

LOCAL MEMBER SUPPORT / OBSERVATIONS

COMMITTEE DATE: 15/03/2018

APPLICATION No. 18/00123/MJR APPLICATION DATE: 19/01/2018

ED: **HEATH**

APP: TYPE: Full Planning Permission

APPLICANT: UNITED WELSH GROUP

LOCATION: PART OF FORMER PHOENIX ESTATE, CAERPHILLY ROAD

PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE FOR 53 AFFORDABLE DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND DRAINAGE WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. Plans

Drawing No. 100 Rev. N (Planning Layout);
Drawing No. 101 Rev A (Location Plan);
Drawing No. 102 Rev C (External Works Layout (Sheet 1));
Drawing No. 103 Rev C (Materials Layout);
Drawing No. 104 Rev C (Storey Heights Layout);
Drawing No. 105 Rev C (Enclosure Layout);
Drawing No. 106 Rev C (Waste Collection Strategy Layout);
Drawing No. 107 Rev C (Parking Strategy Layout);
Drawing No. 108 rev C (External Surface Material Layout);
Drawing No. 110 Rev B (Street Scene);
Drawing No.165 (Olive House type floor Plans and Elevations Plot 39 only);
Drawing No. 150 (Olive House type Floor Plans and Elevations);
Drawing No. 151 (Olive Gable House type Floor Plans and Elevations);
Drawing No. 152 (Larch house type Floor Plans and Elevations);
Drawing No. 153 (Alder house Type floor Plans and Elevations);
Drawing No. 155 Rev D (Willow House Type Ground Floor Plans);
Drawing No. 156 Rev D (Willow House Type First Floor Plans);
Drawing No. 157 Rev D (Willow House Type Second Floor Plans);
Drawing No. 158 Rev D (Willow House Type Elevations Sheet 1);

Drawing No. 159 Rev D (Willow House Type Elevations Sheet 2);
Drawing No. 160 (Enclosure Details Sheet 1);
Drawing No. 161 (Enclosure Details Sheet 2);
Drawing No. 162 Rev B (Enclosure Details Sheet 3 Bin/cycle Stores);
Drawing No. 163 (Larch house type Floor Plans and Elevations (Render));
Drawing No. 164 (Beech House Type Floor Plans and elevations (Render));
Drawing No.07889-HYD-A1-DR-TP-01 Revision P4 (Internal site Layout Swept Path Analysis)
Drawing No. 100 Rev PO (Plan on Proposals)
Topographical Survey (20434E)

Documents

Planning Statement, WPM Planning & Development, December, 2017;
Design & Access Statement, WPM Planning & Development, December, 2017;
Ecological Appraisal, report reference EDP4350_02e (dated January, 2018);
Arboricultural report and tree constraints plan, undertaken by Treescene dated 19th October, 2017;
Drainage Strategy Report;
Transport Statement, Hydrock, (C-07889-C.001 Issue 06) January, 2018
Statutory Pre-application Consultation Report, January, 2018.
Site investigation Report, Integral Geotechnique (12106/PGB/17/SI/Rev.1)

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

3. Prior to their installation 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 in accordance with policy KP5 of the Cardiff Local Development Plan

4. No development, other than demolition and site clearance, 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 demonstrate how the site will be effectively drained, the means of disposal of surface water and indicate how foul flows will communicate to the existing public sewerage system. Details shall also be submitted on the management/maintenance of the proposed foul pumping station in the event that Welsh Water does not adopt the pumping station. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the building and no further surface water or 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 in accordance with policy EN10 of the Cardiff Local Development Plan

5. Prior to the commencement of site clearance in respect of the approved development, a Green Infrastructure Statement (GIS) shall be submitted to and approved in writing by the Local Planning Authority. The GIS shall include avoidance, mitigation and enhancement measures to be delivered for the benefit of green infrastructure as defined by Local Development Plan Policy KP16, and shall include but not be limited to:
 - I. Maintenance / creation of habitat connectivity around the perimeter of the site in accordance with the Proposed Ground Floor Plan (Ref (90)004G);
 - II. A sensitive habitat clearance methodology, and if necessary, translocation methodology, for protected reptile species such as Slow-worms;
 - III. A sensitive habitat clearance methodology to minimise disturbance to badgers this shall include an 8 metre exclusion zone around the entrance setts and appropriate protection;
 - IV. A brief lighting scheme to demonstrate that light spillage onto retained trees and bushes is minimised, as described in section 5.33 of the Ecological Appraisal;
 - V. A series of roosting and nesting facilities for bats and birds respectively, to be attached to or incorporated into the structure of the new buildings, to include no less than 2 x bat boxes for crevice-dwelling bats, and 1 x double House Martin cup, and 1 x House Sparrow terrace;
 - VI. Details of timing of vegetation clearance to avoid harm to nesting birds, such that no site clearance of vegetation to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in this these features immediately (48 hrs) before their removal.
 - VII. Details of the long term maintenance and management of the proposed public open space.

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

Reason: To ensure the protection of green infrastructure and protected species of wildlife, in accordance with LDP Policy KP16.

6. No development, other than demolition, shall take place until full details of landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A landscaping implementation programme.
- Scaled planting plans prepared by a qualified landscape architect.
- Proposed finished levels.
- Earthworks.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement (including profile depths). Site won soil shall only be used for landscaping purposes where a Soil Resource Survey and Plan, prepared in accordance with the 2009 DEFRA Code, is submitted and approved, demonstrating that site won soil is fit for purpose.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect.

The submitted 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 and environmental value of the area, and to monitor compliance in accordance with policy KP5 of the Cardiff Local Development Plan

7. 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 in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan

8. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An **Arboricultural Impact Assessment**.
- An **Arboricultural Method Statement (AMS)** detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

- 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.

Unless written consent is obtained from the LPA, 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.

9. Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it.

Reason: The trees are of value in the local environment and should be protected and maintained in good condition in accordance with policy EN8 of the Cardiff Local Development Plan

10. No demolition of buildings, felling of trees or clearance of structural vegetation shall take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this building/tree/vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

11. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the demolition and construction period. The CMS shall provide for: (i) The parking of vehicles of site operatives and visitors; (ii) Loading and unloading of plant and materials; (iii) Storage of plant and materials used on constructing the development; (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) Details of highways/footway closures; (vi) Wheel washing facilities; (vii) A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction; and (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.
Reason: In the interests of highway safety and public amenity.
12. No part of the development hereby permitted shall be occupied until a travel plan to include, but not limited to, the promotion of public transport and other alternatives to the private car; control of resident car parking within the site, provision of a named travel plan co-ordinator has been submitted to and approved by the Local Planning Authority. The plan shall be presented to all new residents and be monitored for a period of five years following occupation of the final dwelling.
Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway in accordance with policy T5 of the Cardiff Local Development Plan
13. No part of the development hereby permitted shall be commenced until a scheme of public realm reinstatement/improvement works to Phoenix Way and Waun Ddyfal (footpath) meeting Phoenix Way has been submitted to and approval in writing by the LPA. The scheme to include the removal, re-kerbing and reinstatement as footway on Phoenix Way; the reinstatement/resurfacing as required of the remainder of the footway abutting and leading to the site, to include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.
Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with policy T6 of the Cardiff Local Development Plan
14. The rating level of the noise emitted from fixed plant and equipment from the pumping station on the site shall not exceed the existing background noise level at any time by more than -10dB(A) at any residential property when measured and corrected in accordance with

BS 4142: 1997(or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of future and existing occupiers are protected in accordance with policy EN13 of the Cardiff Local Development Plan.

15. Prior to the commencement of any construction works, unless otherwise agreed with the LPA, the applicant is required to undertake an odour assessment addressing any potential adverse impact from odour generated by the proposed on site Foul Pumping Station. The report shall quantify the potential impact of generated odour upon existing and future residents' amenity utilising methodology set out in the Institute of Air Quality Management's (IAQM) best practise guidance; "Guidance on the assessment of odour for planning." Should the assessment indicate that existing or future residents will be made vulnerable to adverse odour then appropriate mitigation measures must be must be proposed and approved by the Local Planning Authority. These mitigation measures shall be implemented to the satisfaction of the Local Planning Authority prior to the development commencing and thereafter retained.

Reason: To assess air quality, in particular odour and agree any mitigation measures that may be required to safeguard the amenity of nearby and future residents.

16. Prior to occupation of any part of the development 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.

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

17. Prior to the construction phase 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;
- (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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, 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.

18. Prior to the construction phase 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 Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), 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

19. The remediation scheme approved by condition 17 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, 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

20. 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

21. Any topsoil [natural or manufactured], subsoil, or 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 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

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the 1st floor rear elevation of plot 39.

Reason : To ensure the privacy of the adjoining neighbours in accordance with policy KP5 of the Cardiff Local Development Plan.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no structure or extension shall be placed within the curtilage of any dwelling or alteration to any roof.
Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2 : R1 Construction Site Noise

RECOMMENDATION 3 : R4 Contamination and Unstable Land Advisory Notice.

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

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Detailed planning permission is sought to redevelop a redundant industrial site into 53 affordable dwellings with associated access, car parking, landscaping and drainage works.
- 1.2 The affordable housing would be a mixture of houses and flats.
- 1.3 The block of flats would be “L” shaped and three storey in nature, under a hipped roof. The proposed materials would be on the ground floor white render with part of the upper floor being a combination of red brick and rough-cast render.

The flats would be sited at the entrance to the site facing east/west. The cycle/bin storage block sited to the east of the flats, and to the south would be twenty parking spaces that are accessed from the cul-de-sac sited to the east of the block. The block would accommodate 15 x 1 bedroom and 3 x 2 bedroom flats.

- 1.4 The house types are a mixture of terraced and semi-detached. The houses would be finished in a mixture of red brick with the gables finished in rough cast render (painted in cream). Both house types would have parking to the front of the properties and all have enclosed rear gardens.
- 1.5 The following reports have been submitted to accompany the application:

Ecological Appraisal, report reference EDP4350_02e (dated January, 2018);

Arboricultural report and tree constraints plan, undertaken by Treescene dated 19th October, 2017;
 Drainage Strategy Report;
 Transport Statement, Hydrock, January, 2018
 Statutory Pre-application Consultation Report, January, 2018.
 Site investigation Report, Integral Geotechnique

1.6 The Planning Committee undertook a site visit on the 26th February, 2018.

2. **DESCRIPTION OF SITE**

2.1 The site measures 0.97ha in area and is generally level. It was formerly used for industrial use. However, the site has been vacant for at least 10 years and as a result, the buildings on the site have fallen into a state of disrepair with evidence of fly tipping within the grounds.

2.2.1 The site has a single access off Waun Ddyfal. Along the western/ north-western boundaries are a number of protected trees that have grown to a significant height. There are three badger setts within the site.

3. **SITE HISTORY**

3.1	98/01894/N	Class A1 Discount Foodstore Development, Car Parking, Access and Associated Highway Works	Withdrawn
3.2	02/00612/N	Change of Use to Builders Suppliers	Withdrawn
3.3	02/02542/N	Mixed Use Scheme Comprising Residential Development, Sheltered Housing, Doctor's Surgery with Ancillary Pharmacy and Associated Highways Works	Approved

3.4 17/1490/MJR	The Demolition of Existing Buildings and Erection of a Class A1 Foodstore (1,717sq.m Gross Floor Area) with Associated Access, Car Parking and Landscaping	Approved
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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
5	Nature Conservation and Planning
10	Tree Preservation Orders
11	Noise
12	Design
16	Sport, Recreation and Open Space
18	Transport
21	Waste

4.3 Local Development Plan (January 2016):

KP5	Good Quality and Sustainable Design
KP7	Planning Obligations
KP8	Sustainable Transport
KP12	Waste
KP14	Healthy Living
KP15	Climate Change
KP16	Green Infrastructure
KP18	Natural Resources
H3	Affordable Housing
EN5	Designated Sites
EN6	Ecological Networks and Features of Importance for Biodiversity
EN7	Priority Habitats and Species
EN8	Trees, Woodlands and Hedgerows
EN10	Water Sensitive Design
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T2	Strategic Rapid Transit and Bus Corridor Enhancement
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
R7	Retail Provision Within Strategic Sites
C1	Community Facilities
C3	Community Safety/Creating Safe Environments
C5	Provision for Open Space, Outdoor Recreation, Children's Play and Sport
C6	Health
C7	Planning for Schools
W2	Provision for Waste Management Facilities in Development

4.4 Supplementary Planning Guidance to the Adopted Local Development Plan (Jan 2016):

Waste Collection and Storage Facilities (October 2016)
Planning Obligations (January 2017)
Residential Design Guide (January 2017)
Location of Waste Management Facilities (January 2017)

4.5 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)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The Operational Manager, Transportation: No principled objection to the proposed development, and makes the following observations:

I have reviewed the transport statement Rev 6 (dated 25 January 2018). We have already been in discussion with the transport consultant regards access, parking and layout, during the pre-application process. A number of issues were amended and agreed.

The TS sets out the background of the development, the nature of the surrounding network (vehicular, pedestrian, cycling, public transport) demonstrating that the site offers a sustainable location offering the opportunity to use a variety of alternative modes of transport. The “sustainable nature of the site has been reinforced and promoted Which will assist with constraining car use” (para 6.1.1). As detailed the site is well served by local amenities, which should support a sustainable lifestyle and the use of alternative modes of transport.

The TS indicates that the site will be served by a 6.8m wide shared space. Servicing and delivery vehicles can be accommodated within the layout.

The parking strategy layout indicates a mixture of curtilage and courtyard parking places to be provided. The TS details the on-site parking provision, within the current parking standards (Access, Circulation & Parking Standards – January 2010). The TS outlines that parking is provided at 1.1 space per household, whereas the proposal is suggesting that 64 spaces would be provided for the 53 properties, at 1.2 per household. Nine visitor spaces would also be provided, giving a total of 73 parking spaces. Visitor parking has been determined making use of research (Dept. Communities and Local Government – Residential Parking Research (2007)) which indicates that 11 spaces would be appropriate (at 0.2 spaces per household). The provision of 9 spaces is justified as “it is unlikely that every resident would be occupying their allocated space at all times (indeed some residents may not own a car) and as such some visitor demand is likely to be accommodated within the allocated spaces” (para 4.4.5).

Anticipated trip generation (chapter for the proposed site is provided and agreed. Junction assessment (taking the approved Aldi site into account) is provided (chapter 5) and again is agreed

- 5.2 The Operational Manager, Environment (Contaminated Land): No objections subject to assessment of land and remediation conditions
- 5.3 The Council's Tree Officer No objection subject to tree assessment/ protection conditions
- 5.4 The Operational Manager, Waste Management : No objection

- 5.5 The County Ecologist: No objections subject to a Green Infrastructure Statement condition
- 5.6 The Operational Manager, Environment (Noise & Air): No objections subject to condition
- 5.7 Team Leader, Neighbourhood Regeneration: No objection subject to the applicant entering into a legal agreement to contribute towards community facilities at Maes-y-Coed Community Centre and the old bowls Pavilion at Llwynfedw Gardens (the amount is outlined in paragraph 9 of this report)
- 5.8 The Chief Schools Officer: On tracking the recent uptake of places in the Llanishen High School, it was recognised that even though the demand for English-medium secondary education from within the catchment in which the development is going ahead is significantly higher than the capacity of the school, this demand is not currently manifest in the uptake pattern of places in Llanishen High School. It has therefore been considered appropriate to reduce the obligation request proportionate to reflect this apparent capacity surplus. The Nursery request has been removed as has been conceded.

Revised developer obligation request as follows:

Education type	Obligation sought
ALN	£9,628
English-medium Primary	£52,183
Welsh-medium Primary	£13,046
Welsh-medium Secondary	£11,930
Welsh-medium 6 th Form	£3,449
Total	£90,236

- 5.9 The Operational Manager, Drainage Division: No comments received
- 5.10 The Operational Manager, Parks and Sport: Overall I welcome the design changes made since the pre-application stage, with a much more meaningful open space provided, which provides some amenity, along with biodiversity benefit, protection of existing /scope for new tree planting, and a buffer to the existing housing adjacent.

I also welcome the design of the streets to provide a shared surface designed to allow an environment less dominated by car users.

The Parks Section also notes that the management of the open space may be offered to the Council (Parks) for adoption. Although I welcome the offer, it is recommended that the open space is to be included under the management company responsibility. This would have some benefit in providing a more long term approach to the open space based on a management plan. Maintenance of other landscape elements on site, including the tree planting

between parking spaces, is designated to be carried out by the management company.

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 **95.3**. This generates an open space requirement of **0.232 ha** of on-site open space based on the criteria set for Housing accommodation.

Based on the information/drawings submitted a contribution of **£43,073** is sought.

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. 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 Hill Snook Park, Llwynfedw Gardens and Heath Park.

- 5.11 The Housing Development (Enabling) Team: Supports the application as it will meeting the Council's affordable housing requirements

6. EXTERNAL CONSULTEES RESPONSES

- 6.1 Dwr Cymru Welsh Water: No comments received
- 6.2 Natural Resources Wales: No objections subject to contaminated land conditions
- 6.3 The South Wales Police Crime Prevention Design Advisor: No comments received
- 6.4 The South Wales Fire and Rescue Service: No comments received

7. REPRESENTATIONS

7.1 Neighbouring properties have been notified and site/press notices have also been undertaken in accordance with procedure. 8 letters of representation have been received. 7 no. objections to the proposal. The following statements have been submitted:

- The height of the boundary trees are reduced to a safe level;
- A box junction is introduced onto Caerphilly Road and
- The proposal has the south-west corner of the development backing onto the north-west corner of the Phoenix Way estate (numbers 50-64). It looks as though there will be relatively little distance between both developments, so it would be good for there to be a boundary fence of appropriate height in that part of the estate to ensure privacy between the two developments

2 letters of objection have been received raising the following

- i. The Foul Water Pumping Station (FPS) and associated sewage tank are positioned only the bare minimum 15m distance from existing dwellings on Waun Ddyfal. The objector considers this to be inconsiderately placed without thought for the existing residents, in terms of noise and smell. In addition the objector states that the siting of the Foul Water pump station breaches their human rights;
- ii. The planned development is excessively dense.
The objector states:
“ 53 dwellings totalling 104 bedrooms is very high for the available area, and could easily exceed 208 residents in an area of only 0.97 Ha (assuming 2 adults or children per bedroom). The Electrocoin Automatics Ltd site, Caerphilly Road, has previously been indicated as a non-strategic private housing site (Local Development Plan 2006-2026, site ref. H1.8, pages 46 & 92, and JHLAS 2017 p.9). Only 20 dwellings were estimated for this site of 0.61 Ha., representing a density of 32.8 dwellings per hectare. In contrast, the proposed Phoenix Brickworks development is for 53 dwellings in 0.97 Ha, representing a density of 54.6 dwellings per hectare. A development density of 32.8 dwellings per hectare, as previously planned for site ref. H1.8, would permit only 32 or 33 dwellings on the 0.97 Ha site.”
- iii The planned development will be 100% social rented housing, which is unsustainable and will have negative consequences for both the occupants and on neighbouring dwellings.
The objector states:
“The affordable housing target is 20% on brownfield sites, according to Cardiff’s Local Development Plan (LDP) 2006-2026 (pages 12, 93 & 95). The LDP cites evidence supporting the statement that “affordable housing is viable at 30% on greenfield sites and 20% on brownfield sites” (p. 95, point 5.12). This 20% target is also specified in the Cardiff

Housing Strategy 2016-2021 (p.18), and applies “for the life of the new LDP [until 2026]”.

According to Planning Policy Wales (2016; point 9.1.2), “local authorities should promote mixed tenure communities”. According to Planning Policy Wales (2016; point 9.3.5), “applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing”.

The Phoenix Brickworks planning documents omit any justification for 100% social housing in terms of local circumstances and creation of sustainable communities, simply stating that it is “in response to local demand for affordable housing” (Design & Access Statement, point 4.11), with no supporting evidence and no discussion of why “affordable” in this instance should constitute 100% social rented as opposed to other forms of affordable housing (e.g. assisted home ownership, key worker housing).

100% social rented housing is neither viable nor desirable, and there is ample evidence (e.g. Joseph Rowntree Foundation publications) that integration of tenure types is essential for a community to be sustainable over the long term. Developments where the occupancy is solely social rented lack stability and are far more likely to experience problems, which adversely affect not only the residents but the wider area (Rebalancing Communities, Joseph Rowntree Foundation 2003). The Phoenix Brickworks site should be developed with no more than 20% of the dwellings earmarked for affordable housing (equating to a maximum of 10 or 11 dwellings out of 53), thereby facilitating social and income mix, and longer-term sustainability.”

- iv. Car ownership has been underestimated, and insufficient parking provision provided. The objector states:
“The Transport Statement (point 4.4.2) cites 2011 census data showing average car ownership of 1.1 cars per household, and the Planning Statement (point 5.18) cites a report from 2007 that states “households occupying rented accommodation can have up to 0.5 fewer cars than owner-occupied households”. It is wholly inappropriate to use 2007/2011 data for planning purposes, when more recent data are available. Car ownership has increased nationally since 2007 and 2011, and the Department for Transport’s Vehicle Licensing Statistics for July – September 2017 demonstrate over 38 million vehicles licensed and on the road in Great Britain in 2017, compared to 34.2 million at the end of 2011 and only 21.2 million in 1994. While these are national rather than local figures, planning should be based on current and likely future demand, not on statistics from up to a decade ago”.

- v. The only vehicular access for the planned development will be via Phoenix Way and Waun Ddyfal.
The objector states:

“Both roads are already used extensively for on-street parking on both sides, throughout the day and night, and the width of Waun Ddyfal permits only a single vehicle at a time to pass between the parked cars. Road capacity is just sufficient to accommodate the current weight of traffic entering and exiting the Waun Ddyfal carparks, provided all drivers exercise extreme caution, but cannot accommodate the greatly increased traffic generated by the planned development. The point made in the Transport Statement (point 4.1.4) that “the site would have historically generated vehicle trips” is irrelevant and misleading, because this refers to many years ago, before Phoenix Way/Waun Ddyfal were developed for residential use. This is not satisfactorily addressed by PAC Report 5.38.”

- vi. The traffic generated by the planned development has been underestimated and will have a negative impact on Waun Ddyfal and Phoenix Way in terms of congestion, noise and vehicle pollution, and likely conflict between vehicles and pedestrians

The objector states “The Transport Statement (points 2.1.5 and 4.1.4) states that “the site has historic employment use which would have generated vehicle trips onto the surrounding highway network, including HGV movements”. This may be technically correct but is very misleading, and is not satisfactorily addressed in PAC Report 5.38. The majority of the site has been disused since before the current housing on Phoenix Way and Waun Ddyfal was built, and the entire site has been derelict for many years (at least since 2005). There has never been co-existence of substantial employment-related traffic including HGVs with the residential development on Phoenix Way/Waun Ddyfal, and this misleading statement should not be used to support the new proposed development.

The width of Phoenix Way/Waun Ddyfal and their use for on-street parking, coupled with the proximity of housing, make them highly unsuitable for the proposed through-traffic. The Transport Statement estimate of 248 two-way vehicle movements over a 12-hour period (point 4.2.8) is likely to be a conservative estimate, but even so equates to one vehicle passing through Waun Ddyfal every 3 minutes, continuously over 12 hours. The Transport Statement has neglected to model forecast proposed vehicle trips overnight, during the period 19:00 – 07:00. The estimate also only takes into account trips undertaken by residents, and does not consider visitors to the site and their associated traffic, including but not limited to: friends and family, social workers, emergency services, refuse collection vehicles, site maintenance vehicles, supermarket delivery vans, Royal Mail/ Post Brenhinol vehicles, and taxis. Funnelling all vehicular access along Waun Ddyfal and Phoenix Way will have an unacceptably negative impact on residents of these streets. PAC Report 5.36 states that the TRICS trip generation analysis is the industry standard; this is not contested, but what remedial action will be taken if 248 trips in 12 hours turns out to be an underestimate?

It would be preferable to reopen the junction between Waun Ddyfal and Caerphilly Road. The response that the bus stop cannot be moved because it is on a bus route (PAC Report 5.42) makes no sense given that there is another bus stop on Caerphilly Road just 145 meters to the south. The bus route itself would be unaffected by moving the stop.”

- vii. The planned speed bump at the entrance to the site (*Transport Statement* point 3.2.3) will not necessarily reduce vehicle speed within the planned development, but it will increase traffic noise, fumes and pollution
- viii. Massing is out of scale with neighbouring dwellings.
- ix. Based on the proposed site layout, it is very unlikely that the residents of the apartment block will go to the back of the site to use the Public Open Space for all outdoor activities. The objector believes it is more likely that they will congregate towards Waun Ddyfal/Phoenix Way, the car parks, and the ALDI car park, with attendant noise and nuisance including litter and dog fouling, during the day and overnight;
- x. There is very limited evidence provided of measures taken to design out crime.

The objector states:

“According to Cardiff’s Local Development Plan 2006-2026 (page 169, point 5.321) “developers are encouraged to ... emphasise and clearly demonstrate the proposed measures taken to design out crime”; this should refer to impact on neighbouring streets as well as on the development itself. Point 4.31 of the Design & Access Statement indicates that the development has been planned “in accord with Secured by Design principles”, however the only measure mentioned is natural surveillance, which is insufficient and is overemphasised both in the application and in the PAC Report (5.48). The PAC Report considers the proposed development itself, but not on minimising crime and other impacts on neighbouring streets. PAC Report 5.48 states that routes will be “supervised”, but there is no mention of who will ensure long-term capable guardianship.

The Phoenix Brickworks documents include no information on how public order offenses as well as more serious crimes will be minimised. The derelict site suffers from criminal activity; 35 crimes were reported between January 2015 and December 2017, which equates to an average of 1 crime per month (Police.UK website <https://www.police.uk/south-wales/W05000864/crime/>). This is a problem, but hardly “numerous instances” as asserted in PAC Report point 5.49. The statement that “redevelopment of the site will benefit local residents of surrounding streets ... with an active and attractive residential development” is just opinion, with no supporting evidence. To have any weight at all, evidence should be provided of the number

of crimes committed per month on and near comparable United Welsh sites over an extended period. Is the crime rate below 1 incident per month, over at least a 3-year period? This information could no doubt be readily collated from the Police.UK website.

Published studies into the experiences of residents of housing association estates, e.g. by Joseph Rowntree Foundation, find that crime is a major local problem [on and nearly such estates], with vandalism and drug use cited as common nuisances. Cardiff Council considers criminal offending, substance misuse/drugs and alcohol dependency to be lead needs for allocation of social housing (Cardiff Housing Strategy 2016-2021, p. 33). Housing criminal offenders is more likely to lead to an increase in crime, not a decrease, and neighbouring households will be the victims of this. The proposed lack of tenancy mix means there will be no stabilising influence (the lack of right to buy or market housing means anyone with aspirations will leave).

The only development that would actually benefit the area would be one of a standard 80% market housing, 20% affordable (mixed tenures including assisted home ownership, key worker housing etc.) split. This would be far more sustainable, as well as facilitating integration and social mobility;”

- xi. The planned development will have a substantial negative impact on the surrounding area (on Phoenix Way/Waun Ddyfal in particular), and will bring no positive benefits

Negative impacts include:

- the number of units,
- the density,
- transport and access,
- the plan for 100% single type tenancy,
- the positioning of the Foul Water Pumping Station and sewage tank,

all as discussed above. There are no positive benefits.

Overall, the development as proposed will have an excessive and adverse effect on the residential amenity and character of the neighbourhood. For all the reasons listed above, I am against the proposed development of Phoenix Brickworks, as put forward by WPM Planning & Development on behalf of United Welsh Group.

A further objector from Maes-Y-Crofft, Morganstown, raises the additional concern: the proposal would reduce existing residents' property values.

- 7.2 Local members have been notified. Councillor Hinchey makes the following points:

- i. A mix of tenure to be a recommendation to United Welsh Housing Association to ensure a community balance of families, couples and single persons in this new development

- ii. The appearance of the proposed development is in keeping with the character and design of existing neighbouring properties in Waun Ddyfal estate and Caerphilly Rd
- iii. The rear Public Open Space part of this development, which borders with Thornbury Close and Philip Close/Mavis Grove, is welcomed and retains a green buffer of public open space to ensure privacy and amenity is maintained.
- iv. The introduction of 75 parking spaces (for 53 units), the design and family gardens is a welcomed feature of this development
- v. I would suggest recommending that new low height trees should replace the existing overgrown conifers in the POS area. Other existing overgrown trees to be reduced in height but maintained to allow more sunlight into neighbouring properties whilst keeping privacy
- vi. The foul drain pumping station, needed to connect to main sewers, be positioned as far away from existing properties as possible and made safely obscured by trees, fencing and foliage
- vii. S106 Highways contribution - The Waun Ddyfal / Caerphilly Rd junction to be improved and have a new yellow box hatched area to allow existing and new residents easier access and egress during peak traffic times, the current double yellow lines be upgraded with "straps" to prevent waiting and a new bus shelter be located at the nearby southbound stop outside 344 Caerphilly Rd.
- viii. Section 106 community contribution be divided equally between the two nearest CAT community run centres MYC (Maes y Coed Rd) and FLG at Llwynfedw Gardens, both of which are in the Ward and within easy walking distance
- ix. S106 Education contribution should be used to establish a new nursery provision at nearby Birchgrove Primary school
- x. Given this site has been completely derelict for almost a decade and attracted significant anti-social behaviour I welcome this development which brings forward a good range of much needed affordable housing.

7.2.1 Councillor Bowden makes the following observations:

- i. I have looked at the transport statement and am concerned about the trip generation & its impact on egress from Phoenix Way. Given that Caerphilly Road is at full capacity, and that the Aldi traffic has yet to be felt on the network, I feel that these additional movements will be difficult. It also needs to be borne in mind that when Aldi submitted its planning application, the Council had not asked them to provide any assessment on the impact of traffic at the Phoenix Way junction;

- ii. I note the accident rate along Caerphilly Road related to 2016. Since the opening of the bus lanes on Caerphilly Road, the number of accidents has increased significantly; some have been serious;
- iii. In terms of parking, I note the references to less car ownership among social housing developments. I hope that is the case as the level of parking in Phoenix Way during the day is usually at 80% occupancy. Add to the fact that Caerphilly Road residents who currently have use of the parking bays in front of the Aldi site will be displaced once the entrance way is developed, these vehicles are likely to move to Phoenix Way & Threipland Drive and take up whatever residual parking spaces are available during the day & night;
- iv. Siting of the foul water pumping station so close to local residents in Waun Ddyfal is inappropriate. The developer is aware of the potential for noise & smells arising from the pumping station as they have stated that they would be “willing to accept a condition to provide details of measures to control potential noise and odours from the FPS should the local planning authority consider this necessary” (Pre-Application Consultation (PAC) Report 5.22). I agree with one of my residents who has submitted a letter of opposition to this development that ‘ information concerning the foul water pumping station should already have been provided as a matter of course, and made available to the public’;
- v. I am concerned that the site is 100% social housing. While I appreciate that within a brownfield site a minimum of 20% of the properties must be social housing, and that there is a need to increase the housing supply, but to extend this to be 100% could cause social integration problems.
- vi. I mentioned at the site visit the issues of school provision & access to GP surgeries. I note from the documents that there is an assumption that children from the proposed development will go to Ton Yr Ywen Primary School; generally, the children from this part of the Ward attend Birchgrove Primary School. In either case, these schools are full and are likely to remain so, If this is the case, then parents are going to have to take their children out of the area & will presumably be dependent upon a car to get to school. In addition, I think it unwise to assume that Whitchurch High School will have capacity to accommodate a significant number of additional pupils.
- vii. In terms of GP surgeries, we have recently lost a surgery in Birchgrove & patients have been allocated surgeries out of the local area. The developer is making a sweeping assumption that the remaining surgeries in Heath & Birchgrove can accommodate the significant numbers that will be occupying the proposed development.

8. **ANALYSIS**

8.1 The key planning considerations are:

- I) Principle of development;
- II) Impact upon the character of the area;
- III) Impact upon neighbouring properties
- IV) Impact upon the future occupiers
- V) Impact upon parking and highway safety
- VI) Impact upon protected species and trees
- VII) Other matters raised

8.2 Principle of development

Part of the site is allocated within the adopted plan for housing under LDP Policy H1. The principle of residential on this element of the site has been established.

The remainder of the site (the larger part) has no allocation within the LDP and its last use was industrial. Therefore, the remaining site has been assessed against policy H6 'Change of Use or Redevelopment to Residential Use'. This states that change of use of redundant premises or redevelopment of redundant previously developed land for residential use will be permitted where:

- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;*
- ii. The resulting residential accommodation and amenity will be satisfactory;*
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;*
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and*
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to end users.*

The site was formerly used for industrial purposes, but has been vacant for in excess of ten years. The site has not been allocated under policy EC1 as a site identified for protection for employment uses. It is considered, therefore, that there is no need to retain the site for its previous use.

Given that part of the site is allocated for housing and the site's location adjacent to residential uses, the redevelopment of the site for residential purposes is considered acceptable in land use policy terms.

8.3 Impact upon the character of the area

The general thrust of Policy KP5 of the adopted Cardiff Local Development Plan 2006- 2026 (2016) (LDP) seeks to ensure that all new development is of a high quality, sustainable design that makes a positive contribution to the

creation of distinctive communities. Detailed advice on this policy is contained with the council's approved 'Residential Design Guide' SPG.

The proposed mixture of building types i.e. 2 storey housing and a 3 storey block of flats would add variety to the site and would complement that of the surrounding residential properties, which are also of a similar height and design, and is considered to link well with the established pattern of development.

The submitted plans break up the hardscape with proposed soft landscaping and a green open space that is screened by the protected trees. This design philosophy ensures that the development provides an acceptance level and mix of hard and soft landscaping. Conditions have been imposed for the developer to gain detailed consent on species of trees and landscaping management of the green areas. Given the above it is considered that the proposal is not an overdevelopment and accords with national and local policies which seek efficient use of brownfield land.

The scale, siting, massing, use of the materials and landscaping of the proposed development are considered to preserve the character and appearance of the surrounding area and would accord with the Council's design policies.

8.4 Impact upon neighbouring properties

Policy KP5 (X) of the adopted Cardiff Local Development Plan 2006- 2026 (2016) (LDP) seeks to ensure development does not have any undue effect on the amenity of neighbouring occupiers. Detailed advice on this policy is set within the Council's approved 'Residential Design' SPG, which seeks, amongst other matters, to ensure suitable privacy distances from adjoining residential properties and that the scale, massing and design of a proposal would not result in development being overbearing or un-neighbourly on adjoining properties. This policy and guidance accords with national guidance, as outlined in Planning Policy Wales that seeks, inter alia, to ensure development does not cause damage to an area's character or amenity (This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing) and these points have been assessed below.

8.4.1 Privacy

The proposed separation of the houses (plots 40-53) from the properties to the north are sited 10.0 metres from the boundary. Whilst the guidance suggests a distance of 10.5 metres, in this context the overlooking would be to a block of garages or to tall trees, protected by Tree Preservation Order, and not to any adjacent residential neighbours. Given this relationship, the separation distance is considered acceptable.

In terms of window-to-window distances between habitable rooms of the properties on Philip Close and the application site, they are sited in excess of

35 metres. This distance and interim screening exceeds the Council's minimum separation distance of 21 metres.

In relation to the dwellings to the south (Phoenix Way) the properties are designed so that there will be no direct overlooking of these properties. Plots 19/20, which would face the side gable end of no. 46 Phoenix Way, does not propose any windows facing this property. Plot 39 was originally shown with first floor windows in close proximity to the rear boundary (a distance of approximately 8 metres). However, amended plans have been received that relocates the first floor window to ensure compliance with the Council's privacy standard.

8.4.2 Scale, massing and design

The proposed siting and design of the development from the adjoining properties would ensure that the proposal is not overbearing or un-neighbourly upon the existing properties.

In summary, it is considered that the siting and design of the development would accord with the Council's policies and would not adversely impact on the existing residences.

8.4.3 The location of the foul water pumping station

The pumping station would be sited approximately 7 metres from the nearest existing residential property. The siting of the station is determined by the topography of the land i.e. must be sited at the lowest part of the site, as drainage systems are design by gravitational pull and technical requirements outlined in WRc document Sewers for Adoption (SFA) Edition 7. SFA provides nationally agreed guidance for the design and construction of sewers that will be adopted by Sewerage Undertakers in England and Wales in accordance with Section 104 of the Water Industry Act 1991. The Councils' Pollution Control section has raised no objection to the siting of the station. Conditions have been imposed for details of drainage flows/connections, noise limitation and future maintenance of the station, these conditions will ensure that the station would not have a detrimental impact upon future or existing residents. Most of the machinery will be underground with those elements above ground would be enclosed by a brick wall and accessed by locked gates. It is considered that, visually the pumping station would not harm the aesthetics of the area.

8.5 Impact upon the future occupiers

8.5.1 Internal/external amenity space

Both national guidance and local policies seek to ensure acceptable living standards for future occupiers. The proposed levels of internal space, for both the houses and flats, along with their outlook are considered acceptable. The proposed gardens servicing the houses are also considered appropriate in scale and usability to their proposed occupancy.

In terms of the flats, the block will have an element of functional space available for the residents, which given the nature of the block, being primarily one bed roomed flats, is considered acceptable. In terms of recreational space, the developer has provided a green open space that will be shared with other residents and existing properties within the area. This approach to recreational space is supported by officers.

8.5.2 Impact from commercial use of the adjoining site

Officers note that a new Aldi retail store is being built to the east of the application site and that the proposed flats (sited approximately 11 metres from the common boundary) and plots 52 & 53 would be the closest properties to the store (plot 53 abuts the common boundary with the Aldi site). The planning permission, reference 17/01490/MJR also imposed conditions to ensure the amenities of neighbouring residential properties were protected, these conditions are:

[17]. Members of the public shall only be admitted to or allowed to remain on the premises between the hours of 08:00 and 22:00 Monday to Saturday and 10:00 and 17:00 on Sundays.

Reason: To ensure that the use of the premises does not prejudice the amenities of the area.

[18]. Deliveries shall only be taken at or dispatched from the site between the hours of 07:30 and 22:00 Monday to Saturday and 09:00 and 17:00 on Sundays. No refrigerated vehicles with refrigeration units running shall be parked on the site between the hours of 22:00 and 07:30.

Reason: To ensure that deliveries, loading and unloading do not cause unreasonable nuisance to neighbours.

[19]. Prior to its installation, details of the fixed plant and machinery serving the development, and any mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 40dB(A) between 07:00 and 23:00 hours and 35dB(A) at all other times. The rating levels shall be determined by the objective acoustic feature methodology of BS4142:2014 and calculated to the nearest noise sensitive premises.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

[20]. Prior to its installation on site a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be designed to avoid light spill into neighbouring residential properties. All external lighting shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity.

[21]. The lighting scheme approved under Condition 20 shall only be illuminated between the hours of 07:30 and 22:30 Monday to Saturday and 10:00 to 17:30 on Sundays.

Reason: To ensure that the use of the premises does not prejudice the amenities of the area."

Given the above conditions, it is considered that the amenity of the residential properties will not be undermined by the new store. Furthermore, given the former industrial use of the site, conditions have been imposed for the remediation of the land to ensure that the future health of residents is protected.

8.6 Impact upon parking and highway provision

The proposed parking is at the upper end of the parking standards but it is in accordance with the council's adopted parking standards and is therefore acceptable.

In terms of highways safety, the application has been supported by a Transport Statement that has assessed the impact of the proposed development upon the transport network and the Transport Statement concludes as follows:

"the Phoenix way/Caerphilly Rd priority junction operates well within theoretical capacity and the development would have a negligible impact on this junction.

The development is forecast to generate less than 1 vehicle every 4 minutes through the Maes-Y-Coed Rd/ Ty Wern. Caerphilly Rd junction. This would be imperceptible to existing users and would not have a material impact upon its operation.

Based on the information contained within the Transport Statement it is considered that the development will not have a material impact on the operation or safety of the surrounding highway network."

The council's Transportation Section has assessed the application and submitted Transport Statement and raises no objection to this proposal. In forming this view officers have also confirmed that they have had regard to the location of the doctor's surgery and commercial uses on Caerphilly Road.

The Transportation Section notes the request from residents and ward councillor for a box junction onto Caerphilly road but given the number of vehicles proposed it is considered the need for a box junction is not justified.

The main spine road within to the estate will be adopted by the council and will link into the existing adopted road network.

8.7 Impact upon protected species and trees

8.7.1 Protected species

Within the site there are a number of badger setts. Badgers and their setts are protected under The Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981. Policies EN6 and EN7 of the adopted LDP requires consideration of the protected species and their environment. The applicant has submitted an Ecological Appraisal from EDP dated January 2018 that concludes:

“Overall therefore, given the small scale of the development proposals and the scope of those proposed mitigation measures (buffer zones and on site monitoring), EDP considers that the scheme is capable of compliance with relevant planning policy for the conservation of the natural environment at all levels”

Both the Council's Ecology Officer and Natural Resources Wales raise no objection to the impact on ecological grounds subject to a Green Infrastructure statement condition; such a condition has been included above.

8.7.2 Trees

There are a line of semi-mature/mature trees that delineates the north western and western boundaries of the application site that are subject to a Tree Preservation Order (City of Cardiff TPO87 (Phoenix Brickworks) 1977). Policy EN8 of the adopted LDP, the approved 'Green Infrastructure' SPG and TAN 10 requires an assessment of the impact on any development upon protected trees. The submitted plans indicate that the trees are to remain and therefore officers believe that suitably worded conditions can be imposed to ensure the development would not conflict with policy to protect the trees during and after development.

Officers note requests from adjoining neighbours for the trees to be removed/cut back. However, at this stage the submitted tree report advises limited pruning and removal of the poorer trees only. Given their protected status, it considered appropriate to attempt to better manage the trees and a condition has been imposed for the long-term management of this area, which may result in more works to be undertaken to the protected trees.

8.8 Other matters not assessed above

8.8.1 Welsh Minister for Environment and Rural Affairs in her letter to Chief Planning Officer dated 23 February, 2017 advised the following:

“The delivery of housing remains one of the highest priorities of this Government. It is essential for the planning system to facilitate the provision of additional housing through robust evidence based Local Development Plans (LDPs). We have an ambitious target of delivering 20,000 affordable homes over this term of Government. If we are to realise our ambition, it will

be necessary to use all available policy levers to their full potential, including the planning system.

I reiterate all such applications should be assessed against relevant policy considerations, including the need to increase housing land supply and the principle of sustainable development.

The Welsh Government remains committed to increasing housing land supply by requiring Local Planning Authorities to give it considerable weight as a material consideration when dealing with planning applications for housing. However, this is subject to the development otherwise complying with development plan and national planning policies, as clearly set out in paragraph 6.2 of TAN 1.

This includes ensuring development proposals are well related to the existing settlement form and do not lead to unacceptable impacts on local economic, social and environmental infrastructure. The principles of sustainable development and the creation of cohesive communities, which forms the basis of the Welsh Government's planning policy, remains and should not be undermined by the need to increase housing land supply.”

The proposal meets this objective as set within the letter.

- 8.8.2 In terms of loss of house values, boundary matters and views, para 3.1.4 of Planning Policy Wales (2016) states:

*“Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2). The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the **substance of local views must be considered**, the duty is to decide each case on its planning merits.”*

Whilst officers note these matters are of concern to nearby owners they are not matters that can be considered through the planning process. The development is considered acceptable in respect of its likely environmental and amenity impact.

- 8.8.3 Any traffic disruption during the construction period will be temporary in nature and is a feature of all development proposals and not ground for refusal. However, a condition has been imposed for a construction management plan to be submitted for approval to ensure construction activities are not unduly detrimental to amenity.
- 8.8.4 Policy H3 (Affordable housing) seeks a 20% and 30% for affordable housing the policy does not exclude 100% affordable housing.

- 8.8.5 The suggestion that 100% affordable housing on this site would result in negative consequences is not supported. The proposal must be seen in the context of the area as a whole and as well of the household types within the site as such would accord with the desire for mixed communities. The notion that this development would result in negative effects upon the existing community is again not supported.
- 8.8.6 Article 1 (Right to peaceful enjoyment of possessions and protection of property) of the Human Rights Act has been raised. These rights are not absolute and are balanced against the public interest e.g. the right of others to have a home. Having regard to national requirements to promote sustainable development and acknowledging that this proposal will provide 53 affordable housing units, it is not considered that approval of this proposal would conflict with the Human Rights Act.
- 8.8.7 The granting of this consent would have considerable benefits as it would provide much needed homes; ensure the site is not used for fly tipping or antisocial behaviour and would improve the aesthetic of the area from a currently derelict site.
- 8.8.8 Officers note concern over access to social facilities i.e doctors, dentist and schools. To reiterate the Chief Officer Schools believes that the proposed pupils can be accommodated within the current framework and in terms, of doctors and dentist are a national matter with n evidence to suggest the future residents could not access such facilities within Cardiff.

9. **SECTION 106 AGREEMENT**

- 9.1 The following contribution requests have been made:

Parks – A contribution of **£43,073.00** is requested towards the provision of open space in the vicinity of the site (this figure has taken account of the proposed on site public open space) .

Neighbourhood Regeneration – A contribution of **£52,818.99** is requested towards the provision/maintenance of community facilities in the vicinity of the site.

Transportation – A contribution of **£5,000** is requested, to review and pay for additional traffic orders within the area.

Education requirements – A contribution of **£90,236.00** is requested to mitigate the impact upon school places within the area.

Limiting the use of the properties to affordable housing only

Having regard to the legal test set within Regulation 122 of Community Infrastructure Levy Regulation 2010 (as amended), the policy sets set out in W/O circular 13/97 'Planning obligations' and the requirements outlined in

Policy KP 7 (Planning obligations) of the adopted Cardiff Local Plan. The requested contributions meet those requirements. The amounts are calculated using the formula contained within the Council's approved Planning Obligations SPG.

The triggers for payment will be agreed during the S106 process.

The agent has confirmed that the above contributions are acceptable to the applicant.

10. **CONCLUSION**

- 10.1 The proposal will utilise a brownfield site for affordable housing. The proposed siting, scale and design ensures that the development would accord with the character of the area without having a detrimental impact upon the existing residential properties.
- 10.2 Conditions have been imposed to deal with remediation matters and maintenance of the site. The conditions imposed meet the tests of valid conditions as outlined in national guidance.

11. **RECOMMENDATION**

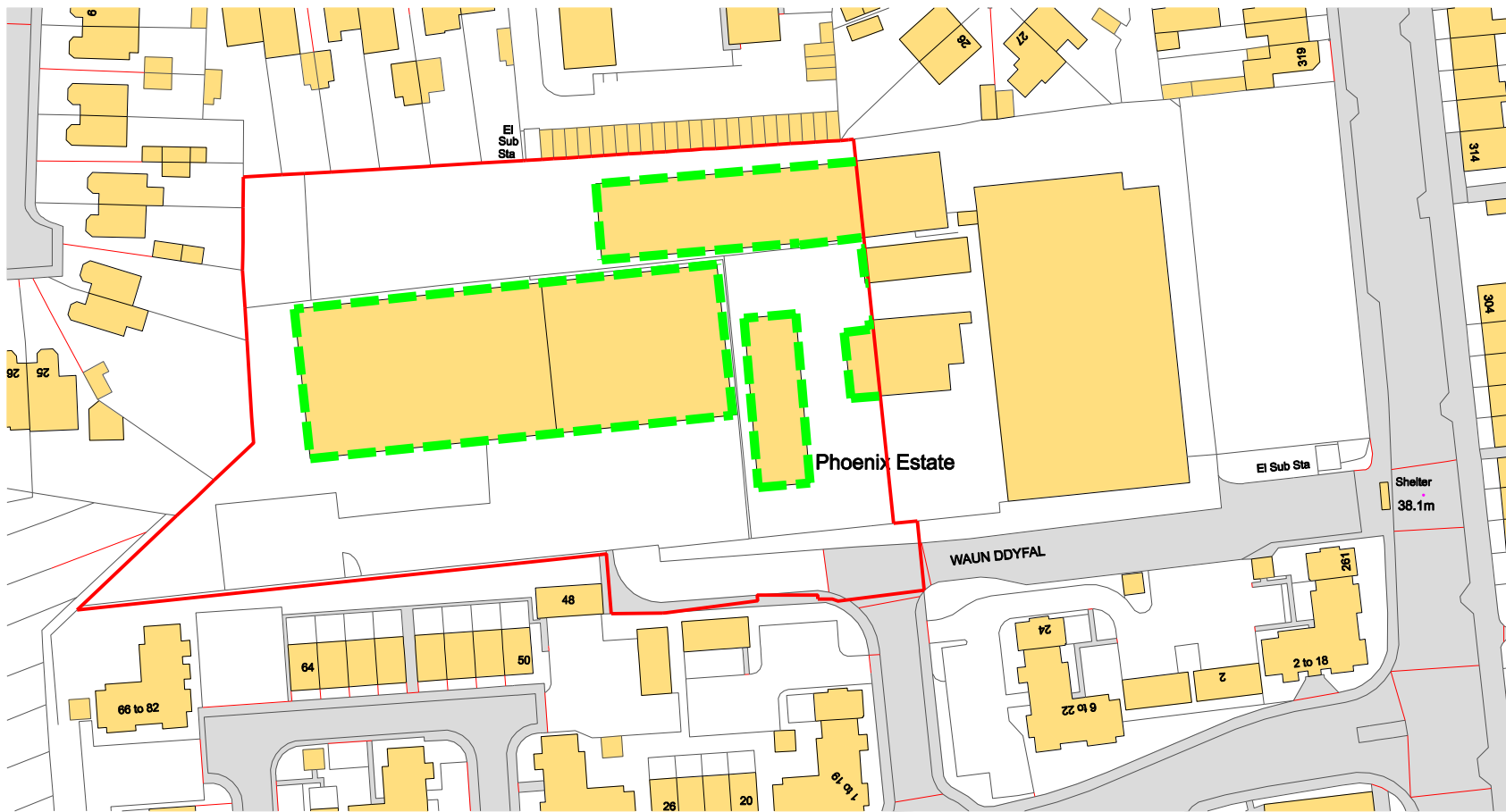
- 11.1 The application is recommend for **approval** subject to the applicant signing a legal agreement and the imposed conditions.

12. **Legal duties imposed on the Local Planning Authority**

- 12.1 *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.
- 12.2 *Equality Act 2010* – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic
- 12.3 *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.

- 12.4 Environment (Wales) Act 2016- Section 6(1) states a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. It is considered that subject to conditions the proposal will maintain the biodiversity on site and therefore this duty has been considered.



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Where existing trees are shown to be retained they should be subject to a full Arboricultural Inspection for safety. A suitable method of foundation is to be provided to accommodate proposed tree planting.

General Notes



Rev	Date	By	Comment
A	06.11.17	IB	Buildings to be removed & legend added to Client comment

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Client
United Welsh Group

Project Title
**Caerphilly Road
 Cardiff**

Drawing Title
Location Plan

Drawing Status

Drawn By	Scales	A4	Date
	1:1250		Nov 2017
Job No.	Drawing No.	Rev.	
1427	101	A	

LEGEND

— Application Boundary

■ Denotes Buildings to be Removed



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WHERE EXISTING TREES ARE SHOWN TO BE RETAINED THEY SHOULD BE SUBJECT TO A FULL ARBORICULTURAL INSPECTION FOR SAFETY. SUITABLE METHOD OF FOUNDATION IS TO BE PROVIDED TO ACCOMMODATE PROPOSED TREE PLANTING.

General Notes

L	25.01.18	IB	Willow Accommodation Schedule changed to LPA comments
K	17.01.18	IB	Layout Revised to Client and LPA comments
J	12.01.18	IB	Layout revised to Clients and LPA comments
H	06.12.17	IB	Parking spaces 1-2 moved to Clients comments
G	05.12.17	IB	Layout revised following comments from LPA and Client
F	14.11.17	IB	FPS added and layout updated to Client comments
E	08.11.17	IB	Offsite footpath link & plot handings added to Client comment
D	03.11.17	IB	FPS omitted at Client request
C	02.11.17	IB	Layout updated to indicate gates, paths and boundary fences
B	27.10.17	IB	Layout revised to Client comments
A	18.10.17	IB	Layout revised to Client comments

Rev	Date	By	Comment
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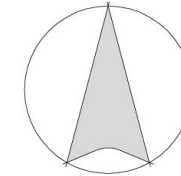
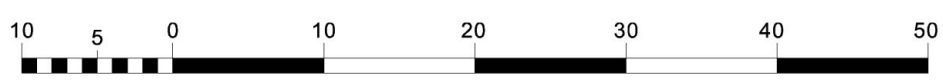
Project Title
**Caerphilly Road
Cardiff**

Drawing Title
Planning Layout

Drawing Status		
Drawn By IB	Scales 1:500	Date A2 Aug 2017
Job No. 1427	Drawing No. 100	Rev. L

ACCOMMODATION SCHEDULE

Alder	Al	1 Bed	570	2
Olive	Ol	2 Bed	861	21
Larch	Lh	3 Bed	998	9
Beech	Be	3 Bed	998	3
Willow	W	1 Bed	499	15
		2 Bed	624	3
Total				53



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General Notes

Rev	Date	By	Comment
C	17.01.18	IB	Revised to layout 1427.100 rev K
B	12.01.18	IB	Revised to layout 1427.100 rev J
A	06.12.17	IB	Revised to layout 1427.100 rev H



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Client
United Welsh Group

Project Title
**Caerphilly Road
Cardiff**

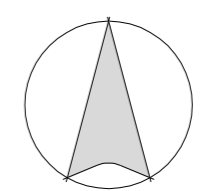
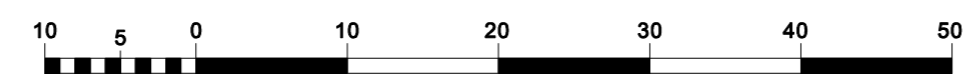
Drawing Title
Storey Heights Layout

Drawing Status

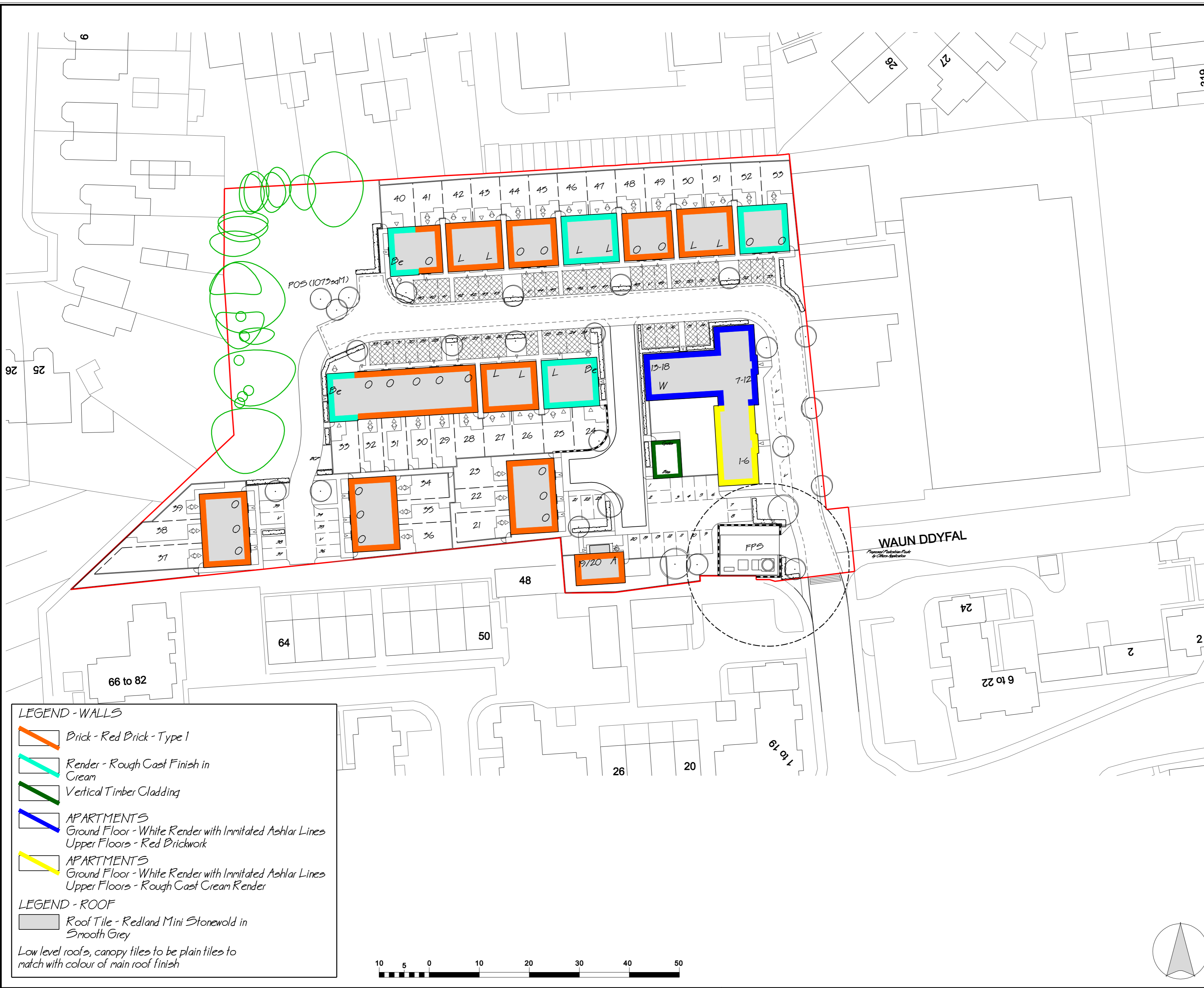
Drawn By IB	Scales 1:500	Date A2 Nov 2017
Job No. 1427	Drawing No. 104	Rev. C

LEGEND

- Single Storey
- Two Storey
- Three Storey



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General Notes

Rev	Date	By	Comment
C	17.01.18	IB	Revised to layout 1427.100 rev K
B	12.01.18	IB	Revised to layout 1427.100 rev J
A	06.12.17	IB	Revised to layout 1427.100 rev H

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Client
United Welsh Group

Project Title
**Caerphilly Road
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Drawing Title
Materials Layout

Drawing Status

Drawn By IB	Scales 1:500	A2 Date Nov 2017
Job No. 1427	Drawing No. 103	Rev. C

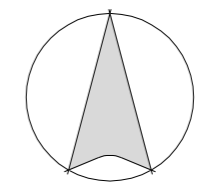
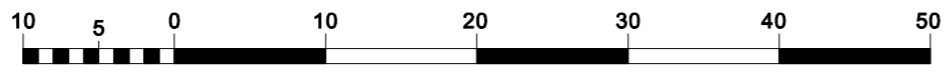
LEGEND - WALLS

- Brick - Red Brick - Type 1
- Render - Rough Cast Finish in Cream
- Vertical Timber Cladding
- APARTMENTS
Ground Floor - White Render with Imitated Ashlar Lines
Upper Floors - Red Brickwork
- APARTMENTS
Ground Floor - White Render with Imitated Ashlar Lines
Upper Floors - Rough Cast Cream Render

LEGEND - ROOF

- Roof Tile - Redland Mini Stonewold in Smooth Grey

Low level roofs, canopy tiles to be plain tiles to match with colour of main roof finish



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General Notes

Rev	Date	By	Comment
B	17.01.18	IB	Revised to layout 1427.100 rev K
A	12.01.18	IB	Plots 7-12 stepped back, additional planting added, to Client comment

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Project Title
**Caerphilly Road
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Drawing Title
Street Scene

Drawing Status

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Job No. 1427	Drawing No. 110	Rev. B

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Foul Pumping Station

Path

Plots 1-12

Foul Pumping Station

Plot 52

STREET SCENE

