

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 12/04/2017

APPLICATION No. **16/03044/MNR** APPLICATION DATE: 14/02/2017

ED: **CAERAU**

APP: TYPE: Full Planning Permission

APPLICANT: Mr KHAN

LOCATION: LAND ADJACENT TO NUMBER 5, CHURCH ROAD,
CAERAU, CARDIFF

PROPOSAL: PROPOSED NEW RETAIL UNITS WITH RESIDENTIAL
ABOVE (9 APARTMENTS), BALCONIES AND AMENITY
ROOF TERRACE, REAR CAR PARKING AND

ASSOCIATED 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 paragraphs 5.3 and 5.11 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 accordance with the following approved plans and documents:

A16-147/01 Rev B - Site/location plan
A16-147/02 Rev B - Ground floor plan
A16-147/03 Rev B - First & second floor plan
A16-147/04 Rev C - Roof plan
A16-147/05 Rev C - Heol Trelai & rear elevation
A16-147/06 Rev C - Church Rd & end elevation
A16-147/07 Rev B - Rear area parking finishes

Reason: For the avoidance of doubt as to the extent of the permission.

3. The retail units hereby approved shall be used only for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever.

Reason: For the avoidance of doubt and to ensure that the use does not prejudice the amenities of the area or compromise the objectives of local and national planning policy, as the implications of other commercial uses on this site have not been considered in the determination of this

application.

4. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas.

Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the Cardiff Local Development Plan.

5. 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.

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

7. 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.

8. Prior to the commencement of development a site assessment, including ground permeability testing as appropriate, shall be undertaken to ascertain whether sustainable drainage techniques such as soakaway drainage and permeable paving can be utilised for the disposal of surface water run-off and a drainage scheme for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the local planning authority, which shall include sustainable drainage techniques if, as a result of the ground permeability tests, these have been found to be feasible. No part of the development shall be occupied until the drainage scheme is carried out and completed as approved.

Reason: In the interests of the proper drainage of the site, in accordance with policy EN10 of the Cardiff Local Development Plan.

9. Notwithstanding the details shown on the approved plans, before the development hereby approved is brought into beneficial use a plan showing details of facilities for the storage of refuse and recycling containers within the site, and details of where they will be presented for collection, shall be submitted to and approved in writing by the Local Planning Authority and thereafter refuse and recycling containers shall

be stored in accordance with the approved details.

Reason: To secure an orderly form of development and protect the amenities of the area, in accordance with policy W2 of the Cardiff Local Development Plan, as the submitted plans do not show the full necessary bin provision being accommodated in appropriate bin stores.

10. Prior to the construction of the building above foundation level, samples and/or manufacturer's specifications of the external finishing materials and details of the architectural detailing of the building (particularly the window reveals and cills) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.
11. Prior to the commencement of development, details of a privacy screen to be erected on the south facing side of the roof terrace on the eastern side of the building shall be submitted to and approved in writing by the Local Planning Authority and the approved screen shall be erected before the development is brought into beneficial use and shall be retained thereafter.

Reason: To ensure that the privacy of occupiers of the adjoining land is protected, in accordance with policy KP5 of the Cardiff Local Development Plan.
12. Gates shall be installed at the entrances to the rear parking and delivery area prior to the beneficial occupation of the development. Details of the gates shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the approved gates shall thereafter be retained.

Reason: In the interests of crime prevention and safety, in accordance with policy C3 of the Cardiff Local Development Plan.
13. A scheme for the illumination of the proposed undercroft, cycle parking and car parking areas at the rear of the building shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to beneficial occupation of the development.

Reason: In the interests of crime prevention and safety, in accordance with policy C3 of the Cardiff Local Development Plan.
14. Details of any security shutters to be installed on the shop fronts shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of visual amenity and crime prevention, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.
15. No member of the public shall be admitted to, or allowed to remain

within, the retail premises between the hours of 23:00 and 07:30 on any day.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

16. There shall be no arrival, departure, loading or unloading of delivery vehicles to the retail premises between the hours of 19.30 and 08.00 Monday to Saturday and at any time on Sundays and Bank Holidays.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

RECOMMENDATION 2 : 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 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 licence. 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 3: The applicant is advised that a commercial waste contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act 1990) all commercial premises have a duty

of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact to commercial services department on 029 20717500. Further information regarding waste and recycling is available in the Council's Supplementary Planning Guidance "Waste Collection and Storage Facilities".

RECOMMENDATION 4: The developer is advised that foul and surface water discharges must be drained separately from the site. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. The developer may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. Some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 5: A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to Dwr Cymru Welsh Water Developer Services, PO Box 3146, Cardiff CF39 0EH.

RECOMMENDATION 6: In the interests of crime prevention and site security the developer is advised to ensure that the development is built to Secured By Design standards as promoted by South Wales Police (information on these standards is available on the website www.securedbydesign.com). In particular, the rear parking should be for residents of the flats only and access controlled by gates; security lighting should be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes, car parking, service area, bicycle parking and other facilities; other areas should use lighting operated by photoelectric cells, which should illuminate all elevations and recesses of the building; all fittings should be vandal resistant and positioned out of reach; an appropriate access control system should be incorporated into the main communal entrance doors into the apartments and should include audio / video confirmation facility which would

allow callers to be identified prior to access being granted; all ground floor and easily accessible windows should be certified to PAS 24:2916; all external entrance door sets and doors to individual apartments should be certified to PAS 24:2016; the individual apartment doors should also meet the standard PAS 24: 2016 or equivalent and be multi point locking; glass fitted in or adjacent to door panels should be laminated; doors in recesses of more than 600 mm deep should be avoided; ground floor windows and those easily accessible above ground floor should be glazed to 6.4mm laminated glass certified to BS 7950: 1997; all glazing in and adjacent to doors should be laminated to a minimum thickness of 6.4mm and securely fixed in accordance with the manufacturers specifications; a secure individual mail delivery system should be included; all hard landscaping features such as coping stones, pavers etc. and street furniture should be securely fixed so that they cannot be removed and used for criminal purposes; low risk retail units should be fitted with door sets that comply with PAS24 2016 or security rating LPS 1175 SR1; laminated glazing to a minimum of 6.4mm should be fitted to all shop fronts in areas where persons are likely to come in contact with glazing; consideration should be given to fitting a monitored alarm system which is compliant with the latest version of the National Police Chiefs Council (NPCC) Alarms Policy; consideration should be given to the fitting of CCTV both internally and externally to identify person(s) entering or leaving the premises and to protect the shop frontage. The CCTV system should be capable of providing evidential quality imagery to at least recognition standards and be operated in accordance with the Data Protection Act.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application is for full planning permission for the construction of a three storey building measuring approximately 41m x 20m wide at its widest point, containing 2 retail units at ground floor level (1 x 80 square metres and 1 x 78 square metres) 5 apartments at first floor level (4 x 2 bedroom and 1 x 1 bedroom) and 4 apartments at second floor level (all 2 bedroom). The easternmost part of the building would be two storeys in height, with the roof used as a terrace providing amenity space for a second floor flat.
- 1.2 Seven car parking spaces, several cycle parking racks and a retail service yard would be provided beneath the first floor of the building, accessed from the rear. Vehicular access would be from both Heol Trelai and Church Road.
- 1.3 The building would have a flat roof and would be finished in brick and render with dark grey aluminium windows. The footprint of the building would follow the curve of the junction from Heol Trelai into Church Road.

2. DESCRIPTION OF SITE

- 2.1 The site is a generally rectangular-shaped plot of vacant land with a frontage of around 40m to Heol Trelai and 20m to Church Road. To the south it borders the side boundary of 5, Church Road, a two storey end-of-terrace house which is at a slightly higher level than the application site. To the west, on the opposite side of the Heol Trelai/Church Road junction, is a social club (a much-extended, two

storey, stone-fronted building). There are two storey semi-detached houses to the east of the site and on the opposite side of Heol Trelai to the north, and immediately to the east is an access road leading to a small three storey block of flats.

3. **SITE HISTORY**

3.1 None.

4. **POLICY FRAMEWORK**

4.1 *Cardiff Local Development Plan 2006-2021:*

KP5 (Good Quality and Sustainable Design);
KP7 (Planning Obligations);
KP13 (Responding to Evidenced Social Needs);
KP16 (Green Infrastructure);
KP17 (Built Heritage);
H3 (Affordable Housing);
H6 (Change of Use or Redevelopment to Residential Use);
EN9 (Conservation of the Historic Environment);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
R1 (Retail Hierarchy);
R6 (Retail Development (Out of Centre));
C3 (Community Safety/Creating Safe Environments);
C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport);
W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*

Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or is considered consistent with LDP policies and can be used to help inform the assessment of relevant matters –

Waste Collection and Storage Facilities (October 2016);
Cardiff Residential Design Guide (January 2017);
Planning Obligations (January 2017);
Access, Circulation and Parking Standards (January 2010);
Infill Sites (April 2011);
Open Space (2008).

4.3 *Planning Policy Wales (November 2016):*

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- 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,
- Play an appropriate role to facilitate sustainable building standards
- 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.
- Promote quality, lasting, environmentally-sound and flexible employment opportunities.
- Respect and encourage diversity in the local economy.
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods
- 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.
- Help to ensure the conservation of the historic environment and cultural heritage.

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.9.2 Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites: in and around existing settlements where there is vacant or under-used land, commercial property or housing; in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use; which secure land for urban extensions, and; which facilitate the regeneration of existing communities.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

6.5.5 The conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains,

whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection *in situ*. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting.

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.2.4 Mixed use development should be promoted in and adjoin existing settlements, where appropriate. Policies and supplementary planning guidance should support mixed use developments, including flexible workplace/dwellings and commercial premises, where these are appropriate.

9.1.1 The Welsh Government will seek to ensure that: previously developed land is used in preference to greenfield sites; new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote: mixed tenure communities; development that is easily accessible by public transport, cycling and walking; mixed use development so communities have good access to employment, retail and other services; attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive; the most efficient use of land; well designed living environments, where appropriate at increased densities; construction of housing with low environmental impact, reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and 'barrier free' housing developments, for example built to Lifetime Homes standards.

9.2.12 Higher densities should be encouraged on easily accessible sites, where appropriate, but these will need to be carefully designed to ensure a high quality environment. In particular, local planning authorities should adopt a flexible approach to car parking standards.

9.2.14 A community's need for affordable housing is a material planning consideration.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4: Where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered.

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

10.1.4 The Welsh Government adopts the 'town centres first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. Wherever possible, retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing. Such co-location of retail and other uses in existing centres, with enhancement of access by walking, cycling and public transport, provides the opportunity to use means of transport other than the car. This mix of uses sustains and enhances the vibrancy, attractiveness and viability of those centres as well as contributing to an increase in linked trips and a reduction of travel demand.

10.2.8 Individual small shops and businesses, such as convenience stores and public houses, which are not part of established retail and commercial centres, can play an important economic and social role, particularly in rural areas and in urban areas with limited local provision, and their loss can be damaging to a local community. The role of these businesses should be taken into account in preparing development plan policies and in development management decision making.

10.2.9 In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or approving planning applications for such uses, local planning authorities should in the first instance consider whether there is a need for additional retail provision. Such need may be quantitative so as to address a quantifiable unmet demand for the provision concerned or qualitative. Qualitative considerations refer to issues such as the standard of existing retail provision in terms of the latest formats, range and mix of goods, distribution of retail provision and accessibility. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations.

10.2.13 The sequential approach to development applies to all retail and other uses that are complementary to retail and commercial centres. Local planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications. The sequential approach supports the principle that retail and commercial centres are in the most readily accessible location, and promotes combined trips for shopping, business, leisure and services. The approach reinforces the vibrancy, viability and attractiveness of retail and commercial centres.

11.3.2 Local planning authorities may be justified in seeking Section 106 Planning Agreements to contribute to the maintenance of safe and attractive facilities and open space, and to meet the needs of new communities. Such

agreements may also need to be used to help ensure that standards of provision set out in development plans are met.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design, construction and demolition stage should be made by developers. 13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise or in proposals to use or develop land near an existing source of noise.

- 4.4 *Technical Advice Note 4 – Retail and Commercial Development (2016).*
- 4.5 *Technical Advice Note 12 - Design (March 2016).*
- 4.6 *Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology.*

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 *Transportation:* No comments received.
- 5.2 *Drainage:* No objection subject to a condition requiring ground permeability tests to be undertaken to ascertain whether sustainable drainage techniques can be utilised and approval of a drainage scheme for the disposal of both surface water and foul sewage.
- 5.3 *Parks Development:* The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable. Based on the information provided on the number and type of units, there is an open space requirement of 0.0469 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of **£20,025**.
- 5.4 As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Heol Trelai Open Space and Church Road Open Space.
- 5.5 *Pollution Control (Noise & Air):* No comments received.
- 5.6 *Pollution Control (Contaminated Land):* In reviewing available records and the application for the proposed development, former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to

human health and the environment for the proposed end use. Should there be 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. Standard conditions and recommendations are requested relating to ground gas protection; unforeseen contamination; imported and recycled materials and contaminated/unstable land.

- 5.7 *Waste Strategy & Minimisation Officer:* The proposed refuse storage area for the retail units is acceptable. The refuse storage area for the apartments should be large enough to accommodate the following recommended provisions for 9 apartments. Current site plans do not show the full bin provision being accommodated in bin stores:

| | |
|------------------|--------------------------|
| Dry Recyclables: | 1 x 1100 litre bulk bins |
| Food waste: | 1 x 240 litre bins |
| General waste: | 1 x 1100 litre bulk bins |

- 5.8 Ideally communal bin stores should have double doors that open outward. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided natural or artificial, and good natural ventilation if completely enclosed. The developer is advised; as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Waste Management will not carry keys or access codes for bin storage areas; so waste must either be presented at the entrance to the development for collection, or the access gates to the site must be left open.

- 5.9 Since 27th July 2015, the developers of all new residential units are required to purchase the bin provision required for each unit.

- 5.10 *Housing Strategy:* In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 9 units (2 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the unknown proposed future tenure of the units, and the likely service charges for this type of residential development, all of which could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, we would be prepared to accept financial contribution in lieu of on-site affordable housing provision.

- 5.11 On the basis of the above, we would seek a financial contribution of **£146,856** (in lieu of 2 x 2 bed apartment units) which is calculated in accordance with the formula in the Planning Obligations – Supplementary Planning Guidance (SPG) (2017).

6. EXTERNAL CONSULTEES RESPONSES

- 6.1 *Welsh Water.* No objections to the proposed development. No surface water and/or land drainage shall be allowed to connect to the public sewerage system. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer. A water supply can be made available. The developer may be required to contribute towards the provision of new off-site and/or on-site watermains and associated infrastructure. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 6.2 *Police Crime Prevention Design Advisor:* South Wales Police have a number of concerns – there is no explanation as to how the applicant intends to address matters of crime, anti-social behaviour or community safety; the front of the development is directly on the junction of Heol Trelai, while the side of the building is directly on the junction with Church Road making parking of vehicles for customers using the retail units difficult; the rear parking area has undercroft parking and there are major concerns that this rear parking will become a hotspot for anti-social behaviour or criminal activity as there is very little natural surveillance over the area; the roof terrace located on the eastern first floor overlooks all the rear gardens of adjacent properties breaching the neighbours need for privacy. South Wales Police advise that the development should be built to a standard to achieve a Secured by Design accreditation.
- 6.3 With regard to the apartments, recommend that the rear parking should be for residents of the flats only and access controlled by gates, bollards should be placed between the edge of the pavement and highway to the front and side of the building along Heol Trelai and Church Road to prevent vehicles parking on the pavement causing an obstruction or a danger to pedestrians and other road users, security lighting should be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes, car parking, service area, bicycle parking and other facilities, all fittings should be vandal resistant and positioned out of reach, an appropriate access control system should be incorporated into the main communal entrance doors into the apartments, all ground floor and easily accessible windows, external entrance door sets and doors to individual apartments should be certified to a suitable standard, glass fitted in or adjacent to door panels and easily accessible windows must be laminated, deep door recesses must be avoided, appropriate smoke alarms / fire alarms should be fitted and consideration should be given to fitting sprinkler systems, the bicycle store should have individual stands for securing bicycles and be located in a secure room/area and must be lit during the hours of darkness, a secure individual mail delivery system should be included, trees and shrubs should be positioned and maintained so as to give a clear and unobstructed view of the boundary and should not mask lighting columns nor become climbing aids, and all hard landscaping features such as coping stones, pavers etc. and street furniture should be securely fixed so that they cannot be removed and used for criminal purposes.
- 6.4 With regard to the commercial units, if A3 is to be authorised to the ground floor commercial unit the hours of business should be restricted to no later than

23.00 hours, low risk retail units should be fitted with door sets that comply with the appropriate security rating, laminated glazing should be fitted to all shop fronts in areas where persons are likely to come in contact with glazing, where roller shutters are considered necessary they should have an appropriate security rating, consideration should be given to fitting a monitored alarm system and CCTV.

- 6.5 *South Wales Fire and Rescue Service:* The developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.
- 6.6 *Cadw:* The proposed retail units would be located approximately 250m to the north of the scheduled monument known as Caerau Camp (GM018), an Iron Age Hillfort with settlement evidence in both early and later prehistory and again during the medieval period. The monument's location would have been chosen for its commanding views over the surroundings however the view north in the direction of the development at the present day is largely restricted by woodland cover. The proposed retail units would be sited within an area where current residential housing and commercial premises are of a similar urban character. Overall there will be no significant effect upon the setting of the monument. The proposed development is also located within the path of significant views out from the historic park and garden PGW (Gm) 73 (CDF) Fairwood House, Cardiff. The original fine, rural view southwards from the house and terraces has been compromised in the foreground by the later 20th-century housing, the valued distant view to the hill upon which the monument stands would be uninterrupted by the proposed development.
- 6.7 *Welsh Water:* Note that the applicant intends to discharge surface water into the public sewer. In the absence of an agreed drainage strategy we object to the communication of any surface water flows to the public sewer. No surface water and/or land drainage should be allowed to connect directly or indirectly with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer. A water supply can be made available to serve this proposed development. The developer may be required to contribute towards the provision of new off-site and/or on-site watermains and associated infrastructure.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised by site notice and neighbour notification. One objection has been received from no. 5 Church Road, as follows:
1. The development will cause loss of light to the kitchen and landing window;
 2. The house will be devalued by at least £15k;
 3. In the plans it says 11 apartments yet on the letter it states 9 apartments;
 4. There are concerns about parking and the extra amount of traffic using the corner of the street.
- 7.2 Councillor Peter Bradbury objects to the application as follows:
1. Lack of parking in the area. This is in a highly residential area that does not have the parking infrastructure in place for the level of residential and

- commercial development being discussed here.
2. There are no Section 106 contributions in this area either and I fail to see how on the designs this development passes the SPGs on height that were passed at Full Council last year.
 3. I would like to see more detail in the application as I fail to see how 9 residential properties and a commercial outlet can be crammed in such a small space. The committee should certainly come and see the site when this is considered.

8. **ANALYSIS**

- 8.1 The principle of the re-development of this site is supported : the site has no specific designation or allocation but falls within a largely residential area, therefore the residential part of the proposal is considered acceptable in terms of land use policy. However, the impact of the commercial use must be considered as the site is in an out-of-centre location in terms of retail policy.
- 8.2 Planning Policy Wales is clear that planning applications for retail developments, including redevelopment and extensions in out-of-centre locations should be assessed against the following tests:-
- (i) Compatibility with a Community or up-to-date Development Plan Strategy;
 - (ii) Consideration of need;
 - (iii) The sequential approach to site selection; and
 - (iv) The impact on existing centres.
- 8.3 Policy R6 of the Adopted Local Development Plan provides the development plan policy framework and only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:-
- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
 - (ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;
 - (iii) The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
 - (iv) The site is accessible by a choice of means of transport; and
 - (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.
- 8.4 Whilst the applicants have not supplied a retail statement in support of their application, it is recognised that TAN4 requires such statements for out of centre retail floorspace of 2500sq m and over. The TAN also states that it may be necessary for such assessments for some smaller developments, however, the reason for the threshold is that small stores are not likely to have any material negative effect on shopping patterns in the catchment. The

application proposals relate to the development of 158 sq.m of retail space. As such the proposal is just 6% of the floorspace TAN4 envisages would trigger the need to undertake a retail impact assessment.

- 8.5 Given the modest scale, and location of the proposal close to an existing A3 use and some distance from the nearest designated centre (Caerau Lane) it would be difficult to argue that the proposed retail floorspace would have an adverse impact on any designated centre. Therefore the application does not raise any land use policy concerns.
- 8.6 Considering the appearance of the proposed building, at 3 storeys the height of the building would be marginally taller than that of the terraced properties along Church Road. The Infill Sites SPG states that;
'Some appropriate sites may be able to accommodate slightly taller buildings where they make a positive contribution to the street scene, such as corner sites, on primary routes, and in higher density areas.' (Para 3.25, p.21)
- 8.7 Given the location of the application site on the corner of Church Road and Heol Trelai, the height of the building proposed, being marginally taller than that of the adjacent terrace, is considered acceptable.
- 8.8 Although the proposed building will project back into the site further than the adjacent terraced properties, given the corner location of the site this is considered acceptable, especially given the retail uses proposed at ground floor level. With regard to the front building line, whilst the application building would sit forward of the adjacent terraced properties along Church Road it is noted that the existing Post Office and Surgery building at the opposite end of the run of terraces sits forward of these dwellings. Taking this variation in the building line into account and given the corner location of the application plot, the positioning of the proposed building is considered acceptable.
- 8.9 Also, the provision of retail units in the ground floor of the building, which will turn the corner between Heol Trelai and Church Road, will create interest, activity and surveillance along this stretch of the street.
- 8.10 The finishing materials - predominantly red facing brickwork with small areas of render breaking up the massing of the building and accentuating its verticality – are broadly acceptable; however it is considered that the building would benefit from improved detailing, for instance in the window reveals and cills. A condition controlling the materials and architectural detailing of the building should therefore be applied to any grant of planning permission as these details are not clear from the submitted plans.
- 8.11 With regard to the impact of the development on neighbouring occupiers, the main effect will be on the rear garden of no. 5 Church Road as the development will extend almost the full length of its northern side boundary. However, the building will be set back from the boundary by between 4m and 11m, will be on land which is at a slightly lower level (the ground level in this area rises towards the south) thereby mitigating any overbearing impact, and there will be no second floor windows, and only non-habitable room windows at first floor level,

in the new building facing towards no. 5, which will maintain an adequate level of privacy. There will be a roof terrace at second floor level but privacy of the adjacent garden can be maintained by the use of screens. The new building will be to the north of no. 5 therefore will not cause unacceptable overshadowing.

- 8.12 Considering the living environment for future residents, the apartments would be of appropriate dimensions to provide adequate living space and although the amenity space provision associated with the proposed scheme would be limited to small balconies (and one large terrace), the application site is located within a short walk of an area of public open space. As such, whilst an increase in the level of amenity space provision would have been welcomed, it would be difficult to sustain an objection to the proposal on this basis. A S106 obligation can be used to secure a financial contribution to the provision/maintenance of local outdoor amenity space, demand for which will be increased by this development.
- 8.13 The comments of South Wales police regarding security issues are noted. Conditions can be used to ensure the provision of appropriate lighting and to control access to the rear parking area (preventing general use of the rear of the building and improving safety for residents) but many of their suggestions relate to issues that are dealt with under other legislation (e.g. illegal obstruction of footways, the installation of sprinkler systems).
- 8.14 With regard to parking issues, 7 parking spaces are proposed to serve the 9 apartments and there will be no parking provision for the 2 retail units, which complies with the Council's guidelines. The parking provision would not benefit from high levels of surveillance, being located at the ground floor partially behind and under the proposed building. As such, the provision of gates at the entrance and exit of the site should be secured via a condition.
- 8.15 In response to the objections received from the neighbouring residents:
1. The development will be to the north of no. 5 Church Road therefore there will not be an unacceptable loss of direct sunlight to that property. Although it will be very close to the side elevation of no. 5 (around 1m away) it will not directly face any habitable room windows, therefore in this case the situation is considered acceptable.
 2. The impact of development on property values is not a material planning consideration.
 3. The plans clearly show 9 apartments and the description of the proposed development mentions 9. The original proposal for 11 was amended. The only aspect of the application that still mentions 11 apartments is the applicant's design statement, which will not form part of any planning permission.
 4. The proposed parking arrangement accords with the Council's Supplementary Planning Guidance "Access, Circulation and Parking Standards". The development will not generate a large amount of vehicular traffic.
- 8.16 In response to Councillor Bradbury's objections:
1. Parking is discussed above;

2. The proposal does not fall within the category of “tall building” as defined in the Tall Buildings SPG adopted in January 2017, i.e. it is not “double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors”. The building will be three storeys in height - there is an existing three storey block of apartments around 40m to the south east – and only around 1.5m taller than the adjacent two storey properties. The Residential Design Guide SPG, adopted in January 2017, states that “denser, more compact and taller forms of development, coupled with additional attention to design detail, can positively define key spaces, frontages and main streets” and encourages taller buildings at corner locations. There will be S106 contributions associated with this development.
3. There is sufficient detail in the application to enable adequate assessment of the impact of the proposals. It will be for the Committee to determine whether a site visit is required.

8.17 In conclusion, there are no reasonable grounds for refusal of this application and it is recommended that the application be approved subject to the conditions set out above and to the signing of a Section 106 Obligation relating to affordable housing, open space and waste management.

9. **OTHER CONSIDERATIONS**

9.1 *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.

9.2 *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, over and above any other person.

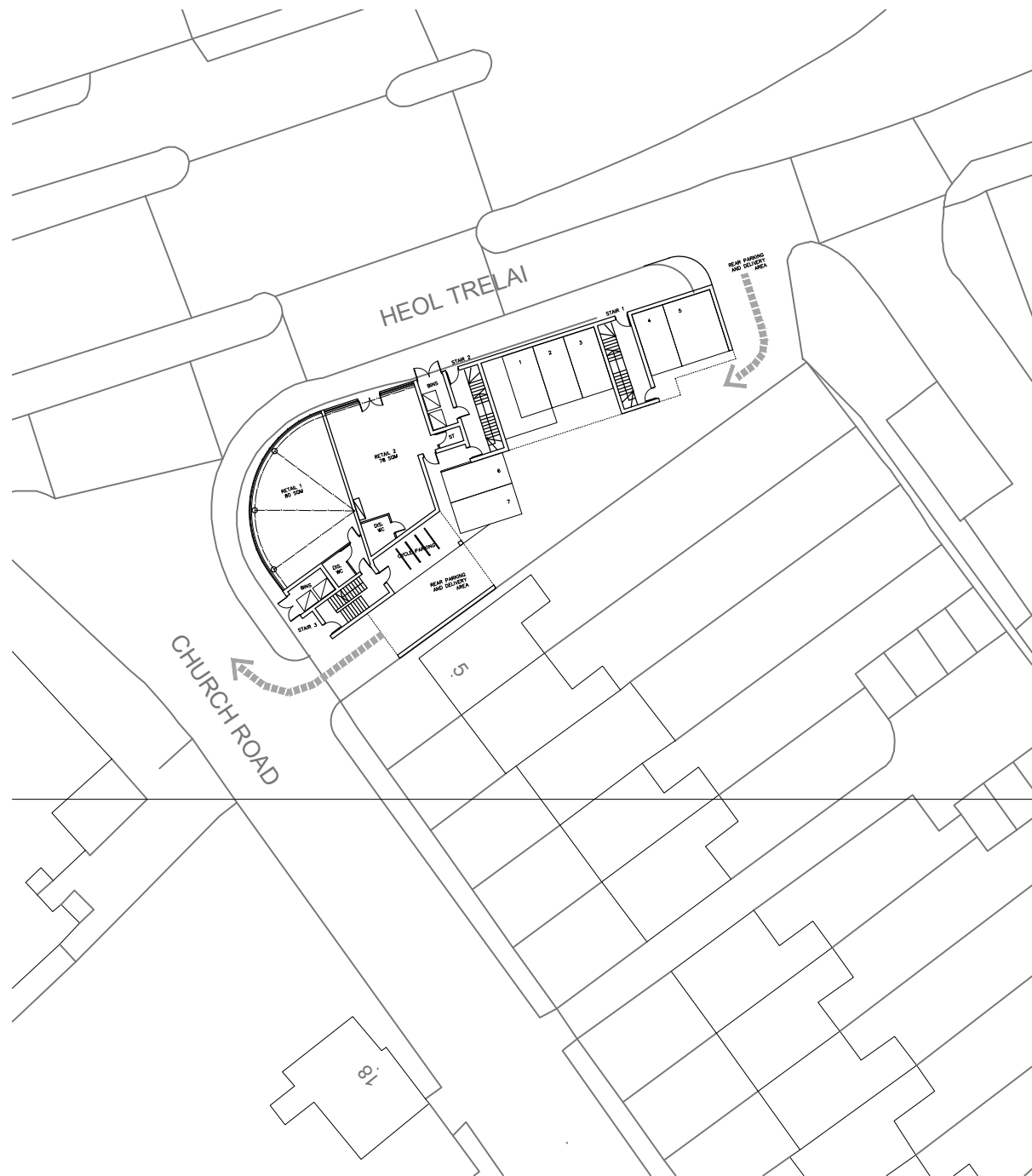
9.3 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and

account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.



SITE/LOCATION PLAN SCALE 1:1250@A3



SITE/LOCATION PLAN SCALE 1:500@A3

client **MR R KHAN**

project **LAND AT CHURCH ROAD
CAERAU, ELY, CARDIFF CF5 5LQ**

title **SITE/LOCATION PLAN**

drawing no **A16-147/01** revision **B**

scale **1:1250/500@A3** date drawn **10/07/2016**

SPACE
studio



18 Mylor Road
Sheffield
S11 7PF

Telephone +44 (0) 114 263 1762

Revision **X** date drawn **10/07/2016** Drawn By **AMA**

Comments **FIRST ISSUE**

Revision **A** date drawn **30/11/2016** Drawn By **AMA**

Comments **SITE PLAN ADJUSTED**

Revision **B** date drawn **19/12/2016** Drawn By **AMA**

Comments **PLANNING SUBMISSION**







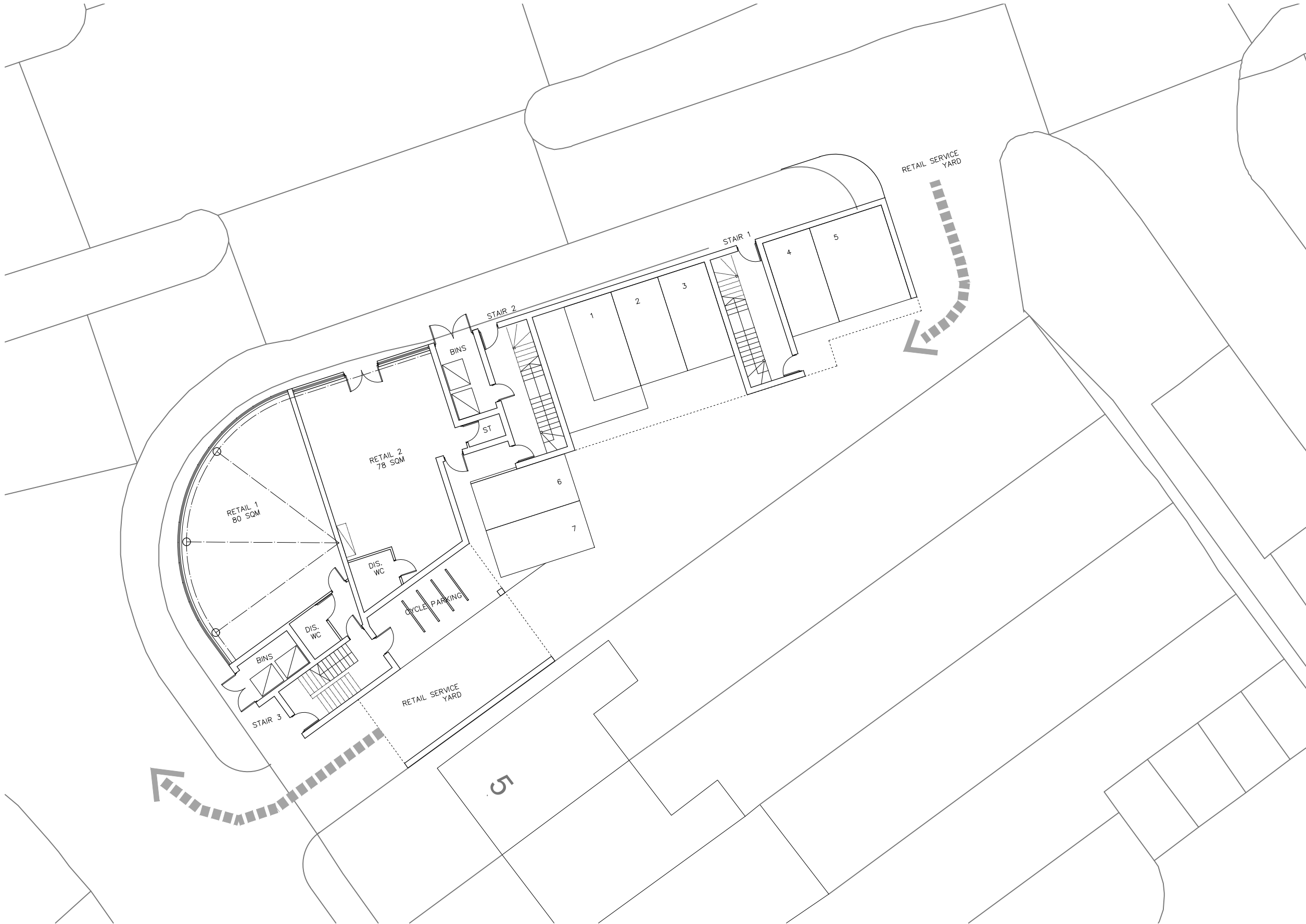












GROUND FLOOR PLAN SCALE 1:200@A3

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| Comments | FIRST ISSUE | | | | |
| Revision | A | date drawn | 30/11/2016 | Drawn By | AMA |
| Comments | SITE PLAN ADJUSTED | | | | |
| Revision | B | date drawn | 19/12/2016 | Drawn By | AMA |
| Comments | PLANNING SUBMISSION | | | | |

SPACE studio



18 Mylor Road
Sheffield
S11 7PF

Telephone +44 (0) 114 263 1762

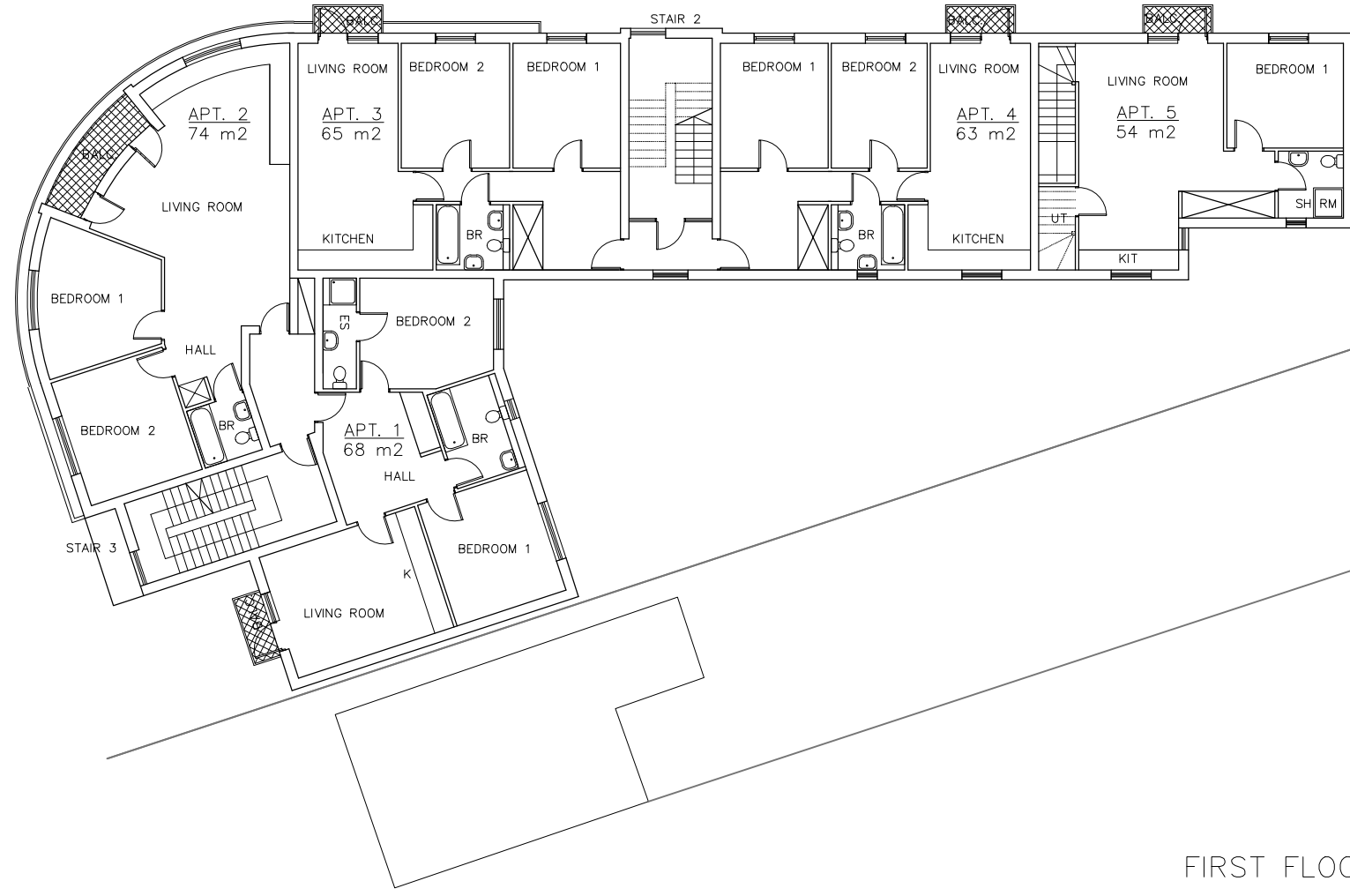
client **MR R KHAN**

project **LAND AT CHURCH ROAD
CAERAU, ELY, CARDIFF CF5 5LQ**

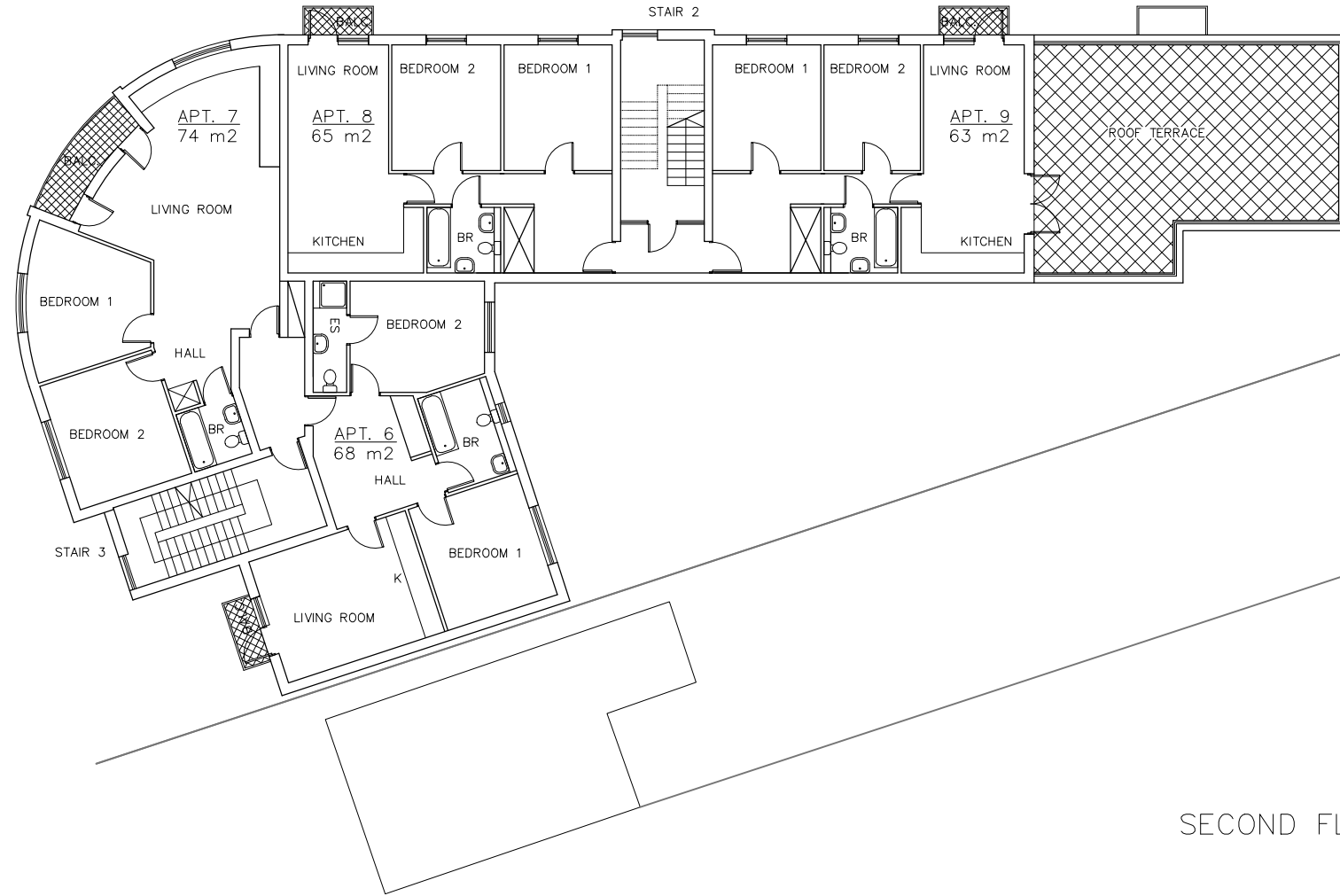
title **GROUND FLOOR PLAN**

drawing no **A16-147/02** revision **B**

scale **1:200@A3** date drawn **10/07/2016**



FIRST FLOOR PLAN SCALE 1:200@A3



SECOND FLOOR PLAN SCALE 1:200@A3

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| Revision | X | date drawn | 10/07/2016 | Drawn By | AMA |
| Comments | FIRST ISSUE | | | | |
| Revision | A | date drawn | 25/07/2016 | Drawn By | AMA |
| Comments | CLIENTS CHANGES ADDED | | | | |
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| Comments | PLANNING SUBMISSION | | | | |

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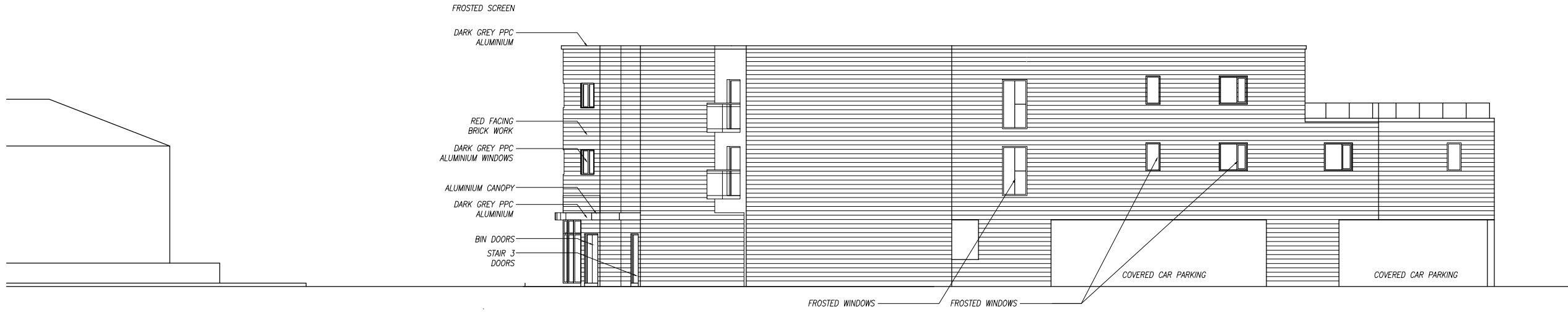
RIBA Chartered Practice
18 Mylor Road
Sheffield
S11 7PF

Telephone +44 (0) 114 263 1762

client **MR R KHAN**
 project **LAND AT CHURCH ROAD
CAERAU, ELY, CARDIFF CF5 5LQ**
 title **FIRST AND SECOND FLOOR PLAN**
 drawing no **A16-147/03** revision **B**
 scale **1:200@A3** date drawn **10/07/2016**



HEOL TRELAI ELEVATION SCALE 1:200@A3



REAR COURTYARD ELEVATION SCALE 1:200@A3

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| Comments | FIRST ISSUE | | | | |
| Revision | A | date drawn | 25/07/2016 | Drawn By | AMA |
| Comments | CLIENTS CHANGES ADDED | | | | |
| Revision | B | date drawn | 19/12/2016 | Drawn By | AMA |
| Comments | PLANNING SUBMISSION | | | | |
| Revision | C | date drawn | 14/02/2017 | Drawn By | AMA |
| Comments | APARTMENT UNITS REDUCED | | | | |

SPACE studio

18 Mylor Road
Sheffield
S11 7PF

RIBA
Chartered Practice

Telephone +44 (0) 114 263 1762

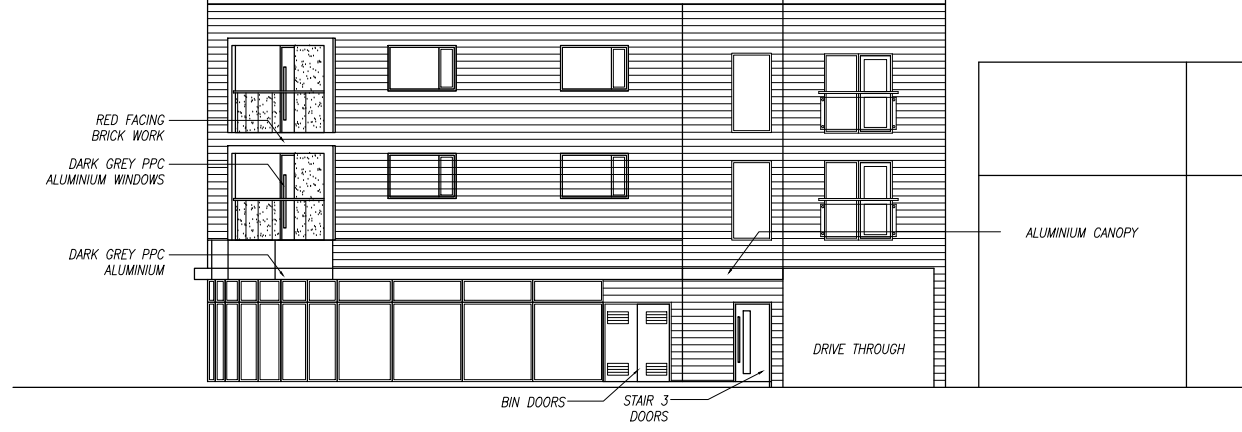
client **MR R KHAN**

project **LAND AT CHURCH ROAD
CAERAU, ELY, CARDIFF CF5 5LQ**

title **HEOL TRRELAI AND REAR ELEVATION**

drawing no **A16-147/05** revision **C**

scale **1:200@A3** date drawn **10/07/2016**



CHURCH ROAD ELEVATION SCALE 1:200@A3



ENTRANCE END ELEVATION SCALE 1:200@A3

client **MR R KHAN**

project **LAND AT CHURCH ROAD
CAERAU, ELY, CARDIFF CF5 5LQ**

title **CHURCH ROAD AND END ELEVATION**

drawing no **A16-147/06** revision **C**

scale **1:200@A3** date drawn **10/07/2016**

SPACE
studio



18 Mylor Road
Sheffield
S11 7PF

Telephone +44 (0) 114 263 1762

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| Comments | CLIENTS CHANGES ADDED | | | | |
| Revision | B | date drawn | 19/12/2016 | Drawn By | AMA |
| Comments | PLANNING SUBMISSION | | | | |
| Revision | C | date drawn | 14/02/2017 | Drawn By | AMA |
| Comments | APARTMENT UNITS REDUCED | | | | |