

LOCAL MEMBERS, AM, MP CONCERN / OBJECTION & PETITION

COMMITTEE DATE: 09/11/2016

APPLICATION No. **16/01592/MJR** APPLICATION DATE: 01/07/2016

ED: **PONTRENNAU/ST MELLONS**

APP: TYPE: Full Planning Permission

APPLICANT: Wates

LOCATION: SITE OF FORMER FLATS 11-20 TY-TO-MAEN CLOSE,
OLD ST MELLONS, CARDIFF, CF3 5EY

PROPOSAL: DEVELOPMENT OF 8 DWELLINGS AT TY TO MAEN
CLOSE, (6NO. OPEN MARKET SALE AND 2NO.
AFFORDABLE DWELLINGS), ASSOCIATED
LANDSCAPING, ACCESS AND HIGHWAYS WORKS

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 paragraph 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in broad accordance with the following approved plans and documents:
 - (i) Site Location Plan 3521_PA_001;
 - (ii) Site Layout Plan 3521_PA_003 Revision D;
 - (iii) House Type B General Arrangement Plans & Elevations 3521_PA_100;
 - (iv) House Type C General Arrangement Plans & Elevations 3521_PA_101;
 - (v) Street Elevation 3521_PA_200;
 - (vi) Shared Surface Details 3521-PA-300;
 - (vii) Boundary Details 3521_PA_301;
 - (viii) Schedule of Accommodation 3521-PA-400;
 - (ix) Street Scene 3521-PA-402;
 - (x) Arboricultural Impact Assessment TDA.2113.05 Revision A;
 - (xi) Planting Plan 16-29-PL-201 Revision B;
 - (xii) External Works Layout Revision P3
 - (xiii) Site Cross Sections Revision P2;
 - (xiv) Existing Site Levels Revision P1;
 - (xv) Drainage Layout Revision P3;
 - (xvi) Noise Assessment Report (Wardell Armstrong, June 2016);
 - (xvii) Dormice Survey (Just Mammals Consultancy, December 2014);

- (xviii) Extended Phase 1 Habitat Survey (Just Mammals, October 2013);
- (xix) Transport Statement (Cambria, May 2016);
- (xx) Flood Consequences Assessment and Drainage Strategy (Cambria, June 2016);
- (xxi) Arboricultural Method Statement (TDA, updated September 2016);
- (xxii) Soil Resource Survey and Soil Resource Plan (Tim O'Hare Associates, 27th June 2016).

Reason: The plans and documents form part of the application.

3. Prior to the commencement of development 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.

4. 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.

5. 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.

6. 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 shall 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), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. The remediation scheme approved by condition 6 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), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.
9. 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 in accordance with policy EN13 of the Cardiff Local Development Plan.
10. 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 shall 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

11. 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

12. Prior to the commencement of the approved development a Dormice Management Strategy (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The DMS shall be based upon the mitigation measures set out in Chapter of the Dormice Survey dated December 2014 and shall include:

- (i) The timing and phasing of implementation of ecological mitigation;
- (ii) Information setting out the habitats to be lost, and those to be enhanced/created in mitigation, including appropriately scaled and annotated drawings;
- (iii) A method statement detailing how protected species will be conserved during the site clearance works, including timing and duration of the works and action to be taken in the event a protected species is found;
- (iv) The location, form and extent of, any 'buffers' to retained and/or newly planted/translocated material, including measures to safeguard habitats from the proposed development;
- (v) A monitoring and management strategy to assess the development of, and ongoing suitability of, the habitats provided to support dormice with such monitoring taking place for 10 years following the completion of development
- (vi) Identify remediation/intervention/management review measures in the event that post-construction monitoring indicates that avoidance, mitigation and compensation measures are not succeeding in protecting the Favourable Conservation Status of Dormice.

The approved DMS shall be implemented and carried out strictly in accordance with the approved programme for implementation of the works unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure for the protection of Dormice, a European Protected Species.

13. Prior to their installation a lighting scheme for the construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

have regard to Dormice on the site and shall provide for the safety and security of future occupiers post construction. The lighting shall be installed in accordance with the approved details prior to the occupation of any dwelling.

Reason: To ensure adequate security and safety of residents.

14. 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.

15. No clearance of trees, bushes or shrubs shall take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval shall be given if it can be demonstrated to the Local Planning Authority's satisfaction that there are no birds nesting in the 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.

16. No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason: To ensure an orderly form of development.

17. No development shall take place until details of the junction between the proposed access road and Ty To Maen Close have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site.

18. No development shall take place until detailed plans showing the position and form of construction of all roads and footpaths within the site and the method of disposal of all surface water drainage therefrom have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the roads, paths and all surface water drainage works have been constructed and completed (except for the final surfacing) in accordance with the approved plans and details.

Reason: To ensure an orderly form of development and to make provision for the satisfactory access to the development by future occupants.

19. The car parking spaces for each dwelling as shown on drawing no. 3521_PA_003 Revision D shall be provided prior to the occupation of that dwelling and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway.

20. Prior to the commencement of development engineering details of a scheme of improvement works to that part of Ty To Maen Close fronting the site and to that part of the existing footpath adjacent to the new road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include improvements to surfacing, kerbing, street lighting and drainage. The development shall be carried out in accordance with the approved details prior to the beneficial occupation of any dwelling.

Reason: To ensure an orderly form of development and provide a satisfactory means of access to the new dwellings.

21. The development hereby approved shall be carried out in accordance with the Arboricultural Method Statement dated September 2016 and the accompanying Tree Protection Plan.

Reason: To protect trees of amenity value, monitor compliance and to make good losses.

22. The development hereby approved shall be carried out in accordance with the Soil Resource Survey and Soil Resource Plan hereby approved and shall include the monitoring of soil stripping and storage, subsoil preparation, topsoil preparation and placement, tree pit construction, and topsoil amelioration by a qualified soil scientist. Auditable site monitoring reports shall be submitted to and approved in writing by the Local Planning Authority on completion of each stage.

Reason: To ensure that soil resources are re-used sustainably and to maximise their functionality in supporting the approved soft landscaping.

23. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, hard surfacing materials, proposed and existing services above and below ground level, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, pit sections, topsoil and subsoil specification, planting, staking, mulching, protection, soil protection and after care methods) and an implementation programme. The details shall be consistent with other plans submitted in support of the application and the landscaping shall

be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance.

24. Any trees, plants, or hedgerows in non-adopted public areas which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area.

25. Prior to their installation, samples of the external finishing materials to the dwellings and boundary walls shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area.

26. The means of site enclosure hereby approved shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

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

27. The refuse storage facilities as shown on drawing no. 3521_PA_003 Revision D shall be provided prior to the occupation of that dwelling and shall be thereafter retained.

Reason: To secure an orderly form of development and to protect the amenities of the area.

28. The details submitted in pursuance of condition 12 shall include a plan showing extended dormice habitat to the northeast of Plot 8 and the maintenance responsibilities for all retained dormice habitat on the site.

Reason: To ensure for the protection of Dormice, a European Protected Species.

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/developer be advised of the presence of a public sewer owned by Dwr Cymru Welsh Water both within and adjacent to the site, and the related advice set out in their letter of 25 July 2016, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 5 : That the applicant/developer notes the advice of the South Wales Fire and Rescue Service as set out in their letter of 15 July 2016, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 6 : That the applicant/developer be advised to seek an EPS licence from Natural Resources Wales under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon an EPS. Please note, the granting of planning permission does not negate the need to obtain a licence.

RECOMMENDATION 7: That the applicant/developer be advised of the need to secure the consent of the Operational Manager, Infrastructure & Operations, prior to undertaking any works within the adopted public highway.

RECOMMENDATION 8: That the applicant/developer be advised of the need to secure the formal extinguishment of the existing adopted highway under Section 247 of the Town & Country Planning Act 1990.

RECOMMENDATION 9: That the developer be advised of the need to purchase bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Council's Waste Management Service.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the development of 8 no. dwellings at Ty To Maen Close, Old St. Mellons, comprising 6 no. open market dwellings and 2 no. affordable dwellings together with associated landscaping, access and highways works.
- 1.2 The application is one of several sites within Phase 1 of the Council's Housing Partnership Programme (HPP) with Wates Living Space Homes. The aim of the HPP is to build around 1500 sustainable, high quality homes across 40 Council owned sites within Cardiff. Overall, the programme will deliver 40% affordable homes across the portfolio of sites with the remaining dwellings being open market sale.
- 1.3 The two-storey dwellings would be arranged in a terrace of 6 no. 3 bedroom private market dwellings and a pair of semi-detached 2 bedroom affordable dwellings at the northern end of the site. A separation distance of at least 17.5 metres would be achieved with existing dwellings to the east. Rear garden lengths of at least 6 metres would be achieved which, in combination with a hedgerow buffer, would create a minimum of 8.5 metres to the boundaries of properties on White Oaks Drive.
- 1.4 The proposed development introduces a new road access to the east with a landscape buffer to the east site boundary. The road has been designed as a 'home zone' concept to comply with Manual for Streets principles. Therefore the road is intended to function as a shared space with design features included to ensure the dominance of vehicles is reduced. Such features include road narrowings, planting beds, meandering routes and changes in surface colour and material.
- 1.5 Each dwelling would benefit from a dedicated parking space. 6 no. visitor spaces would be provided at the end of Ty To Maen Close.
- 1.6 Two no. category 'A' trees at the southern end of the site would be removed to facilitate development. 5 no. new trees are proposed. Partial removal of the hedgerow to the west elevation would be necessary to facilitate development, although the majority of hedgerows to the west and north boundaries would be

retained to ensure a wildlife corridor continues.

- 1.7 The finished floor levels of the dwellings range between 37.8 and 38.75 AOD, marginally higher than the existing site levels which range between 37.4 and 38.6 AOD.

2. **DESCRIPTION OF SITE**

- 2.1 The site, which comprises 0.21 hectares, was formerly occupied by a two-storey block of flats which have been demolished. The site is relatively flat and level and grassed. A number of trees are located to the north, south, and west boundaries, two of which near the site's southern boundary are 'A' Category trees.
- 2.2 The site is bounded to the north by the A48(M), which is approximately 15 metres from the northern boundary and set below the site ground level. The site is bounded to the east, south and west by two-storey residential development.

3. **SITE HISTORY**

- 3.1 12/02003/DCO: Prior approval granted in January 2013 for the demolition of 11-22 Ty To Maen Close.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 8 (January 2016).

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.

4.2.4 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;*
- *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.

4.2 Technical Advice Notes (TANs):

2	Planning and Affordable Housing
5	Nature Conservation and Planning
11	Noise
12	Design
18	Transport
21	Waste

4.3 Local Development Plan (January 2016):

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
KP16	Green Infrastructure
KP18	Natural Resources
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
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
C3	Community Safety/Creating Safe Environments
C6	Health
W2	Provision for Waste Management Facilities in Development

4.4 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)
Access, Circulation and Parking Standards (January 2010)
Trees and Development (March 2007)
Residential Design Guide (March 2008)
Infill Sites (April 2011)

4.5 Supplementary Planning Guidance: *Waste Collection and Storage Facilities* (October 2016)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The **Operational Manager, Transportation**, is satisfied with the amended plans showing the introduction of a turning head at the end of the new road to accommodate a 3.5 tonne delivery vehicle. This issue was raised in the Safety Audit from The Safety Forum which was submitted in support of the application.
- 5.2 He notes the concerns regarding the displacement of part of the existing parking area (approximately 4 no. spaces) which residents consider will result in increased pressure in the vicinity of the site, however he notes that existing dwellings in the vicinity all have off-street parking and the new development will provide for the future occupiers therefore he does not share their concerns. However he does note that the Safety Audit accompanying the application does raise a concern that on-street parking on Ty To Maen Close may make it difficult for the new access road to function adequately as a replacement for the existing turning head. While tracking diagrams have been submitted showing that large vehicles would be able to utilise the new access road to manoeuvre, it may therefore be necessary to introduce parking restrictions at this location in order to address this concern and ensure that the new access road will function adequately in this respect. This would be dealt with during the technical approval process with respect to the adoption of the new road as public highway.
- 5.3 He acknowledges that the amended plans have introduced some defensible spaces within the access road in the form of widened areas of planting – which would be subject to review at the detailed design stage with a view to ensuring pedestrian safety on the new shared surface road.
- 5.4 He recommends relevant conditions and advisory notes regarding works in the adopted highway, together with the extinguishment of the existing adopted highway within the site to accommodate the development.
- 5.5 The **Chief Schools Officer** has confirmed that no contribution towards education provision will be sought on this application as the proposed development falls below the threshold of 25 dwellings, when such contributions would normally be sought.
- 5.6 The **Operational Manager, Environment (Contaminated Land)**, notes that the contamination assessment submitted in support of the application identifies risks to human health from asbestos contamination, identified within the made ground at the development site. She advises that the site will require remediation to provide a suitable for use environment for the proposed development. A remediation plan will need to be submitted for approval. In addition any subsequently approved strategy will require approved verification.
- 5.7 The soil report also submitted as part of the submission indicates that soils will need to be imported. 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.

- 5.8 She recommends relevant conditions and informative statements in accordance with best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Local Development Plan.
- 5.9 The Council's **Tree Officer** considers that the amended plans represent an improvement in relation to plots 7 and 8, though he remains concerned that the usability of gardens/rotary washing lines etc. will be seriously affected by the retained large species trees overhanging. He supports the proposed tree planting proposals but recommends alternative species planting. He remains concerned that the drainage layout conflicts with the planting bed to the left of the site entrance. He recommends that a full, stand-alone, planting and aftercare methodology should be provided at the earliest opportunity including tree pit section, topsoil and subsoil specification and planting and 5 year aftercare methodology. The landscaping details should be informed by a Soil Resource Survey and Plan, and it must be clear that they have been drawn up with regard to all service plans, including lighting. He suggests that an imported subsoil as per the Soil report is utilised for the full extent of the 'island' soft landscape beds proposed, not just for the backfill of the planting hole. With regard to the Soil Resource Survey and Plan he would like to see an amendment to make provision for an auditable system of site monitoring of soil stripping, handling, storage, amelioration and placement, by a soil scientist. He also recommends a condition requiring that development accords with the submitted Arboricultural Method Statement and Tree Protection Plan.
- 5.10 The **Operational Manager, Waste Management**, advises that each unit will require 1 x 140 litre bin for general waste, 1 x 240 litre bin for garden waste, 1 x 25 litre kerbside caddy for food waste and green bags for mixed recycling (equivalent to 140 litres). She is satisfied with the proposed refuse storage areas and advises the applicant that, since July 2015, developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team. She advises that the kitchens should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste and refers the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.
- 5.12 She confirms that the Council's waste collections team are content with the proposed plans showing no turning head at the end of the access road as refuse vehicles will not be required to reverse more than 15-20 metres. She has no further comments on the amended plans.

- 5.13 The Council's **Ecologist** advises that dormice have been detected at this site and are likely to be affected by the proposed development. Therefore Natural Resources Wales (NRW) should be consulted. In considering NRW's consultation response, the Local Planning Authority (LPA) should come to a view on whether it considers that they would be likely to grant a European Protected Species licence, taking into account the likely impact upon the Favourable Conservation Status (FCS) of dormice, and any mitigation that is proposed with the planning application.
- 5.14 He notes that some trees are to be removed as part of this application and NRW may have a view on the impact of the loss of habitat and the risk of harm to individuals, and how these impacts can be avoided, mitigated or compensated for.
- 5.15 If NRW advise that FCS test is likely to be able to be met, then assuming the other tests are met then the LPA can take the view that an EPS licence would be forthcoming. The LPA should also take NRW's advice on whether the principles of the proposed mitigation are acceptable, and if so, require a detailed mitigation method statement as a condition. NRW should be consulted on this method statement to see whether it would accord with a method statement which would allow an EPS licence to be issued.
- 5.16 He is aware that a bat survey was undertaken in respect of the building that was demolished, but he can see no details of a bat survey of the trees that are to be removed. In particular, T7 which is described as a C-category 'mature / over-mature' oak tree, may support bat roosts so this tree should be surveyed if it hasn't already.
- 5.17 Trees, bushes, and shrubs which are to be removed may support nesting birds so a condition should be attached preventing their removal between 1st February and 15th August unless it is first demonstrated that there are no birds nesting in the vegetation 48 hours before works commence.
- 5.18 He supports NRW's comments and the conditions that they propose. Where NRW write '*To avoid developments with planning permission subsequently not being granted derogations in relation to EPS, as advised in PPW, your authority should therefore ensure the three tests for derogation are satisfied when considering development proposals where an EPS is present.*', these tests are:-
- (i) That the derogation licence is for preserving public health or public safety or other imperative reasons of overriding public interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment (Reg. 53 (2)(e));
 - (ii) That there is no satisfactory alternative (Reg. 53 (9(a))); and
 - (iii) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (Reg. 53 (9)(b)).

- 5.19 If the conditions that NRW have proposed are attached to any permission that members are minded to grant, then it can be assumed that the last test will be met. Tests (i) and (ii) are the same as those in the EPS licence application consultation which the LPA will receive after consent is granted. If officers consider that there are no imperative reasons of overriding public interest as to why the development should go ahead, or if officers think that there are satisfactory alternatives which would achieve the same outcome but which would avoid the need for a licence, then it would be better to consider these before consent is granted.
- 5.20 The Council's **Drainage Division** has no objection to the application and recommends that, prior to the commencement of development, the following information is required to be submitted for their approval:
- (i) Additional detail on the design on the private attenuation feature, including confirmation of the stored volumes;
 - (ii) Information on how the DCWW and private attenuation link with each other;
 - (iii) Method statements on the maintenance of the private attenuation;
 - (iv) An MDX file of the full sw drainage model, for a simulation check.
- 5.21 The **Operational Manager, Environment (Noise & Air)**, notes that a noise assessment report for road traffic noise has been submitted as part of the application. The report indicates that parts of the development would fall into the Noise Exposure Category C and D, which would generally result in an objection on noise grounds. However, the report details mitigation measures to overcome this. There are also residential homes and flats in the surrounding area and the area used to have blocks of flats on it. As a consequence, some of these mitigation measures, as laid out in Section 6 of the report, must be conditioned as part of any planning permission, as follows:
- (i) Product information on the proposed passivent passive ventilation that is outlined in Appendix B of the report. Insufficient detail has been provided to confirm whether these 'passivents' (or the glazing) will be suitable alternative mechanical ventilation, that will be required next to a busy (noisy) main road.
 - (ii) Mechanical ventilation would be the preferred option in order to provide optimum ventilation and windows remaining closed to maximise attenuation.
 - (iii) Product information on the glazing requirement, as detailed in Appendix B.
 - (iv) Details of the density and length of the close boarded fence that is going to be erected along the northern boundary of plot 8, as detailed in 5.2.1 Noise attenuation scheme in the report. Also, confirmation that there will be no openings under the fence.
- 5.22 Specific details of the proposed alternative method to provide background ventilation with non-openable windows, will be required, and must also be conditioned. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

- 5.23 The **Council's Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.24 The **Operational Manager, Parks & Sport** concurs with the comments of the Tree Officer. He shares the concerns that the retained trees in plots 7 and 8 will become over-dominant in the gardens, leading to a need for frequent unsuitable pruning. Therefore any realignment of the properties that could reduce this problem would be welcome. He also agrees with the comments regarding:
- (i) below ground rooting area for some of the new trees;
 - (ii) the need to put in place clear monitoring of soil stripping, handling and other works by a soil scientist
 - (iii) the need for a finalised Arboricultural Method Statement and Tree Protection Plan.
- 5.25 In respect of long term management he advises that it is important to establish:
- (i) Clear division between private and public realm, with a conveyancing plan produced;
 - (ii) Responsibility for management of trees and other landscape in public areas, including:
 - around car parking at front of site, including hedge
 - hedge along edge of road/existing footpath
 - planting beds and grass in front of 2 and 3, 6 and 7
 - grass area on RHS at south edge of site
 - woodland understorey and dormice habitat at north edge of site
 - (iii) Responsibility for management of trees and other landscape adjacent to the highway, which could potentially form part of a highway adoption scheme
 - (iv) Responsibility for management of dormouse habitat vegetation in back gardens (if privately owned how will vegetation be protected from clearance)
- 5.26 The Council's Local Development Plan 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. Due to the change in the new LDP (contributions due from sites of over 8 properties) compared to the previous Open Space SPG (contributions due from sites of 8 properties or more), an off-site POS contribution will not be sought on this scheme.
- 5.27 The **Housing Development (Enabling) Team** advises that the scheme forms part of the Council's Housing Partnership Programme (HPP) which is a partnership between the Housing Development Team and Wates Living Homes. The aim of the HPP is to build around 1,500 mixed tenure, energy efficient, sustainable and high quality homes across circa 40 Council owned sites within Cardiff. Overall, the programme will provide 40% affordable homes across the portfolio of sites with the remaining dwellings being placed on open

market sale by Wates Living Homes. The application includes 2 affordable 2 bed homes (25%), to be owned by Cardiff Council for social rented accommodation, although a proportion may be sold to first time buyers as low cost shared equity housing. The latter may be offered for sale at a percentage of the Open Market Value, with the residual equity held by the Council. The exact quantum and percentage equity share purchase price is yet to be determined. This provision exceeds the planning policy requirements of 20% on brownfield sites. They are fully supportive of this affordable housing scheme.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** requests that conditions and advisory notes be attached in the event that the Local Planning Authority is minded to grant permission. They recommend conditions that ensure the surface water flows only communicate with the public surface water sewer through an attenuation device that discharges at no more than 5 l/s and they recommend that no operational development occurs within 3 metres either side of the centreline of a public sewer which crosses the site.
- 6.2 **Natural Resources Wales**, in commenting on the original plans, recommends that permission should only be granted if certain conditions are attached to address significant concerns they have. The submitted dormouse survey report prepared by Just Mammals Consultancy, dated December 2014, identifies the presence of dormice within the hedgerows on site was confirmed in 2014 during the nest tube survey. Dormouse are a European protected species (EPS).
- 6.3 EPS are protected by the Conservation of Habitats and Species Regulations 2010 (as amended). Regulation 9 of these regulations requires public bodies in exercise of their functions, to have regard to and, in respect of enactments relating to nature conservation to secure compliance with the requirements of the 1992 'Habitats' Directive (92/43/EEC). Where an EPS is present, and a development proposal is likely to contravene the protection afforded to it, a development may only proceed under a licence issued by Natural Resources Wales (NRW) as the appropriate authority responsible for issuing licences under Section 53 of the above Regulations. This licence can only be issued for the purposes of: 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.' Furthermore, the licence can only be issued by NRW on condition that there is 'no satisfactory alternative', and that 'the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'. These requirements are translated into planning policy through Planning Policy Wales (PPW) January 2016, sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. To avoid developments with planning permission subsequently not being granted derogations in relation to EPS, as advised in PPW, the Local Planning Authority should therefore ensure the three tests for derogation are satisfied when considering development proposals where an EPS is present.

- 6.4 They consider the proposed layout has the potential to impact the existing hedgerows on the western and northern boundaries of the site, as well as weakening connectivity to the wider landscape. However, they do not consider the proposed development will result in a detriment to the maintenance of favourable conservation status of dormice, provided that certain measures are implemented and secured by way of planning conditions on any permission the Local Planning Authority is minded to grant. They consider conditions should be attached to secure an amended masterplan including mitigation for dormice, a dormice mitigation strategy, a long-term management plan, a monitoring scheme, and a lighting scheme.
- 6.5 They welcome the submission of the amended site layout plan (drawing no. 3521_PA_003D), which takes into consideration the presence of dormice, as identified in their previous response. However, they request that this plan be further amended to show the fence on the northern boundary of plot 08 extended eastwards, behind the allocated parking space, to allow the area to the north of the fence to develop into and be maintained as scrub and woodland. They also seek clarification that the mitigation areas fall outside the curtilage of the individual plots.
- 6.6 The **South Wales Police Crime Prevention Design Advisor** has no objection to the proposed development. The layout of houses is conducive to low crime but car parking has limited surveillance. They recommend a condition to ensure appropriate lighting to all pedestrian access routes and parking areas to ensure adequate security and safety.
- 6.7 The **South Wales Fire and Rescue Service** has examined the application and recommends that the developer considers the need for the provision of adequate water supplies on the site for firefighting purposes, and access for emergency firefighting appliances. Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.
- 6.8 The **Health and Safety Executive** has confirmed that the application site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline therefore they do not need to be consulted.

7. **REPRESENTATIONS**

- 7.1 **Councillor D Rees** respectfully requests that Planning Committee visits the site to understand the objections fully. She also requests that Committee determines the application and intends requesting the permission of the Chairman to address the Committee. She objects to the application for the following reasons:
- (i) The proposed development is out of character with the rest of Ty To Maen Close. The proposed terraced homes do not reflect the current character of existing houses which are largely detached or semi detached homes;

- (ii) Having a road running in front of the houses is out of character with the rest of the estate, which was designed to encourage safe, quiet, pedestrian walkways and gardens.
- (iii) This is high value land which could and should be utilised to produce fewer but higher quality homes which all meet national housing standards. At present only the proposed two affordable houses meet this high standard. The 6 no open market homes are of a lower standard and do not meet the need in this area for homes suitable for all age living to enable older people to remain in their own homes for longer.
- (iv) There is a parking congestion issue in Ty To Maen Close which will be exacerbated if the application is granted as there is insufficient parking space available in the plans to accommodate existing and future demand.

7.2 **Councillor G Phillips** expresses concern over this planning application. She has been contacted by several residents living in the area, all of whom are extremely unhappy about the intended proposals. She agrees with the concerns which have been expressed, and feels that this application should be decided by Planning Committee, and Committee Members would benefit greatly from having a site visit.

7.3 **Craig Williams MP** wishes to object, having visited the site he considers that the development will set a precedent for Ty To Maen Close as the development would not be in keeping with the existing houses and there would be a loss of parking due to the likely increased number of people in the new development. In addition there are concerns about the position of the road, which will be very close to neighbouring dwellings. Concerns have also been raised about the additional noise generated, both during construction and once it is occupied. In view of the concerns, he would urge Planning Committee to undertake a site visit and, following such a visit, he hopes that it will be clear why the application should be rejected.

7.4 **Andrew RT Davies AM** requests that the Local Planning Authority takes the concerns of local residents into account when determining the application. He has been contacted by a number of residents within his electoral region who have expressed their concerns, particularly regarding the design, layout and serious impacts upon road safety in the Old St. Mellons area. He expresses concern that existing parking issues will be exacerbated when existing parking spaces are removed in combination with an increase in the number of residents. He also expresses concern regarding the noise impact of the road position. Existing properties will be positioned in between two roads, less than 1 metre from their boundaries, resulting in fears over noise disturbance at all times from vehicles. He considers that these concerns have not sufficiently been addressed.

7.5 **David Melding AM** has been contacted by residents of Ty to Maen Close, Old St Mellons, regarding the above planning application. They have raised several issues of concern in their objection to the proposal including:

- (i) An increase in the potential maximum number of occupiers of the new

development, rising from a maximum occupancy of 16 to a new minimum occupancy of 38 people.

- (ii) An increase in associated parking, adding to existing parking problems.
- (iii) A concern that the application is against policy LDP KP5 (x) and that it does adversely impact on the amenity of neighbours.
- (iv) Concern about the location of the road to the new dwellings and whether it should be relocated.

7.6 In view of the concerns expressed, he would respectfully ask that this application be determined by the Planning Committee and that the Committee considers viewing the application on site before coming to a final decision. He further hopes that decision is to refuse this application.

7.7 **Julie Morgan AM** has been contacted by several constituents who live very close to the proposed development and they have expressed a great deal of concern about the plans. She shares some of those concerns and hopes that a site visit can be arranged. One of the main concerns involves parking. It seems that there are currently 10 parking spaces and there is already a problem for local residents trying to park near their homes. The proposed new development will involve an increase in the population living in the area. Although each new building will have a parking space, this may not be sufficient for the number of extra cars which will need parking there. There will also be a decrease from 10 to 6 parking spaces available for the current local residents and also for visitors. There is therefore great concern that parking will be a serious problem in the area.

7.8 Concerns have also been expressed that the design is out of character with the current houses on Ty To Maen Close and that the plan involves roads along the front and rear of the current houses, whilst this is not the case at the moment. The layout is therefore likely to lead to a reduction of privacy and increased disturbance for the current residents as delivery lorries will also be using the new road.

7.9 There is also concern that there has been a failure to follow a recommendation about a new turning facility being sufficient to accommodate expected vehicle types and manoeuvres. This will mean that refuse and delivery lorries will be reversing out of a road and may lead to extra danger for pedestrians.

7.10 The proposals were publicised by site notice on 14 July 2016.

7.11 Neighbouring occupiers were sent written notification on 8 July 2016. 12 no. objections were received from the occupiers of 7, 9, 8, 23, 24, 25, 27, 28, 29, 31, and 37 Ty To Maen Close, and 4 White Oaks Drive whose grounds for objection include at least one of the following:

- (i) Over-development. Flats or apartments of a similar size to the previous building are suggested or a reduced number of houses;
- (ii) Loss of two category 'A' trees;
- (iii) Access road will seriously affect the enjoyment and amenities of existing dwellings – a violation of their human rights (Human Rights Act Protocol

- 1, Article 1) – and cause a safety issue for road users;
- (iv) Traffic and parking issues. Large vehicles will not be able to turn at the end of Ty To Maen Close, due to narrow turning head and on-street parking. Insufficient car parking provision (loss of 4 no. spaces). Access problems during construction. Development ignores road safety advice;
- (v) Contrary to Planning Policy Wales 4.11.1, 5.11.2, and LDP Policies KP4 & KP5;
- (vi) Resident's views previously put forward have been disregarded;
- (vii) Asbestos is present with no plan for its safe handling or removal;
- (viii) Loss of bat and dormice habitat;
- (ix) The majority of the development is within noise assessment categories C & D in which case planning permission should normally be refused. Noise pollution is a major health issue;
- (x) Site access and control of works is unclear;
- (xi) Dwelling design and layout is inappropriate and bears no resemblance to existing houses;
- (xii) The principle of residential development is not opposed;
- (xiii) Contrary to character of the community ref the Residential Design Guide Obj 1, 1.1, 2.1 and LDP KP5(x);
- (xiv) Loss of valuable green space;
- (xv) Stage 1 Road Safety Audit highlights the lack a of turning head at the end of the access, new turning facility requires modelling to ensure its size is appropriate;
- (xvi) Unsustainable development as public transport links are poor and insufficient parking is proposed;
- (xvii) Loss of privacy;
- (xviii) Depreciation in property values.
- (xix) Road should be sited within the site on the alignment of the previous access road (adjacent to the read gardens of White Oaks Drive);
- (xx) Contrary to the Council's Infill Sites Supplementary Planning Guidance;
- (xxi) Parking of construction vehicles and workers vehicles unknown which will cause congestion.

7.12 Following a re-consultation on the amended plans, an objection was received from the occupiers of 9 Ty To Maen Close who expressed concerns regarding the proposed drainage layout which shows a foul water discharge point into the assumed existing foul water sewer in front of their driveway. These works would result in disruption and they require vehicular access to their property 24 hours a day. He also expresses reservations on the viability of the connection point, allowing for flows to fall naturally from Plot 8.

7.13 A petition of 56 signatures opposing the application has been submitted on grounds that the development is not in keeping with the current design and layout, official recommendations for road layout, noise levels and resident's objections have been ignored. It recommends refusal of permission and that alternative layouts be explored.

8. **ANALYSIS**

- 8.1 This application was presented to Planning Committee on 12th October 2016 where Members resolved to defer determination of the application to enable Committee to carry out a site visit. The site visit took place on 2nd November 2016.
- 8.2 The application site is a vacant parcel of land previously occupied by a block of flats which were demolished in February 2014. The site falls within the settlement boundary as defined by the LDP proposals map and is afforded no specific policy designation or allocation. Although the site was grassed following the demolition of the previous block of flats, it is not classified as open space. The surrounding area is residential in nature and given this context the development of the site for residential purposes raises no land use policy concerns.

Design and Appearance

- 8.3 The amended proposals have retained the terrace of 6 no terraced dwellings and 2 no. semi-detached dwellings within a 'home zone' style layout, with the access road sited to the east of the site.
- 8.4 The scale and density of development is considered to be appropriate for the area and makes efficient use of the site. The proposals are not considered to be an over-development of the site. The proposed two-storey development is consistent with the scale of the surrounding residential development. It is considered that the amended proposals will result in a high quality sustainable development that accords with the criterion in Local Development Plan (LDP) Policy KP5. The amended proposals are also considered to accord with the Council's Residential Design Guide and Infill Sites guidance.
- 8.5 The dwellings are of a contemporary design which is considered to be acceptable. In respect of the proposed external finishes, the use of brick banding at ground floor with timber panelling in the recessed porch and render at first floor is considered to be acceptable. A relevant condition is attached to secure suitable finishes.
- 8.6 It is noted that the South Wales Police Crime Prevention Design Advisor has no objection to the proposed development and recognises the layout of houses is conducive to low crime. Despite his concerns over the degree of surveillance to the visitor's car parking area, it is considered that the visitor's parking area benefits from good levels of natural surveillance from existing properties to the immediate south.

Residential Amenity

- 8.7 The amended proposals have re-positioned plots 7 & 8 closer to the east however a separation distance of approximately 17.5 metres would be retained between the front elevations of the existing and proposed dwellings. The concerns expressed by residents that the siting of the access road to the east

boundary will harm their amenities by virtue of noise and disturbance from vehicles is not considered to be sustainable. The amended relationship with dwellings to the east is considered to be acceptable.

- 8.8 Although the distance to rear boundaries of properties on White Oaks Drive is, in a minority of instances, less than the usual standard for privacy distances, the relationship is considered to be acceptable mindful of the oblique relationship between the proposed dwellings and existing dwellings on White Oaks Drive. It is not considered that an objection on these grounds could be sustained.
- 8.9 Notwithstanding the findings of the noise report accompanying the application, the Operational Manager, Environment (Noise and Air), is satisfied that the amenities of future occupiers can be satisfactorily safeguarded by condition.

Transportation

- 8.10 It is noted that the Operational Manager, Transportation has no objection to the amended plans showing the provision of a turning head at the end of the new access road for a 3.5 tonne vehicle, on the basis that the Operational Manager, Waste Management, has accepted that their refuse vehicles can reverse a short distance (15 – 20 metres) along the access road. The amended plan showing the home zone layout is accepted.
- 8.11 The concerns expressed by third parties regarding off-street parking and congestion are noted however existing dwellings benefit from off-street parking and the proposed new dwellings will each receive a dedicated off-street space.
- 8.12 The position of the access road to the east edge of the application site is preferable to utilising the existing access to the former flats as this will increase the level of natural surveillance of this public area by both existing and proposed dwellings.
- 8.13 Relevant conditions are recommended to ensure highway improvements, parking provision and retention and a construction management plan to ensure the impacts are minimised.
- 8.14 The site is well positioned to benefit from existing bus services on Newport Road.

Ecology

- 8.15 It is noted that Natural Resources Wales (NRW) and the Council's Ecologist have no objection to the positive determination of the application subject to relevant conditions.
- 8.16 The amended plans have increased the extent of vegetation to be retained along the west and north boundaries, including the retention of Tree 7, and further protected the vegetation by introducing 1.8 metre high enclosures thus excluding it from rear gardens. For these reasons it is considered that the

amended proposals represent an improvement which, together with relevant conditions, satisfactorily addresses the concerns of NRW.

- 8.17 It is considered that the amended proposals would pass the three tests that are necessary in order for NRW to grant licence for works affecting protected species habitats in so far that there is no satisfactory alternative, the development will not be detrimental to the maintenance of the species at a favourable conservation status in its natural range, and the provision of much-needed private and affordable housing is an imperative reason of overriding public interest.
- 8.18 Relevant conditions are attached to encourage biodiversity, including bat features and to protect nesting birds.

Trees

- 8.19 The amended plans show increased space for retained trees to the rear of plots 7 and 8. Although the Council's Tree Officer remains concerned at the usability of the rear gardens for these plots, this must be balanced against other factors, namely the provision of a turning facility at the end of the access road, and the retention of a satisfactory separation distance with the existing dwellings to the east. On balance, taking these factors into account, it is considered that the amended plans offer an acceptable solution.
- 8.20 The loss of the two large Category 'A' trees at the southern end of the site, whilst regrettable, is considered to be adequately compensated for by the replacement planting of 5 no. new trees within the development. Although planting details have been submitted, further dialogue is necessary with the Tree Officer regarding the species types and other details and a relevant condition is recommended. Other conditions to ensure for tree protection, soil resource plan and planting are recommended.

Drainage

- 8.21 It is noted that the Operational Manager, Drainage Division, accepts the on-site attenuation tank solution and recommends further details are submitted for approval via condition prior to development commencing. The drainage scheme will be given over for adoption by Dwr Cymru Welsh Water and the Council's Housing Team.

Objections

- 8.22 In respect of the outstanding objections from third parties which have not already been covered in this report:
- (i) With respect to impact on human rights, Protocol 1 does indeed say that a person is entitled to the peaceful enjoyment of his possessions – but it goes on to qualify that right as being “except in the public interest and subject to the conditions provided by law”. In *Huang v Secretary of State*, the Supreme Court held that there is a “need to balance the interest of

society with those of individuals and groups". The right is not absolute and it may be restricted provided the restrictions are lawful, have a legitimate aim and are balanced. The established planning decision-making process assesses the impact, which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights;

- (ii) The application is considered to comply with paragraph 4.11.1 of Planning Policy Wales, which states that design, in addition to aesthetics, must include social, environmental and economic aspects to create sustainable development;
- (iii) LDP Policy KP4 does not strictly apply to the application as this policy contains master planning general principles for major development. However, the amended application is not considered to be contrary to the principles, where relevant;
- (iv) Any dialogue between local residents and the applicant that took place prior to the submission of the application is not matter for the Local Planning Authority, who must determine the application on its planning merits;
- (v) Asbestos removal can be satisfactorily addressed in the Construction Management Plan, secured by condition;
- (vi) Site access and control of works will be controlled via the Construction Management Plan condition;
- (vii) Depreciation in property values are not a material planning consideration;
- (viii) The amended proposals are considered to be in accordance with the guidance contained within the Residential Design Guide Supplementary Planning Guidance (SPG) (2008);
- (ix) Plans show the swept path analysis for a refuse vehicle, which can manoeuvre in the adopted highway to enter and leave Ty To Maen Close in a forward gear. The Highways Authority does not object to the arrangement has its own powers to impose parking restrictions should they consider it to be necessary.

Other Considerations

8.23 *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.

8.24 *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

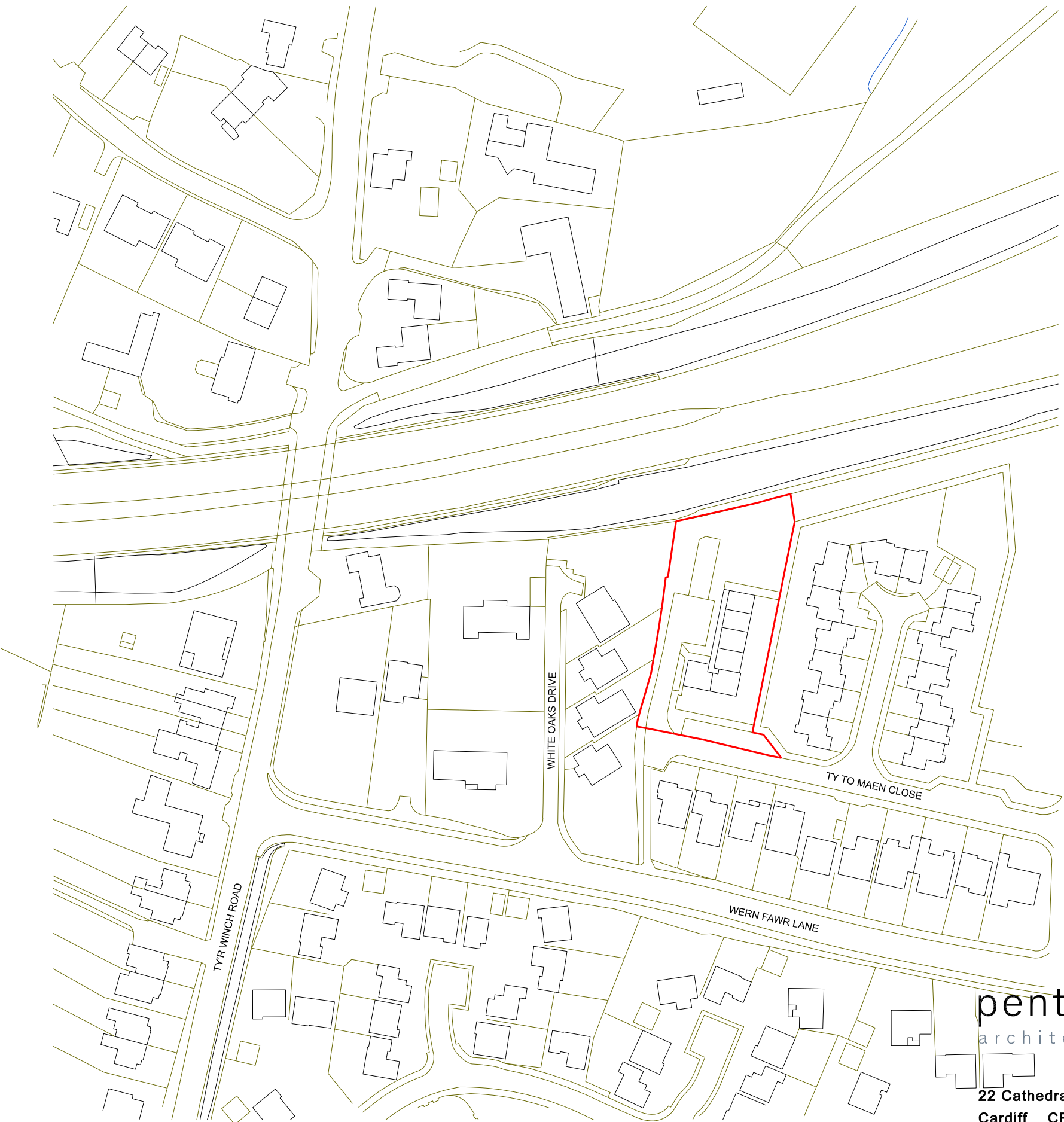
- 8.25 *Well-Being of Future Generations Act* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability 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.
- 9.2 The applicant has agreed to the on-site provision of 25% affordable housing comprising 2 dwellings, to be designed to Welsh DQR Housing Quality Standards and offered to the Council for social rent.
- 9.3 It is considered that this provision satisfies 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**

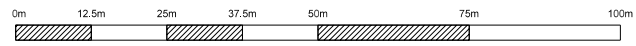
- 10.1 It is considered that the amended proposals represent an efficient re-use of this brownfield site, provides effective protection for dormice, a European Protected Species, and will result in a high quality development incorporating sustainable design features that will create an attractive living environment for future occupiers.
- 10.2 The provision of 25% on-site affordable housing exceeds the LDP policy requirement of 20% provision on brownfield sites and is welcomed.
- 10.3 It is recommended that permission be granted subject to relevant conditions and the completion of a Section 106 Agreement to secure the affordable housing provision.



pentan
architects

22 Cathedral Road
Cardiff CF11 9LJ

t: 029 2030 9010
info@pentan.co.uk



Project
TY TO MAEN, OLD ST MELLONS

Client
WATES LIVING HOMES

Drawing Title

SITE LOCATION PLAN

NOTES. Do not scale. All dimensions are in millimetres unless stated otherwise



NORTH

— SITE BOUNDARY

SITE AREA 0.21 (hectares)

Date
JUN '16

Scale
1:1250 @ A3

Drawing No.
3 5 2 1 _ PA _ 0 0 1

Rev.
-

- Revisions
- A GENERAL UPDATES TO REFLECT PLANNING CONSULTATIONS. PLOTS 7-8 MOVED FORWARD & PARKING ADJUSTED. 23 AUG '16
 - B WESTERN BOUNDARIES LOCATIONS UPDATED. ROAD FINISHES AMENDED. 05 SEP '16
 - C PLANTING UPDATED & DIMENSION TO NORTHERN PROPERTY ADDED. 07 SEP '16
 - D TURNING HEAD ADDED OPPOSITE PLOTS 07 & 08. PAVING SLAB ADDED TO REAR DOORS OF SALES UNITS. 30 SEP '16



- LANDSCAPING MATERIALS**
- A Permeable block paving
 - B Concrete block paving - Colour B
 - C Fine grade tarmac or pre-coated chippings to be agreed with CCC Planners and Highways
 - D Concrete flag paving
 - E Tarmac driveways
 - F Grassed areas
- BOUNDARY TYPES**
- Boundary Type 1- 2100mm brickwork wall to boundaries to public open spaces. Feature banding to tie in with building elevations.
 - Boundary Type 2- All other boundaries to back gardens to be 1800mm close boarded fencing.
 - Boundary Type 3- Close boarded timber screen fence above post & gravel board retaining wall.
 - Boundary Type 4- Min. 3100mm close boarded timber fence to northern boundary adjacent to A48m.
 - Boundary Type 5- Brickwork dwarf retaining wall.
- SYMBOLS**
- 01 Plot numbers.
 - E Dwelling Types.
 - v Car parking space allocation.
 - Garden shed.
 - Rotary Dryer.
 - Timber bin enclosure.
 - Site boundary.

- Planted areas.
- Existing vegetation.
- Proposed small tree.
- Proposed medium tree.
- Proposed medium large or large tree.
- Existing tree to remain. Dotted line indicates root protection zone.
- Existing tree to be removed.
- Indicative position of 1.5m service trench for proposed incoming services.

KEY	TENURE	HOUSE TYPE	AREA	NO. (AFF.)	NO. (OMS)	TOTAL
HOUSES	B	OPEN MARKET SALE	3 BED 5 PERSON	78.0m ²	6	-
	C	AFFORDABLE	2 BED 4 PERSON	85.0m ²	2	-
					8	-

pentan
architects

22 Cathedral Road
Cardiff CF11 9LJ

t: 029 2030 9010
info@pentan.co.uk

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TY-TO-MAEN, OLD ST MELLONS

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Drawing Title
SITE LAYOUT PLAN

NOTES: Do not scale. All dimensions are in millimetres unless stated otherwise

NORTH

Date
JUN '16

Scale
1:200 @ A1

Drawing No.
3521_PA_003

Rev.
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Project TY TO MAEN, OLD ST MELLONS	Client WATES LIVING HOMES	Date JUN '16	Scale NTS	Drawing Title STREET SCENE	Drawing No. 3521-PA-402	Rev. -
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