

## LOCAL MEMBER CONCERNS

COMMITTEE DATE: 12/04/2017

APPLICATION No. **16/02882/MJR** APPLICATION DATE: 09/12/2016

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: VIP PROPERTY LTD  
LOCATION: COLCHESTER MOTOR COMPANY, COLCHESTER AVENUE,  
PENYLAN, CARDIFF, CF23 9HP  
PROPOSAL: PROPOSED DEMOLITION OF EXISTING BUILDING AND  
CONSTRUCT RESIDENTIAL DEVELOPMENT OF 19 SELF  
CONTAINED APARTMENTS, NEW ACCESS, PARKING,  
CYCLE, REFUSE STORAGE AND AMENITY FACILITIES

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**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 Section 9 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:
  - (i) AL(90)05 Revision C – Proposed Site Plan
  - (ii) AL(00)05 Revision E – Proposed Ground Floor Plan
  - (iii) AL(00)06 Revision B – Proposed First and Second Floor
  - (iv) AL(00)07 Revision A – Proposed Third Floor
  - (v) AL(00)08 Revision C – Proposed Elevations

Reason: The plans form part of the application.

3. No part of the demolition hereby approved shall take place until a Demolition Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The DMP shall include, but not be limited to, details of dust control measures, noise management, proposed temporary means of site enclosure, and the future arrangements for the cleared site. The DMP shall take account of the 'worst case' scenario for demolition activities and the Cardiff Council Pollution Control's "Construction site handbook". The demolition shall proceed in accordance with the approved plan.

Reason: To protect the amenities of neighbouring occupiers and the visual amenities of the surrounding area.

4. No development shall take place until a Construction Management Plan (CMP) has been 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.

5. No development shall take place until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul and surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. The development shall be carried out in accordance with the approved details prior to the occupation of the development.

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

6. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of the following have been submitted to and approved by the Local Planning Authority, in accordance with the current British Standard for trees in relation to construction. an Arboricultural Method Statement (AMS), setting out the methodology that will be used to prevent loss of or damage to retained trees. It shall include details of on-site monitoring of tree protection and tree condition that shall be carried out throughout the development and for at least two years after its completion.

- i. A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

- ii. Unless written consent is obtained from the Local Planning Authority, the development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess: the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.

7. 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, 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.

8. Any trees, plants, or hedgerows 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.

9. The car parking spaces shown on the approved plans shall have minimum dimensions of 2.4 metres by 4.8 metres and shall be provided prior to the development being brought into beneficial use. Thereafter the spaces 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.

10. Prior to their installation on site details of the provision of facilities for the secure storage of cycles shall be 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 and retained thereafter.

Reason: To ensure that adequate provision is made for the secure storage of cycles.

11. Prior to its installation on site, details of the roller shutter shown on drawing no. AL(90)05 Revision C shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into beneficial use and retained thereafter.

Reason: To ensure a satisfactory finished appearance.

12. No development shall take place until details of the removal of the redundant crossovers and the reinstatement of the footway have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation.

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.

13. Prior to their construction on site, details of facilities for the secure storage of refuse containers shall be submitted to and approved in writing by the Local Planning Authority. The facilities approved shall be provided before the development is brought into beneficial use and shall be thereafter retained.

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

14. Prior to their installation on site, samples of the external finishing materials 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.

15. Prior to their construction on site details of the means of site enclosure shall be submitted to and approved in writing by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being brought into beneficial use and shall be retained thereafter.

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

16. 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:

- (i) 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
- (ii) 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. Gardens shall be designed to provide an area which is at least 50% of the garden 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.

17. The first and second floor windows on the southeast elevation serving units 7 and 13 shall be non-opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.  
Reason: To ensure that the privacy of the adjoining occupiers are protected.
18. Prior to the commencement of development 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 and approved in writing by the Local Planning Authority. 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 by 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 prior to the occupation of any part of the development hereby approved 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 Local Development Plan Policy EN13.
19. Prior to the commencement of development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
  - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation. \* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with Policy EN13 of the Cardiff Local Development Plan.

- 20. 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 must 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.

21. The remediation scheme approved by condition 21 shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must 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 must 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.
22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA 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.
23. 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 in writing 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.

24. 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 which shall be submitted to and approved in writing by the Local Planning Authority.

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

25. 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 in writing by the Local Planning Authority shall be reused.

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

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

**RECOMMENDATION 5:** Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment. NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000. The Bat Conservation Trust can be contacted at 5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228.

**RECOMMENDATION 6:** That the applicant/developer be advised to have regard to the advice from Dwr Cymru Welsh Water in their letter dated 4<sup>th</sup> January 2017 which has been forwarded to the agent.

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

- 1.1 Full planning permission is sought for the demolition of the existing car sales building and the construction of 19 no. self-contained apartments, new access, parking, cycle, refuse storage and amenity facilities at Colchester Motor Company, Colchester Avenue, Penylan.
- 1.2 The proposed development is a contemporary design of part three, part four storey development. A flat roof is proposed and the external finishes include Euroclad or Rockpanel cladding with grey upvc to doors and windows.
- 1.3 The amended plans incorporate 19 no. two bedroom apartments in a four-storey detached building including the provision of 4 no. balconies to four of the apartments.
- 1.4 A single point of access and egress would be created off Colchester Avenue, serving 20 no. car parking spaces. Cycle parking is proposed to the northwest elevation.
- 1.5 The amended site plan shows provision for 3 no. new trees, one each to the northeast, southeast and northwest corners.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site extends to approximately 0.13 hectares and the levels rise approximately 1.5 metres across the length of the site from southeast to northwest.
- 2.2 The site is located within the established urban area and is surrounded by existing residential areas of 2 and 3 storeys in height. The car park serving the Three Brewers Public House abuts the site to the southwest and a parade of commercial units including Class A1, A3 and D1 uses are immediately northwest.
- 2.3 The site lies on an existing bus route. The nearest bus stops are approximately 95 metres to the northwest and 90 metres to the southeast.

2.4 A sewer easement crosses the northwest corner of the site on a northeast-southwest alignment.

### 3. **SITE HISTORY**

3.1 04/01961/E: Permission granted in April 2006 for the demolition of existing car sales, forecourt and canopy structures to create 17 no. one and two bedroom apartments, car parking and amenity space.

3.2 04/00756/R: Permission sought in March 2004 for the demolition of existing car sales, forecourt and canopy structures to create 17 no. one and two bedroom apartments, car parking and amenity space in a secure courtyard development. Subsequently withdrawn in August 2004.

### 4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales, Edition 9 (November 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
11	Noise
12	Design
16	Sport, Recreation and Open Space
18	Transport

#### 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
KP15	Climate Change
H3	Affordable Housing
EN8	Trees, Woodlands and Hedgerows
EN10	Water Sensitive Design
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
T5	Managing Transport Impacts
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

- 4.4 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:

*Access, Circulation and Parking Standards* (January 2010)

*Trees and Development* (March 2007)

*Open Space* (March 2008)

- 4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)

Planning Obligations (January 2017)

Residential Design Guide (January 2017)

Locating Waste Management Facilities (January 2017)

## 5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The **Operational Manager, Transportation**, is now satisfied that the amended vehicle tracking and amended site plans showing the provision of a turning area for delivery vehicles are adequate. He acknowledges that the agent has confirmed that the parking bays meet the 2.4m x 4.8m minimum dimensions as set out in the Supplementary Planning Guidance. He raises no concerns in respect of the impact of the development upon traffic flows along Colchester Avenue, or the safe operation of the lighted junction with Hammond Way, nor does he raise any concerns about impact upon highway safety. He recommends relevant conditions in respect of construction management, parking and cycle parking and the reinstatement of the footway where crossovers are being closed up.

- 5.2 The **Operational Manager, Environment (Contaminated Land)**, advises that the site has been identified as formerly commercial/industrial with uses including petrol station and car sales. Activities associated with this use may have caused the land to become contaminated. In addition 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.
- 5.3 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. She requests the inclusion of relevant conditions and an informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan (LDP) Policy EN13.
- 5.4 The **Council's Tree Officer** advises that the proposal to de-seal part of this currently wholly sealed site, and provide soft landscaping as part of residential development, is welcomed. The presence of the mains sewer easement will preclude tree planting within the easement, such that it will only be possible to accommodate large species trees in the NW corner, outside of the easement as shown, and towards the SE boundary, as shown. A full, detailed landscaping scheme is preferred upfront, informed by full knowledge of service constraints (proposed and existing), and comprising a scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan view, planting methodology and minimum 5 year aftercare methodology. Planting soils will need to be imported, and provide for 30m<sup>3</sup> root available soil volume per tree, applied as a default profile of 300mm sandy loam topsoil over 600mm sandy loam subsoil profile (all imported soils to be certified in accordance with BS 3882:2015 & BS 8601:2013 and shown to be fit for purpose in accordance with a soil scientist's interpretive report). Suggested suitable trees include *Celtis australis*, *Gleditsia triacanthos* 'Imperial', *Ostrya carpinifolia*, *Pinus heldreichii*, *Quercus canariensis*, *Q. castaneifolia*, *Q. frainetto*, *Q. libani*, *Q. suber* and *Tilia tomentosa* 'Brabant'.
- 5.5 In response to the comments of the Parks Officer (see paragraph 5.14), the off-site trees are not shown on submitted plans. In theory, they should not suffer significant harm, since they appear to be growing within soft landscape, whereas the development site is all hard landscape. Consequently, root development into the development site is likely to be limited. Furthermore, soft landscape areas are proposed adjoining the off-site trees, so in theory they will benefit from the proposed development in terms of access to increased volumes of root available soil. However, if roots have developed beneath the hard landscape within the development site, then the creation of car-parking

and new soft landscape beds could result in root severance and damage. Given this, it would be advisable to go through the BS 5837 assessment process, or alternatively, to condition the submission of an Arboricultural Method Statement, describing the precautionary measures that will be taken when developing the site, to prevent/minimise harm to any roots and branches that have extended into the site, and may be affected by construction or landscaping works.

- 5.6 The **Operational Manager, Waste Management**, advises that the bin storage area indicated within current site plans is acceptable, however she does have some concern with regards to access. The plans propose a secure vehicular gate which will be between their collection vehicles and the bins on collection day. 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. The refuse storage area must be large enough to accommodate 4 x 1100 litre bins (for recycling and general waste) and 1 x 240 litre bin for compostable waste. 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 and good natural ventilation if completely enclosed.
- 5.7 Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990 and can be purchased directly from the Council. 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. They refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.
- 5.8 The **Council's Ecologist** considers that the existing building has a low likelihood of supporting bats as there would be no loft space and the construction materials of the roof would not allow enough thermal stability to be attractive to roosting bats. The only factor which mitigates in favour of likelihood of bat roost is the close proximity of the southern corner of the building to a line of trees. However he would still say that this is not likely enough to warrant a bat survey. Instead, an advisory note should be sent to the applicant.
- 5.9 The **Operational Manager, Environment (Noise)**, has considered the application documents and is of the opinion that an acoustic report is required in order to establish the potential impacts of existing noise sources upon the development site. The acoustic report should consider:
- (i) The existing daytime and night time noise levels from Colchester Avenue at each storey of the proposed building;
  - (ii) An assessment of the expected impact of the noise upon the future occupiers of the proposed building;
  - (iii) Details of any mitigation measures that may be required as a result of the impact assessment.

- 5.10 Given that the proposal involves the development of 19 no. self-contained apartments close to a transportation noise source and that noise is a material consideration by paragraph 13.15.1 (Edition 7) of Planning Policy Wales he would expect the acoustic report to be submitted for consideration and approval by the Pollution Control team prior to the determining of the application. He would further advise that attention be 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.
- 5.11 The **Operational Manager, Environment (Air)** is satisfied that little risk is placed upon future residents and nearby residents in terms of traffic derived emissions. Looking at the application from a dust emissions perspective due to the close proximity of residential dwellings to the proposed development. In accordance with IAQM "Guidance on the assessment of dust from demolition and construction" Chapter 6, Step 1, Box 1 highlights certain screening criteria which needs to be considered and if a development qualifies for an assessment. The document states "An assessment will normally be required where there is: a 'human receptor' within: - 350 m of the boundary of the site; or- 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance(s)." It is apparent that there are residential dwellings located in close proximity to the proposed site (<100m), therefore satisfying the 'human receptor' criteria stipulated in the cited guidance and the need for a detailed assessment to be produced. He requests a relevant condition requiring the applicant to undertake a detailed dust assessment which shall quantify the magnitude of risk to surrounding/ nearby sensitive receptors (i.e. the residential properties within 350m of the site boundary) during the demolition and construction phase of the development. Prior to the commencement of development a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from construction activities on the site shall be submitted to and approved.
- 5.12 The **Council's Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.13 The **Operational Manager, Drainage Division**, has no objection in principle to the consent of this application though he notes that the applicant refers to the consideration for the disposal of surface water by sustainable drainage system. No drainage details or scheme has been provided for the disposal of surface water via sustainable drainage techniques. He therefore recommends a relevant pre-commencement condition.
- 5.14 The **Operational Manager, Parks and Sport**, considers that no street trees are affected by the development but there are significant trees close to the site



boundary, adjacent to the Three Brewers, and at the back of properties on Doe Close. These could be potentially impacted by the demolition of the existing garage and construction of the new car park, although the new building is located some distance away, and verge areas are indicated adjacent to a number of trees. The Tree Officer's views should be sought on whether an Arboricultural Assessment and Tree Protection Plan are required.

- 5.15 Overall the design of space around the development will provide very limited amenity to people living within the apartments, although he accepts that there is a need to provide adequate car parking, with very little available elsewhere. However the area of amenity space shown is close to the busy Colchester Avenue, so would need to be designed with good boundaries to provide good visual and noise screening, or relocated to the back of the development. To provide a meaningful amenity space for residents it would be need to include site furniture, screening from adjacent car parking, and possibly paved areas for all year use, rather than simply being left as an area of mown grass with no recreational benefit. He recommends that a landscape architect is used to provide suitable designs, ideally with an upfront design.
- 5.16 In respect of open space provision, the current Local Development Plan (LDP) (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space, set the Council's approach.
- 5.17 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.
- 5.18 Based on the information provided on the number and type of units, he has calculated the additional population generated by the development to be 34.2. This generates an open space requirement of 0.083 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £35,484. 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.
- 5.19 The use of a Section 106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.
- 5.20 In the event that the Council is minded to approve the application, it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure the contribution. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at Section

106 stage. The closest area of recreational open space is Hammond Way, with Waterloo Gardens, Roath Mill Gardens and Roath Brook Gardens also accessible.

- 5.21 The **Housing Development (Enabling) Team** considers that the site is suitable for affordable housing and therefore, in line with the adopted Local Development Plan (LDP), an on-site affordable housing contribution of 20% is sought on this brown-field site. They seek a 20% (4 units) affordable housing contribution to be delivered wholly on-site as a Low Cost Home Ownership (LCHO) for shared equity purchase at a price of 65% Open Market Value (OMV). The LCHO units would be sold to local authority nominees at the above prices, with the equity share held by the Council. If they are unable to nominate for any reason within an agreed time period, these LCHO units could be sold on the open market with the 35% of the market value paid to the Council for investment in affordable housing within the Local Authority area.

## 6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** requests that conditions and advisory notes are included within any permission to ensure no detriment to existing residents or the environment or to Dwr Cymru Welsh Water's assets. They confirm that they have reviewed the information submitted as part of this application with particular focus on drawing reference 16/056 AL (90) 05.
- 6.2 They advise that no foul drainage connection shall be made into the 1650mm public combined sewer crossing the proposed development site. The applicant 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](http://www.dwrcymru.com)
- 6.3 They do not envisage any problems with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 6.4 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 the address above. The applicant is also advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers)

Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 6.5 The **South Wales Police Crime Prevention Design Advisor** does not object although he has concerns regarding some aspects of the layout which could contribute to future crime and disorder issues. The basic layout is flats fronting onto the street with part under croft and rear courtyard parking. Parking is predominately overlooked by non-habitual rooms and under croft areas will have very limited or no natural surveillance as a result this development could be prone to crime and disorder problems as they will create unsighted accessible shelter areas, particularly as the rear courtyard area is not secure. He therefore makes a number of recommendations to mitigate against such risks:
- 6.6 Parking area is gated and enclosed with secure boundary fencing/walling at least 1.8m high;
- (i) A scheme of work for lighting parking area and under crofts is submitted to the local authority for approval;
  - (ii) All ground floor windows are compliant with PAS24:2012 (minimum acceptable security standards for domestic properties);
  - (iii) All main entrance /exit doors to individual apartments comply with PAS24:2012 (minimum acceptable security standards for domestic properties);
  - (iv) Main entrance to flats is fitted with an audio/visual access control system;
  - (v) All properties have external service meters;
  - (vi) Cycle storage area should be securely enclosed and have access control to ensure it is restricted to residents only;
  - (vii) Developers consider Secure By Design as this is a requirement for all social and affordable housing in Wales.
  - (viii) Secured by Design has been shown to reduce crime risk by up to 75%;
  - (ix) South Wales Police are happy to work with developers to achieve Secured by Design.
- 6.7 The **South Wales Fire and Rescue Service** advises that the developer should consider the need for adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

## 7. **REPRESENTATIONS**

- 7.1 **Councillors J Boyle and B Kelloway** have not been contacted by residents with any concerns, though they do note the one public comment online which raises worries about the impact on parking. They seek reassurances on this front, not least because Colchester Avenue is already a heavily parked road in those sections where parking is allowed. They worry that any overspill parking may work its way into Doe Close or Hammond Way, both of which would be undesirable. They are also concerned that the entrance to the parking area of the proposed development is so close to the Colchester Avenue/Hammond Way junction. This is likely to become an ever busier junction once the new

Howardian Primary School is built and the rest of the Howardian site developed as part of the Housing Partnership Program. Traffic flow is on the increase along Colchester Avenue and, while the development won't add significantly to that, there are valid concerns about access into and out of the new development. They would therefore like assurances in any report from officers that the development will not add to road safety concerns. They would like to know how a right turn into the development from traffic heading in the direction of Newport Road will be managed, especially so close to the junction mentioned above. It would be useful to have a traffic flow survey carried out and the implications of the new development considered in light of that survey before they could give their full-hearted support to the application. Without a satisfactory response in the officer's report, their stance on the desirability of the application would change.

- 7.2 As for the design itself, they feel it would be an improvement on the building to be demolished. They recognise the need for more housing, though they are slightly disappointed that the development is only for two-bedroom apartments. They feel there is a need in the city for three-bedroom apartments to provide space for growing families. Cardiff has a preponderance of studio and two-bedroom flats and they feel a shift to larger family-sized apartments is overdue. This may therefore be an opportunity missed.
- 7.3 Finally, the character of this stretch of Colchester Avenue (i.e. from the junction with Hammond Way to Newport Road) is changing. What was once industrial is now increasingly residential. However, this stretch of road does not have the aura of a residential street. It retains an industrial air. Part of this is because Colchester Avenue is an increasingly busy main road. However, part of it is because the public realm has been paid little attention. In particular, the area in front of the parade of shops and the Three Brewers pub lacks a sense of being a community space. We would therefore like to see a developer's contribution that could go towards improving the public realm in the immediate vicinity of the development, helping to establish a sense of community in this growing residential area.
- 7.4 The application was advertised by **press and site notice** on 5<sup>th</sup> January 2017 as a major application in accordance with Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).
- 7.5 The occupier of **104 Colchester Avenue** expresses concern about the parking facilities associated with the proposed development. As the flats are two bedroom flats, they will be suitable/appealing for couples and families. Any overflow parking (over and above the 20 spaces allocated) will potentially overflow onto Colchester Avenue where many existing houses do not have allocated parking. This will reduce the available street side parking currently available to existing residents, making it difficult for the existing residents to access their homes.
- 7.6 They are also concerned with the access road into the development, the design and access statement notes that the existing Cardiff Motor Company entrance

will be used. It appears from the 3D rendered perspectives that there isn't sufficient space for a car/two cars to pull in and wait for the gated access to automatically open. This will cause congestion on a very busy well used road.

- 7.7 As a resident they often walk up and down Colchester Avenue to the shops and bus stop and have not seen any visible notifications of the proposed development. In case they had missed anything, they have just walked down to the proposed site, around Doe Close and the Three Brewers Pub and they didn't see any notifications. It is their understanding that these are required to be publicly visible in obvious places, to give the local community the chance to review and comment on the proposals. Where and when were the local public notifications put up? From the application submitted, they note that there was an advert posted in the Western Mail, but don't feel that is sufficient notice for the local residents to have a chance to comment on the application as many don't receive this publication. It was only by chance that they came across this planning application.

## 8. **ANALYSIS**

### **Principle of Development**

- 8.1 It is noted that the site has previously benefited from planning permission for residential development. Although the previous permission, granted in 2006, has now elapsed, it remains a material consideration in the determination of this application and provides an indication that the site has potential for residential development.

### **Design and Appearance**

- 8.2 Mindful that the site is surrounded on three sides by the public highway and car parking areas, and noting the traditional and standard design solutions in the vicinity of the site, it is considered that this context provides an opportunity for a unique design solution. The contemporary design is considered to be visually striking that will enhance the local area.
- 8.3 Although at four storeys high it would be higher than the neighbouring buildings which are two and three storeys, the space around the site provides an appropriate context for the development. The scale is considered to be appropriate for this part of Colchester Avenue. It should be noted that the building steps down to three storeys near to the three-storey dwellings on Doe Close to the southeast.
- 8.4 The building is designed such that the overall mass is reduced through good articulation, use of different and features of interest including the use of full height windows which provides generous patterns of fenestration. In respect of materials, the application does not contain full details, although the use of Euroclad or Rockpanel has been confirmed for the wall cladding. A relevant condition is attached to secure details.

- 8.5 Regarding enclosures, the application is light on information. The introduction of a dwarf wall and hedgerow to the site frontage as shown on the artist's impressions, is a welcome feature, though final details will need to be agreed to ensure a robust enclosure that does not deteriorate quickly. Reservations remain regarding the erection of a white render dwarf wall. The existing site is surrounded by palisade fencing which is unattractive and unsympathetic to the surrounding locality. A relevant condition is attached to secure final details.
- 8.6 The development makes no provision for amenity space for future residents, except for the provision of balconies to 4 no. of the 19 no. apartments. Each of the balconies measures approximately 3.5 square metres. This aspect of the development therefore does not meet the expectations of the Residential Design Guide Supplementary Planning Guidance (January 2017) which advises that balconies should be a minimum of 5 square metres. An area of landscaping measuring approximately 105 square metres is proposed to the northwest corner though its use as private amenity space is questionable, given its position on the site frontage adjacent to the access to the car park and commercial uses. The provision of additional amenity space within the site must be balanced against other material considerations, including the provision of satisfactory car parking.

## Transportation

- 8.7 It is noted that the **Operational Manager, Transportation**, is satisfied with the amended site plan which shows the provision of 20 parking spaces within the site (1 no. space per apartment plus 1 no. visitor space) plus the provision of a turning area for delivery vehicles. The recessing of the roller shutter 4.8 metres into the site is also a welcome amendment in the interests of highway safety.
- 8.8 The additional tracking information has demonstrated that vehicles can access and egress the site in a forward gear.
- 8.9 It is considered that the positioning of the car parking at the rear is acceptable, enabling an active frontage to Colchester Avenue to be provided. The car park is well overlooked from the first and second floors, providing good natural surveillance.
- 8.10 In response to the concerns expressed by Councillors J Boyle and B Kelloway, the Operational Manager, Transportation, did not consider that further survey work was necessary to assess the impact of the development upon traffic flows along Colchester Avenue.

## Landscaping

- 8.11 The sewer easement crossing the northwest corner of the site places restrictions on land available for tree planting. The amended site plan shows the provision of 3 no. additional trees to the northwest, northeast and southeast corners of the site, avoiding the easement.

- 8.12 Concerns have been expressed by the Parks Officer regarding the impact of the development upon existing trees abutting the southwest site boundary. A condition is recommended to demonstrate how these trees will be protected during the course of the development.

### **Residential Amenity**

- 8.13 The Operational Manager, Pollution Control (Noise), considers that an assessment of the impact of traffic noise is required prior to the determination of this application. However, mindful that residential use has previously been established on the site and there are other relatively recent permissions for residential development fronting onto Colchester Avenue, it is considered that a condition to ensure the road traffic noise is satisfactorily controlled within the development will suffice.
- 8.14 The amended plans introduce secondary glazing to habitable rooms and bathroom windows at first and second floors to the southeast elevation. This elevation is within 10.5 metres of the side elevation of 1 Doe Close. The windows have been introduced to improve the visual appearance of the building when approaching the site from the southeast and is considered to be an acceptable amendment, subject to a condition ensuring the privacy of this neighbouring occupier is safeguarded.
- 8.15 The relationship of the three and four-storey building with the residential properties on Doe Close to the southeast is considered to be satisfactory. The site is to the northwest and therefore will not result in a loss of direct sunlight to the rear garden of 1 Doe Close. A communal parking area is located at the rear of 1 Doe Close, where No. 4 provides natural surveillance. The relationship is considered to be acceptable.

### **Third Party Representations**

- 8.16 The provision of three-bedroom apartments to make provision for families, as requested by Councillors Boyle and Kelloway, cannot be insisted upon; the application must be determined on its own planning merits. In any event, the two bedroom apartments in the scheme could be occupied by small families in any event.
- 8.17 Their request for a financial contribution towards the improvement of the public realm in the immediate vicinity of the site, particularly in front of the public house and shops, is noted. However, this land owned by a third party and is not adopted by the Council. Moreover, such a request is not considered meet the legal tests for contributions in this instance.
- 8.18 Concerning the publicity of the application, a site notice was displayed on 5<sup>th</sup> January 2017 on a lamppost on the site frontage.

## **Other Matters**

- 8.19 *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.
- 8.20 *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.
- 8.21 *Well-Being of Future Generations Act 2016* – 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.

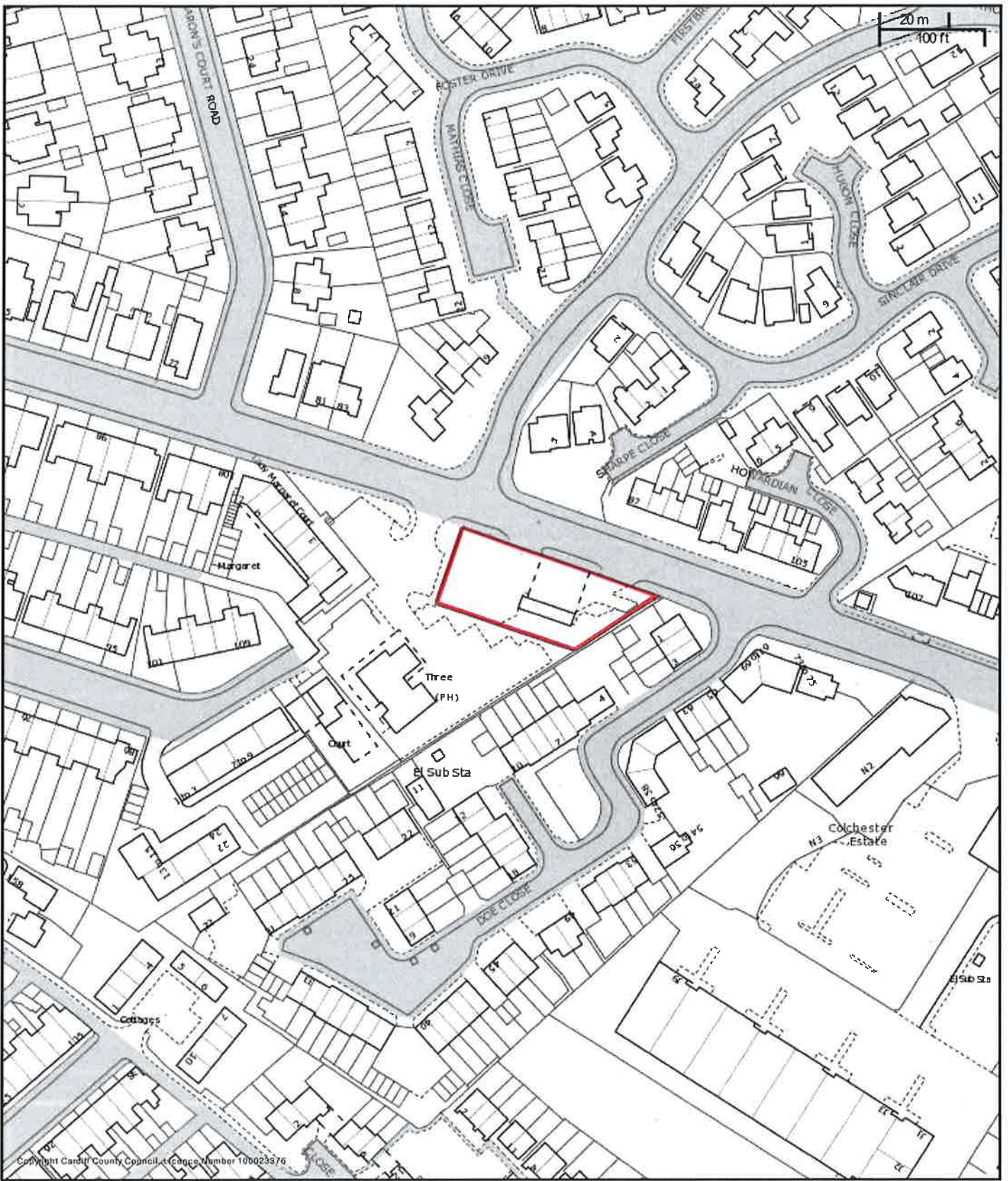
## **9. SECTION 106 AGREEMENT**

- 9.1 Local Development Plan Policies KP6 (New Infrastructure), KP7 (Planning Obligations), H3 (Affordable Housing) and C5 (Provision for Open Space, Outdoor Recreation, Children’s Play and Sport), and the Planning Obligations Supplementary Planning Guidance (2017) are relevant considerations. An independent viability appraisal of the development has been undertaken which concluded that the development can provide the following contributions and remain viable:
- (i) Affordable Housing – 20% on site provision in the form of Low Cost Home Ownership (4 no. units) for shared equity purchase at a price of 65% Open Market Value; and
  - (ii) Open Space - £35,484 towards the design, improvement and/or maintenance of existing open space in the Penylan Ward. The closest area of recreational open space is Hammond Way, with Waterloo Gardens, Roath Mill Gardens and Roath Brook Gardens also accessible.
- 9.2 These contributions are considered to meet the relevant tests for planning obligations. The applicant has confirmed through their agent that they are willing to enter into a Section 106 Agreement with the Council to secure these contributions.



10. **CONCLUSIONS**

- 10.1 The development will, in the view of officers, result in the provision of much needed housing, including affordable housing, in a high quality, contemporary development that will enhance this part of Colchester Avenue, a key thoroughfare in this part of the City.
- 10.2 Weighing all the material considerations in the balance, it is considered that the development should proceed, subject to relevant conditions and the completion of a Section 106 Agreement to secure the contributions identified in Section 9.



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 Tel: 029 20872000

**City of Cardiff Council**  
**Cyngor Dinas Caerdydd**



Title

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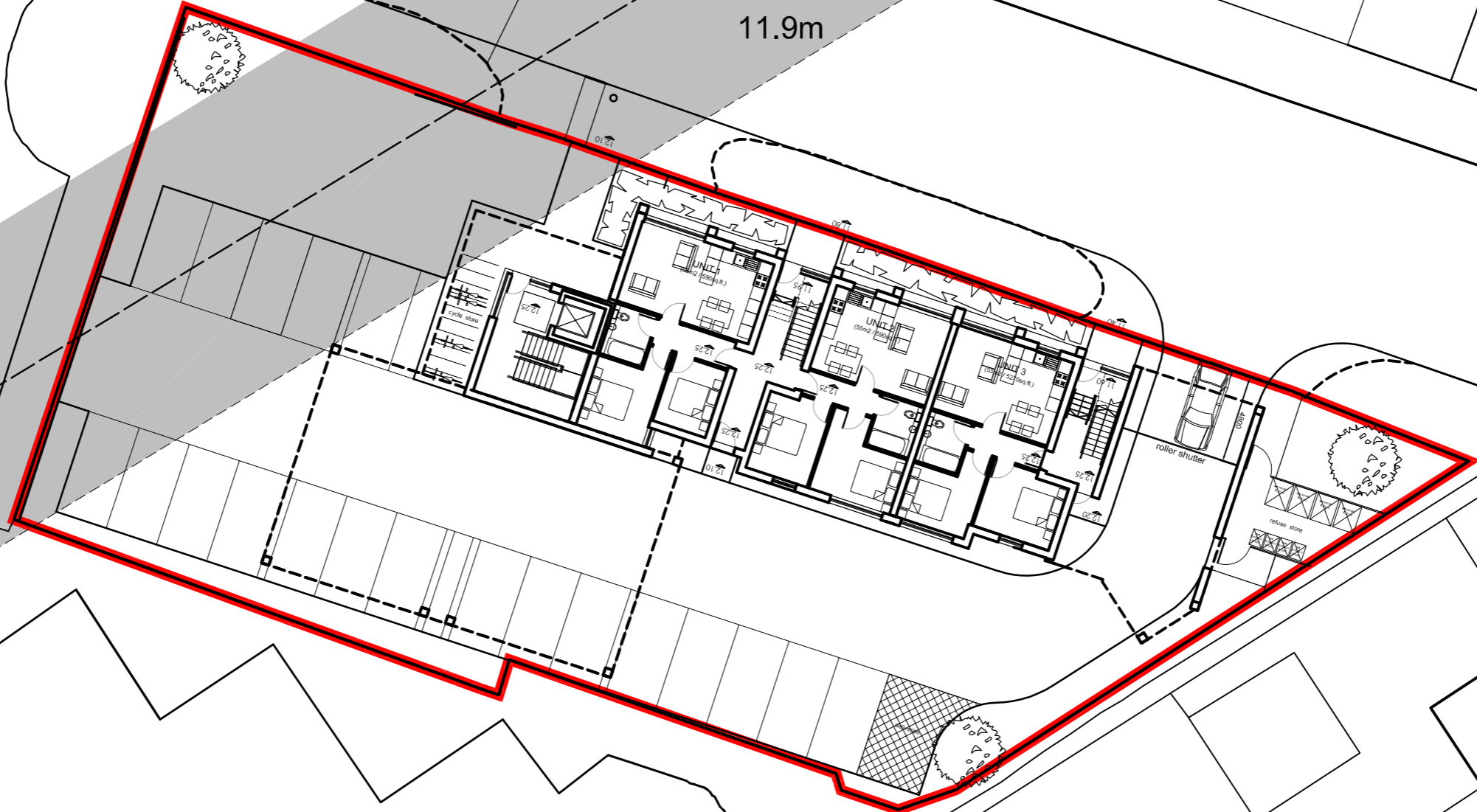
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Ordnance Survey 100023376 (2014).

Date	Drawn	Check	Description
09/02/17	***	***	Spot Levels and FF Levels Added, landscaping amended
21/03/17	***	***	Amended as per planners comments
27/03/17	***	***	Tree Included to rear

87

11.9m

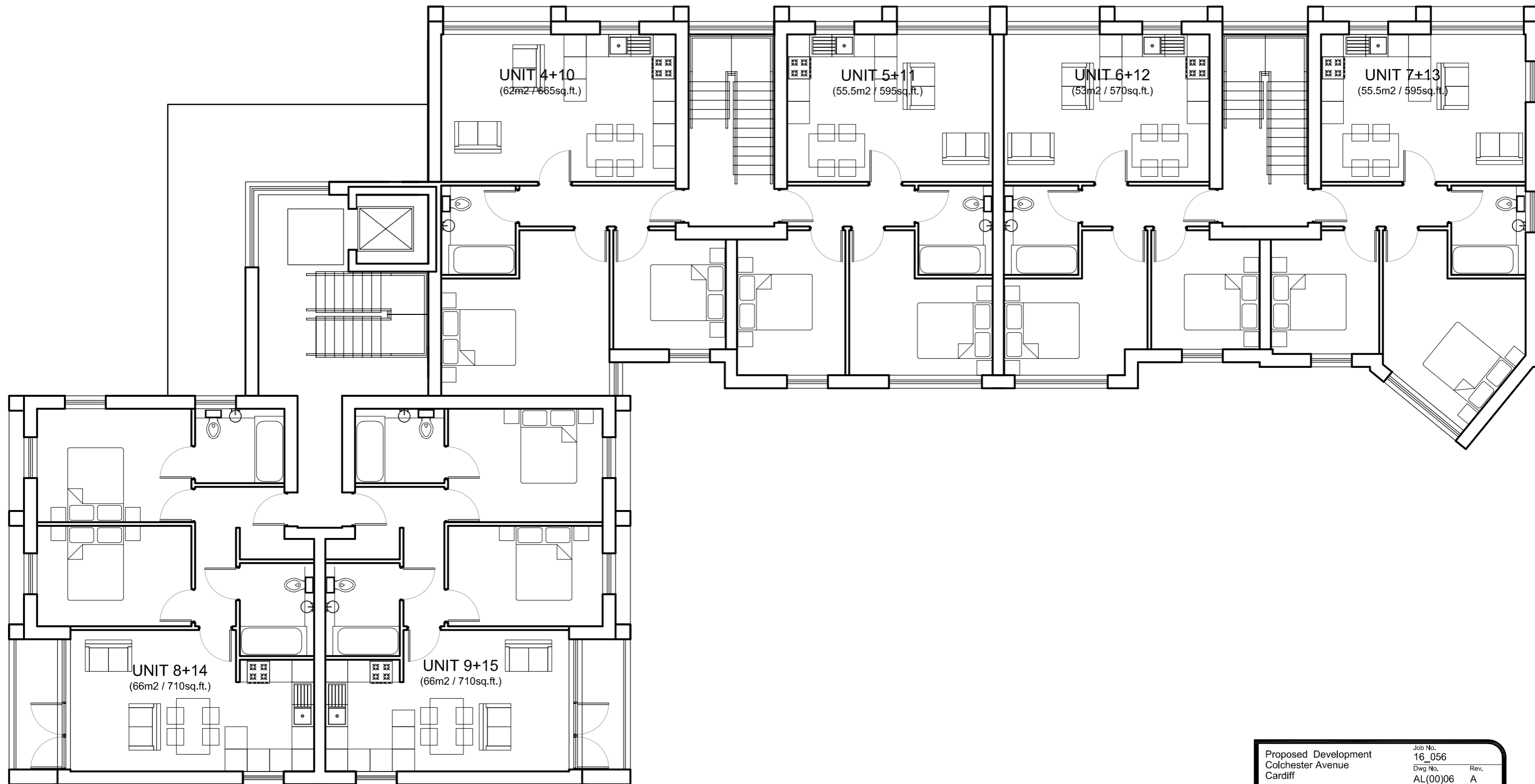


The  
Three  
Brewers  
(PH)

Proposed Development Colchester Avenue Cardiff	Job No. 16_056	Rev. C
Title Proposed Site Plan	Dwg No. AL(90)05	
Date 12/09/16	Drawn IWJ	Scale 1:250 @ A3

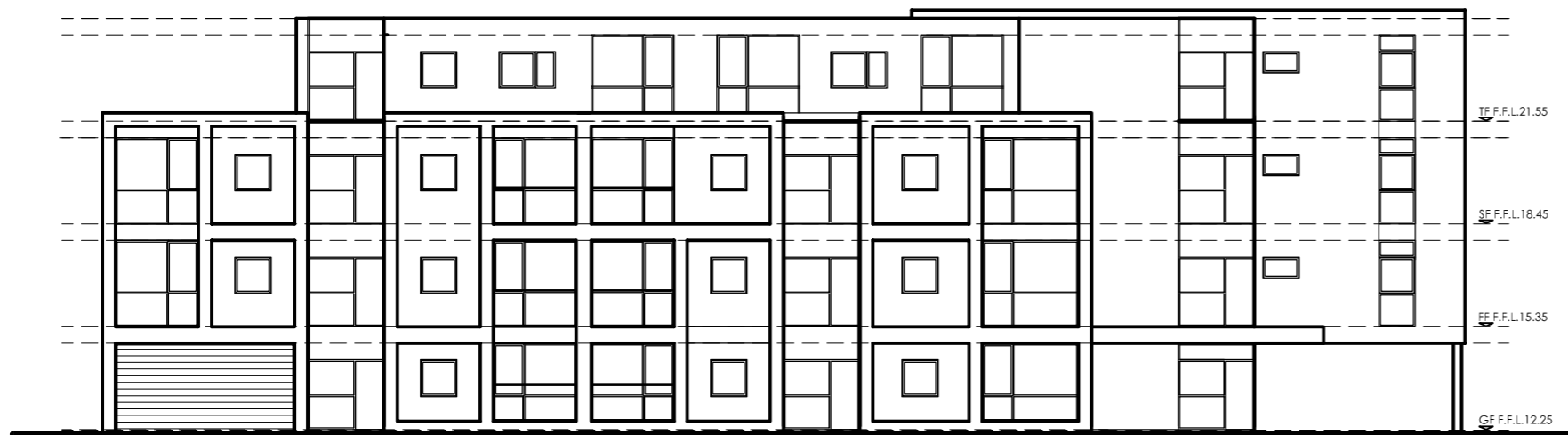
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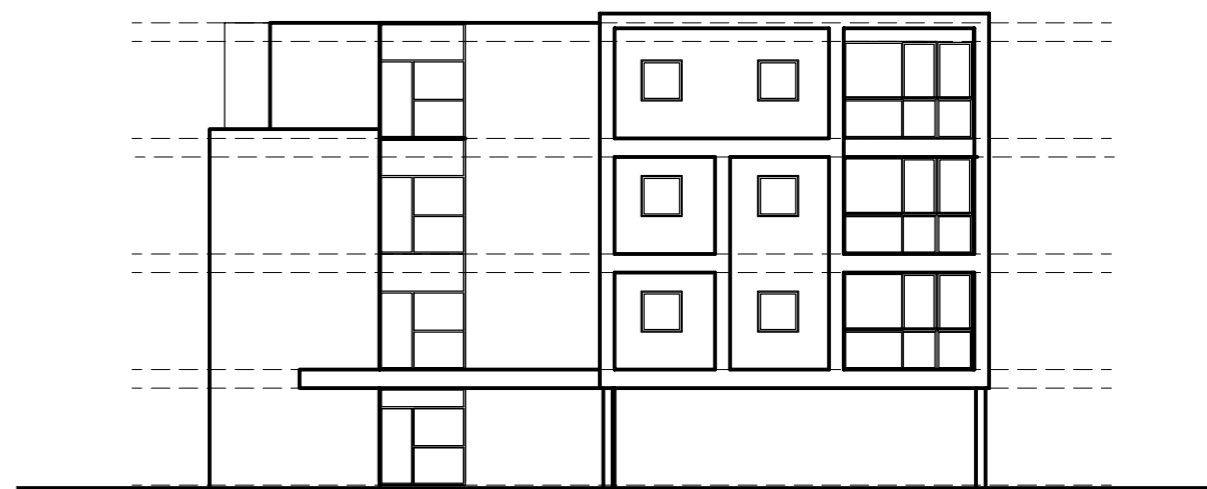


# FIRST AND SECOND FLOORS

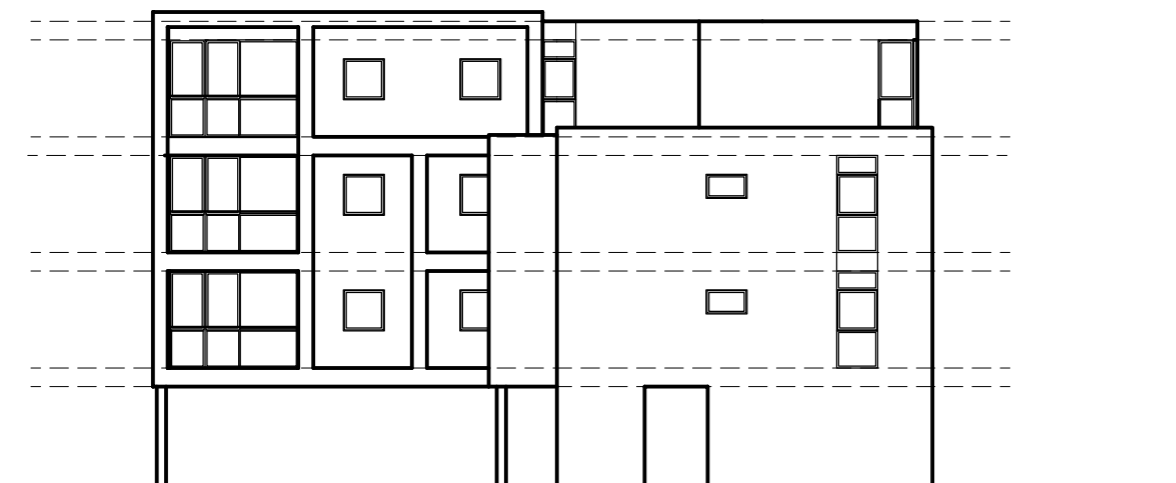
Proposed Development Colchester Avenue Cardiff	Job No. 16_056	Rev. A
Title Proposed First and Second Floor		
Date 12/09/16	Drawn IWJ	Scale 1:100 @ A3
		
<small>Unit 1A, Compost Business Park, Fochs Road, Cardiff, CF24 5HL www.c.jarchitects.co.uk tel: 029 20452100</small>		



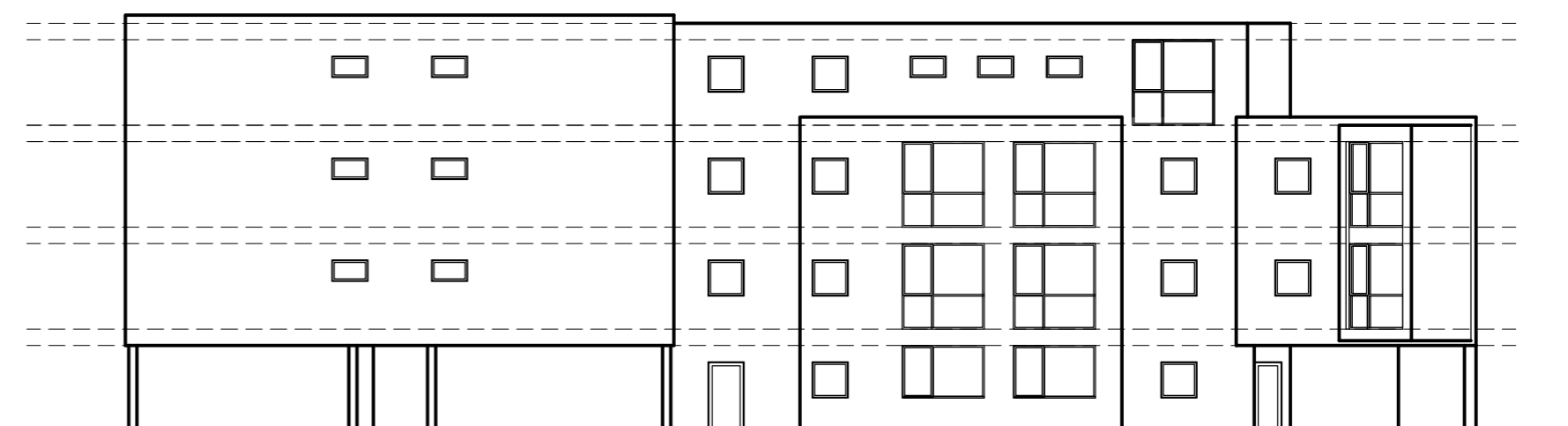
FRONT ELEVATION




R/H SIDE ELEVATION



L/H SIDE ELEVATION



REAR ELEVATION

Proposed Development Colchester Avenue Cardiff		Job No. 16_056	Rev. A
Title Proposed Elevations		Dwg No. AL(00)08	
Date 12/09/16	Drawn IWJ	Scale 1:200 @ A3	
		Architects · Town planners Environmental & Urban design	
<small>Unit 1A, Compass Business Park, Fochtye Road, Cardiff, CF24 5HL</small>		<small>www.c-jarchitects.co.uk tel: 029 20452100</small>	