

COMMITTEE DATE: 28/09/2016

APPLICATION No. **16/01719/MJR** APPLICATION DATE: 14/07/2016

ED: **TROWBRIDGE**

APP: TYPE: Outline Planning Permission

APPLICANT: City of Cardiff Council

LOCATION: ST MELLONS COMMUNITY ENTERPRISE CENTRE, 31  
CRICKHOWELL ROAD, ST MELLONS, CARDIFF, CF3 0EX

PROPOSAL: RESIDENTIAL DEVELOPMENT COMPRISING OF 15  
DWELLINGS, ACCESSED FROM WAKEHURST PLACE

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**RECOMMENDATION 1** : That outline consent be **GRANTED** subject to the applicant submitting a unilateral **S106 Agreement** that the proceeds of the sale of the land for housing will be allocated towards funding the St Mellons Hub and that a minimum of 20% of the units be affordable to Welsh Government DQR standards and the units be allocated from the Common Waiting List and the following conditions:-

1. C00 Standard outline
2. Prior to the commencement of the development an assessment of the nature and extent of contamination on site shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

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

- any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

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.

3. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006).

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 neighbours and other offsite receptors.

4. The remediation scheme approved by condition 3 above shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006).

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 neighbours and other offsite receptors.

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

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

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

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

7. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall

be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

8. 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.

9. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –
- 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.

10. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme

shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

11. The position of the sewers crossing the site shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 4.5 metres either side of the centreline of the public surface water sewer and 3 metres either side of the centreline of the public foul water sewer.

Reason: To protect the integrity of the public sewers and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

12. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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.

13. Prior to any development commencing on site details of a scheme to minimise the risk of pollution from construction and to protect the Gwent levels: Rumney and Peterstone SSSI shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the approved scheme.

Reason: To minimise the risk of pollution.

14. The development shall be carried out broadly in accordance with the scaling statement, the Concept Diagram submitted with this application and the Council's Supplementary Planning Guidance on Residential Design, approved March 2008.

Reason: To avoid doubt and confusion as to the nature of future development on this site and to achieve an acceptable form of development.

15. The detailed plans to be submitted shall show the provision of a 1.8 m high, above finished ground levels, solid screen fence/wall running along the eastern boundary of the site to the rear of the dwelling houses at 1, 3 and 9 Wakehurst Place, which shall be constructed prior to the occupation of any dwelling adjoining the eastern boundary of the site.

Reason: To safeguard the amenities of adjoining occupants.

16. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. The parking of vehicles of site operatives and visitors

- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme of recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and public amenity

17. Prior to any development commencing details of car parking and covered cycle storage shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the dwellings they serve being occupied and the approved car parking and covered cycle storage shall be maintained and retained for the approved uses thereafter.

Reason: To provide adequate car and cycle parking for future occupants.

18. Prior to the occupation of any of the dwellings on this site the access road serving them shall be finished to final wearing course and include surface water highway drainage in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the future occupants of this site.

19. No development shall commence on site until accommodation within the St Mellons Hub, the subject of application 16/01400/MJR, is available to accommodate the existing Flying Start Nursery on this site or the existing Nursery can be accommodated in an alternative location agreed in writing by the Local Planning Authority.

Reason: To ensure adequate replacement community facilities are available for the community.

**RECOMMENDATION 2** The developer needs to have due regard to the consultation responses received during the processing of this application in formulating the reserved matters submission.

**RECOMMENDATION 3** Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

**RECOMMENDATION 4** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (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.

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

- 1.1 The application is in outline for 15 dwellings with all matters reserved. An indicative layout drawing has been submitted showing access off Wakehurst Place to a cul de sac with 7 pairs of semis and one detached unit. The dwellings would be a maximum of 7.5m in height, 9m in length and 6m in width.
- 1.2 The rear gardens of some of the proposed dwellings on the outline layout exceed 10.5m whilst some are less than that. The unit proposed next to 1 Wakehurst Close could result in some overshadowing, depending on precise siting and design. The rear of some of the proposed dwellings back onto the side/rear garden of 9 Wakehurst Place.
- 1.3 The indicative layout shows a new 5m wide landscaping belt along the western boundary and along part of the southern boundary.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is Council owned land and is occupied by a single storey workshop building. The site is 0.42 ha in area and is irregular in shape. Vehicular access is from Wakehurst Place to the south.
- 2.2 Half of the existing building is occupied by Flying Start nursery which is to be relocated into the St Mellons Hub. Two units are vacant, two are used as

office/storage and one occupied by a small catering company.

- 2.3 The site is generally level and is approximately 1.5m below the level of Crickhowell Road to the west. Adjoining the eastern boundary are residential properties and to the north a band of trees.

### 3. **SITE HISTORY**

- 3.1 13/2312 Creche Facilities allowed 20/12/13
- 3.2 16/1400 EXTENSION TO EXISTING LIBRARY BUILDING TO CREATE NEW INTEGRATED COMMUNITY HUB (D1/D2) WITH RELOCATED CAR PARK, MULTI USE GAMES AREA, EXTERNAL LIGHTING, ASSOCIATED LANDSCAPING WORKS. Approved 2/8/16

### 4. **POLICY FRAMEWORK**

- 4.1 It is considered that the following LDP policies are relevant to this application:-

KP5 Good Quality and Sustainable Design;  
KP6 New Infrastructure  
KP7 Planning Obligations  
KP13 Responding to Evidenced Social Needs  
KP14 Healthy Living  
KP8 Sustainable Transport;  
H3 Affordable Housing  
EN8 Trees and Hedgerows  
EC3 Alternative Use of Employment Land and Premises  
EN12 Renewable Energy and Low Carbon Technologies  
T1 Walking and Cycling  
T5 Managing Transport Impacts  
C2 Community Safety/Creating Safe Environments;  
C4 Provision for Open Space, Outdoor Recreation and Sport  
C7 Health  
W3 Provision for Waste Management Facilities in Development.

### 5. **INTERNAL CONSULTATIONS**

- 5.1 The Tree Officer states  
The outline layout accommodates the retention of the only significant arboricultural features at the site, comprising a trimmed beech hedge (H1) and a group of trees on the banks of the reën to the north, that overhang the site (G1). As such, and subject to the design of any reserved matters application being informed by the tree assessment, including the production of an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, unacceptable harm will not result to trees of amenity value.

I support the proposal to accommodate new planting bounding the site, but the specification for this will need to be confirmed at reserved matters, as informed by a Soil Resources Survey and Plan prepared in accordance with the 2009



DEFRA Code. It must also be clear how proposed planting will avoid conflict with all existing and proposed services, including drainage and lighting. The reserved matters application should preferably include a detailed, upfront landscaping scheme comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan view, planting methodology and 5 year aftercare methodology.

The Tree Officer's comments have been forwarded to the applicant.

- 5.2 Shared Regulatory Services say that in reviewing available records and the application for the proposed development, the site has been identified as formerly commercial with uses including community centre and workshops. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services requests the inclusion of conditions (which are included in Recommendation 1 above).

- 5.3 Noise & Air pollution propose a road traffic noise condition.
- 5.4 The Housing Development Officer states: We are seeking 20% affordable housing on this scheme (3 units), and all of the units to be delivered as affordable rented, this will be the full 20% as social rented units.

All of the units would need to be built to Welsh Government DQR standards, and units will be allocated from the Common Waiting List.

For clarification, if there are any roads or public open space/realm/green infrastructure within the site that will not be adopted (ie privately managed), then neither the RSL nor their tenants may be able to make additional contributions to the management of these aspects of the scheme. The prices to be paid relate solely to the purchase of the completed affordable units, including finishes to the external garden/communal space within property curtilages.

## 6. **EXTERNAL CONSULTATIONS**

- 6.1 NRW has raised no objection subject to 2 conditions, one of which is in line with that recommended by Shared Regulatory Services.
- 6.2 South Wales Police have no objection to the proposed development and have

been engaged in pre –application discussions. South Wales Police welcome the proposed layout and general design which they believe will create active surveillance and assist with creating a safer and more sustainable neighbourhood and community.

South Wales Police welcome reference made in the design and access to adopting the principles of secured by design but would argue these need to be detailed and included within the Design and Access statement submission.

For this reason South Wales Police make a number of specific recommendations listed below:

1. All rear gardens are made secure by 1.8m min walling, fencing and gating (2.1m min where property boundary adjoins public open space) this would apply to boundary along Fendra Raen reason to prevent burglary and theft.
2. All main external entrance doors are PAS24 2012 compliant reason to prevent burglary.
3. All ground floor windows are PAS24 2012 compliant reason to prevent burglary.
4. All service meters are located to front elevations of properties and are externally readable reason to prevent distraction type crime.
5. All parking areas are overlooked by properties reason to prevent vehicle related crime.
6. A scheme of work in relation to lighting is submitted to the local authority for approval prior to completion reason to enhance personal safety.
7. The estate is built to Secured by Design standards reason to reduce crime.

South Wales Police would be happy to work with developers to achieve Secured by Design Standards which has been shown to reduce crime risk by up to 75%.

South Wales Police would ask that items 1-6 be considered by way of condition in line with Authorities obligations to prevent crime under Crime and Disorder Act.

- 6.3 Wales and West advises that a pipeline is in the highway outside the site.
- 6.4 Welsh Water recommends 3 conditions and have provided advisory notes (which have been forwarded to the applicant).
- 6.5 Health and Safety says that the site does not lie within the consultation zone of a major hazard site or major accident hazard pipeline.
- 6.6 GGAT has no archaeological objections.

## 7. **REPRESENTATIONS**

- 7.1 Local Members have been consulted. No representations have been received to date but will be reported to the Planning Committee if received prior to the

meeting.

- 7.2 The proposal was advertised in the press and by site notice as a major application.
- 7.3 Neighbouring occupiers were consulted by letter. No representations have been received to date.

## 8. **ANALYSIS**

- 8.1 The applicant states that: "The current application involves residential development on an underused business site. There is no overriding need to retain the existing use of the site, and it is well proportioned and positioned to provide good quality residential accommodation in character with the surrounding area. The site is not surrounded by other businesses, and its redevelopment for residential use will not impact upon adjoining businesses."
- 8.2 Given the current vacancy levels at the site and at Willowbrook Technology Park, the community benefits resulting from the site's redevelopment, the need for in excess of 40,000 new dwellings in Cardiff between 2006-2026 (Policy KP1 of the LDP), and the site's suitability for redevelopment for residential use, the proposal is considered to be in accordance with Local Development Plan policies. The benefits to the community resulting from the redevelopment of the site are considered to outweigh any economic benefit of retaining employment use on this small site, in accordance with Policy EC3.
- 8.3 The application site falls within the settlement boundary as defined by the LDP proposals map and has no specific designation or allocation. The St Mellons Local Training and Enterprise Centre which currently occupies the site is therefore afforded no policy protection in relation to land use policy. The applicant says that start-up units are currently available at the Willowbrook Technology Park.
- 8.4 Given the application site's context, located in close proximity to St. Mellons District Centre and surrounded by housing, the application raises no land use policy concerns.
- 8.5 The number and size of dwellings proposed and their indicative layout raise no fundamental planning issues at outline stage but will be considered in more detail at the reserved matters stage and will have to have regard to the Residential Design Guide SPG and the provision of adequate screening for privacy purposes.
- 8.6 Consultees' comments have been incorporated as conditions within the Recommendation 1 above or have been brought to the applicant's attention to be addressed at detailed stage.
- 8.7 The vehicular access is in the same position as the existing vehicular access serving the enterprise centre. It is not considered that the development would raise any new highway issues.

8.8 In conclusion it is considered that the principle of residential development on this site can be granted subject to conditions and allocating the proceeds of the sale of the land for housing towards funding the St Mellons Hub and the provision of affordable housing as per paragraph 5.4 of this report.

## 6.0 Concept Diagram

15 dwellings  
0.42 hectare site  
35dph

Robust, attractively detailed boundaries to Crickhowell Road

Existing hedge retained within the site.

Trees / hedge planted along Crickhowell Road boundary for privacy

Shared driveway to dwellings facing Wakehurst Place

5m buffer zone to trees.

Provision of secure rear boundary treatments adjacent to the trees.

Secure on plot parking for each dwelling.

Provision of suitable means of enclosure and landscaping within front gardens.

Active frontages through the site, with dual frontages on corner plots

Dwellings at the front (south) of the site oriented to Wakehurst Place

