Clive Lane is an adopted highway and therefore the suggestion that this route be gated and/or bollarded is not supported by officers;
 - (ii) It is reasonable to assume that, in the event development proceeds, any fly tipping issues will cease due to increased surveillance and activity in this location. In the meantime, tipping is a matter for the land owner. The Council's Waste Management team regularly visit Clive Lane to manage the problem;
 - (iii) A condition is recommended to ensure for the appropriate treatment of Japanese Knotweed on the site;
 - (iv) It is the applicant's intention to retain the boundary wall to IKEA following the removal of the material. A relevant condition can be attached at

- outline stage to ensure for a satisfactory enclosure in the event that the wall cannot be retained;
- (v) The applicant is reminded of the permitted hours for construction activities in recommendation 2, which are covered under separate legislation;
 - (vi) Street lighting is not considered to result in unacceptable levels of light pollution;
 - (vii) There was no requirement for the applicant to carry out a public consultation prior to the submission of the application;
 - (viii) There is no prospect of compensation being awarded to neighbouring occupiers in the event that permission is granted as planning does not exist to protect the private interest;
 - (ix) Potential impact upon property values is not a material consideration;
 - (x) There is no evidence to suggest that the development will result in an increase in vandalism and anti-social behaviour;
 - (xi) Local residents are encouraged to contact the Council's Pest Control team to address vermin problems;
 - (xii) It is not considered that unacceptable levels of noise and air pollution will arise in the event that development proceeds;
 - (xiii) Loss of private views are not a material consideration;
 - (xiv) If English is not spoken as a first language by neighbouring occupiers, and IT skills are insufficient to enable comments, relevant persons are encouraged to seek support from willing neighbours to make representations;
 - (xv) Site clearance works undertaken since January 2016 comprise vegetation clearance works which have been authorised by the Council's Ecologist;
 - (xvi) There is no scope for financial compensation in the event that planning permission is granted.

Other Considerations

- 8.20 *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.
- 8.21 *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.
- 8.22 *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**

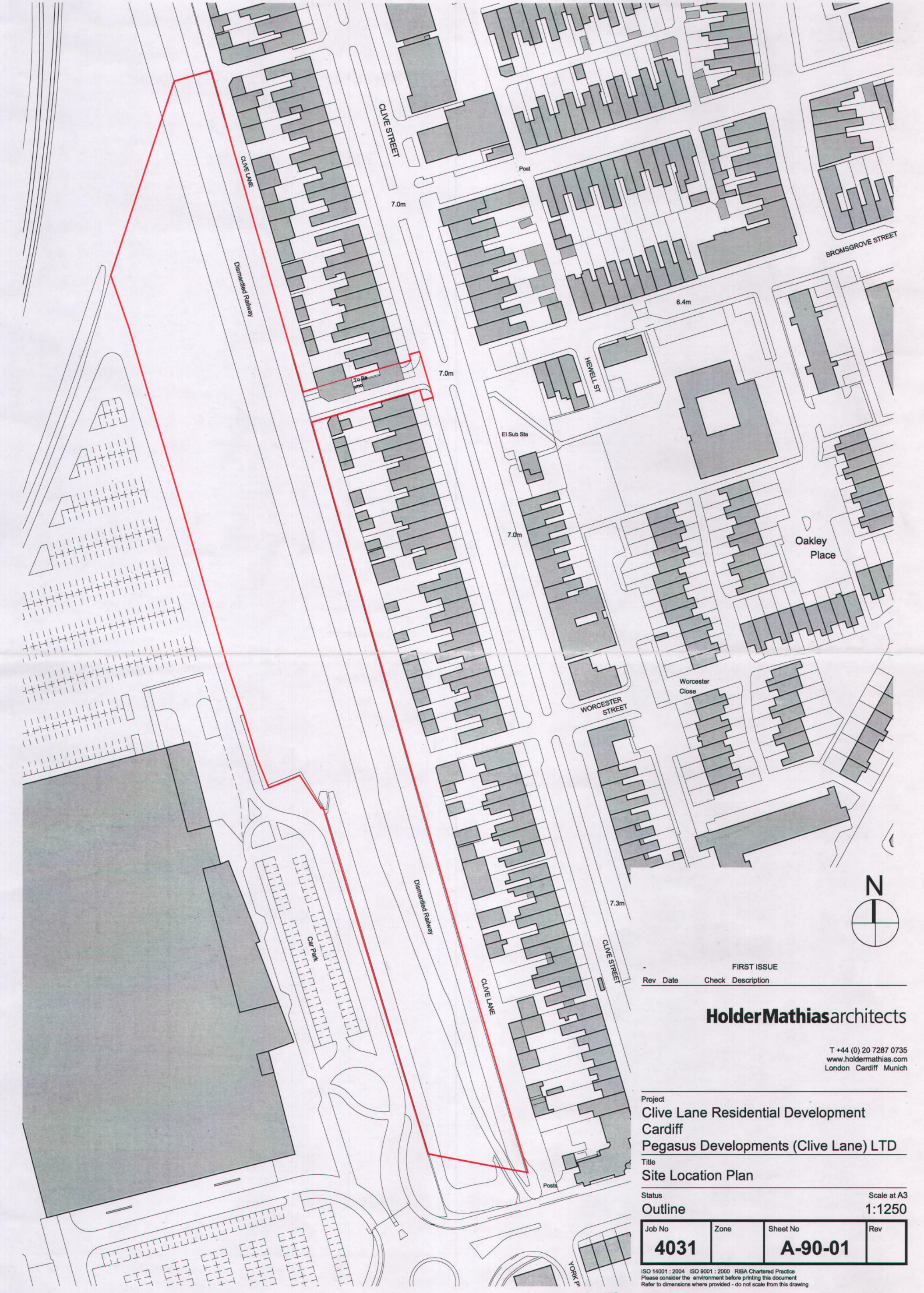
9.1 The following planning obligations have been agreed to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP Policies KP6 and KP7:

- (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.
- (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).
- (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 It is considered that these Heads of Terms 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. **CONCLUSIONS**

10.1 The principle of the development of this brownfield site is firmly established by virtue of the site's allocation in the Local Development Plan as a non-strategic housing site. The site is located in a highly sustainable location with excellent access to public transport services and local services and amenities. It is considered that the site is able to contribute to meeting the City's housing need through the creation of a high quality, sustainable development. It is recommended that, subject to relevant conditions and the completion of a Section 106 Agreement to secure the contributions in Section 9, that full permission be granted for the removal of the existing railway embankment material and outline permission, including access, be granted for the redevelopment of the site for residential purposes.



FIRST ISSUE

Rev	Date	Check	Description

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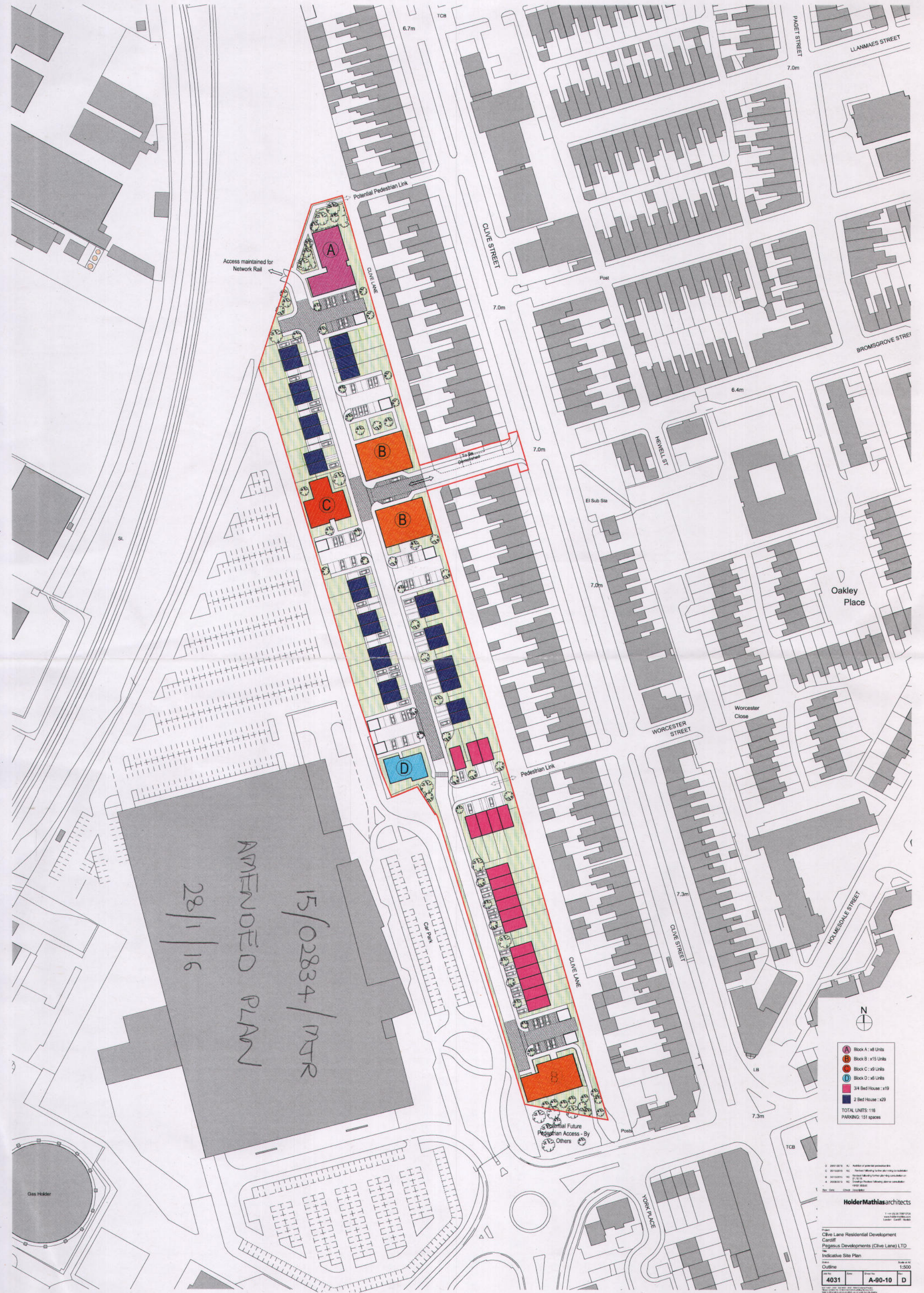
Project
Clive Lane Residential Development
Cardiff
Pegasus Developments (Clive Lane) LTD
 Title
Site Location Plan

Status
Outline Scale at A3
1:1250

Job No	Zone	Sheet No	Rev
4031		A-90-01	

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15/02834



AMENDED PLAN
 28/1/16
 15/02834/MTR

- Block A : x8 Units
- Block B : x15 Units
- Block C : x9 Units
- Block D : x8 Units
- 3/4 Bed House : x19
- 2 Bed House : x29
- TOTAL UNITS: 116**
- PARKING: 151 spaces**

HolderMathias architects

Clive Lane Residential Development
 Cardiff
 Pegasus Developments (Clive Lane) LTD
 Indicative Site Plan

Scale: 1:500
 Date: 4/03/16
 Project No: **A-90-10**