COMMITTEE DATE: 21/06/2017

APPLICATION No. 16/02994/MJR APPLICATION DATE: 20/12/2016

ED: **GRANGETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: J G Hale Construction

LOCATION: 162-168 PENARTH ROAD, GRANGETOWN, CARDIFF, CF11

6NJ

PROPOSAL: REDEVELOPMENT TO PROVIDE 19 NO. RESIDENTIAL

DWELLINGS. ONE COMMERCIAL UNIT AND ASSOCIATED

WORKS

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, or otherwise under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.9 of this report, planning permission be **GRANTED** subject to the following conditions:

- 1. C01 Statutory Time Limit
- 2. This consent relates to the following approved plans and documents:

Plans

(90)001

(SK) 001; 002; 003; 004C; 005C; 006C; 007C; 008B and 009

16-659/200A1/1.1

TDA.2250.01

Documents

Asbri Design & Access Statement dated November 2016

Asbri Planning Statement dated November 2016

Asbri Pre-Application Consultation Report dated December 2016

ESP Flood Consequences Assessment rev. 1 ref: 6363s.2663

TDA Landscape Specification and Management Plan dated December

2016

Terra Firma Geotechnical & Geo-Environmental Report ref: 13829 Richard Watkins Ecological Site Induction and Working Method for Works dated 07 November 2016

Reason. For the avoidance of doubt.

3. The residential and commercial refuse storage facilities shown on the

approved plans shall be provided prior to the beneficial use of the development and shall thereafter be retained and maintained. Reason. To ensure an orderly form of development.

4. Following completion of the ground gas 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 LPA. 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. Post demolition and prior to the commencement of the construction of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must 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) not required
- (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.

6. Post demolition and prior to the commencement of the construction 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 must 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 procedures Agency's 'Model for the Management Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation. Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. The remediation scheme approved by condition x (PC14B above) must 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 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.

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

9. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved

in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

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

10. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site 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 LPA.

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

- 11. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
- 12. Prior to 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:

- an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leg 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

- 13. Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
- 14. The finished floor level of the ground floor commercial and residential floorspace shall be set at or above 7.4m AOD.

 Reason. To reduce the risk of flooding to the proposed development.
- 15. No development (excluding demolition) shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- 16. The ground floor commercial unit shall be used for purposes within Use Class A1(Shops) of the Schedule to the Town & 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). Reason. For the avoidance of doubt and to ensure that the use does not prejudice the amenities of the area.
- 17. In respect of the ground floor commercial unit hereby approved, no member of the pubic shall be admitted to or allowed to remain on the premises between the hours of 20:00 and 08:00 on any day.

Reason: To protect the amenities of adjacent occupiers.

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 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 license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4: That the applicant be advised that the highway works condition and any other works to existing adopted public highway are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 5: That the applicant be advised that foul and surface water discharges shall be drained separately from the site and land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

1. <u>DESCRIPTION OF PROPOSED DEVELOPMENT</u>

- 1.1 A full application for the residential redevelopment of a quadruple fronted ground floor retail premises, with residential floorspace to the first floor, including the redevelopment of a detached building to the rear of the site, the provision of refuse and cycle storage facilities and the creation of courtyard amenity space.
- 1.2 The proposed development will be of a mainly 2.5 to 3 storey pitched roof design, with a ground floor commercial unit (approx. 129sqm) having a flat roof area to the Penarth Road frontage. The residential accommodation above comprises a standard first floor design, with the second floor being partially in the roofspace.

The layout is broadly L shaped, wrapping around the corner into North Street.

The corner elements (Penarth Road/North St and North St/Thomas St) are slightly taller, with the second floor contained below the roof, which is pitched, with hipped ends. There are dormer windows to the areas of 2.5 storey height, on the Penarth Road and North Street frontages.

1.3 To the Thomas Street frontage, there is a single storey pitched roof flat, adjacent to the corner element. The site extends outwards at this point and takes in an enclosed refuse and cycle store and a redeveloped 2 storey pitched roof outbuilding which forms a further two flats, the ground floor fiat benefiting from a small private amenity area. These detached flats are connected to the two stores by a boundary wall and railing, creating a secure area that will also access the communal co9urtyard amenity space.

The rear elevations of the main building benefits from balcony access around the courtyard area, with the main access point for the main flat accommodation on Penarth Road.

- 1.4 The proposed flats comprise 5no. 2 bed units and 14no. 1 bed, with 2x ground floor units being designed specifically for disabled residents.
- 1.5 The proposed buildings are to be finished in a combination of facing brick and render, with Upvc rainwater goods, window frames and soffits. The courtyard amenity area includes limited soft landscaping.
- 1.6 The development proposals are presented as being 100% 'affordable' units, intended for use by a Registered Social Landlord

2. **DESCRIPTION OF SITE**

2.1 The site is approx. 850sqm in area, accommodating two storey pitched roof and

two storey flat roof buildings to the Penarth Road frontage and corner to North Street, with a single storey flat roof building taking up all of the space to the rear. The current main building is finished in a combination of facing brick, render and black painted stone/brick.

- 2.2 The application site includes an area of land to the rear (on Thomas Street) that is currently outside the building curtilage. In addition, the site includes a two storey pitched roof building that is currently in a very poor state of repair.
- 2.3 The area around the application site comprises the remainder of the commercial premises fronting Penarth Road to the east, A former public house now converted to flats to the opposite site of North Street, with further 3 storey flats behind, and two storey dwellings to the opposite side of the Thomas Street area.

To the opposite side of Penarth Road there are 2 storey terraced dwellings.

3. **SITE HISTORY**

3.1 No relevant history.

4. **POLICY FRAMEWORK**

- 4.1 The site is located with the Penarth Road/Clare Road District Centre as identified in the adopted Local Development Plan 2006-2026.
- 4.2 The relevant Local Development Plan Policies are:

KP5 Good Quality and Sustainable Design

KP7 Planning Obligations

H2 Conversion to Residential Use

EN14 Flood Risk

T5 Managing Transport Impacts

W2 Provision for Waste Management Facilities in Development

4.3 The following Guidance was supplementary to the development Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters:

Access, Circulation and Parking Standards 2010 Infill Sites 2011

In addition to the above, the following new Supplementary Planning Guidance is also relevant:

Locating Waste Management Facilities Jan. 2017 Planning Obligations Jan. 2017

5. INTERNAL CONSULTEE RESPONSES

5.1 The Transportation Manager has no objection, making the following comments:

Though no off-street parking is proposed to serve the new flats I consider that this is acceptable in this instance mindful of; the very sustainable location with ready access to shops/services/public transport etc, the fact that this is a Housing Association development with associated lower levels of car ownership among residents, the existing retail use, and the availability to the rear on North Street of a number of communal available parking spaces. I note also that adequate provision is to be made for cycle parking.

I'd therefore have no objection subject to a condition relating to the provision of cycle parking within a lockable structure.

- 5.2 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.3 The Waste Manager indicates that the refuse storage facilities shown on the submitted plans are acceptable, but advises the applicant that additional capacity may be required in future.
- 5.4 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contaminated land issues, with further contaminated land advice.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of traffic noise and plant noise, with further advice in respect of construction site noise.
- 5.6 The Regeneration Manager has been consulted and no comments have been received.
- 5.7 The Parks Manager has no objection, subject to a financial contribution towards the design, improvement and/or maintenance of public open space in the vicinity of the site, making the following comments:

Open Space Provision

These comments relate to the current 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 which set the Council's approach to open space provision.

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, I have calculated the additional population generated by the development to be **27.2**. This generates an open space requirement of **0.0661 ha** of on-site open space based on the criteria set for **Housing accommodation**, or an off-site contribution of **£28,221**. I enclose a copy of the calculation

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.

The use of S106 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.

In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.

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 Sevenoaks Park, Grange Gardens and Coronation Park.

- 5.8 The Air Quality Officer has no objection, subject to the imposition of a condition relating to dust mitigation during demolition works.
- 5.9 The Housing Strategy Manager has no objection, commenting that the development of the site for 100% 'affordable' housing is welcomed.
- 5.10 The Neighbourhood Renewal Manager (Access) has been consulted and no comments have been received.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage.
- 6.2 Natural resources Wales have no objection, subject to a condition requiring the finished floor level at ground floor is set at 7.4m AOD.
- 6.3 South Wales Fire & Rescue Service have provided advice that has been passed to the agent.
- 6.4 South Wales Police have been consulted and no comments have been received.

7. **REPRESENTATIONS**

- 7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures. No comments have been received.
- 7.2 Local Members have been consulted.

Councillor Awan sent an email to the agent dated 21 February 2017, seeking clarification of the current and proposed car parking situation and the point of access to the development. Councillor Awan has made no representation in respect of this application.

Councillor Lynda Thorne made the following comments following the resolution of Planning Committee on the 12th April :

Further to my objection at the last Planning Committee I have considered the response from the developers agent and will not be objecting further to this application.

The main points that I raised were not just in relation to this application but in relation to all applications for social housing particularly in relation to allowing permission with no parking provision at all. I would request that officers in preparing new /revised parking standards consider the issue of parking provision for different types of social housing differently.

8. ANALYSIS

- 8.1 A full application for the redevelopment of a quadruple fronted ground floor retail premises, with residential floorspace to the first floor, to provide 19 'affordable' flats, with a smaller ground floor retail unit to the Penarth Road frontage.
- 8.2 The application was deferred by Committee on the 12th April in order to consider potential grounds for refusal of consent based on incongruousness and overdevelopment.
- 8.3 In terms of the policy implications of the proposals, the application site falls within Penarth Road/Clare Road District Centre as defined by the Adopted Local Development Plan proposals map and should therefore be assessed against Policy R4 which aims to promote and protect the shopping role of district centres while supporting a mix of appropriate uses. Policy R4 aims to promote and protect the shopping role of district centres and favours retail, office, leisure and community facilities within District Centres. Criterion (iv) permits proposals for uses other than Class A1 at ground floor level if they would not cause unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages.

Paragraph 5.273 of the supporting text recognises that the provision of

residential accommodation at upper floors within centres can support their vitality, attractiveness and viability.

Whilst the proposed development will result in the loss a large retail unit, the application incorporates a new commercial unit at the ground floor frontage to Penarth Road which will maintain an active frontage in this district centre location and positively benefit the vitality and viability of the frontage. In addition the provision of residential accommodation in the centre would increase footfall and contribute to the centre's vitality and viability.

Assessed against this policy framework, the proposal raises no land use policy concerns.

8.4 In terms of design, pre-application discussions have taken place with the developer/architects which have resulted in the design of the proposed scheme being of a scale, form and layout broadly acceptable from a Placemaking perspective.

While the ridge and eaves height of the proposed building would be slightly higher than that of the neighbouring terraced properties, this additional height is considered acceptable within the context of the street scene, given the evident variety in the roofscape along this particular stretch of the street, and given the corner location of the plot.

The front elevation of the proposed building would be largely consistent with that of the existing building frontages. The commercial element proposed would project out as far as the pavement at ground floor level with the upper floors set back in line with the rest of the terrace. The non-commercial corner element of the building, turning the corner between Penarth Road and North Street, would sit on the edge of pavement thereby giving some presence to the building here.

The North Street elevation of the proposed development would represent a significant enhancement on the building currently abutting the street. It is also of note that the general appearance of the proposals to this elevation are reflective of the situation to the former public house on the opposite side of North Street.

Dormer windows are a characteristic feature along this part of Penarth Road and therefore their inclusion within the proposed buildings design is considered acceptable.

- 8.5 The detached building at the rear of the site would sit on largely the same footprint as that of the existing building on this part of the site. As such, it would have no greater impact on the surrounding built form than currently exists. This building would be subdivided into two flats with the ground floor flat benefiting from a small area of external amenity space. The proposed building would represent a visual enhancement of the area, given the poor state of the existing structure.
- 8.6 Negotiations have taken place over the positioning and design of the bin and

bike stores in order to reduce their prominence, improve ease of access for refuse collection and improve security of the bike store. The stores form part of the boundary to the rear of the site, with a link wall and railings between the cycle store and the detached flats, with a 1.8m high railing gate serving as a controlled secondary access point between the refuse store and flat no. 5.

- 8.7 The amenity space provision associated with the proposed development is of a limited size for the number of unit proposed. However, given that the application is for 14 one bed and 5 small two bed flats; as well as being located within a short walk of a large park, it would be difficult to sustain an objection to the proposal on this basis alone. The rear wing of the building, being single storey, would also mean that the amenity space provision would receive an appropriate level of sunlight whilst not feeling overly enclosed/oppressive.
- 8.8 The inclusion of a commercial premises at ground floor is welcomed as this will aid in supporting the commercial viability of the district centre within which the site/building is located. The inclusion of a pedestrian access direct from Penarth Road into the residential accommodation is also welcomed. This would create vitality and interest within the street while eliminating the requirement for residents to access the building solely from the rear along a quieter route with less surveillance.
- 8.9 S106 matters The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Parks – A contribution of £28,221 is requested towards the maintenance/provision of open space in the vicinity of the site.

In addition to the above, it is recommended that the residential units hereby approved are to be used as 'Affordable' dwellings, for social rented accommodation only is secured through any legal agreement made.

8.10 Having reviewed the webcast of the Committee meeting of the 12th April, and having regard for the matters discussed at that meeting, the agent has submitted the following information in support of a positive resolution:

As you're aware, Asbri Planning are acting as agent to J G Hale Construction Ltd regarding the submission of a full planning application for the development of 19 no. residential dwellings, one commercial unit and associated works at 162-168 Penarth Road, Grangetown, Cardiff which was considered at planning committee on the 12th April 2017. Despite there being officer support for the application, subject to relevant parties entering into a binding planning obligation, or otherwise under Section 106 of the Town and Country Planning Act 1990, the application was considered at committee where members voted 4 votes to 3 to defer the application in order for officers to compose a reason(s) for refusal.

Despite not explicitly objecting to the proposed development, Cllr Linda Thorne expressed her concern with the accumulation of developments within town centre areas in Cardiff that were being delivered with zero parking. This

concern was then expressed by other Planning Committee Members when the application was being debated.

When it came to the vote, the Chair of Planning Committee did not ask if anyone would put the application forward for approval as per the recommendation and instead they went straight to a vote. When the vote came out at 4 votes to 3 to refuse, the Chair realised that they did not have a stated reason for refusal and the members that voted against it were not forthcoming with solid reasons for refusal. Cllr lona Gordon therefore suggested that the application should be deferred for officers to compose reasons for refusal based on Member concerns about overdevelopment and parking, although in respect of parking she suggested that that ground may be weak. The application was therefore deferred until the next planning committee meeting (21st June) where the application will be debated again before deciding whether to refuse or to approve.

In light of the previous determination, we are aware that the planning committee will now decide whether the previous grounds for refusal are sufficient to refuse the application. As such, I write to detail how there are no grounds for the planning application to be refused as it is fully in accordance with national and local policies and the above reasons hold limited weight when assessed against these policies.

Outlined below is a summary of how each potential reason for refusal that was suggested at the previous planning committee accords with relevant policies and how the application should not be refused on these bases:

Refusal on parking grounds

As detailed within the planning submission, pre-application discussions with Cardiff Council (Ref no. PA/16/00047/MJR) established that, given the sustainable location of the site within a defined district centre, immediately adjacent to a 'central area' and the fact that the development is for a 100% affordable housing scheme, no off-street car parking would be required.

Furthermore, as you rightly pointed out during the previous planning committee, Highways advised in their consultation response that they had no objection to the scheme, as proposed. The full response of the Highways officer to planning application 16/02994/MJR is as follows:

"Though no off-street parking is proposed to serve the new flats I consider that this is acceptable in this instance mindful of; the very sustainable location with ready access to shops/services/public transport etc, the fact that this is a Housing Association development with associated lower levels of car ownership among residents, the existing retail use, and the availability to the rear on North Street of a number of communal available parking spaces. I note also that adequate provision is to be made for cycle parking. I'd therefore have no objection subject to a condition relating to the provision of cycle parking within a lockable structure."

As noted, the site is situated in a high sustainable location close to existing facilities and public transport and the scheme is for 100% affordable housing which has a typically lower level of car use. Below is a table which illustrates exactly how sustainable the site is:

Distance from site (approx.)	Facility	Notes
0m	Penarth Road/Clare Road District Centre	This District Centre is defined by all extant and emerging development plans
50m	Bus stops on Penarth road	Cardiff Bus services 8, 9 and 9a accessible within this distance
200m	Grangetown Railway Station	Local railway station with 8 trains per hour to Cardiff Central. Other services to stations including Merthyr Tydfil, Penarth, Barry and Bridgend
1.1km	Cardiff Central and edge of city centre	Central train and bus station for the city. Also marks edge of Central Business District

In line with the highway officer's comments, please note that cycle storage is provided at a minimum rate of one space per apartment/dwelling, in a covered cycle parking area located to the rear of the site. Again, the location of this facility has been agreed during pre-application discussions.

Therefore, as officers advised at pre-app stage and during the course of the application that zero parking was acceptable and in-line with the SPG, it is considered that there is no ground to refuse the planning application, based on parking provision.

Refusal on grounds of overdevelopment and scale

In terms of density/overdevelopment, again, officers raised no objections on this basis. The site measures approximately 0.1ha so the development of 19 flats equates to a density of 190 dwellings per hectare. Whilst this is relatively high, it is not excessively high given that national and local policy states that "Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport." (PPW). Penarth Road is a busy public transport corridor and the site is located within walking distance of the shops and facilities along Penarth Road/Clare Road and indeed the City Centre. It could hardly be more sustainable (as evidenced in the table, above).

In terms of scale, the existing building is 2 storey in height, whilst the proposed building is 3-storey at the corner of Penarth Road/North Street, then steps

down slightly to 2.5-storey with the upper floor featuring dormers. This reflects 2.5 - 3 storey development on the opposite side of Penarth Road and North Street and with lower floor to ceiling heights, the scheme is not significantly higher than the existing building and certainly not to the extent that it is out of character with the area. This is reflected in the officer report which states;

"...pre-application discussions have taken place with the developer/architects which have resulted in the design of the proposed scheme being of a scale, form and layout broadly acceptable from a Placemaking perspective."

This letter echoes your assessment of the development as, whilst the ridge and eaves height of the proposed building would be slightly higher than that of the neighbouring terraced properties, this additional height is considered acceptable within the context of the street scene, given the evident variety in the roofscape along this particular stretch of the street, and given the corner location of the plot.

Furthermore, the front elevation of the proposed building would be largely consistent with that of the existing building frontages. The commercial element proposed would project out as far as the pavement at ground floor level with the upper floors set back in line with the rest of the terrace. The non-commercial corner element of the building, turning the corner between Penarth Road and North Street, would sit on the edge of pavement thereby giving some presence to the building here.

As such, it is clear that the development of the site would not be out of character and the scale and density of developments are wholly acceptable considering the site's location and the promotion of higher density developments within such sustainable areas.

Refusal on grounds of design

Despite not being referred to as a potential reason for refusal at the previous planning committee, this letter will establish how there is, again, minimal grounds to which local members can refuse the application on design terms. The proposed development of the site has been subject to extensive pre-application discussions with both yourself and the design and place making team at Cardiff Council and it was agreed that the form and layout, as proposed were considered acceptable, in accordance with the local policies contained within the adopted Local Development Plan. The materials have been consciously selected in order to introduce a modest yet contemporary and high quality design to the street scene, with particular consideration to the existing architectural features within the built form, including the addition of dormer windows which are a characteristic feature along this part of Penarth Road. Accordingly, it is considered that the architectural approach and the design of the development is to be commended as a quality solution, enhancing the local vernacular, in line with the aspirations of local development plan policies.

Refusal on grounds of the principle of development in terms of land use planning policy

Similarly to the above, the principle of development was not questioned by committee members, however it is considered prudent to reiterate that the location of the site, within the defined settlement boundary for Cardiff means that the principle of development is considered to be acceptable and there should be no reason to refuse on this ground. The redevelopment of brownfield sites within sustainable location is supported by both national and local policies with Paragraph 9.2.8 of PPW in particular advocating a search sequence which starts with the re-use of previously developed land and buildings within defined settlements. There is no defined land use specified for the site, so its demolition and redevelopment for residential purposes is considered wholly appropriate.

Refusal on grounds of loss of retail land

Despite the demolition of the existing retail unit at ground floor, the development will include a new, purpose built commercial unit at ground floor which will maintain an active frontage along the Penarth Road/Clare Road District Centre whilst the flats above will create footfall and contribute to the vitality and viability of the street scene. It must be noted also that the current FA Jones unit is vacant and there is already a business which is waiting to occupy the new unit at ground floor. In the officer report to committee, it is stated that when assessed against the most pertinent policy (Policy R4 of the LDP) the development raises no land use policy concerns. We concur with your assessment.

Reasons for Approval

Notwithstanding the above reasons, the positive approval of this planning application, in line with your original recommendation would bring forward a sustainable site within a defined district centre for much needed affordable housing. The planning application demonstrates that the site can be delivered, as proposed, with no identified constraints. The application has been subject to an assessment on all matters raised at pre-app response, all of which confirming that there are no reasons for its refusal. Furthermore, the application has been prepared in accordance with Part 1 Section 2F of the 2016 Order requires that all major planning applications have been subject to pre-application consultations with local residents, local councillors and ward members and all relevant specialist consultees (we also consulted with all internal consultants within Cardiff Council for completeness). pre-application consultation report, submitted as part of the submission confirms that there were no objections from any of the above in regards to the proposed development.

In terms of housing supply, Welsh Government, through PPW TAN 1 requires that all Local Planning Authorities must maintain a 5 year supply of housing land. The most recent Joint Housing Land Availability Study (JHLAS) (April 2016) shows that Cardiff have only 3.8 years' worth of deliverable housing land, which is therefore significantly below the required 5 year supply.

TAN 1 emphasises that new home building is essential in Wales, not only to meet the growing need for housing, but also as an important driver of economic development and job creation. The Welsh Government sees planning becoming an enabler of appropriate development that supports national, local and community objectives, including the delivery of new homes. Furthermore, TAN 1 also states that where Authorities cannot demonstrate a 5-year supply of land, the need to increase housing land supply should be given 'considerable' weight in the determination of planning applications, provided that all other material considerations are adequately satisfied. All other considerations have been satisfied within the planning submission.

In order to properly contribute to the 5-year housing land supply, PPW (Para. 9.2.3) insists that sites must be "genuinely available or will become available" for development within 5 years and further that they should be "free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development." With this in mind, the site has been purchased by Taff Housing Association, therefore, the site can be delivered and fully occupied in the short-term, and the planning application clearly indicates that it is free from any physical constraints. Planning, therefore, is the only remaining constraint to the site being developed for 19 no. affordable housing.

In terms of housing need and specifically affordable housing, Cardiff's most up-to-date Local Housing Market Assessment Update 2015 (LHMA), identifies a need for 10,006 affordable dwellings per year in Cardiff. Furthermore, figures from the Housing Team at Cardiff Council confirms that a total of 8,642 applicants are on the combined affordable housing waiting list with a need for 634 one-bed properties and 433 two-bed properties within the ward of Grangetown. There is, therefore, a clear need for affordable housing within the area and the positive determination of this planning application would assist in bringing forward much needed housing within a sustainable, brownfield location, in compliance with Policy KP16 of the adopted Local Development Plan.

Taking all of the above into consideration, the positive determination of planning application 16/02994/MJR and the subsequent delivery of 19 no. affordable dwellings at the vacant site of the former FA Jones premises would undoubtedly assist in the delivery of much needed affordable housing within the area. There are no reasons for the refusal of the application, as evidenced within this letter, as parking and overdevelopment are in accordance with the policies contained within the adopted Local Development Plan and Supplementary Planning Guidance and there are no objections from either yourself or the Highway and Placemaking team on these grounds.

For the above reasons we respectively request that the planning application for 19 no. residential dwellings, one commercial unit and associated works at 162-168 Penarth Road, Grangetown, Cardiff is approved at the next planning committee on the 21st June.

made the additional following comments:

Further to my objection at the last Planning Committee I have considered the response from the developers agent and will not be objecting further to this application.

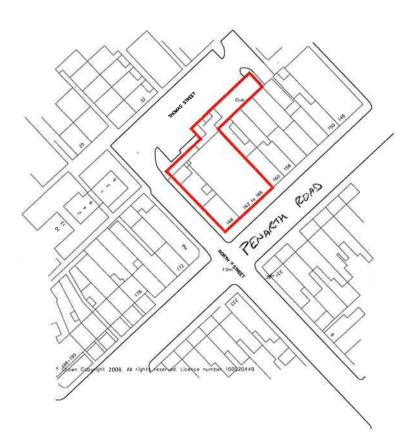
The main points that I raised were not just in relation to this application but in relation to all applications for social housing particularly in relation to allowing permission with no parking provision at all. I would request that officers in preparing new /revised parking standards consider the issue of parking provision for different types of social housing differently.

- 8.12 In light of the above, and having regard for adopted planning policy guidance it is recommended that planning permission be granted.
- 8.13 Should Members be minded to refuse planning permission, in accordance with the resolution of the 12th April 2017, the following is offered as a possible reason:

The proposal represents an incongruous over-development of the site by reason of its design, scale and massing which fails to respond appropriately to local character and context, causing unacceptable harm to the amenity of the area, contrary to the provisions of policy KP5(i), KP5(x) and H6(ii) of the adopted Cardiff Local Development Plan 2016, paragraph 9.3.3 of Planning Policy Wales (Edition 9, November 2016), and Planning Policy Wales Technical Advice Note 12 'Design', March 2016.

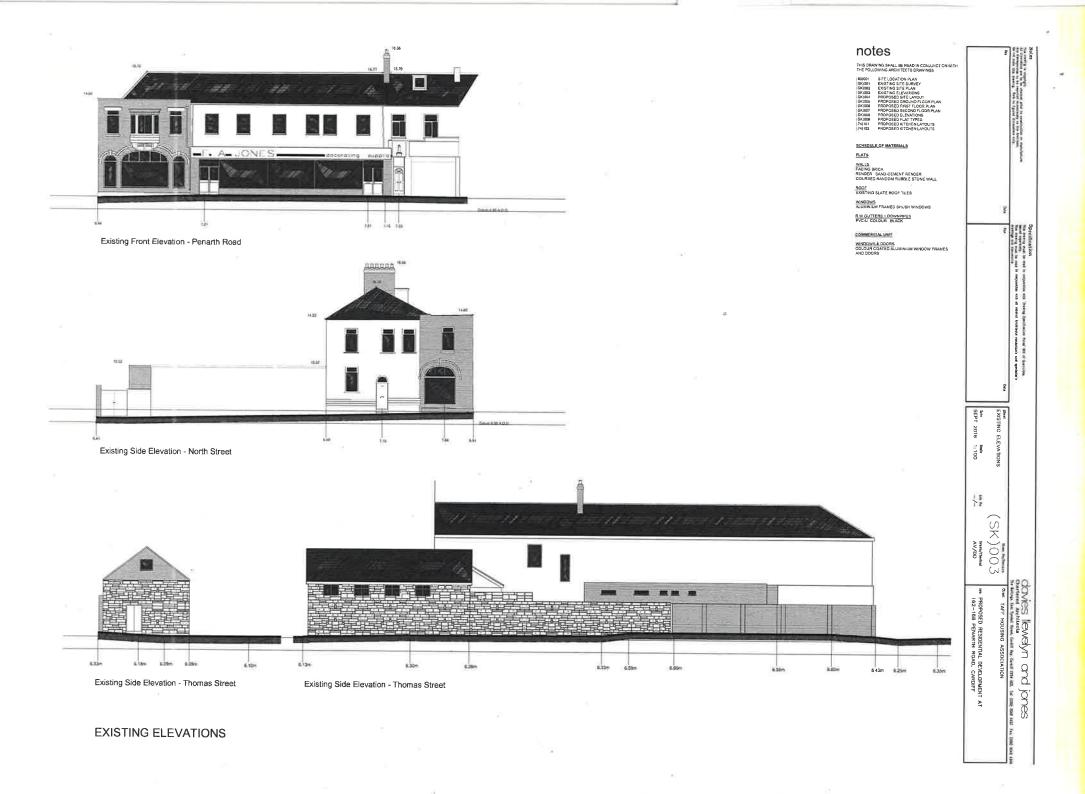
Notes This drawing is copyright. All dimensions are to be checked prior to construction or manufacture. Any discrepencies to be reported immediately to the Architect.			davies leweyn and jones Chartered Architects The Mallinga, East Tyndall Street, Cardiff Bay, Cardiff CP1 5EA, Tel: (020) 20464433 Fax: (020) 204644346	
Sheet SITE LOCATION PLAN Sheet 1		Sheet No/Revision (90)00	Client TAFF HOUSING ASSOCIATION	
Date DEC 2016	Scale 1: 1250	Drawn/Checked WM/DD	Job PROPOSED RESIDENTIAL DEVELOPMENT AT 162-168 PENARTH ROAD, CARDIFF.	

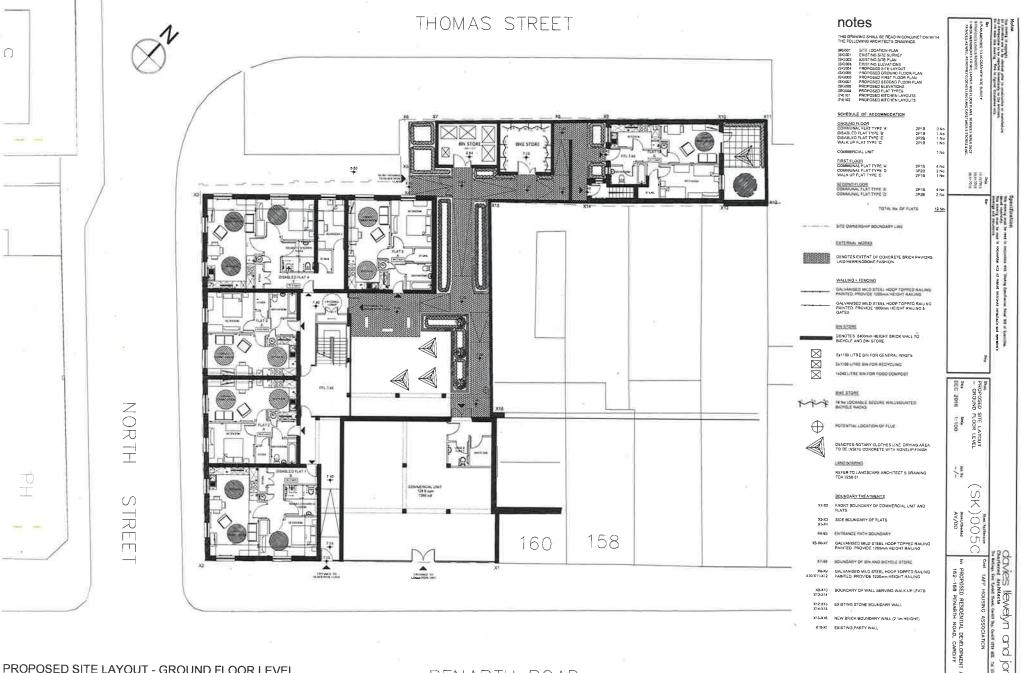




SITE LOCATION PLAN

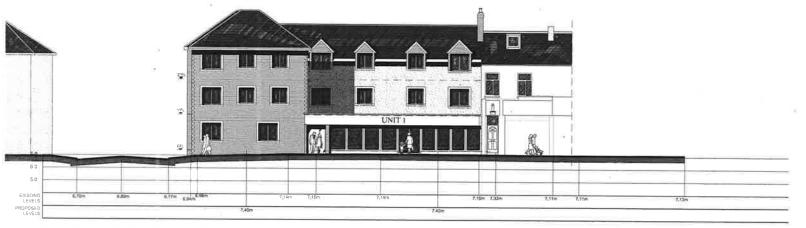




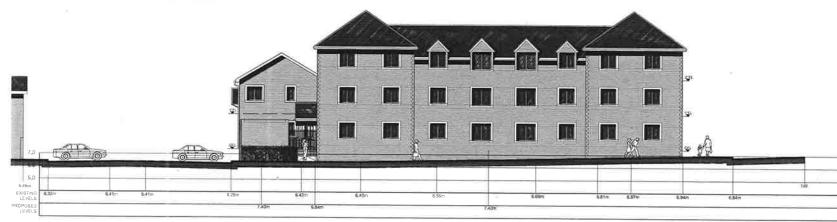


PROPOSED SITE LAYOUT - GROUND FLOOR LEVEL

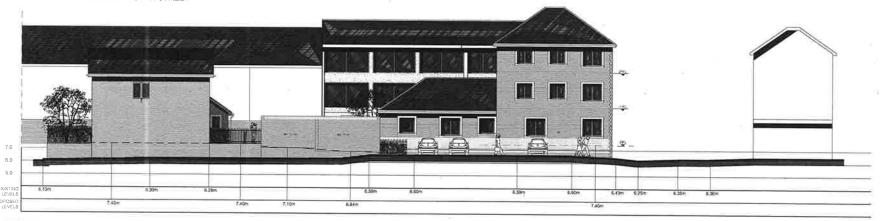
PENARTH ROAD



PROPOSED FRONT ELEVATION - PENARTH ROAD



PROPOSED SIDE ELEVATION - NORTH STREET



PROPOSED REAR ELEVATION - THOMAS STREET

PROPOSED ELEVATIONS

notes

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GROUND FLOOR	
COMMUNAL FLAT TYPE 'A'	2P1B
DISABLED FLAT TYPE B	2P1B
DISABLED FLAT TYPE E	3P2B
MALK UP PLAT TYPE C	2P1B
COMMERCIAL UNIT	
FIRST FLOOR	
COMMUNAL FLAT TYPE 'A	2P1B
COMMUNAL FLAT TYPE ID	3P2B
WALK UP FLAT TYPE C	2P1B
SECOND FLOOR	
COMMUNAL FLAT TYPE A	2P1B
COMMUNAL FLAT TYPE D	3P2B

TETAL No OF FLATS

19 No

SCHEDULE OF MATERIALS BATA

WINDOWS WHITE PVC U

RECONSTITUTED STONE

PVE U COLOUR WHITE

PVC-U COLOUR WHITE

TWO JAIDS IMMOS

1; 700 X ()008B PROPOSED RESIDENTIAL DEVELOPMENT AT 162-168 PENARTH ROAD, CARDIFF

Dale 17 10 20 8 00 11 20 8