

COMMITTEE DATE: 21/06/2017

APPLICATION No. **17/00171/MJR** APPLICATION DATE: 03/02/2017

ED: **ADAMSDOWN**

APP: TYPE: Outline Planning Permission

APPLICANT: Amos Projects Ltd

LOCATION: THE CITADEL, PEARL STREET/SPLOTT ROAD,
ADAMSDOWN, CARDIFF. CF24 1HD

PROPOSAL: CONSTRUCTION OF RESIDENTIAL DEVELOPMENT OF 17 X
1 BED AND 1 X 2 BED APARTMENTS, PARKING, CYCLE,
REFUSE AND AMENITY FACILITIES

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council 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.
 - A. Approval of the details of the access, appearance, landscaping layout and scale of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the layout and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
 - C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

 - A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
 - B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
2. The reserved matters shall have regard to the illustrative drawings

AL(01)10 Rev A, AL (01) Rev B, AL(01) 01 Rev D. and advice contained within the councils approved Residential Design Guide (January 2017)

Reason: To ensure an orderly form of development in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2016-2026).

3. The height and footprint shall not exceed that show on plan number AL (01) Rev B, AL(01) 01 Rev D.

Reason: To ensure an orderly form of development in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2016-2026).

4. The reserved matters shall ensure the development does not exceed 17 x 1 bedroom flats and 1x 2 bedroom flat.

Reason: To ensure an acceptable form and density of development in accordance with policy KP5 and H5 of the adopted Cardiff Local Development Plan (2016-2026).

5. The parking provision shall accord with Policy T5 (Managing Transport Impacts) of the Cardiff Local Development Plan 2006-2026.

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 in accordance with Policy T5 of the Cardiff Local Development Plan 2006-2026.

6. Prior to commencement of development a construction management plan shall be submitted to and approved in writing with the Local Planning Authority the submitted management plan should include, but not be limited to, hoarding, site access, intended vehicle routes, hours of operation, dust suppression/mitigation, wheel washing, details of materials storage.

Reason: To mitigate against any adverse impacts of development.

7. No development shall be undertaken until an acoustic report has been submitted to and approved in writing with the Local Planning Authority. The report should consider but not limited to the following:

1. The existing daytime and night time noise levels from the nearby roads at each residential storey of the proposed building;
2. The existing daytime and night time noise levels and vibration levels from the nearby railway at each residential storey of the proposed building;
3. Proposed noise levels for any plant associated with the proposed development (including the likes of air conditioning units with associated residential units), the assessment shall 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).
4. An assessment of the expected impact the noise from the above

sources will have upon the future occupiers of the proposed building;

5. Details of any mitigation measures that may be required as a result of the impact assessment.

The approved details shall be implemented prior to beneficial occupation.

Reason: To ensure the amenity of future occupiers in accordance with Policy EN13 of the Cardiff Local Development Plan 2006-2026.

8. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from:
 - 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
 - 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

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

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13 of the Cardiff Local Development Plan 2006-2026.

9. 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 railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit

(with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from:

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

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

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13 of the Cardiff Local Development Plan 2006-2026.

10. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme.

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13 of the Cardiff Local Development Plan 2006-2026.

11. The proposed refuse storage both internal and external shall accord with the Council adopted Policy W2 of the Cardiff Local Development Plan (2006-2026).

Reason: To ensure acceptable level of refuse provision in accordance with Policy W2 of the Cardiff Local Development Plan (2006-2026).

12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

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. In accordance with Policy EN10 of the Cardiff Local Development Plan (2006-2026).

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 applicant is advised to contact Welsh Water quoting reference number PLA0026191 on 0800 917 2652 to ensure the development does not cross a public sewer.

RECOMMENDATION 4: The applicant is advised that prior to undertaking any works to contact Network Rail quoting reference P/TP17/0111/BM on 0117 3721125.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Outline permission is sought for 17x1 bedroom and 1x 2 bedroom apartments (18 apartments in total). All matters are reserved for future consideration; therefore, this application is solely looking at the principle of the development.
- 1.2 Illustrative plans have been submitted, reference AL(01) 10 Rev B, AL (01) 01 Rev C.
- 1.3 The application has been subject of a statutory pre-application consultation (PAC) for which a PAC report has been submitted. A bat survey report (October 2016) has also been submitted.

2. **DESCRIPTION OF SITE**

- 2.1 The plot is of an irregular shape and set down from the adjoining Splott Road. Vehicular access to the site is via Pearl Place. The site currently contains the former Mount Hermon Methodist Chapel, which has been closed and derelict since 2002. The current building is in a poor state of repair i.e roof, windows etc are all missing. To the north-west is a traditional row of two storey houses of which no. 26 is attached to the current building. Forming the south-eastern boundary is the main Swansea- London Railway line.

3. **SITE HISTORY**

- 3.1 16/02213/MNR- Prior approval of the demolition of the Citadel building – granted
- 3.2 06/01346/C- Eleven self-contained flats (within the existing building) with ancillary parking – approved

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales Ed. 9 (2016);
- 4.2 Technical Advice Note (TAN): 5 (Nature Conservation and Planning), 12 (Design), 18(Transportation);
- 4.3 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP5: Good Quality and Sustainable Design;

KP6: New Infrastructure;

KP7: Planning Obligations;

KP8: Sustainable Transport;

KP14: Healthy Living;

KP15: Climate Change;

H3: Affordable Housing;

T1: Walking and Cycling

T5: Managing Transport Impacts;

T6: Impact on Transport Networks and services;

EN7: Priority Habitats and Species;

EN 8: Trees, Woodlands and Hedgerows;

EN10: Water Sensitive Design;

EN13: Air, Noise, Light Pollution and Land Contamination.

C1: Community Safety and Creating Safe Environment

C5: Provision for Open Space, Outdoor Recreation, Children's' Play and Sport;

W2: Provision for Waste Management facilities in Development

- 4.4 Further advice is provided in the following adopted Supplementary Planning Guidance documents:
 - Planning Obligations (January 2017);
 - Cardiff Residential Design Guide (January 2017);

- 4.5 The documents below were approved as supplementary guidance to the City of Cardiff Local Plan which was superseded by the Cardiff Local Development Plan on 28th January, 2016. The Council will shortly be embarking on a programme of updating and revising previously approved SPG. Notwithstanding this position, the advice contained within the SPG is consistent with the aims of relevant LDP policies and therefore remains pertinent to the consideration of the current application, assisting in informing the assessment of relevant matters.

Access, Circulation and Parking (January, 2010);

Trees and Development (March, 2007);

Biodiversity (part 1&2) (June 2011).

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Pollution Control (Noise and Air): No objection subject to noise conditions.
- 5.2 Operational Manager (Transportation): No objection subject to conditions.
- 5.3 Housing Strategy Manager: No objection subject to a financial contribution.
- 5.4 Parks Services Manager: No objection subject to a financial contribution
- 5.5 OM Highways (Drainage) has been consulted, and no comments have been received.
- 5.6 Waste Manager: No objection subject to financial contribution for the provision of waste bins for the proposed development.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water: No objection subject to a drainage condition.
- 6.2 Network Rail: No objection subject to all works being on the applicant's land.
- 6.3 Glamorgan Gwent Archaeological Trust: No objection.

7. **REPRESENTATIONS**

- 7.1 The application has been publicised by neighbour notification letters with additional publicity undertaken by a site notice. Seven letters have been received, raising objections on the following grounds:

- (i) The proposals are an overdevelopment of the site;
- (ii) The proposals are out of keeping with the area;
- (iii) There is insufficient parking proposed;
- (iv) Concerns over safety and security as the rear of the site will be used for access;
- (v) The loss of historic environment;
- (vi) There is too much development going on in the area causing inconvenience to local residents;
- (vii) There are too many flats and insufficient number of family homes;
- (viii) The design would indicate students and if this was the case, there would be issues of drunkenness and litter from the occupiers.

8. **ANALYSIS**

8.1 **Key issues are:**

The impact upon the character of the area,
Parking and access considerations,
The impact upon adjoining properties,
The impact upon future occupiers;
The provision of affordable housing;

The impact upon the railway line.

8.2 Impact upon the Character of the Area

Illustrative plans show a modern design of a number of interlinking blocks to a maximum height of 4 storeys. An outline application has been approved, in principle, by committee on the former bingo site (planning reference 15/02771/MJR) which is opposite this application, and is also of a modern design. It is therefore considered that the principle of a modern block form, in terms of scale and massing would not be out of character with the area. However, architectural details, detailed design and materials are all matters to be considered at reserved matters stage

8.3 Parking and Access

Both national and local planning policies seek to reduce car dependence. The OM (Transport) advised that given the highly sustainable location of the development, being well served by public transport, the need for parking is considered to be reduced. Whilst the concerns from residents over the proposed access point from Pearl Place are noted, the Council's Highways OM (Transport) raises no objection in principle to the proposed access.

8.4 Impact upon Adjoining Properties

Whilst all matters are reserved, officers have based their recommendation upon the illustrative plans. Whilst noting the outline of the existing building, as shown on plan number AL(01) 10 Rev B, it is considered that the illustrative scale and massing would not result in an overbearing and un-neighbourly form of development in relation to the existing terraced properties.

In terms of the adjoining properties amenity and privacy, based upon the illustrative plans there may be a number of small windows that overlook no 26 Pearl Street at a distance of 3.5 metres. If any reserved matters scheme did include these windows, they would require further assessment in respect of privacy impact.

Based upon the illustrative design and having regard to the potential orientation, it is considered that the proposal would not undermine the amenity of the terraced properties.

8.5 Impact upon Future Occupiers

National Planning Policy and the Council's design policies seek good design that has regard to the future occupiers, in terms of amenity (internal/external) privacy, access and parking provision.

Based upon the illustrative plans, the size of each residential unit (minimum of 40m²) is considered acceptable.

Given the location of the site there are additional considerations, outlined in

TAN 11 in relation to residential development near railway lines, these being of noise and vibration. The Council's Pollution Control (Noise and Air) Manager has been consulted and raises no objection in principle, but requires a number of design features to be conditioned.

Given the shape of the plot and site context, it is noted that the proposed amenity space as shown in the illustrative plans is limited, but does enjoy a southerly aspect and is safe, secure and private. Whilst the bins could be sited further away from the amenity space and more conveniently located towards the Pearl Place entrance, this is a matter that can be addressed at reserved matters stage.

The Council's Open Space Policy and SPG seeks provision for public open space within a development, however, it does allow for a financial contribution. As stated above the ability to provide on-site public open space is limited and therefore the contribution of £24,797 has been sought and agreed with the applicant, based upon the illustrative plans

8.6 **Affordable Housing**

Policy H3 requires residential development above 5 units to contribute to affordable housing provision. On brownfield sites the Policy will seek to achieve 20% affordable housing on-site, however there is provision within the policy to allow a financial contribution where this cannot be achieved. The Council's Housing Strategy Manager has been consulted and based upon the illustrative plans would require a financial contribution of £250,560 in this instance.

8.7 **Impact upon the Rail Network**

The south eastern boundary of the site abuts the Great Western railway. Network Rail have been consulted and have no objections in principle but require that no development overhangs or is on Network Rail land.

8.8 **Other Matters not Addressed Above**

8.8.1 The illustrative plans show the development to be one bedroom apartments and make no indication of any restrictions upon who could occupy these units. The concerns of residents regarding the increase in drunkenness and anti-social behaviour from the presence of students is not a material planning issue.

8.8.2 Concerns over the lack of family housing within the area are noted. However, the proposed site is constrained and does not lend itself to deliver larger units and remain viable. There are also developments for flatted accommodation in the immediate vicinity. It is also recognised that there is housing need in the area for smaller units and by virtue of the applicant providing an off-site contribution, there is potential for further provision of a range and choice of affordable housing, including family accommodation.

8.8.3 CADW have been asked if they would consider spot listing the building but

given its condition and that there better examples of similar buildings CADW have advised that the building is not worthy of listing. A structural engineers report was commissioned for the demolition (prior approval application) which indicated that the building is in a dangerous state of repair. Given this information it is considered that renovating the existing building is not feasible in this instance.

8.9 **Conclusion**

For the reasons outlined above, the proposed development is considered acceptable. National Planning Policy and CIL regulations define the legal requirements for a valid Planning obligation. The Council's approved Planning Obligations SPG provides further guidance. The following financial contributions are requested:

£250,560 towards affordable housing provision
£24,797 for public open space in lieu of on-site requirements;
£1,585 for waste management.

It is considered that the above requests meet the necessary legal tests and policy requirements. The agent has confirmed that their client is willing to enter into an agreement to secure these contributions.

9. **Legal Considerations**

9.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application.

It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other

person, as a result of the proposed decision.

9.3 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Cardiff as a result of the proposed decision.

9.4 ***Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the 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 proposed decision.



DO NOT SCALE DIRECTLY OFF DRAWING

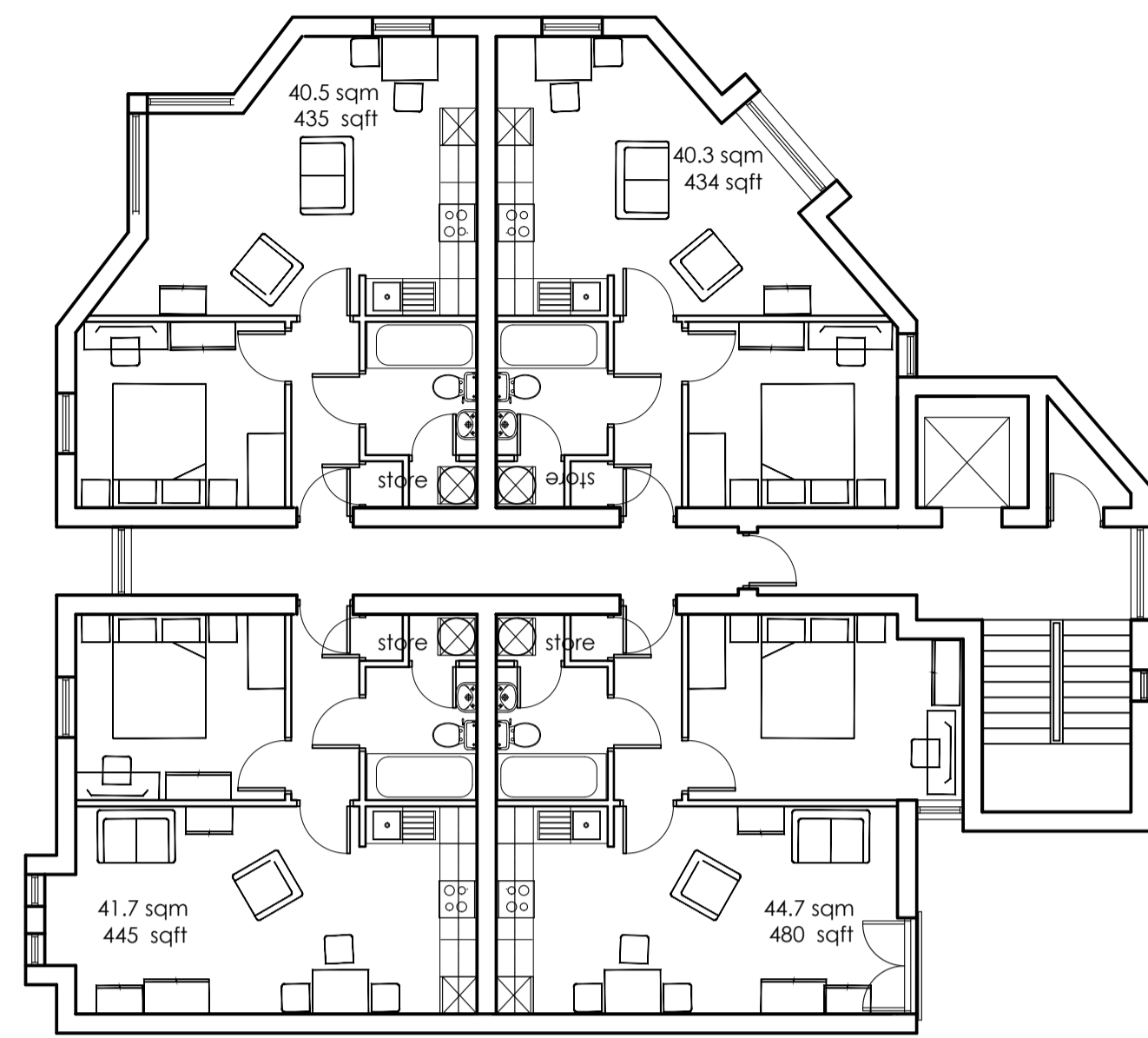
Proposed Conversion Citadel, Splott Road		Job No. 08_038	Rev. *
Title Location Plan		Dwg No. AL(90)02	
Date 24/10/16	Drawn	Scale 1:500 @ A3	

CJ Architects · Town planners
Environmental & Urban design

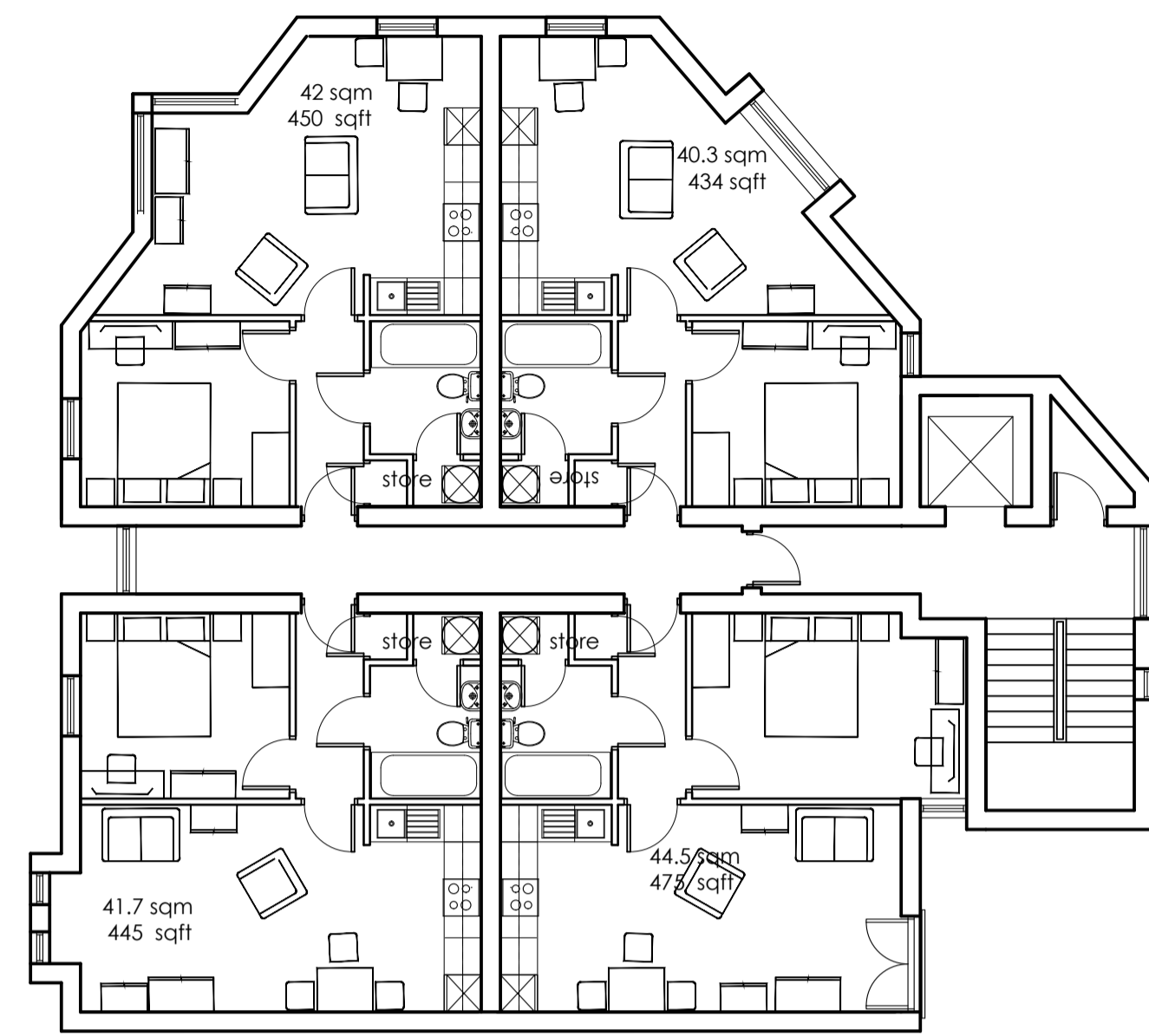
2nd Floor, 14-18 Cilly Road,
Roath, Cardiff, CF24 3DL

www.cjarchitects.co.uk
tel: 029 20452100

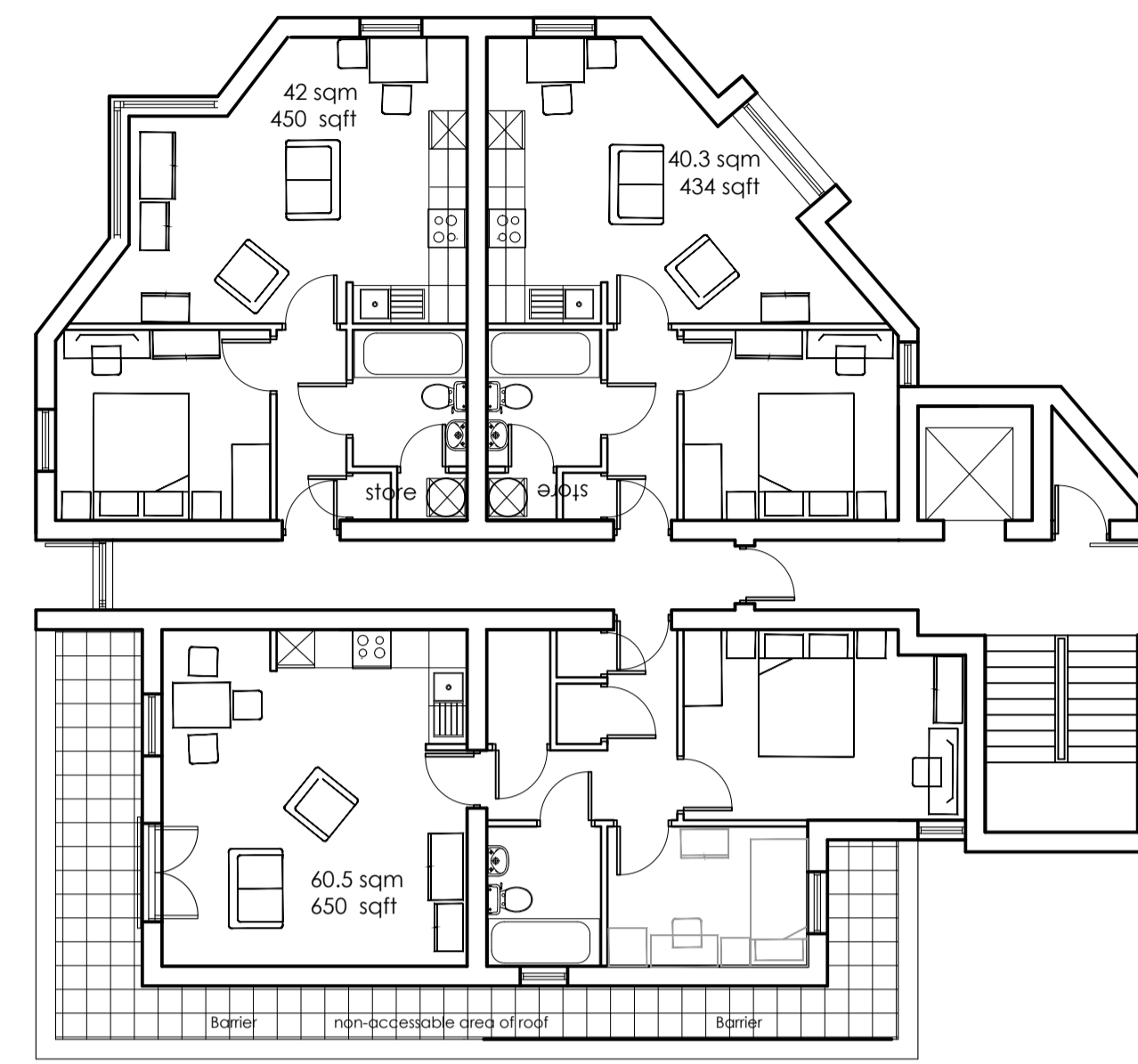
Date	Drawn	Check	Description	Rev.
24/10/16			Sheet Title Block Amended	A
24/01/17			Car parking spaces reduced in lieu of lower residential development	B
03/02/17			Basement plan corrected to show windows as per elevations	C
27/04/17			Two basement floor units converted to one, stair placement adjusted, bay windows adjusted	D



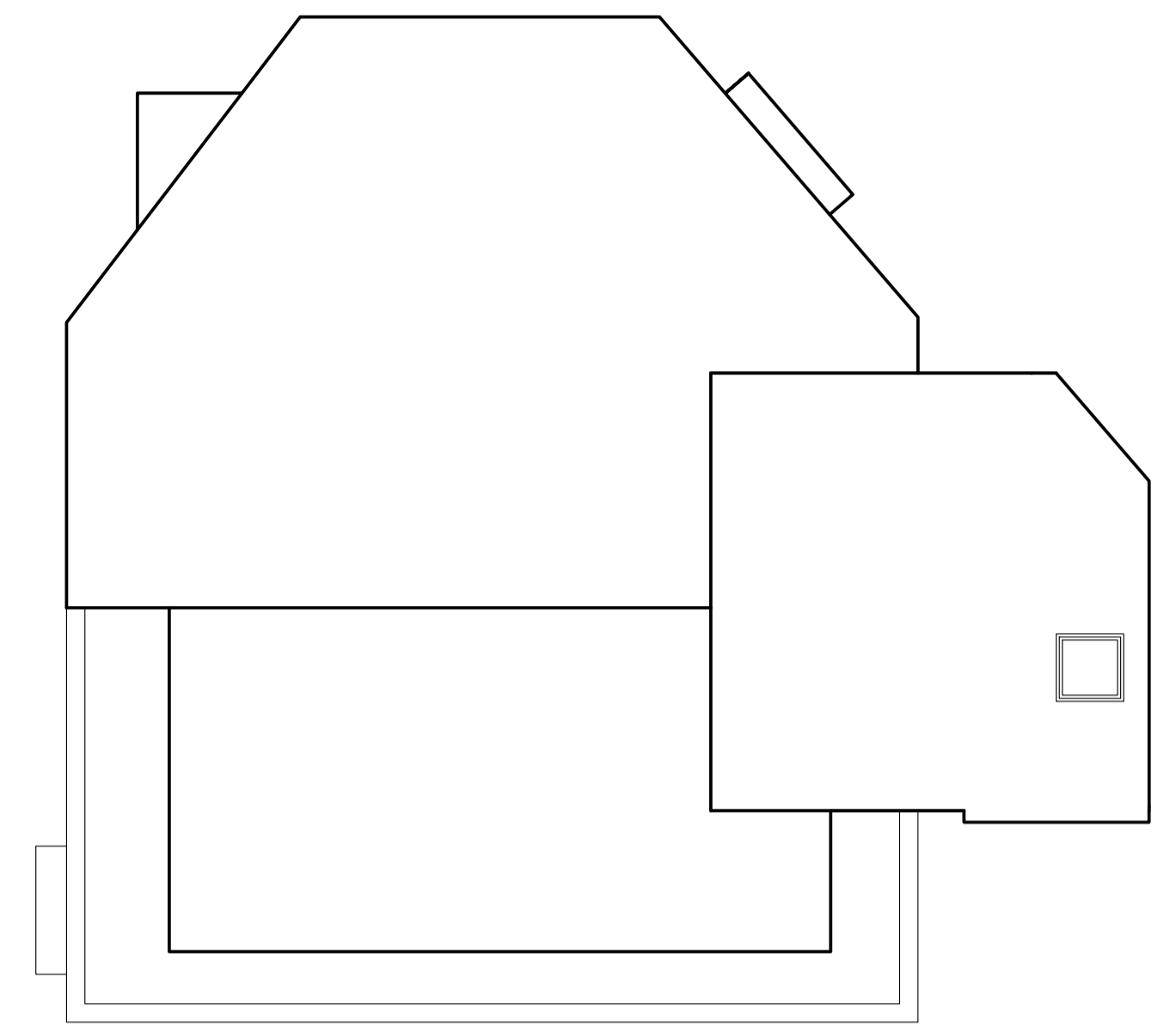
First Floor



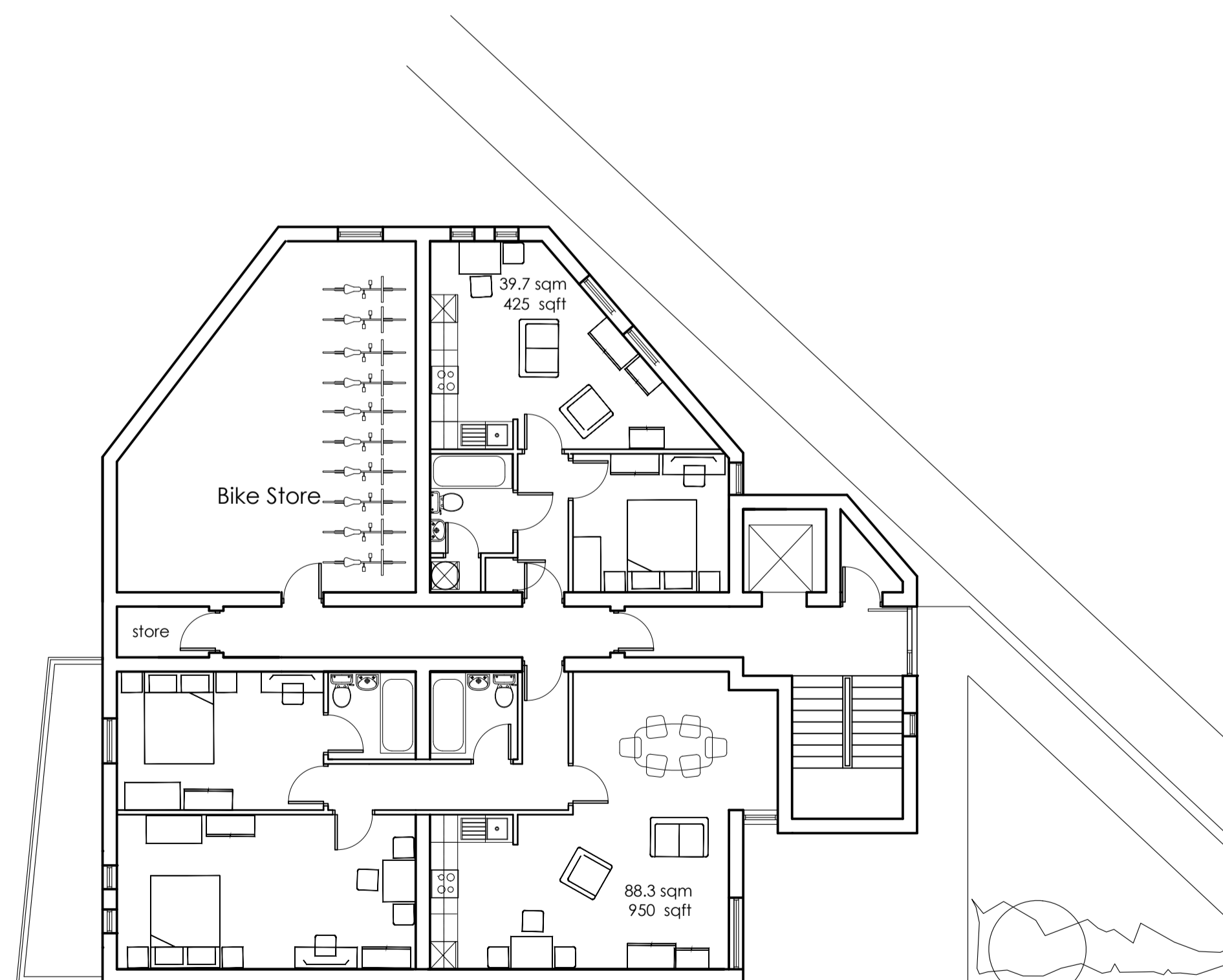
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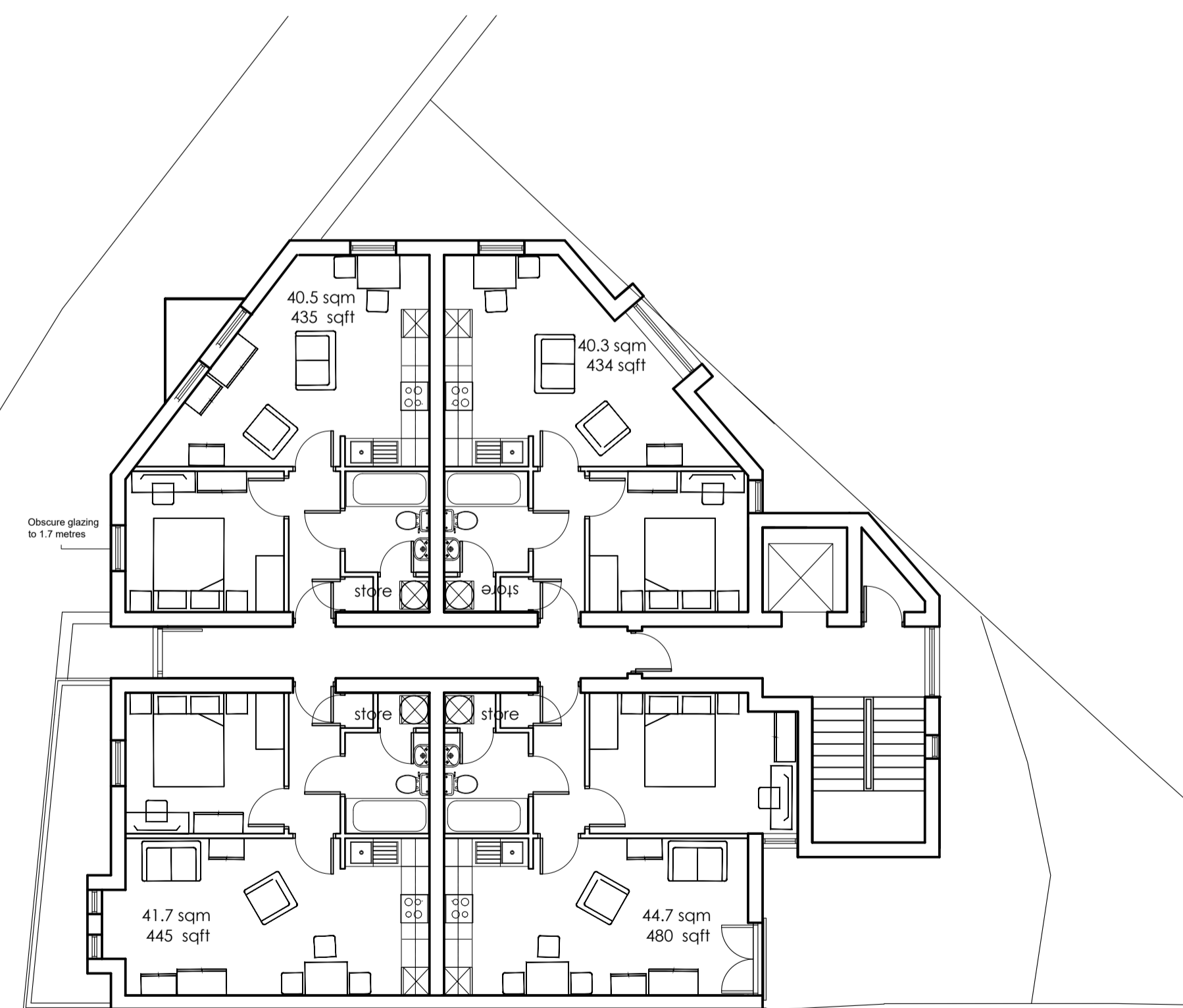
3rd Floor



Roof Plan



Basement Floor



Ground Floor



Site Plan 1:250

Residential Development	Job No.	08_038
Citadel, Split 1 Road	Dwg No.	AL(01)01
Bute Properties Ltd	Rev.	D
Main Block Proposed Plans		
Date	Drawn	Scale
04/10/10		1:200/500 @ A3 1:100/250 @ A1
<small>Plot No: 16/18 City Road, South, Croydon, CR24 3DQ. www.johnmccall.co.uk Tel: 020 2863100</small>		

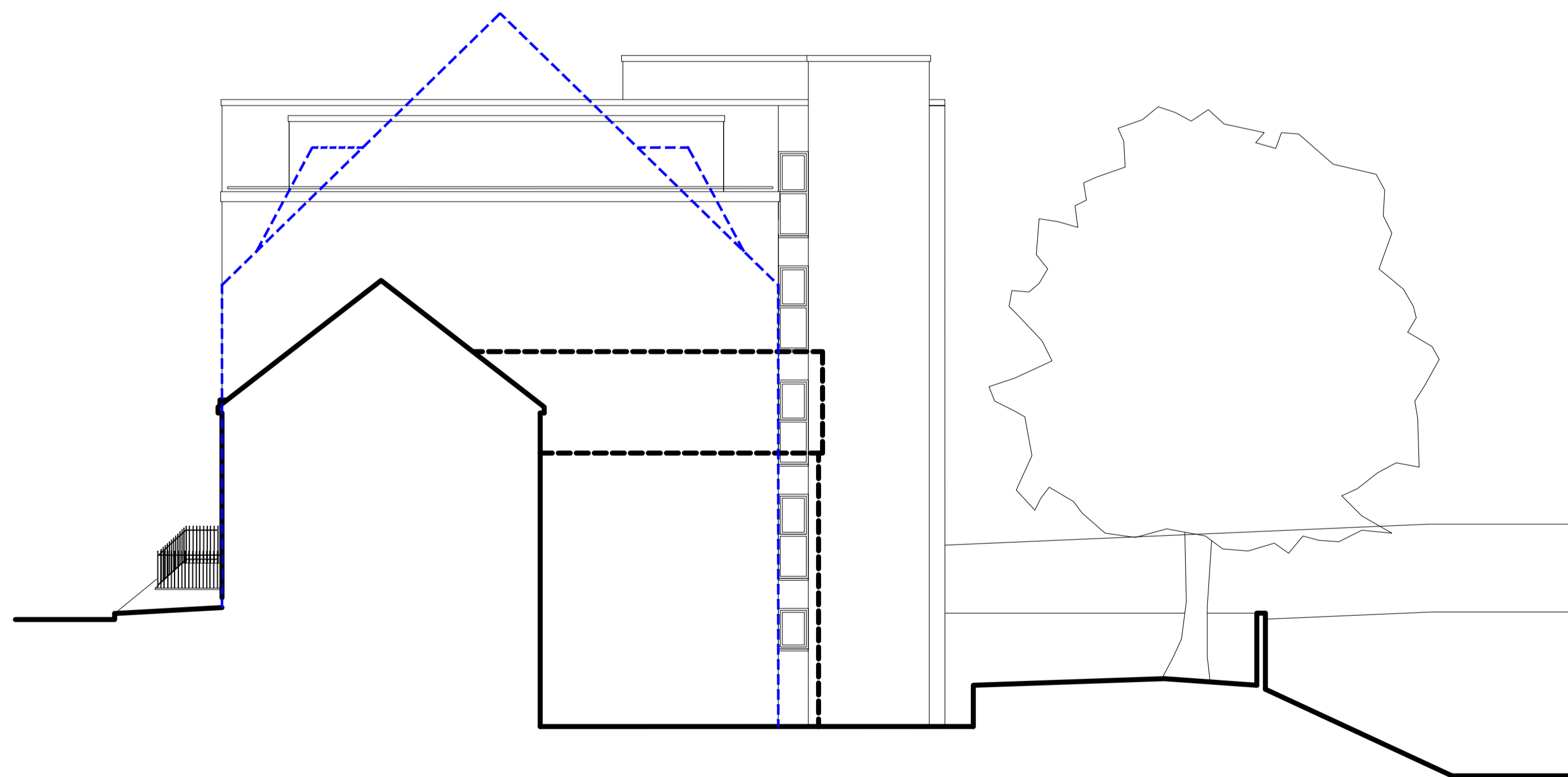
Date	Drawn	Check	Description	Rev.
24/09/10			Drawn from floor plan	A
02/02/17			Revisions made	B
07/04/17			Windows on face transfer amended, obscure glazing note added	C



Sploitt Road Bridge Elevation (B) - Scale 1:100



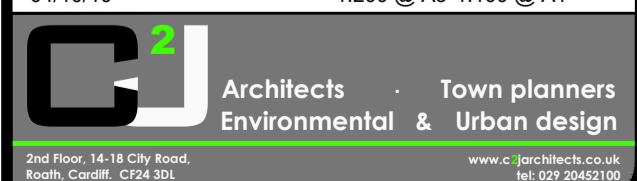
Pearl Street Elevation (A) - Scale 1:100



Pearl Place Elevation (C) - Scale 1:100



Rear Elevation - From Railway (D) - Scale 1:100

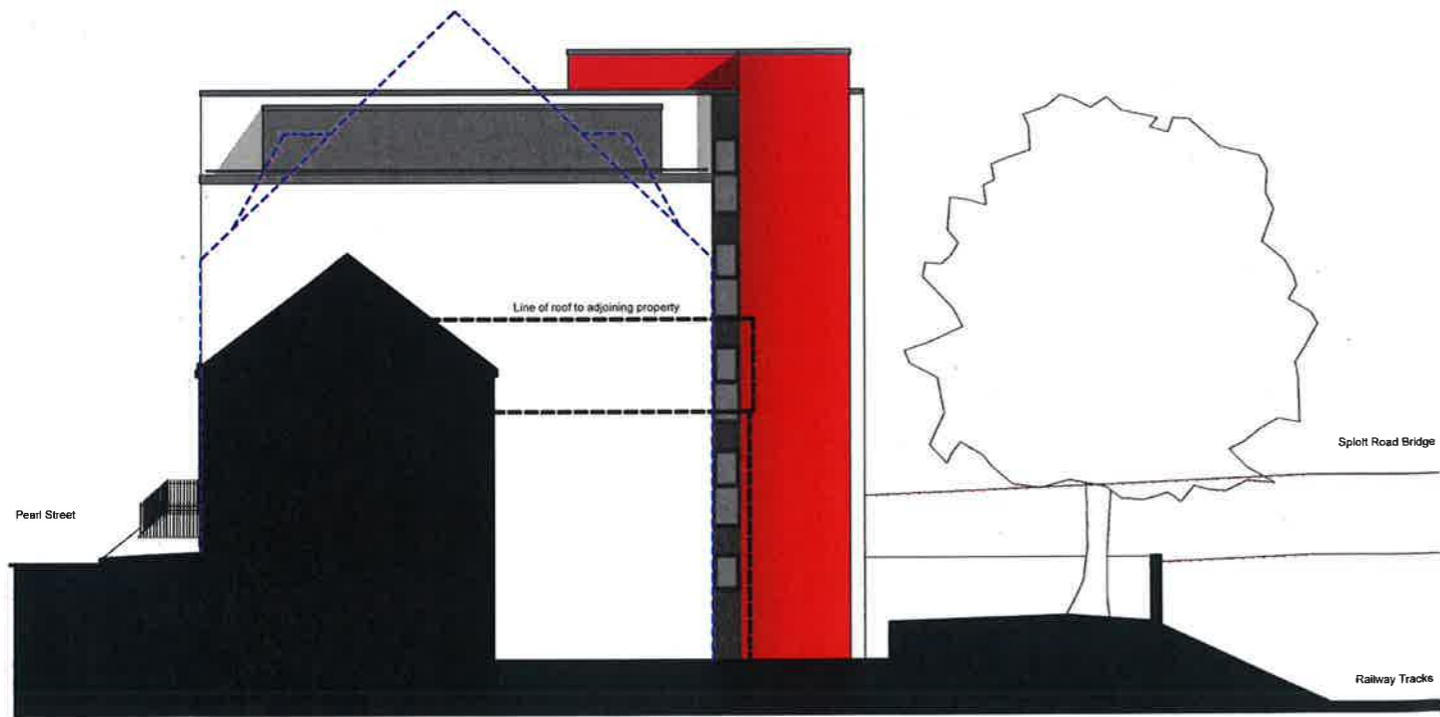
Residential Development Citadel, Sploitt Road	Job No. 08_038
	Drawn No. AL(01)10
	Rev. C
Main Block Proposed Elevations	
Date 04/10/10	Scale 1:200 @ A3 1:100 @ A1
	



Sploitt Road Bridge Elevation (B) - Scale 1:100



Pearl Street Elevation (A) - Scale 1:100



Pearl Place Elevation (D) - Scale 1:100



Rear Elevation - From Railway (D) - Scale 1:100