

COMMITTEE DATE: 28/09/2016

APPLICATION No. **16/01680/MJR** APPLICATION DATE: 14/07/2016

ED: **TROWBRIDGE**

APP: TYPE: Outline Planning Permission

APPLICANT: City of Cardiff Council

LOCATION: ST MELLONS COMMUNITY HALL, CRICKHOWELL ROAD, ST MELLONS, CARDIFF, CF3 0EF

PROPOSAL: OUTLINE APPLICATION TO DEMOLISH THE EXISTING BUILDING AND ERECT 9 DWELLINGS (2 STOREY) AND 18 FLATS (3 STOREY) ON THE SITE

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. 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 must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to neighbours and other offsite receptors.
3. 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.

4. 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

5. 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.

6. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms 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.

7. 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.

8. The position of two public sewers crossing the site shall be accurately located and marked out on site before works commence. No part of any building shall be erected within 3 metres either side of the centreline of each public sewer up to and including 300mm and 5 metres either side of the centreline of each public sewer greater than 300mm internal diameter.

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

9. The development shall be carried out broadly in accordance with the scaling statement and the Indicative Layout Plan submitted with this application.

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

10. 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.

11. 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

12. 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.

13. No development shall commence on site until the Hub, the subject of application 16/01400/MJR, has been completed.

Reason: To ensure adequate community and leisure facilities continue to be 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.

RECOMMENDATION 5 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 6 The developer is advised to consider using external walling materials that are in keeping with those used to the north and east of this site.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The proposal is in outline for residential development with all matters reserved. An illustrative layout plan shows a terrace of 6 houses at the rear of the site facing west, a terrace of 3 dwellings facing the District Shopping centre and a three storey block of 18 flats towards the front of the site. All the proposed dwelling houses would be 2 storeys in height. Vehicular access would be from the existing road running along the northern boundary of the site.
- 1.2 The Scaling Statement specifies the height of the dwellings as 7.5m, 9m in length and 6m in width. Parking is indicated in front of the houses with rear gardens between 10-12m in length. The flats are to be a maximum of 11m in height, 16m deep, 35m in length along the eastern elevation and 28m in length along the northern elevation. A private amenity area of some 300sqm to serve the flats is shown to the rear gardens of the terrace properties. There is also an open amenity area of 900sqm in front of the flats. An area of some 400sqm for parking for the flats is indicated to the rear of the flats.
- 1.3 The indicative layout has been designed to take account of the line of sewers

crossing the site and also provides for a 5m wide buffer zone along the southern boundary next to a band of trees.

- 1.4 The community centre on the site will be relocated in the new St Mellons Hub that is to be built immediately to the south of this site.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a community centre building and open air basketball court. The site is 0.5 ha in area, rectangular in shape and level.
- 2.2 A band of trees and small watercourse run along the southern boundary of the site and there are a few mature trees near the eastern edge of the site adjoining Crickhowell Road.
- 2.3 The existing community centre is finished in materials that are used in developments to the north and east.
- 2.4 Willowbrook House on the other side of Cickhowell Road is a part 3 storey residential block.

3. **SITE HISTORY**

- 3.1 None in the last 10 years on this site.
- 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 of Evidenced Social Needs
KP14 Healthy Living
KP8 Sustainable Transport;
H3 Affordable Housing
EN8 Trees and Hedgerows
EN12 Renewable Energy and Low Carbon Technologies
EN13 Air, Noise, Light Pollution and Contaminated Land
EN14 Flood Risk
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 Shared Regulatory Services states that 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 and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

- 5.2 Noise and Air Team recommend a noise condition.
- 5.3 The Tree Officer states: Subject to the design of any reserved matters application being similar to the indicative layout presented at outline, as informed by the Tree Survey and Constraints Plan, and as supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, unacceptable harm should not result to trees of amenity value. This said, it is worth noting that some young trees may grow into gardens and become over-dominant, if sufficient space is not given to support their future growth – oak 25 for example is a young tree with considerable growth potential that may grow to over-dominate plots to its south. The 5m ‘buffer zone’ is particularly important in minimising potential conflict between retained trees and residential development. In this regard an indicative section should be provided showing the treatment of the buffer zone – it should provide an ecotone grading from existing forest trees like oak, to shrubs and shrubby trees like willow, hazel and hawthorn, to herbaceous vegetation closest the garden.

Where ‘C’ category trees are present that have poor long-term potential, their removal and replacement should be specified.

Any reserved matters application should be supported by a detailed landscaping scheme comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan view, planting methodology and aftercare methodology. The landscaping scheme should be informed by a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code that delineates, characterises and quantifies the re-usable soil resource and explains the methods and equipment to be used in its stripping, handling, storage, amelioration and placement.

- 5.4 Waste Strategy and Minimisation Officer has submitted her standard comments.
- 5.5 The Housing Officer states that: The application proposes that 9 of the units are

delivered as affordable housing. This is acceptable as it exceeds the affordable housing policy requirement for the site.

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/realms/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 South Wales Police have no objection to 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 that 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) 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. Where there are flats that are accessed by means of a communal entrance where 5 or more properties are served by a communal entrance then the communal entrance needs to be fitted with audio-visual access control systems. Reason to prevent unauthorised entry to communal areas and prevent crime.
8. 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 1-7 be considered by way of condition in line with Authorities obligations to prevent crime under Crime and Disorder Act.

- 6.2 Welsh Water request two conditions to ensure no detriment to existing residents, the environment and to Dwr Cymru Welsh Water's assets.
- 6.3 GGAT has no archaeological objections.
- 6.4 NRW has raised no objection subject to 2 conditions, one of which is in line with that recommended by Shared Regulatory Services.
- 6.5 Wales and West Utilities have identified a low pressure gas pipeline running along the northern boundary of the site.

7. **REPRESENTATIONS**

- 7.1 Local Members have been consulted. No comments have been received to date but will be reported to the Planning Committee if received prior to the meeting.
- 7.2 The proposal has been 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 developer has submitted a planning statement which states inter alia that:

The pre-application report states that the site falls within St Mellons District Centre. Policy R4 of the Local Development Plan (LDP) 2006 – 2026 states:

‘Retail, office, leisure and community facilities will be favoured’ within St Mellons District Centre.

However, the pre-application report goes on to state ‘In principle, it is considered that the residential option put forward for this site would not result in the loss of retail floorspace and residential development of the site would add to the footfall in the centre’.

Policy C2 of the Local Development Plan states:

Proposals involving the loss or change of use of buildings currently or last used for community facilities will only be permitted if:

- i) An alternative facility of at least equal quality and scale to meet

- community needs is available or will be provided within the vicinity or;
- ii) It can be demonstrated that the existing provision is surplus to the needs of the community.

The redevelopment of the site is necessary to fund the extension to St Mellons Hub, adjacent to this site, which will accommodate a range of community and leisure facilities.

The current application involves residential development on the site of the existing St Mellons Community Centre. Facilities for the community will be significantly improved by their inclusion in the expanded St Mellons Hub, adjacent to the current community centre site. The expanded hub will incorporate a range of modern state of the art facilities including include a library and training rooms with new IT equipment, an exemplar Flying Start nursery and crèche, a youth den, a music studio, 2 multi-use rooms, 2 community kitchens, a café, a 3-court sports hall and current-standard team changing rooms. These will all be equipped to a high standard, and will be highly accessible due to their location in one central building. A modern floodlit 'Multi Use Games Area' will replace the existing outdoor playing court, and will be attractive to young people and other local residents.

Development of the site will not result in the loss of retail or office floor space, and community provision is being relocated and improved on an adjacent site. Therefore the proposal will address the requirements of policies R4 and C2 of the Local Development Plan.

- 8.2 I concur with the developer's assessment contained within the Planning Statement. I also consider the development to be in line with the Council's approved planning policies. To ensure that community and leisure facilities are available for the community I consider it necessary that any consent be conditioned to restrict development until the St Mellons Hub is available for use.
- 8.3 The approved MUGA and Sports Hall will increase leisure facilities for the local community and will offset the loss of the open air basketball court.
- 8.4 Consultee responses raise no significant issues and in the main the suggested conditions are incorporated into the recommendation. Consultees' responses have been forwarded to the applicant and in the case of the South Wales Police's comments these can be addressed at detailed stage.
- 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. The proposed access arrangements are considered to raise no new significant highway issues from that currently existing.
- 8.6 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 5.5 of this report.

Community Centre, Crickhowell Road, St Mellons Indicative Layout. (Illustrative only, do not scale)

