

COMMITTEE DATE: 26/10/2016

APPLICATION No. **16/01670/MJR** APPLICATION DATE: 14/07/2016

ED: **TROWBRIDGE**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr City of Cardiff Council

LOCATION: LAND OFF WILLOWBROOK DRIVE, ST MELLONS

PROPOSAL: 70 NO. DWELLINGS ACCESSED FROM WILLOWBROOK DRIVE

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 , providing a financial contribution for educational places in accordance with the formula contained within Developer Contributions for School Facilities SPG (the size of contribution required for the number of dwelling houses currently proposed is specified in paragraph 5.4 of this report), providing 30% affordable housing on this site, to be delivered as affordable social rented units, built to Welsh Government DQR standards and the units be allocated from the Common Waiting List and a contribution of £20,000 towards improvements to the adjoining amenity land fronting Willowbrook Drive and Willowbrook Road, 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 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 prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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. The development shall be carried out generally in accordance with the scaling statement, the Concept Diagram V2 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.

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 flows to connect the public sewer at manhole reference ST23806702. The

scheme shall also include an assessment for 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 proposed development site is crossed by a public sewer. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

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. 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.

10. The detailed plans to be submitted shall show a pavement along the front of the site facing both Willowbrook Drive and Crickhowell Road.

Reason: In the interests of pedestrian safety and facilitate access to a bus stop in the interests of sustainability.

11. The detailed plans to be submitted shall make provision for a pedestrian link from the site to the playing field south of James Court.

Reason: To provide safe pedestrian access to public open space in the interests of healthy living.

12. C3L Details of Roads (Dwellings)

13. C3E Turning Space Within Site

14. 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.

15. 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.

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 proposal is in outline for residential development. An illustrative layout plan has been submitted which shows a single vehicular access from Willowbrook Drive. The plan also shows one detached dwelling, 17 pairs of semis, 7 terraces of three, 2 terraces of four and one terrace of six. All the proposed dwellings would be two storeys high.
- 1.2 The indicative layout plan shows the retention of bands of vegetation some 40 m wide along the south eastern boundary of the site and about 10m wide running through the centre of the site in a south easterly to north westerly direction and then along the north east boundary of the site. A narrower band of planting is proposed between Willowbrook Drive and the proposed dwellings.

2. DESCRIPTION OF SITE

- 2.1 The site is 2.8 ha in area and is relatively level. The site adjoins and is north of the junction of Willowbrook Drive and Crickhowell Road.
- 2.2 The site is overgrown with trees and scrub. There is no existing vehicular or pedestrian access into the site which prevents general public use. The OS plan indicates a path across the site but it is not readily apparent on site and is not a registered Public Right of Way.
- 2.3 There are 4 football pitches laid out to the north east of the site. There is a bus stop on the eastern boundary of the site that lacks a pavement.
- 2.4 The site lies within a predominantly residential area. Willowbrook Drive and Crickhowell Road lead to the District Centre, to the north, which is comprised of a supermarket and filling station, small retail units, a medical surgery, church, Library, Community Centre, and Police Station

3. SITE HISTORY

- 3.1 None since 1997 on this site.
- 3.2 16/1400 EXTENSION TO EXISTING 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
- 3.3 Two nearby planning applications for residential development were recently reported to the Planning Committee, which Members were minded to approve subject to a Unilateral Undertaking to contribute to the funding of the St Mellons Hub

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
 - KP8 Sustainable Transport;
 - KP13 Responding of Evidenced Social Needs
 - KP14 Healthy Living
 - H3 Affordable Housing
 - EN8 Trees and Hedgerows
 - EN12 Renewable Energy and Low Carbon Technologies
 - EN13 Air, Noise, Light Pollution and Contaminated Land
 - T1 Walking and Cycling
 - T5 Managing Transport Impacts
 - C3 Community Safety/Creating Safe Environments;
 - C4 Protection of Open Space
 - C5 Provision for Open Space, Outdoor Recreation and Sport
 - C6 Health
 - C7 Planning for Schools
 - W2 Provision for Waste Management Facilities in Development.

5. **INTERNAL CONSULTATIONS**

- 5.1 Shared Regulatory Services states:- 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 the safety of future occupiers.
- 5.2 The Housing Development Officer states: We would seek 30% affordable housing on this scheme (21 units), and all of the units to be delivered as affordable 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.
- 5.3 The Waste Strategy and Minimisation Officer has raised no objections but identified issues which have been brought to the applicant's attention.

- 5.4 The Education Officer states: We would seek financial contributions of £259,070.
- 5.5 The Tree Officer states: Whilst the application is outline, it is possible, based on the indicative layout, to ascertain that x9 individual, 'B' (moderate quality and value) trees will be lost (1750, 1751, 1753, 1754, 1799, 1802, 1812, 1813 & 1813A) along with one 'B' category group 1814 and one group of three young 'B' category trees 1801. The most significant of these losses are the oaks 1802, 1812, 1813 and 1813A that are important components of the tree 'spines' that dissect the site, likely demarcating old agricultural hedgerows developed on soil thrown up to be above more poorly drained ground.

I would expect 'B' category trees to be retained and protected as part of development unless there are overriding design considerations necessitating their removal and new planting can fully mitigate their loss. Accepting that the loss of the 'B' category trees listed is necessary for overriding design reasons, I need to understand how their loss will be mitigated. Space for large species trees is not available on the Willowbrook Drive frontage, unless the space to the SW of the 5m buffer zone in the SE corner of the site is available, taking account of any service/highway visibility/ecological constraints. Three groups of x3 new trees are shown within the developed site, and subject to detailed design at reserved matters, these spaces could be developed to accommodate large species trees (probably just x1 tree per group). A further x4 new trees are shown indicatively on the layout plan, comprising x2 within an existing 'hedgerow-tree line' and x2 within constrained positions in gardens. So, whilst the indicative layout accommodates x13 new trees, at least two of these are likely to be small species in constrained space, and where groups of x3 trees are proposed, mutual suppression is likely to result and means that reducing the numbers to x1 tree per space is likely to be expedient. This gives a total of x7 trees, which doesn't mitigate the loss of the x9 individual trees referred to above, let alone the additional loss of the 'B' category groups. The 5m 'buffer zones' cannot reasonably be considered suitable for large species tree planting, rather they should accommodate shrubby trees (sallows, hawthorn) shrubs (hazel) and herbaceous vegetation.

I would like to see further detail concerning the landscaping strategy at this site that builds in the principle of accommodating the planting of x10 large, native species trees in spaces designed to support their unconstrained future growth. This would in my view offer acceptable mitigation for losses in arboricultural terms, but of course all of the trees lost form part of 'green corridors', whereas new planting is likely to be dominated by well-spaced individuals. In addition, I would like to see an indicative section of the 5m buffer, in order to understand how this will be treated – without evidence to the contrary, I think that it should be designed as an ecotone, with native herbaceous vegetation closest gardens grading into native shrubs and shrubby trees and finally the retained 'forest' trees.

Any reserved matters application will need to be supported by a detailed landscaping scheme comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan views, planting methodology

and 5 year aftercare methodology, all informed by detailed knowledge of proposed and existing services including drainage and lighting, and a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code.

IMPACT ON SOILS

The whole of the site currently comprises vegetated soil. Vegetated soil represents a valuable and fragile resource, providing storage of carbon, sustainable drainage, and a reservoir of biodiversity, in addition to supporting the growth of a diverse range of plants including large species trees. Uncontrolled development of the site is likely to result in considerable loss of soil and damage to its functionality. In turn, this is likely to result in poor landscaping establishment and performance, and increased costs to the developer in terms of amelioration, soil importation and replacement planting. To minimise harm to the soil resource, as part of any reserved matters application a Soil Resource Survey and Plan should be prepared in accordance with the 2009 DEFRA Code to delineate, characterise and quantify the re-usable soil resource and specify the methods and equipment to be used in its stripping, storage, handling, amelioration and placement.

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

6. EXTERNAL CONSULTATIONS

- 6.1 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 as it promotes active street frontages and good levels of surveillance. South Wales Police also welcome reference to inclusion of principles of Secured by Design.

However, the design and access statement does not demonstrate how all community safety and security issues are dealt with and in view of this South Wales Police make the following recommendations.

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 owners' 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. The Police's comments have been forwarded to the Council.

- 6.2 NRW has no objection. Their advisory comments have been forwarded to the applicant.
- 6.3 Wales and West have not identified any gas pipelines within this site.
- 6.4 Welsh Water has no objection subject to 2 conditions.
- 6.5 GGAT point out that 100m to the south of this site significant features dated to the roman period were discovered and there is a high potential for archaeological remains to be located within the development. GGAT advises that the impact on an archaeological resource will be a material consideration that the application be deferred until a report on the archaeological evaluation of this site has been submitted.

(A report is being submitted to GGAT and it is understood that a response will be provided by GGAT before Committee which can then be reported on the amendment sheet. If no response is received by Committee this application would have to be deferred to a future meeting of the Planning Committee).

7. REPRESENTATIONS

- 7.1 Local Members have been consulted. No representations have been received to date but can be reported on the Late Representation Sheet if received before Committee.
- 7.2 The proposal was advertised in the press and by site notice as a major application.
- 7.3 Nearby occupiers were consulted by letter. No representations have been received to date.

8. ANALYSIS

- 8.1 This is an outline application to establish the principle of residential development on the site, to provide 70 no. dwellings, accessed from Willowbrook Drive.
- 8.2 The application site is recorded largely as amenity open space with a small amount overlapping into informal amenity open space in the May 2016 Cardiff Open Space Survey.
- 8.3 As the application site is on an area of open space, Policy C4 of the Cardiff Local Development Plan (2006-2026) would apply. It states that development will not be permitted on areas of open space unless:
 - i) It would not cause or exacerbate a deficiency of open space in

- accordance with the most recent open space study; and
- ii) The open space has no significant functional or amenity value; and
 - iii) The open space is of no significant quality; or
 - iv) The developers make satisfactory compensatory provision; and in all cases
 - v) The open space has no significant nature or historic conservation importance.
- 8.4 The Planning Statement which accompanies this application explains that development of the site would not cause or exacerbate a deficiency of open space as the proposed new leisure facilities at the St Mellon's Hub would provide a qualitative improvement in local recreational provision. In any case, amenity open space does form part of the recreational requirement of 2.43ha per 1,000 population standard.
- 8.5 With regard to criteria ii, iii and v of Policy C4, the Planning Statement states that the site is largely overgrown scrubland, inaccessible to the general public and only has a value as visual amenity. An Ecological Survey has confirmed that there are no records of protected flora or fauna on the site. There are no TPOs on the site and any trees or hedgerows of quality or importance are to be retained and this is supported.
- 8.6 Finally, regarding criterion iv, the Council's Parks section has agreed to the disposal of the site, subject to a contribution of £20,000 towards improvements to the adjoining amenity land fronting Willowbrook Drive and Willowbrook Road. This would compensate for any loss of amenity open space and would allow the bringing forward of the St Mellons community hub.
- 8.7 In terms of the suitability of the site for residential development, it is not covered by any specific allocation on the Local Development Plan Proposals Map. The site is in an area surrounded by residential properties, is easily accessible by public transport and a range of public facilities to the north.
- 8.8 The applicant in a supporting statement says:-
- "The current application involves development on a largely inaccessible area of amenity space with little practical function. This will be compensated for by a contribution to the Council's Parks section for improvements to adjoining amenity land. To meet the needs of new residents of the development, financial contributions will be paid in line with the relevant policies in the Local Development Plan and supplementary planning guidance.
- In addition, the development of the St Mellons Hub will bring forward additional recreational facilities which will increase the functionality and use of other open space within the area. Paragraph 3.21 of the Open Space SPG (2008) states that in some circumstances it may be more appropriate not to exactly replicate existing provision, but to provide an alternative form of provision more appropriate to the needs of the local provision. Given the inaccessibility of the site and its categorisation as visual amenity space with only moderate amenity value, it is considered that the new recreational facilities at the proposed St Mellons Hub, combined with financial contributions agreed with Parks, would

represent appropriate compensation for the loss of this amenity open space, and address the requirements of Policy C4 of the Local Development Plan.”

- 8.9 I concur with the developer’s assessment in this particular case.
- 8.10 Whilst the loss of B category trees is regrettable it would be necessary in this case to achieve an efficient use of the land for residential purposes, which in turn will help fund the new St Mellons Hub. Whilst an equivalent number of replacement trees are indicated on the outline concept drawing, there is an opportunity for additional planting along the north eastern boundary of the site. When a detailed layout is submitted it will have to make appropriate landscaping provision for appropriate tree retention and suitable replacement tree planting.
- 8.11 There are no immediately adjoining dwellings that would be affected by the proposed development.
- 8.11 The number and scale of buildings in the layout proposed with planting along the road frontage and retention of planting within the site should create a pleasant environment that would be in keeping with the character of the area.
- 8.12 Copies of correspondence received from consultees containing advisories have been forwarded to the applicant.
- 8.13 The development is considered to be in accordance with LDP policies. It is therefore concluded that this site would be appropriate for residential development for 70 dwellings subject to conditions and allocating the proceeds of the sale of the land for housing towards funding the St Mellons Hub, the provision of affordable housing as per paragraph 5.2, an educational contribution as per paragraph 5.4 of this report and making a contribution of £20,000 to the Council’s Parks section for improvements to adjoining amenity land fronting Willowbrook Drive and Willowbrook Road.



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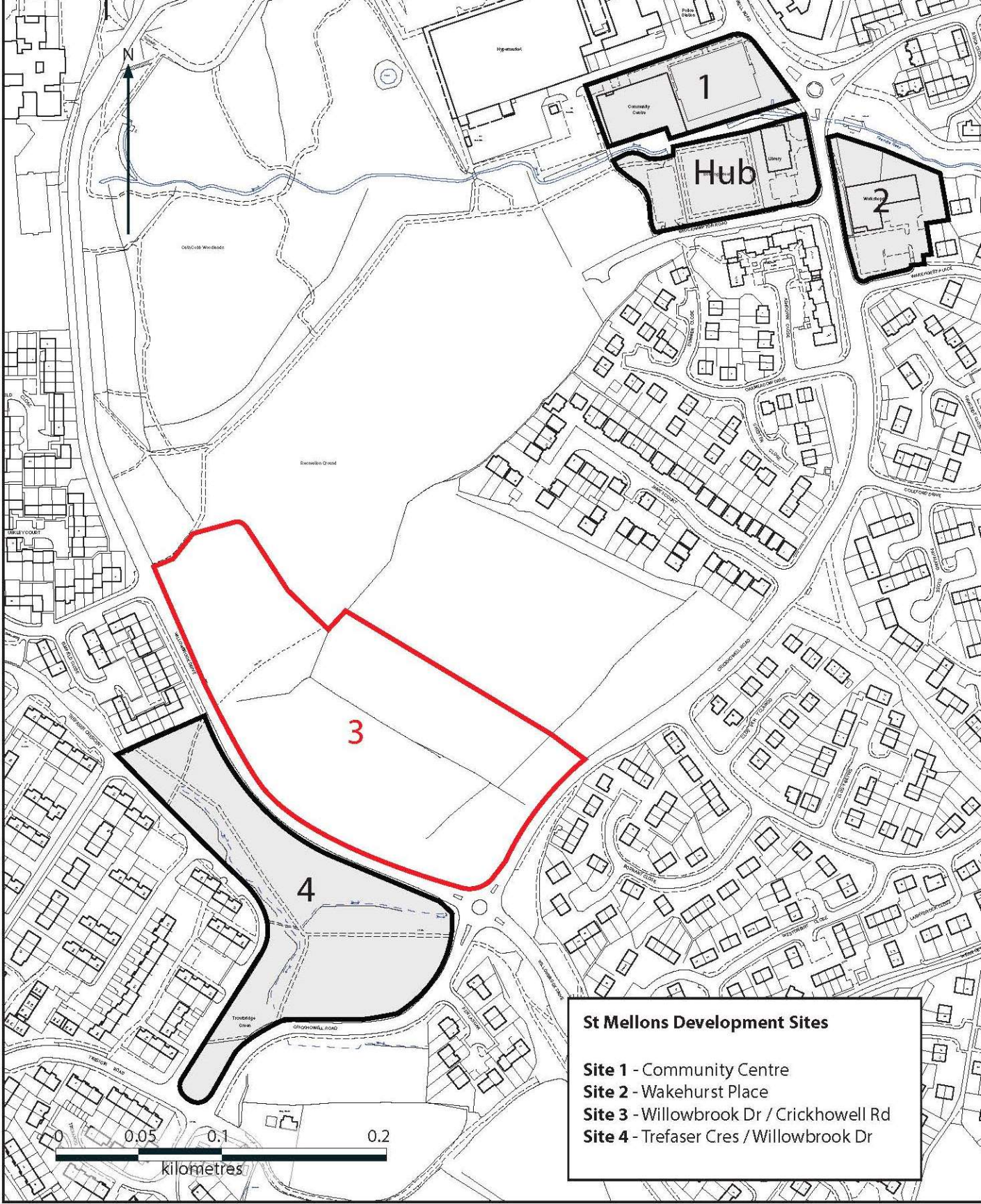
Version 2

Amended to include landscaping strip along Willowbrook Drive to continue the green corridor along this route.

Low level planting (<1m) at junction to keep visibility splays clear.

Detailed landscaping scheme to be submitted at reserved matter stage.

26 August 2016
Eluned Winney
Neighbourhood Regeneration



St Mellons Development Sites

- Site 1** - Community Centre
- Site 2** - Wakehurst Place
- Site 3** - Willowbrook Dr / Crickhowell Rd
- Site 4** - Trefaser Cres / Willowbrook Dr