

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 23/01/2019

APPLICATION No. **18/02500/MJR** APPLICATION DATE: 24/10/2018

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council; Wates Residential
LOCATION: HOWARDIAN ADULT LEARNING CENTRE, HAMMOND WAY,
PENYLAN, CARDIFF, CF23 9NB
PROPOSAL: DEVELOPMENT OF 43 RESIDENTIAL DWELLINGS (USE
CLASS C3, INCLUDING AFFORDABLE HOUSING),
VEHICULAR AND PEDESTRIAN ACCESS, LANDSCAPING,
DRAINAGE, RELATED INFRASTRUCTURE AND
ENGINEERING WORKS

RECOMMENDATION 1 : That planning permission be **GRANTED** subject to the applicant entering a Unilateral Undertaking under **SECTION 106** for the requirements specified in paragraph 9.1 of this report and subject to the following conditions :

1. C01 Statutory Time Limit
2. This approval is in respect of the following plans and documents, unless otherwise amended by any other condition attached to this consent:
 - 2289/100B Location Plan
 - 2289/102H Planning Layout
 - 2289/103B Management Plan
 - 2289/200-01A House Type 4.2.1 Plans
 - 2289/200-02A House Type 4.2.1 Elevations
 - 2289/200-03 House Type 4.2.1 Elevations Semi-Detached
 - 2289/200-04 House Type 4.2.1 Elevations Terraced
 - 2289/202-01 House Type C Plans
 - 2289/ 202-02 House Type C Elevations
 - 2289/ 203-01A House Type D Plans
 - 2289/ 203-02A House Type D Elevations
 - 2289/204-01A House Type D Plans
 - 2289/204-02B House Type E Elevations
 - 2289/ 206-01B House Type I Plans
 - 2289/ 206-02C House Type I Elevations
 - 2289/ 208-01A House Type K Plans
 - 2289/208-02A House Type K Elevations
 - 2289/208-03 House Type K Elevations Semi-Detached
 - 2289/208-04A House Type K Elevations Terrace

- 2289/209-01B House Type L Plans
- 2289/209-02B House Type L Elevations
- 2289/210-01B Apartment Plans
- 2289/ 210-02C 2B1 Apartment Elevations
- 2289/ 210-03A 2B1 Apartment Block Elevation
- 2289/211-01A House Type 1B1 Apartments Plan
- 2289/211-02A House Type 1B1 Apartments Elevation
- 2289/212-01 House Type 2B2 Apartments Plans
- 2289/212-02 House Type 2B2 Apartments Elevation
- 2289/220-01 Single Garage
- 2289/221-01 Double Garage
- 2289/ 300-01B Street Scene Elevations
- 2289/310-01 Site Sections
- 2289/311-01 Front Entrance Feature Walls
- 184020_A01_A3 Site Access General and Visibility Splays
- 184020_A02A Traffic Regulation Orders
- 184020_AT_A01_A3F Swept Path Analysis of Proposed Site Access
- 184020_AT_A02_A3B Swept Path Analysis of Turning Head Refuse Vehicle
- 184020_AT03A Swept Path Analysis of Site Access Fire Engine
- 184020_AT04A Swept Path Analysis of Turning Head Fire Engine
- 002P2 Proposed Levels
- WA2876-10 Existing Levels
- HC.LA.100E, 101E, 102E, 103E, 104E, 105B, (all dated 9 January 2019) Landscaping Plans;
- Transport Statement Oct 2018,
- Phase I Desk Study /2 rev3, Phase II Geoenvironmental and Geotechnical Ground Investigation Report GRO09-RPT-002 Rev2,
- Preliminary Ecological Appraisal (August 2015) ECO-009 rev VO.1,
- Updated Preliminary Ecological Appraisal (September 2018) AB/CA11025/LET, Dormouse Mitigation Strategy (September 2018) 004 VO.1,
- Bat Report (September 2018) 002 rev V1,
- Drainage Strategy 001.P3,
- Drainage Design Statement CDGA-9461-DIS1-P3,
- G11 Green Infrastructure Drawing,
- Green Infrastructure Statement A108991issue 05
- Landscape Strategy
- Tree Survey, Categorisation & Constraints Report and Proposed Site levels 002P2.

Reason: To avoid doubt and confusion as to the approved plans.

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

All required gas protection measures shall be installed and appropriately verified 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

Reason: To ensure that the safety of future occupiers is not prejudiced.

4. Post demolition but prior to commencement of the main 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 shall be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (ii) 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)
- (iii) 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).

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.

5. Post demolition but prior to commencement of the main 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 shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017).

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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

6. The remediation scheme approved by condition 5 shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development. 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 shall 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).

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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. 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 shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.
8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

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

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

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

10. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced.
11. No building other than a sales office shall be occupied until the drainage system for the site has been completed in accordance with the approved details as shown in the Drainage Strategy Report Ref CDGA-9461-DIS1-P2. Thereafter surface water and/or land drainage shall not 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 (LDP policy EN10).
12. Prior to development commencing on site a Soil Resource Survey (SRS) and Plan (SRP) shall be prepared and shall inform a finalised topsoil and subsoil specification, including Swale/rain garden soils and a finalised landscape implementation specification that cross references the planting plans, plant schedule, services layout, tree pit section and plan views shall be submitted for the approval of the local planning authority. The details shall be implemented as approved during the first planting and seeding season following the completion of the development.
Reason: In the interests of visual and residential amenities (LDP policy H6).
13. All trees planted shall be compliant with Table 1, p.21 BS 8545:2014.
Reason: In the interests of visual and residential amenities (LDP policy H6).
14. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority otherwise defective, shall be replaced in the first available planting season and to the specification shown on approved plans and in supporting documents.
Reason: In the interests of the visual amenities of the area. (LDP policy H6).

15. No development shall take place until a finalised Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) has been submitted and approved. The AMS and TPP shall cross reference finalised layout, services and landscape plans as appropriate and shall incorporate provision for an auditable system of Arboricultural site monitoring.
Reason: In the interests of the visual amenities of the area. (LDP policy H6).
16. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 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 (LDP policy EN13).

17. Prior to the commencement any development a scheme (Construction Environmental Management Plan) to minimise dust emissions and minimise the impact on the highway arising from construction activities on site during the construction period shall be submitted in writing for approval by the Local Planning Authority. The scheme shall include (but not be limited to) details of site hoardings, site access and wheel washing facilities, a strategy for the delivery of plant and materials, construction staff parking, traffic management proposals and details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phases shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition and construction phases.
Reason: To safeguard the amenity of nearby residents in the area, users

of the adjoining school and highway safety (LDP policies EN13 and T5).

18. No clearance of trees, bushes or shrubs to take place between 1st March and 15th August unless it can be demonstrated that there are no birds nesting in this 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. (LDP policy EN7).
19. If site clearance in respect of the development hereby approved does not commence within 2 years from the date of the most recent survey for bats, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.
Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information. (LDP policy EN7).
20. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised, and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.
Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information. (LDP policy EN7).
21. Prior to the construction of any dwelling details of and a programme for the installation within this site of 3 x bat boxes for crevice-dwelling bats, 2 x House Sparrow terraces, 3 x Swift Boxes, and 2 x double House Martin cups shall be submitted for the approval in writing of the local planning authority and then be implemented in accordance with the approved details and programme.
Reason: In the interests of biodiversity. (LDP policy EN7).
22. Prior to development commencing details of a sensitive lighting scheme that is designed to avoid illumination of the retained/ enhanced dormouse habitat, as well as any bat boxes or bat flight lines shall be submitted for the approval in writing of the local planning authority and then be implemented in accordance with the approved scheme.

Reason: In the interests of biodiversity and safeguarding a protected species (LDP policy EN7).

23. No development shall commence on the houses or apartments until samples of the external materials have been submitted to the Local Planning Authority for approval and shall then be implemented as approved.

Reason: In the interests of the visual amenities of the area (LDP policy H6).

24. The colour of external meter cabinets on any principal elevation of a proposed dwelling shall match the colour of the window of that dwelling.

Reason: In the interests of visual amenities (LDP policy H6).

25. Prior to development commencing on the construction of any retaining wall details of the external materials to be used on the retaining walls shall be submitted to the Local Planning Authority for approval and shall then be implemented as approved.

Reason: In the interests of the visual amenities of the area (LDP policy H6).

26. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource (LDP policy EN9).

27. Details of the benches to be installed on site and a programme for their installation shall be submitted to and approved by the Local Planning Authority prior to the first planting and seeding season following the completion of the development.

Reason: To ensure the provision of benches in the interests of the amenities of future occupants and to avoid doubt and confusion as to the benches to be installed (LDP policy H6).

28. Prior to the occupation of the first dwelling details of the motorcycle barrier on the southern boundary of the site and a programme for its implementation shall be submitted to and approved by the Local Planning Authority and then implemented as approved.

Reason: In the interests of highway safety (LDP policy T5).

29. Notwithstanding the details shown on the approved plans identified under condition 2, details of the secure and sheltered storing of bicycles for units 1-7(inc), 14, 15, 26-31(inc) and 35-43(inc) shall be submitted to and approved in writing by the Local Planning Authority. The cycle

stores shall be provided as approved prior to the occupation of the dwellings served by those facilities.

Reason: To encourage cycle use (LDP policy T5)

30. Prior to any work commencing on the approved plans identified under condition 2 full details of the design of the central square, including the kerbing details, shall be submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason: In the interests of visual amenities (LDP policy H6)

RECOMMENDATION 2 : This development falls within a radon affected area and may require basic radon protective measures, as recommended for the purposes of the current Building Regulations.

RECOMMENDATION 3 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 4 : 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 5 : The developer shall have regard to the consultation responses received during the processing of this application.

RECOMMENDATION 6 : 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 DEVELOPMENT**

1.1 The applicant in his Planning Statement says the aim of the Cardiff Living programme is to build around 1500 homes over a 10 year period. Overall, the programme will provide at least 40% council homes to rent with a small number being made available through the Council's assisted home ownership scheme, with the remaining dwellings being placed on open market sale. The development will meet high level of energy efficiency in all homes, help to tackle fuel poverty, and create local training and employment.

1.2 The proposal is for a total of 43 dwellings comprising 2 one bedroom apartments 2 two bedroom flats over garages (FOG), 9 two bedroom houses, 3 x three bedroom houses, 19 four bedroom houses and 8 five bedroom houses. There would be 2 terraces of 3 houses and 1 terrace of 2 houses and a FOG, 19 detached houses, 6 pairs of semi-detached houses, a detached building accommodating 2 apartments and a detached fog. 19 of the dwellings would be 2 1/2 storey and all others 2 storey.

The density is 29 dwellings per hectare.

1.3 The dwellings would have either slate grey or mixed russet roofs, red brick walls, grey UVPC windows, either Marley Cedral click boarding or timber cladding feature panels and cast stone facing masonry to the front porches. Most of the open market housing other than two of the houses and the two apartments would have a pitched roof garage finished to match the proposed houses. The two open market houses without garages and the apartments will each have sheds to store bikes.

1.4 24 garages are proposed and the 2 FOGs would accommodate a total of 4 parking spaces. 12 of the open market houses would have 2 car parking spaces plus a garage. 10 of the open market houses would have 1 car parking spaces plus a garage.

1.5 The affordable units would all be the 2 bedroom houses. Each of these dwellings would have a timber shed where bikes can be stored. At this moment it has not been specified how many of the affordable dwellings would be made

available through the Council's low cost home ownership scheme. Each of these dwellings would have 2 off street car parking spaces, rotary lines, compost bins and water butts.

- 1.6 In the centre of the site a small square would be created. Two seating areas towards the southern boundary of the site are proposed close to a 7m wide green corridor running along the southern boundary, which would accommodate a swale for SUDs purposes on an east /west orientation. Three smaller swales within the site would run north to south.
- 1.7 Vehicular access would be from a single point next to 42 Hampton Court Road. A feature wall and pillars would be created at the vehicular entrance into the site. A pedestrian/cycle link through the development to Howardian primary school would be provided which would then connect to Hammond Way. 32 trees are to be planted. An existing landscape buffer along part of the northern boundary would be retained. There would be a 3m buffer landscape buffer along the eastern boundary.
- 1.8 A dormouse mitigation zone would be provided in the south eastern corner of the site.
- 1.9 The levels of the site would be adjusted by means of a cut and fill operation.

2. **DESCRIPTION OF SITE**

- 2.1 The site is 1.48 ha in area and generally rectangular in shape. The site has a fall from north to south. The site has been developed over a number of plateaus for the former buildings and car park to take account of the fall
- 2.2 The site is currently occupied by the Howardian Community Education Centre building and associated parking area, which at the time of the site visit was in the process of being demolished.
- 2.3 To the south of the site and at a lower level is the new Howardian Primary school, separated by a weld mesh fence, south of the school is a children's play area and housing in Hammond Way. To the west and north is residential development along Hampton Court Road and to the east is allotments and Howardian nature reserve.
- 2.4 A cherry tree covered by a TPO would need to be removed to facilitate access into this site. Other unprotected trees within the site would also have to be removed to facilitate the development.

3. **PLANNING HISTORY**

- 3.1 17/02520 Demolition of Howardian Centre prior approval granted 23/10/17
- 3.2 16/02710/MJR Two form entry primary school on land to the south of the application site Approved and built.

4. **PLANNING POLICY**

4.1 It is considered that the following LDP policies are relevant to this application:-

KP1, KP3, KP5, KP6, KP7, KP8, KP13, KP14, KP16, H3, H6, EN6, EN7, EN8, EN10, EN13, T1, T5, T6, C1, C3, C5, C6 and W2

4.2 It is considered that the following SPGs are relevant to this application:-

SPG Planning for Health and Well Being
SPG Managing Transport Impacts (Incorporating parking standards)
SPG Residential Design Guide
SPG Ecology and Biodiversity
SPG Planning Obligations
SPG Protection and Provision of Open Space in new developments
SPG Green Infrastructure
SPG Trees and Development
SPG Soils and Development
SPG Infill Sites
SPG Affordable Housing
SPG Archaeology and Archaeological Sensitive Areas
SPG Waste Collection & Storage Facilities

4.3 Planning Policy Wales issued in December 2018 (edition 10)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Contaminated Land state:-

The following information was submitted as part of the application:

Wardell Armstrong, OCTOBER 2017 Phase I Desk Study CA11255/2-RPT-001 (4/4/18)

Wardell Armstrong, OCTOBER 2017 Phase II Geoenvironmental and Geotechnical Ground Investigation Report GRO09-RPT-(10/4/18) 002

A detailed desk based assessment and limited site based investigation have been undertaken in relation to potential contamination and ground gases at the development. The contamination assessment identifies exceedances of PAH compounds associated with made ground containing tarmacadam fragment. The consultant acknowledges the limitations of the assessment and recommends further post-demolition sampling and assessment across the site.

Initial ground gas monitoring indicates negligible gas levels however the monitoring programme is incomplete and the full assessment is awaited.

Amended conditions are recommended in relation to these findings.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be

demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services would request the inclusion of the following conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

Conditions

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

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

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future occupiers is not prejudiced.

Post demolition but prior to commencement of the main 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, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,

- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / 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.

Post demolition but prior to commencement of the main 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.

The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / 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 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.

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures

specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

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

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

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

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

ADVISORY/INFORMATIVE

This development falls within a radon affected area and may require basic radon protective measures, as recommended for the purposes of the current Building Regulations.

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste

on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

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

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

5.2 The Tree Officer states:-

The only outstanding matters as far as I'm concerned are: -

The planting layout has not been designed with regard to services, existing or proposed. Significant changes to the planting as a consequence and that require the loss of trees, the planting of smaller trees or the loss of Root Available Soil Volume, would not be acceptable, so if the proposals are to go forward there must be a caveat in this regard.

No Soil Resource Survey (SRS) and Plan (SRP) has been prepared. Such must be prepared and used to inform a finalised rather than is currently the case, outline landscape implementation specification. Swale/rain garden soils must be clearly specified so it is clear that they will be compatible with the hydraulic design.

As above, a finalised landscape implementation specification is required and will need to cross reference the planting plans, plant schedule, tree pit section and plan views including those for rain gardens/swales, which have not been provided yet.

Acer platanoides 'Crimson King' is depicted on the soft landscape plans but is not proposed for planting so the image should be removed for the avoidance of doubt.

Acer rubrum 'Bowhall' is given as *Acer platanoides* 'Bowhall' in the plant schedule – this requires correction.

Liquidambar formosana is listed in the plant schedule – presumably this is an error and should read *Liquidambar styraciflua* 'Slender Silhouette' or 'Lane Roberts'

Acer pseudoplatanus is included in the native understory mix in the plant

schedule – presumably this should be *Acer campestre*?

It must be clear within the specification that no tree shall be accepted for planting until it has been shown to be compliant with Table 1, p.21 BS 8545:2014.

The tree pit section still annotates soils as imported only, but this is not decided yet and will depend on the outcome of the SRS and SRP.

The tree pit section and landscape specification should make clear the following approach to root-ball wrappings: - all non-perishable wrappings and cages to be removed, including double wrapped treated hessian and thick but non-galvanized wire. Perishable wrappings and cages should be removed where the root-ball is cohesive, but where it is not cohesive due to soil texture rather than a defective root-ball, perishable wrappings and cage (e.g. single layer untreated hessian and narrow gauge non-galvanized wire) should be retained until the tree is in position and then cut back to one-third root-ball height, removing all the cut back parts from the planting hole (i.e. do not fold back into planting hole). If container(ised) trees are planted, regard shall be made to the likelihood of increased settlement, by planting slightly higher than for root-balled stock. The outer 1 inch of the root-ball for container(ised) trees shall be shaved using a sharp hand tool to ensure there are no circling roots, and any matted roots obscuring the root-flare shall be removed. Any container(ised) trees whose root-ball compost disintegrates shall be rejected due to inadequate root development.

5.3 The Noise and Air Team states:

Noise Comments

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 shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 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.

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.

Air Pollution Comments

No comments

5.4 Parks Officer states

Design Comments

Parks confirm that they would not wish to see a pedestrian link between the development and allotment / nature reserve as this could lead to other issues previously discussed with Planning. The current proposals omit this link, which is welcomed.

Clarification is needed on responsibility for management of the small incidental highway and other open space on site, and the SuDS areas. It is important to establish maintenance requirements for the main SuDS area at this stage to establish whether maintenance vehicle access would be required, eg for clearance of the swale.

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 119.2. This generates an open space requirement of 0.29 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £123,676. I enclose a copy of the calculation

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

At this stage the two small amenity seating areas are included within the proposals but as these are designed to serve the residents rather than being public open space these have not been taken into account in the calculations. Also the SuDS areas have also not been included as they serve primarily a SuDS function rather than providing functional open space. Further discussions may be required on these elements.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

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

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Howardian Nature Reserve, Hammond Way and Scholars Gate open spaces, plus the adjacent allotment site.

5.5 The Waste Management Officer states:

The amended plans indicating the storage of waste and recycling for each property have been noted and these are acceptable. We have also noted the collection points and these are also acceptable.

Each property (houses and flats) will require the following for recycling and waste collections:

- 1 x 140 litre bin for general waste
- 1 x 240 litre bin for garden waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

Access

All road surfacing must have suitable foundations to withstand the weight of a refuse collection vehicle (27 tonnes). Block paving is not appropriate as it can break/sink over time, particularly where vehicles are manoeuvring.

Waste will not be collected from private driveways/roads, therefore collection points may need to be set up for properties at the end of cul-de-sacs refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) for further relevant information.
www.cardiff.gov.uk/wasteplanning

Financial Contributions

The following financial contributions will be required:

Cost of Bins are as follows:			
Type of dwelling	Qty	contribution	Total contribution
No of houses	39	60	£ 2,340.00
Flats			
Bins	Qty	Unit price	Total contribuion
1100 bins @ £468	0	468	£ -
660 bins @ £360	0	360	£ -
240 bins @ £30	4	60	£ 240.00
		Total for flats	£ 240.00
		Total Contribution	£ 2,580.00

General comments

The kitchens should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.

5.6 The Regeneration Team originally requested a contribution for community facilities but this has been superseded by the Housing Manager's comments at paragraph 5.11 of this report.

5.7 The Drainage Officer states:

I am very happy with the proposals and am personally working with the Consultants on the design. As it is a Council driven project, we are using the design as a SAB example (even though it has effectively been a retrofit in terms of the SuDS design).

5.8 The Transportation Officer says that:

- a The access junction will need to change as follows – keep clear markings to be removed and relocated adjacent to the link to the school (details as regulations); additional double yellow lines to be provided on the northern side of Hampton Court Rd from the end of the approved TRO that is due to be implemented shortly to a point around 15m east of the cul de sac that serves nos. 33-37, and on the south side to replace the existing Keep Clear markings and then to extend north-east to an equivalent point to the northern side. The changes proposed as part of this scheme should be clearly shown in comparison with the existing/consented situation.
- b Teresa confirmed that the link from Hampton Court Road to the school road will be 3m in order to enable cyclist access, and this will be partly achieved by reducing the area of the swale to the east of the path. Further consideration will be given to the detail of when the path reaches the access road; it is proposed that some kind of barrier will be constructed to stop motorcycle access. It has been confirmed that a through (pedestrian) route will be available at all times between the new residential road and Hammond Way.
- c It has not been possible to provide a pedestrian link from the south-east of the site into the nature reserve area. The nearest path adjacent to this corner is the access road for the private allotments. Whilst this lack of accessibility is not ideal, the proposal for a permanently open footway link

between Hampton Court and Hammond does allow for pedestrian access to the south.

- d It is proposed that the limit of adoption will be the access road and footways right up to the turning head by plots 18-21, to include the central square (basically all the grey area on the layout except individual parking bays). Double yellow parking restrictions will be required on adopted roads from Hampton Court Road as far as the end of the central square, in order to discourage school-related parking, and they may also be needed on the corners near the turning head to ensure refuse vehicle access can be maintained.
- e The swept path assessment shows over-run onto the parking space adjacent to plot 17, and this will need to be amended.
- f The revised layout will mark plot numbers onto the allocated vehicle parking spaces, and a schedule will be provided showing parking provision by plot/number of bedrooms (or at least 1-bedroom units should be clearly marked as they have different parking standards). A few of the properties (e.g. 12-14) do not appear to have parking, and given the size of property, this will be re-considered. The plots that garages relate to will also be marked.
- g Similarly, more details on cycle parking will be provided, including the specification (e.g. cycle stands) where sheds are proposed. If any plots will have their cycle parking in the garage it will require minimum dimensions of 7m x 4m. Some rear cycle parking is difficult to access as currently drawn (e.g. plot 20).
- h The revised layout should provide greater clarity of the materials in the central square, particularly the area of carriageway currently marked grey which is not footway or the main carriageway. It is suggested these areas should be marked differently.

And further states in respect of the above that :

- a The new 'Traffic Regulations Orders' drawing deals with the above points, with the exception that Inset A incorrectly shows the northern side double yellows as Existing but they are still only planned (although should be confirmed shortly). The latest Site Access drawing submitted (Rev F) is now superseded and should not be referred to in plans. It is considered that remaining site access/works issues can be dealt with via condition/legal agreement/TRO.
- b The pedestrian link to the school is now 3m in width. A motorcycle barrier is marked at the point that this path enters the school site, but what happens to the west of here? Is this also some barrier preventing a direct movement from the path into the school road area? Will the pedestrian through-link to the school/Hammond Way always be open, as I recall following my original comments someone was querying if this was happening?
- d No double yellows are shown/marked on the layout plan, and whilst this would be subject to a TRO, these should be marked on a plan (if any other amendments are proposed prior to planning). It may be, subject to approval, that it will be possible for the applicant to place the requested double

yellows prior to the roads being adopted, or else the formal TRO could be progressed at an early stage so it is in place prior to road construction.

- f Whilst car parking standards are now maximums, the potential parking provision may still be an issue at some locations:
Plots 12 and 13 have two spaces each, but these are detached from the dwellings, and located in front of plot 11. Similarly, units 9-10 have parking detached in a parking court the other side of the street. Whilst this street is not due to be adopted, there are still concerns that the layout could result in parking/access issues.
Plot 14's parking is quite detached from its front door.
Plots 33/34 have a little distance to walk to their allocated spaces, and we would want to ensure that on-road parking does not occur (noting the spine road will be adopted).

Would there be a physical barrier of some kind between rear space 35 and space 33?

- g It does not appear that any additional details on cycle sheds or garages has been submitted, and so the potential concerns on cycle parking remain.
Plot 20 has a convoluted access to its cycle parking.
A number of the sheds are located such that cycles could only access them when cars are not parked in their allotted spaces e.g. plots 18, 23-27, 32-33; a similar access issue seems to apply to locations where cycle parking is proposed to be within the garage (notwithstanding the above issue about garage sizes).
- h It is apparent that some of these areas will involve landscaping and some further details have been provided. It is considered that further details could be required subsequently via an appropriate condition and the s38 process.

5.9 The Ecologist states:-

I have considered the Preliminary Ecological Appraisal, and its update, the Landscape Strategy, Green Infrastructure Statement, the Dormouse Mitigation Scheme, the Bat Report and the Tree Survey, and have no significant concerns over the methodologies used nor the conclusions reached by these studies.

Bats

Two species of bat were detected in the main building of this site, and I accept the conclusion that this represents a low-risk case in accordance with the NRW Approach to Bats and Planning Good Practice Guide 2015. Therefore there is no need to obtain the view of NRW as to whether they would subsequently be likely to grant an EPS derogation licence, provided we secure the mitigation measures set out in a suitable bat survey report. The submitted bat survey report (Wardell Armstrong – September 2018) is satisfactory in my view, and all of the mitigation measures as set out in sections 4.3, 5 and 6 of that report should be secured by planning condition. The reason for any such condition would be for the protection of bats, which are European Protected Species, in

accordance with regulation 9 of the Conservation of Habitats and Species Regulations 2017.

Dormice

I welcome the assumption in the Dormouse Mitigation Strategy (Wardell Armstrong – September 2018) that dormice are likely to be present in trees, bushes and hedgerows along the eastern and northern boundaries of this site. In general, I support the mitigation measures set out in that strategy. However, I remain concerned that the connectivity between the habitats at the eastern boundary of the present site, and those along the eastern boundary of the Howardian Primary School to the south, is tenuous. Whilst this connection might not be critical in terms of the impacts of the present 18/2500 planning application, it is important to avoid isolation of habitats on the new primary school site. Indeed, the Dormouse Survey and Mitigation Strategy for the new primary school (TACP – November 2016), makes specific reference to the importance of this connection (E.g. Fig. 5.1. page 6).

In this respect I note that some planting has taken place along this section, but also that there appears to have been some fly-tipping from the back gardens of nos. 79 to 89 Hammond Way. The only detail I can see as to the treatment of vegetation at this point is in the soft landscaping diagram HC.LA.100/2, which appears to show 'Existing trees to be retained' at this point. However I do not know how diagrammatic this drawing is, nor whether the apparent recent planting is included in this retained habitat.

Nevertheless, NRW are of the view that works to these trees and bushes etc. will require an EPS licence in respect of Dormice, and they have raised no further concerns at this stage. Therefore as long as the principle of habitat connectivity is established through the soft landscaping diagrams, then the finer detail of planting for dormice can be controlled by NRW at the licensing stage.

Green Infrastructure

I welcome the submission of the Green Infrastructure Statement which summarises the vegetation resource and the impacts upon it.

Nesting Birds

Condition: No clearance of trees, bushes or shrubs to take place between 1st March 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 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.

Lighting Scheme

I agree with the view expressed by NRW that a lighting scheme should be

required by planning condition. That scheme should demonstrate how light spillage onto retained and planted habitats which are of use for bats and dormice will be avoided, such that illumination of these habitat will not increase above 1.0 lux, or above currently existing light levels, whichever is greater.

Enhancements

A new statutory duty as set out in section 6 of the Environment (Wales) Act 2016 has been introduced which requires public bodies such as Cardiff Council to seek to maintain and enhance biodiversity, and in doing so to promote the resilience of ecosystems, in the exercise of their functions. This is reflected in LDP policies such as EN6 and EN7, and PPW section 5.2.8, which refer to the need to enhance biodiversity in the planning process. In this instance I would say that an appropriate provision would be:-

- 3 x bat boxes for crevice-dwelling bats, and
- 2 x House Sparrow terraces, and
- 3 x Swift Boxes, and
- 2 x double House Martin cups

With the model and location of these features to be determined by the applicant's ecological consultant. Please note that these are enhancement measures, which are therefore in addition to measures proposed to compensate for the loss of bat roosts caused by demolition of the main building.

Repeat Surveys

As a general principle, survey work which is more than 2 years old will be regarded with caution, as certain species may colonise or leave an area in the interim period. This is particularly the case with mobile species such as bats, and bat surveys greater than 2 years old will have to be repeated. A planning condition should be attached stating that surveys should be repeated if works which may affect the species concerned haven't taken place within two years of the date of the most recent survey:-

Condition: If site clearance in respect of the development hereby approved does not commence within 2 years from the date of the most recent survey for bats, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised, and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information.

5.10 The Education Officer states:

Howardian Primary school was established in 2015 to meet the projected excess demand for places in the Cyncoed, Penylan and Plasnewydd areas.

Howardian Primary School has in recent years filled to Published Admission Number by admitting a proportion of pupils from other areas. In future, pupils resident on the proposed new development would have priority over pupils who live further from the school.

The projected demand for English-medium primary school places in the current Marlborough Primary School catchment area, within which Howardian is sited, is significantly below the combined 120 places per year group now provided at Marlborough Primary School and Howardian Primary school.

As the pupil yield from the proposed development could be met within existing school provision, no s106 contribution may be sought.

Any later housing development along Colchester Avenue would be assessed at the time of a planning application being submitted, and s106 contributions requested if necessary.

- 5.11 The Housing Development Manager confirms that after talking to Sarah McGill that due to the overall scheme viability and based on the fact we are delivering above the planning requirements for affordable housing on the Cardiff Living Sites we will remove the requirement for community facilities contribution. A viability report is being put together by GVA which will demonstrate this.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 South Wales Police state:

Observations

The proposed development is to be located on the former Howardian Adult Learning Centre, Penylan, Cardiff and is to consist of 43 residential dwellings in what is primarily an established residential area.

While the site perimeter consists of existing trees and hedgerows along with existing dwellings the eastern boundary comprises of dense undergrowth and the southern boundary is adjacent to a chain link fence of Howardian Primary School. Vehicle and pedestrian access into the site is off Hampton Court Road while a further footpath near the entrance connects the site with the adjacent school.

The development is in the form of a cul-de-sac and the layout provides good natural surveillance over the street from the dwellings whilst the frontages of plots 39, 40 and 41 overlook the footpath.

A number of the dwellings are supplied with a garage while the majority of other vehicle parking spaces are within curtilage of the properties.

Although permeability to the site has been kept to a minimum, there are concerns regarding the open area located between the school and plots 22-25 and 28, 29, 35, 36 and 41. This area can be easily accessed by unauthorised persons from the footpath or the two seating areas leaving the houses and school adjacent to this open ground vulnerable to burglary or anti-social behaviour.

The Design and Access Statement in section 5.7 Community Safety states 'There will also be Secured by Design certification for the site for both tenures of property'. In order to obtain such a certificate it will be necessary for the applicant to contact the South Wales Police Designing out Crime Officer. To date South Wales Police have not received an application for Secured by Design from the applicant or their agent.

Crime and Anti-Social Behaviour

Analysis has shown that overall crime in the vicinity adjacent to the proposed development is as follows:

The site is located within the local authority Ward of Penylan. During a period between October 2017 and October 2018 there were 606 incidents reported to South Wales Police within the Penylan Ward.

Over that same period the area adjacent to site has seen 25 reported crimes which included 4 thefts, a burglary, a damage and a violent incident.

As can be seen by the above figures crime in the area is relatively low particularly in comparison with other areas of Cardiff.

Recommendations

South Wales Police would recommend the following principles are adopted by developers in terms of design and layout.

General Layout

1. Excessive permeability should be avoided. Casual access through the open space to the rear of plots 22-25 and side of plots 28, 29, 35, 36 and 41 should be controlled. If it is left open then it is recommended that the gable ends of plots 28, 29, 35, 36 and 41 should have a window overlooking the open space. The perimeter fences to all properties adjacent to this area should be at least 2.1mtrs high.
Reason: to prevent the risk of burglary and anti-social behaviour.
2. Lighting on all roads, pavements and parking areas should comply with BS 5489:2013.
Reason: to enhance community safety and reduce the fear of crime.
3. In order to maximize opportunities for surveillance and minimize the fear of crime it is necessary to provide an adequate lighting system. Lighting should be designed to provide a uniform spread of light, clear colour rendition, avoid deep shadows and minimise light pollution. Luminaries should be sturdy and resistant to vandalism, tampering and adverse weather conditions.

- Reason: to enhance community safety and reduce the fear of crime.
4. All road access in residential areas should be designed to ensure that maximum vehicle speeds are no more than 20mph.
Reason: to enhance community safety and reduce the risk of a collision and serious injury.
 5. Trees and shrubs should be positioned away from the buildings giving a clear and unobstructed view of the boundary. All shrubs and hedges should have a maximum growth height of 1mtr, whilst all trees should be pruned up to a minimum height of 2mtrs, thereby maintaining a clear field of vision around the site. Mature trees should not mask lighting columns nor become climbing aids.
Reason: to enhance natural surveillance and reduce the risk of crime.
 6. Ensure that all hard landscaping features such as coping stones, pavers etc. and street furniture are securely fixed and cannot be removed and used for criminal purposes.
Reason: to reduce the risk of damage or burglary.

Houses

1. All houses should be provided with defensible space to front.
Reason: to define what is public and private space and reduce the chances of crime and anti-social behaviour.
2. Access to the rear of the houses should be denied by utilising fencing to at least 1.8mtrs high. Apart from the houses adjacent to the open area as previously mentioned
Reason: to reduce the risk of burglary.
3. Access to the rear of properties from the front should be protected by a lockable gate which is constructed to the same height as the fencing and located as close to the front building line as possible.
Reason: to reduce the risk of burglary.
4. Doors and windows should be successfully tested and certified to PAS24 2016 or equivalent.
Reason: to reduce the risk of burglary.
5. Utility meters should be located to the front of the houses.
Reason: to reduce the risk of 'bogus caller' type crime.

Secured by Design

All affordable/social housing and Welsh Government funded projects are required to meet

Secured by Design standards.

Independent research has confirmed that Secured by Design can reduce the risk of crime by up to 75%. Recent research conservatively estimates the carbon cost of crime within the UK to be in the region of 6,000,000 tonnes of CO2. This is roughly equivalent to the total CO2 output of 6 million UK homes. At current domestic burglary rates the marginal carbon costs of building a home to SBD standards will be recovered within four years.

South Wales Police operates the Secure by Design (SBD) initiative and is a National Police Chiefs Council and Home Office scheme which promotes the inclusion of crime prevention measures into developments. A safe and secure

environment is the prime objective of the Secured by Design initiative. To achieve this result, equal weight should be given to both environmental design and physical security.

For further information on Secured by Design standards please visit the website www.securedbydesign.com

Policy Support

- The Crime & Disorder Act 1998 created a statutory partnership between local authorities, the police and other key partners to work together in reducing crime and disorder in all aspects of their work.
-
- Section 17 of the Act states:
“It is the duty of the authority to exercise its various functions with due regard to the likely effect on crime and disorder in its area and the need to do all that it reasonably can to prevent crime and disorder.”
- TAN 12 Design. Para 5.17.1 “Local authorities are required to have due regard to crime and disorder prevention in the exercise of their functions under Section 17 of the Crime and Disorder Act 1998. Consideration should be given to practical ways in which the design of development can reduce opportunities for crime, disorder and anti-social behaviour.”

Planning Policy Wales

- 4.10.12 Local Authorities under Legal Obligation to consider the need to prevent and reduce crime and disorder.....
- 8.2.1. – Transport – Provision of safe, convenient and well signed routes
- 9.1.1. –Housing – Objective to provide homes that are in good condition, in safe neighbourhoods and sustainable communities
- 9.1.2. Housing – Greater emphasis on quality, good design, and the creation of places to live that are safe and attractive

6.2 The Fire Safety Officer states inter alia that:-

The proposed site plan in relation to the above has been examined and the Fire and Rescue Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development.

The developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

6.3 Welsh Water state:

We have reviewed the information submitted as part of this application with particular focus on the Drainage Design Statement Ref CDGA-9461-DIS1-P2 which outlines the existing and proposed drainage proposal. We note that both foul and surface currently drain to the public sewer and that the intention is to redirect any new surface water generated by the proposed dwellings to a new soakaway. We have no objection to a foul only connection to the public sewer

and therefore if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details as shown in the Drainage Strategy Report Ref CDGA-9461-DIS1-P2. Thereafter surface water and/or land drainage shall not 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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development. A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

6.4 NRW states:

We provided pre-application advice to the applicant in a letter dated 15 October 2018. We have reviewed the submitted Pre-Application Consultation Report supporting this application. Further information has been submitted to address the requirements we previously raised.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified and we would not object provided you attach it to the planning permission.

Condition: European protected species - lighting plan.

Bats and Dormice (European Protected Species)

As you are aware, it has been identified that common and soprano pipistrelle bats were using the building on site, which is to be demolished, as a roost. Furthermore, Dormice are known to be present in the adjacent Howardian Nature Reserve, and due to the existence of some suitable dormouse habitat within the proposed development boundary, their presence on site is assumed.

In our response letter, dated 15 October 2018, we advised that further information was required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Dormice.

Section 5.1.1 of the Dormouse Mitigation Strategy states that 'To enhance the site for dormouse, habitat connectivity will be improved between Howardian Primary School land and the Howardian Local Nature Reserve through the planting of native hedgerow species along the south-eastern boundary of the site. This measure is specified in the Dormouse Survey and Mitigation Strategy for Howardian Primary School (TACP, November 2016) and has been agreed with Wates Residential and Cardiff Council.' The referenced Dormouse Survey and Mitigation Strategy had not been made available as part of the statutory pre-application consultation. As such, the total losses/ gains of potential dormouse habitat could not be fully understood.

We note that this document has now been submitted in support of this planning application and this addresses the requirement we previously raised.

We had previously recommended that a lighting plan be submitted as part of any formal planning application, however it does not appear that one has been submitted. Therefore, the following advice as set out in our pre-application letter, dated 15 October 2018, remains valid;

Condition: Sensitive lighting that is designed to avoid illumination of the

retained/ enhanced dormouse habitat, as well as any bat boxes or bat flight lines, will be required. Lighting will be relevant to the EPS licence application.

Advice to Applicant

The need for an EPS licence in respect of bats is recognised in Section 4.3.1 of the Bat Report. Due to the intention to remove dormouse habitat, and the potential of encountering dormice during site clearance works, we advise the Applicant also applies for a EPS licence from us pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) in relation to dormice. Please note, we may wish to discuss the proposed mitigation and avoidance measures in more detail at the EPS licensing stage.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our website for further details.

6.5 GGAT states;

We have identified an archaeological issue and the proposal will require archaeological mitigation.

You will recall from our letter of June 2018 in response to the pre-application consultation that the Historic Environment Record notes that the application site is located as the ground rises above the Levels and river flats to the west of the River Rhymney. The HER shows that finds of prehistoric flint implements, including a hand axe of Palaeolithic date, and a Bronze Age barbed and tanged arrowhead, have been made in the vicinity of the site. The Scheduled Monument of Pen y Lan Roman Site (Cadw reference GM396) is c300m north west of the application site, and utilised the solid ground at the change on geology. The evidence of activity of both prehistoric and Roman date is unlikely to be confined to the designated areas, or to the findspots.

Although the area has been partly disturbed by the existing buildings, landscaping and drainage, the potential for archaeological material to exist remains and in order to mitigate the impact of the development on the archaeological resource, we recommend that a condition should be attached to any consent granted to requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation.

We envisage that this programme of work would take the form of an archaeological watching brief during any ground disturbing work, including demolition, identifying any elements of the proposals which may also need to be targeted by archaeologists, which will also ensure that a programme of work

can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

We also recommend that a note should be attached to the planning consent explaining that:

A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA) (www.archaeologists.net/codes/cifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member. We are concerned that the supporting information from Wardell Armstrong contains inaccurate comments relating to the archaeological resource, which have been obtained from a source that is both incomplete and nonstatutory.

- 6.6 The Design Commission for Wales has not submitted comments on this application but at pre-application stage on the scheme stated inter alia:-

The proposal is a residential development on the site of the former Howardian Centre. The development will comprise 45 energy efficient, sustainable homes along with a landscape strategy, SUDs, vehicular and active travel access, with associated infrastructure and engineering works.

Main Points

DCFW supports the aspiration to deliver high quality, energy efficient, sustainable homes on this unused site, as part of the Cardiff Living programme. However, further design development is needed to fully achieve this and the following points summarise key issues from the review that should be considered in further design development:

Concept

The design team expressed an aspiration to deliver a development with a strong sense of place, which will be delivered in part by the concept of a central green open space. This concept should be optimised and protected throughout the design process. Opportunities to encourage residents to use this space should be explored from the outset to ensure its success.

Topography

The challenging topography and level solutions within the scheme should be understood through site sections. Changes in level that require retaining walls will impact the public realm and sense of place, so should be well considered early on and designed out where possible.

Sense of arrival

In order to create a strong sense of place the arrival into the site must be welcoming and of high design quality. The arrival on the proposed plans is underwhelming as the primary view comprises the side elevation of a private garage. A strong corner dwelling would be more appropriate for this location, along with a considered landscape approach and a high quality treatment along the site boundary.

Movement

Active travel could be encouraged by connecting high quality pedestrian and cycle routes to the surrounding areas, such as the nearby school, nature reserve and allotments. Electric car charging points should also be considered in order to future proof the scheme and encourage more sustainable travel modes.

Landscape strategy

A landscape architect could be engaged to strengthen the landscape strategy across the site, which should include amenity space, SUDs and planting to soften the streets. The landscape strategy could consider terminating private drives with green amenity spaces.

Street hierarchy

Manual for Streets should be used by both the design team and the Local Authority whilst considering the types of street suitable for a residential development of this scale. A pedestrian-priority approach would help to create the sense of place that is aspired to and encourage residents to use the shared open spaces. The street hierarchy may be better explained using section drawings of the different street types, along with proposed materials. Refuse storage should be considered early to ensure that the streets are not cluttered with bins once residents have moved in.

Boundary treatment

Boundaries onto the streets must be high quality and robust. Hard materials and landscape should work together to create a high quality and pleasant boundary onto the public realm.

Next steps

House types were not presented for review so it is not yet possible to comment on the design quality and sustainability of the homes. However, the precedents presented were contemporary in form with good quality materials, an approach which DCFW would encourage the design team to deliver on this site.

The Commission would welcome further opportunity to review the scheme with the aim of improving design quality through constructive dialogue.

7. **REPRESENTATIONS**

7.1 Local Members have been notified. The two Local Members state:

We stress that we accept some housing development must take place on this site. Our objection is based primarily on our argument that that this is an over-intense development. In particular, we feel the impact of will be contrary to so much development policy by privileging the car over the pedestrian.

1. The context

The Howardian site is currently served by two cul-de-sacs: Hammond Way and Hampton Court Road, both of which also serve the new Howardian Primary School. The inevitable result of a cul-de-sac is that cars which do not benefit from off-road parking are forced to execute three-point-turns to exit. This is dangerous, especially in narrow and winding streets such as this. The presence of children heightens the danger.

This new development will sit within this road network and will add a third cul-de-sac.

Hammond Way and Hampton Court Road are already heavily congested at school drop-off and pick-up time. This is despite the fact the school is only just half-full. There are still three more full year groups to be added, bringing with them additional traffic, despite efforts to encourage active travel.

This is not a new concern. Ward members raised our concerns about the road network at the planning stage for the Howardian Primary School, located adjacent to this proposed development. We wrote as follows:

The fact that the new Howardian School can only be accessed from roads that are cul-de-sacs means that parents who choose to transport their children to and from school by car will inevitably need to carry out reversing manoeuvres at or near the school gate(s). From a road safety perspective, such manoeuvres must be avoided at all costs.

These concerns were not simply raised by local councillors. In its own October 2016 transport report prepared for the primary school planning application, the Council stated:

During school pick up and dropping off times it was identified that vehicles park in the turning head area directly outside the school access, the majority of these vehicles also drive nose in (see Figure 1.5). This then causes additional safety issues for vehicles and pedestrians as vehicles will be trying to manoeuvre out

of the location by reversing into the carriageway where pedestrians could be walking.

In the report to the planning committee, the Council's highways officers wrote:

I note and share many of the concerns expressed by local members with respect to the impact of on-street parking by large numbers of parents dropping off/collecting children at the start and end of the school day.

As can be seen, there is a clear and widespread acceptance that this road network in its current layout does present a safety risk

We argued at the time that the new school provided the opportunity to modify the road network to allow cars to continue moving in a forward motion, thereby removing the need for dangerous three-point-turns.

We were disappointed that these concerns were ignored when permission was granted for the new school.

2. Grounds for objection to this proposal

a) Impact on the road network

These new proposals provide another opportunity on a fresh and large canvass to modify the road network to allow cars to continue moving in a forward motion. The failure of these proposals to provide a solution to an acknowledged problem is the primary reason why we object to this application.

We are especially mindful of the following policy within the Local Development Plan:

- LDP Policy T5: Managing Transport Impacts
- iii. Make satisfactory provision for access, parking and circulation, particularly by pedestrians, cyclists, public transport users and disabled people with mobility impairments and particular access needs; and
- iv. Avoid unacceptable harm to safe and efficient use and operation of the road, public transport and other movement networks and routes.

We believe these proposals are not safe and do not, therefore, meet the requirement of Policy T5. The rest of this response explains our reasons for this conclusion and makes reference to the following planning guidelines:

- Planning for Health & Well-Being Supplementary Planning Guidance

3.9.2 Road injuries are the ninth-leading cause of death globally and they are the biggest cause of death for people aged 15 to 25. Children are the most likely road users to be killed in road accidents and chances for their survival decrease with increasing vehicle speed... Initiatives that create better conditions for walking and cycling and reduce speed limits to 20mph are effective road safety approaches. Traffic calming and designating streets as home zones where pedestrians take precedence can also be used to create safer road environments.

We argue that a road network that forces cars to make three-point-turns in the immediate vicinity of a school does not create the best conditions for walking and does not create a safe road environment. These proposals fail to meet this guidance. In light of the proximity of the school and the large numbers of children walking, cycling and using scooters, this is not acceptable. We wish to see a design that does what the guidance requires: create better conditions for walking and cycling, not exacerbate the dangerous situation that currently exists.

- Managing Transportation Impacts (Incorporating Parking Standards) Supplementary Planning Guidance

3.16 LDP Policy T1 provides support for developments which enable daily travel by walking and cycling by combining high quality, sustainable design, permeable networks of routes, measures to manage vehicle speed, safe and convenient connections to the strategic cycle network and existing neighbourhoods and trip attractors and good supporting infrastructure.

In referencing Policy T1, the SPG makes the important point about a permeable network. A cul-de-sac is, by definition, not permeable. The current situation is that the school and this proposed development sit within two existing cul-de-sacs. It is, therefore, extraordinary that the proposals would result in a third cul-de-sac. This exacerbates an impermeable network, in direct conflict with the demands of Policy T1.

3.18 In considering proposals for development on smaller, non-strategic sites, the Council may also seek to secure development layouts and off-site improvements to routes and user safety which serve to maximise the ease of access by walking and cycling.

This paragraph helpfully states our case by offering the opportunity for off-site changes, perhaps involving the top end of the Hampton Court Road cul-de-sac, to solve the problem of the threat of an impermeable network. We have the opportunity now to build these improvements.

We also draw attention to figure 3.1, in which the Manual for Streets User hierarchy shows that the priority in designing networks must put pedestrians first. The environment must make the experience of walking as safe and predictable as possible. A road network in which three-point-turns are a necessity does not create a safe and predictable pedestrian environment.

- Residential Design Guidance

This guidance quotes the following policies within the LDP:

Policy KP4

New development shall respond to local deficiencies and provide good connectivity to adjoining areas and be informed by feedback from existing communities.

Ward Members have identified the deficiencies created by the road network, acknowledge by officers (see 'Context' section above). In our comments on permeability, we have demonstrated how these proposals currently do not provide good connectivity.

Policy KP5

Provides legible development which is easy to get around and which ensures a sense of continuity.

Creates interconnected streets, squares and spaces as distinctive places, which are safe, accessible, vibrant and secure.

As in the comment above, these proposals fail to deliver continuity and interconnected streets. In fact, they do the opposite by adding a third, disconnected, cul-de-sac.

Policy T1

Permeable and legible networks providing safe, convenient and attractive walking and cycling routes.

See comments on T1 above.

In relation to all these guidelines, referenced within the residential design guidance, it is clear these proposals fail the Council's own tests. They provide the planning committee ample grounds for refusing the application and tasking officers with developing a safe development.

b) Impact on education

Howardian Primary School, initially located on the site of this proposed development, has recently moved to its new, adjacent location. It was built to meet the chronic and acute over-subscription at Marlborough Primary School.

Howardian Primary is already operating at full or near full capacity in all year groups. Penylan is set to face further housing development along Colchester Avenue, within five minutes' walk of this site. The risk is that this will see Howardian Primary over-subscribed itself, recreating the very problems it was built to resolve.

We are disappointed that this application takes no account of this pressure. In making this point, we refer to the following:

- Cardiff Planning Obligations Supplementary Planning Guidance

7.1. Cardiff Council has a responsibility to ensure that a sufficient number and variety of school places...

Assessment of Existing Capacity (c) 7.9. The pupil yield generated by a proposed development will be assessed against the permanent capacity at the school(s) in whose catchment area(s) the new housing development is

proposed, using guidance provided through Government Circular No: 021/2011 (Measuring the capacity of schools in Wales)...

Any school which has achieved 95% occupancy would therefore be regarded as having no surplus capacity.

Using the Council's own calculation methods, we assess that this new development alone will generate an additional 10.1362 pupils, as follows:

- 2 x 1 bed flat: 0.031 individuals
- 11 x 2 bed homes: 1.3717 individuals
- 3 x 3 bed homes: 0.687 individuals
- 19 x 4 bed homes: 5.5993 individuals
- 8 x five bed homes: 2.4472 individuals

We argue, therefore, that this level of additional capacity loaded onto an already near-capacity school will generate additional demand that cannot be met. This is not responsible planning and breaks the requirement to provide a sufficient number of school places, particular with additional nearby housing development looming.

c) Impact on cohesion

We are concerned by the decision to lump together the affordable homes at the end of the cul-de-sac, creating an unhelpful social division.

As such we worry this contravenes the recommendation within the Cardiff Planning Obligations Supplementary Planning Guidance that:

all homes of whichever tenure are integrated into the overall design concept and externally finished to a similar standard.

The architectural design of the affordable homes fits in with the overall design concept, even if the side walls do appear more featureless than in the private homes. However, the site layout does not create an integrated feel.

This will believe is a missed opportunity and potentially divisive.

3. Conclusion

We accept the need for new homes on this site. However, the location of the proposed development is problematic. An opportunity exists to develop new homes while resolving problems that have been acknowledged by the community, ward councillors and council officers.

Planners are presented with a blank canvass on which to devise an all-encompassing solution. We regret that this opportunity is not being seized. Instead, the Council risks an over-intense development with short-term gains that will result in significant long-term pain. This is short-sighted and poor planning.

The guidance offers members of the planning committee the grounds with which to demand a better solution.

This application will be to the detriment of pedestrians. They will discourage active transport. It would be possible to devise a scheme that removes the need for cars to undertake dangerous three-point-turns in the vicinity of a school. If the safety of pedestrians requires the loss of some houses, this is a price that is justified.

We would urge the committee to refuse this particular application because:

- It is not safe;
- It does not create better conditions for walking and cycling;
- The proposed road network is not permeable;
- The proposed road network does not create connectivity;
- The proposals do not improve the road network layout;
- It will worsen the impact on school places;
- The site layout is socially divisive.

7.2 The application has been advertised on site, in the press and on the Council website.

7.3 Adjoining occupiers have been notified.

Two letters have been received from the occupiers 53 Hampton Court

Comment:1) Our main concern is the lack of certainty regarding the pedestrian access south of the site to Hammond Way. Without this access permeability to the site outside of school hours will be very poor, with restricted pedestrian access to services and shops.

We currently live just above the site, and currently find the lack of pedestrian access outside of school hours extremely frustrating. We have 3 small children, and at the weekend, to walk/scoot to the playground on Hammond Way or the nature reserve takes a good 20 minutes - up Hampton Court, down Baron's Court, down Colchester Avenue, and right along Hammond Way - that's 40 minutes round trip. As a result we often resort to the car - which is ridiculous considering it is 5 minutes walk as the crow flies (which we can do when the school is open!) It's bad for the environment and increases traffic.

However, the applicants "transport statement" regarding this access is vague, uncertain and at times incorrect. Firstly it states:

2.18 The site will likely maintain the public footpath connecting the new development to Howardian Primary School south of the site, which also connects to Hammond way. This footpath is currently in good condition and is a point of access for the school from the north. As far as I am aware, it is NOT currently a public footpath connecting to Hammond Way. It is part of the school site, and not currently open outside of school hours. This is therefore simply incorrect. Secondly, "will likely" is conjecture and there is no evidence that the council has planned to make this into a public footpath so pedestrians/cyclists can access Hammond Way.

If there is no public footpath then point 2.19 is void, along with others and the

Table 2.1 is incorrect most of these walking times will be much longer, it takes 10 minutes just to walk to Colchester Avenue itself. As illustrated above with our family situation, this goes completely against the Labour council's priority for improving pedestrian and cycling access across the city. If there is no public access to Hammond Way then the site will suffer from a lack of pedestrian / cycle access to facilities and an increase in car journeys - see our concerns on traffic below.

The application is based on inaccurate information and conjecture and given the importance of this footpath in order for pedestrians and cyclists to have reasonable access to services from the site, the application should not be accepted until the council has agreed a pedestrian route past the school. A 'commitment to exploring the public link' is not good enough given the application is based on good pedestrian access.

2) Our other main concern is regarding the traffic in the area, as several factors do not seem to have been considered in the planning. Firstly, there will be another 180 children (3 years of 2-form entry at 30 per form) coming into the school, over the next 3 academic years, therefore traffic in the area will increase significantly (even if some walk/taking siblings into account, it could be 80+ more cars). The danger of more and more cars doing three point turns, as all cars must do to exit the road, has not been considered. The design has completely ignored the consistently given recommendations from the councillors not to make another cul-de-sac off Hampton Court Road due to the danger of many cars turning. We also note that several of the driveways are either single, or single-access double driveways -which we know often do not work, as we have seen on Ffordd Nowell -people do end up parking on the road, again resulting in an increase of parked cars on the road, near a school entrance.

We don't believe the situation on Hampton Court Road has been properly investigated in terms of three point turns and the parking - please would you come and look on a Saturday or Sunday night when all the cars are parked all along both sides of the road, and you have to drive very slowly to navigate your way through. Particularly we wonder about safety, with a concern that at these times, bigger vehicles, particularly an ambulance or fire engine, would not be able to get through the end of Hampton Court Road, or the new estate, in an emergency. An increase in number of vehicles will no doubt make this situation worse.

We believe the traffic situation therefore needs to be reconsidered. Better traffic management on Hampton Court Road, or a loop road through to Hammond Way should be considered.

3) We also note that there is NOT good access to a bus service as stated. We used to use the bus 56 from Baron's Court Road with our children, now this option has been taken away. The nearest bus stop to the main city centre (not the very long city circle route from Colchester Avenue, which only stops south of the city centre) is on Penylan Hill - so that's a good 20 minute walk up the hill to the bus stop, simply not worth it for a commute. This is also often not doable

with children so again, we sadly have to resort to the car more, resulting in more car journeys, pollution and traffic.

We also noted there a number of inaccuracies throughout the documents - for example, in the design and access statement, section 3.3, the dwellings in Hampton Court Road are actually describing (and have an incorrectly labelled photo of) Barons Court Road.

Given the above issues and inaccuracies, we do not consider the plans to be ready to be agreed by the council, particularly until the pedestrian access has been agreed, and the traffic issues reconsidered.

And

I agree with my husband's comments he has already submitted regarding the uncertainty of pedestrian access to Hammond Way, and the increasing traffic issues due to the inevitable increase in school traffic, and yet the design as another cul-de-sac so all cars must do 3-point turns in the road to get out.

I want to add that if/when the applicable accepted, it must have an agreement that a path to the school from Hampton Court Road must be open when the school is open. This needs to happen to ensure access for people living on Hampton Court Road, and so that the traffic on Hammond Way doesn't end up in chaos which it would if all parents were dropping off that side. Any building work which does not allow such access must be restricted to school holidays.

8. **ANALYSIS**

Policy

- 8.1 The application site falls within the settlement boundary as defined by the Adopted LDP proposals map and has no specific land use allocation or designation. The surrounding area is predominantly residential. The site currently comprises the Howardian Community Education Centre which in part previously operated as a temporary school and which is now surplus to requirements since the opening of the new primary school on adjoining land to the south.
- 8.2 Policy H6: Change of Use or Redevelopment to Residential Use permits the change of use of redundant premises or redevelopment of redundant previously developed land for residential use where:
- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirements;
 - 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 the end users.
- 8.3 Assessed against the above policy framework, given the site is located within an established residential area, in a highly sustainable location, in walking distance of local amenities; the land and premises are surplus to requirements since the development of the new school and; the development of the site for housing will not impact unacceptably on the operating conditions of any businesses the proposal raises no land use policy concerns.
- 8.4 The application site is owned by the Council and was formerly occupied by the Howardian Community Education Centre. The land is a brownfield site within the settlement boundary of Cardiff. The principle of the development of this site for residential purposes raises no land use policy considerations.
- 8.5 This scheme forms part of the Council's Cardiff Living Project, formerly the Housing Partnership Programme (HPP), which is a partnership between the Housing Development Team and Wates Living Homes. The aim of the project is to build around 1,500 mixed tenure, energy efficient, sustainable and high quality homes across c. 40 Council owned sites within Cardiff. Overall, the programme will provide 40% affordable homes across the portfolio of sites with the remaining dwellings being placed on open market sale by Wates Living Homes.
- 8.6 In terms of the affordable housing, the proposal is for 9 of the houses to be affordable, to be owned by Cardiff Council for social rented accommodation and/or low cost home ownership (LCHO). This proposal meets the planning policy requirements of 20% on brownfield sites. The proportion of affordable housing on the Cardiff Living sites will vary across the 40 sites to be developed.
- 8.7 Paragraph 4.20 of the LDP says that brownfield and windfall sites continue to play an important role in providing new homes for the city to continue to evolve. This equates to approximately 12% of Cardiff's housing needs over the LDP period. The 43 dwellings proposed in this application forms a small part of that 12%.
- 8.8 The LDP forms the basis for determining planning applications. The Council and Planning Inspector took account of PPW, the Tans and other government advice at the Public Inquiry that approved the LDP. The relevant LDP policies of the Authority have been referred to earlier in this report and this development is considered to be in accordance with those policies.
- 8.9 In respect of the issues associated with this application, including LDP policies and SPGs, and the objections/concerns raised I would make the following comments:-
- Density
- 8.10 Policy KP5 (ix) of the LDP promotes the efficient use of land developing at highest practicable densities. Whilst the proposal is not a high density

development it is similar to the density of the residential development that has taken place on the former high school's playing field.

8.11 The Cardiff Residential Design Guide SPG does say that variations in the density of development can allow for greater variety in the spatial and visual character of a scheme which can enhance the townscape and help people find their way around. There is no relationship between development density and the ability of a scheme to provide adequate green spaces or meet amenity standards, although the form of green space might go from providing private to more shared forms of garden or open space. Interesting approaches to providing amenity spaces are always welcomed.

8.12 The density of this site is at 29 dwellings per ha. The Residential Design Guide identifies densities of 45+ as suitable within district centres or fronting a spine road and 35+ within 400m of a District centre and 30+ dwellings are identified as appropriate within other parts of the residential area. The density proposed is not considered excessive.

Transport

8.13 LDP Policy KP8 Sustainable Transport states in part that:-

Development in Cardiff will be integrated with transport infrastructure and services in order to:

- i. Achieve the target of a 50:50 modal split between journeys by car and journeys by walking, cycling and public transport.
- ii. Reduce travel demand and dependence on the car;
- iii. Enable and maximise use of sustainable and active modes of transport;

8.14 Supporting paragraphs of this Policy states:-

4.106 For Cardiff to accommodate the planned levels of growth, existing and future residents will need to be far less reliant on the private car. Therefore, ensuring that more everyday journeys are undertaken by sustainable modes of transport, walking, cycling and public transport, will be essential.

4.107 The location and form of developments are major determinants of the distance people travel, the routes they take and the modes of transport they choose. Much of the growth in car travel in recent decades can be attributed to developments which have been poorly integrated with the transport network. Integration of land use and transport provision can help to manage travel demand, avoid developments which are car dependent and make it easier to facilitate movements by sustainable modes.

4.108 The purpose of this Key Policy, therefore, is to ensure that developments are properly integrated with the transport infrastructure necessary to make developments accessible by sustainable travel modes and achieve a necessary shift away from car-based travel.

8.15 LDP Policy T1 encourages walking and cycling to minimise car use and support the Council in fulfilling its legal requirement under the Active Travel (Wales) Act

2013

- 8.16 LDP Policy T5 also seeks to reduce reliance on the private car in line with national planning policies and strategic transport objectives. This proposal also provides one cycle space per apartment. There is space within the curtilage of each dwelling for secure cycle storage.
- 8.17 The Institute of Highways and Transportation issued guidelines for “Providing for Journeys on Foot” and identifies in table 3.2 suggested acceptable walking distances of desirable 400m, acceptable 800m and preferred maximum 1200m. Howardian school, leisure areas, retail units and public transport services are all within the desirable or acceptable guidelines. It is considered that the proximity of the afore-mentioned facilities contributes towards the development being able to comply with LDP policies KP8, T1 and T5.
- 8.18 The Transport Statement submitted with the application says that
The traffic effect from 43 homes is forecast to be +20 / +22 two-way trips during an AM / PM peak respectively which is not considered to be material or detrimental to highway capacity or highway safety.

The Statement concludes that Development in this location offers travel choice and inclusive mobility for most modes of travel and as such should be supported by the Council, particularly in view of the Active Travel (Wales) Act 2013 and Cardiff Council’s Transport Strategy which seeks to achieve a 50:50 modal split for all journeys across the City. Moreover, it provides a positive contribution in line with the Well-being of Future Generations (Wales) Act 2015 and hence should be encouraged.

- 8.19 The Transportation Department will deal with Road Traffic Orders, including double yellow lines. Amended plans have been submitted linking plot numbers with the same parking plot numbers.
- 8.20 In response to the transport objections raised by the local members the Transportation Officer states:

It is not considered that the proposed development would result in safety concerns, especially in comparison to a theoretical ‘not as intensive’ development scenario. The Transport Statement indicates that a maximum of only around 20 two-way vehicle movements would be generated by the houses (equating to one vehicle every 3 minutes).

We are not in favour of introducing a through-road between the site and Hampton Court Road, as this could induce additional car trips, although a route for pedestrians will be provided.

Whilst we would wish for as many school trips to be made by sustainable modes as possible, it is accepted that for various reasons, a proportion of parents will wish to drive. In order to help counter any problems caused by this, we have introduced parking restrictions and pedestrian crossing improvements in the area (with some parking restrictions on Hampton Court Road to follow

shortly), and additional improvements associated with the residential development (including relocating the keep clear markings) were requested in my email response.

Appropriate infrastructure will be provided at the residential site (including seeking parking restrictions at various locations), and it is not considered that the potential presence of some school-related vehicles turning/reversing on local roads will automatically result in safety concerns.”

- 8.21 The Transportation Officer also provided a copy of the response to a question raised at Council in November 2018 which is reproduced below which has some relevance to the current application:

“We are aware of the current issues.

Officers are assessing the application for housing development on land adjacent to the school. Their view is that extending existing highways to provide a through route is likely to attract additional traffic and lead to further problems of congestion. It would also undermine the school’s efforts to encourage pupils to walk and cycle to school, through its travel plan, which it is actively promoting.

However, the developers have been asked to make amendments to the development access which would include an extension of double yellow line parking restrictions on Hampton Court Road, which would help to enhance safety

To address concerns expressed by residents on Hammond Way about traffic and parking associated with the school, the Council is progressing a scheme for additional parking restrictions on this road.

To support efforts to encourage walking and cycling to Howardian school, the Council has implemented a School Safety Zone, which includes traffic calming, a 20mph speed limit, parking restrictions and improved pedestrian crossing facilities on Hammond Way and on Hampton Court Road. In addition to this, we have recently constructed a zebra crossing on Colchester Avenue to improve the walking route to the school.”

- 8.22 The Council has no planning policy that prohibits cul de sacs. Many developments for both larger and smaller schemes are served by single vehicular access points.

- 8.23 The traffic and parking issues associated with the Howardian School planning application were considered by the Planning Committee following a Committee site inspection. The school’s parking and access arrangements are unchanged by this proposal.

- 8.24 The Local Planning Authority has to assess the submitted planning application on its own particular merits. If the Council wished to use all or part of this land for a different purpose then an alternative planning application would need to be submitted. The development of this site for housing does not affect vehicular

traffic movements to the school. Children from this development will be able to conveniently walk to the adjoining school. Pedestrian and cycling permeability between Hammond Way and Hampton Court Road will be improved. It should be noted that during part of the construction period the pedestrian access to the school from Hampton Court Road may be temporarily suspended for safety reasons.

- 8.25 In this case bus services, a school and shops are all within reasonable walking distances. Howardian school adjoins the site; there is a parade of shops and bus stops on Colchester Avenue less than 400m from the site.

Pedestrian Cycle link from Hampton Court Road to Hammond Way

- 8.26 The applicant in response to transport/access issues raised by a local resident states:

“The report makes reference to access that was available through the Howardian site that connects to the school and Hammond way. As part of the planning permission associated with the school, there are conditions that are associated with the pedestrian link to the school from Hampton Court Road which should be retained in perpetuity, to ensure satisfactory pedestrian access to the school from the north. We understand that discussions are underway between various Council departments in order to try and facilitate this.

The issue of vehicles parking on the footway causing obstruction is an existing issue that can be addressed by current legislation through enforcement. South Wales Police undertake this type of enforcement and can be contacted on their non-emergency number 101. Where vehicles are parked on or adjacent to pedestrian dropped kerbs, driveways or parking restrictions, the Council’s Civil Enforcement section can be contacted via 029 2087 2087.

The school will have measures in place to contact parents to encourage sustainable means of accessing the school and highlighting the importance of driving and parking responsibly and safely around the school. Any concerns of inconsiderate parking should be referred to the school, or alternatively by contacting the above enforcement authorities.

As it is not known how school traffic will affect the area around the school, or within the proposed housing development site. The Council has measures in place to undertake post implementation monitoring following the introduction of road safety/access improvements. This will determine whether further traffic management measures are necessary.

The development will not generate a significant number of vehicle movements throughout the day, however recommendation is given that the internal layout is monitored post application, to determine whether any further traffic management measures are necessary and implemented accordingly, to prevent obstructive parking.

From the site entrance to the bus stops on Colchester Avenue near Earls Court

Road is around a 5-minute walk (approximately 450m) or a 10-minute walk (800m) to services on Waterloo Road. Additional services operate from Newport Road or Penylan Road which would require changing buses. There would be a slight time saving to access the Scholars Drive bus stops on Colchester Avenue through the school site. The bus services on Newport Road could be accessed via the Howardian Nature Reserve Area and Ipswich Road through the school site, which would be a 16-minute walk (approximately 1.3km). From the site to Penylan Road, the bus stops are a 12-minute walk (1km) via Colchester Avenue or Dorchester Avenue.

It is agreed that retaining access through the school site would benefit the community for access to public transport as well as public open space. We understand that discussions are underway between various Council departments in order to try and facilitate this.”

- 8.27 The Housing Project officer subsequently confirmed that the footpath link between the Howardian development and the school will be open 24 hours following development. Work is required to the school fence to ensure the school is secure. She also advises that we were hoping to be able to close the pedestrian link through the Howardian site to the school during construction. This looks like there will be lots of opposition so we are going to try and keep this open at school pick up and drop off times.
- 8.28 In respect of the points made by the Transport Officer I would advise that
- a) and d) The Highway Authority will deal with the TRO
 - b) Proposed condition 28 requires a motor cycle barrier. It would then be for the school to consider whether a motor cycle barrier is required at the entrance to their site, as they already have a pedestrian gate.
 - f) The design of the FOG (plot 11) allows for parking to the front and beneath. Parking for the apartments on plots 9/10 are some 20m distant at the end of a short private drive. The parking for plot 13 adjoins its rear gate. The parking space for plot 33 is immediately adjacent and the parking space for plot 34 is 10m from its front door. There would be a 1.8m high fence between the parking spaces serving plot 35 and one of the spaces for plot 33.
 - g) Condition 29 is aimed at providing secure sheltered cycle parking. Plot 20 is mid terrace property served by a rear path.
 - h) This is covered by proposed condition 30.

Parking

- 8.29 The Council's SPG on Parking provides parking standards for central and non central area development. In this case the site lies at the periphery of the central area which specifies a maximum of 1 car parking space per dwelling and a minimum cycle parking of 1 per bedroom. Non central parking specifies a maximum of 2 car parking spaces for 2+ bedroom dwellings. As the application site is towards the periphery of the central parking area it is not unreasonable to allow some level of flexibility in the application of the guidelines. The majority of open market housing would have one car parking space and 12 market houses and all the affordable units would have two spaces. It is not considered that the overprovision of some car parking spaces in this particular location could justify

a reason for refusal.

Design

- 8.30 Tan 12 Design identifies the five elements that contribute to good design which are Community Safety, Environmental Sustainability, Movement, Access and Character. It is considered that this scheme satisfactorily addresses these five elements.
- 8.31 The applicant appears to have generally taken on board the advice of the DCfW in the formulation of this application. For example feature walls, supplementary planting and a large 2 1/2 storey dwelling are proposed at the entrance to the site. Detailing of retaining walls will be required by a condition. It is unfortunate that Parks have been unable to agree to a direct pedestrian link from the eastern boundary of the site to the allotments/nature reserve.
- 8.32 There is some richness and interest in the materials to be used in the proposed dwellings. The façade composition of the dwellings is contemporary, with some nice touches. The street design overall with shared surface, safe route and calming measures is considered acceptable. The small “square” is a reasonable feature for such a small scheme. The use of a conservation kerb would enhance the qualities of this space around the planting area.
- 8.33 The affordable units are considered to integrate well with the overall development being of a similar style and materials as the open market units. Their appearance is considered to be tenure neutral. Some or all of the affordable units on this site may be made available through the Council’s low cost home ownership scheme.

Crime and Disorder

- 8.34 The police raised a concern about the land at the southern end of the site being open. This land is required for SUD purposes which will require maintenance in due course. The dwellings that adjoin it will have 2.1m high walls to secure their private gardens. Five of the dwellings have side facing windows that overlook this area and all routes to the SUD are overlooked from the fronts of several dwellings. The SUD is then separated from the school by a 2.1m high weld mesh fence. The school has CCTV in elevated positions with vandal resistant lighting controlled by photo electric cells covering the whole area around the school.
- 8.35 The Police confirmed that the layout provides good natural surveillance. The cul de sac layout, junction with Hampton Court Road, internal road narrowings and the square arrangement will all contribute towards low road speeds. The location of the proposed landscaping is not considered to adversely affect public safety. All dwellings have defensible front space and the means of enclosure to rear boundaries meets the Police’s recommendations. Street lighting will be addressed under the Highway legislation.
- 8.36 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.

Noise

- 8.37 The Noise and Air Team's issue is addressed by proposed condition 15.

Contamination

- 8.38 Contamination issues are addressed by conditions 3-10 (inc) and Recommendations 2 and 3

Biodiversity/Protected Species

- 8.39 The Ecologist's issues are addressed by proposed conditions 17-21(inc). NRW has no objection and their required condition is in line with proposed condition 21.

Landscaping/Open Space

- 8.40 The issues identified by the Tree Officer can be addressed by conditions 12-14 (inc).
- 8.41 The SPG on trees says that category A and B trees can be removed if there are overriding design considerations and their loss can be successfully mitigated by new planting. There are no category A trees with most trees being identified as category B and C, 8 trees assessed as category U trees. 30 trees are to be removed and 32 new trees planted. The Tree Officer has carefully assessed the loss of trees and has no objection to the landscaping proposed subject to conditions. A cherry tree at the access to the site would have to be removed to facilitate satisfactory access for this development. The other trees on site are afforded no special protection and can be removed without the approval of the Local Planning Authority. Proposed conditions 12-14 are considered necessary to secure successful landscaping arrangements.
- 8.42 The Parks Officer has queried the management of open spaces. The applicant has submitted a Management Plan that confirms that a management company will be responsible for maintaining the incidental open spaces. The bench details are a little unclear and this should be the subject of a condition (proposed condition 26).

Historical Assets

- 8.43 The applicant has confirmed that Phase I Geoenvironmental and Geotechnical Desk Study prepared by Wardell Armstrong was not submitted for archaeological purposes and GGAT was advised of this on 4/12/18. GGAT's

proposed condition is included in the Recommendation as proposed condition 25.

Wellbeing

- 8.44 The 7 well-being goals are as follows:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language
 - A globally responsible Wales
- 8.45 Paragraph 3.2 of the LDP vision is as set out in the 10 year, 'What Matters' Strategy (2010-2020) which is that "By 2020...Cardiff will be a world class European capital city with an exceptional quality of life and at the heart of a thriving city-region".
- 8.46 Paragraph 3.3 states that Partners have agreed seven strategic outcomes that, if achieved would represent ultimate success and the realisation of the vision. The outcomes are that:
- People in Cardiff are healthy;
People in Cardiff have a clean, attractive and sustainable environment;
People in Cardiff are safe and feel safe;
Cardiff has a thriving and prosperous economy;
People in Cardiff achieve their full potential;
Cardiff is a great place to live work and play; and
Cardiff is a fair, just and inclusive society.
- 8.47 Paragraph 3.4 states that It is important to recognise that the LDP cannot deliver all of these outcomes alone as many issues extend beyond land use planning matters and the remit of the document. However, the LDP is a crucial strategic document that must create the right conditions which both directly and indirectly assist and support the delivery of these outcomes.
- 8.48 The creation of employment during the construction period and improving the housing supply and choice of housing that incorporates affordable housing in a sustainable location on a brownfield site adjoining a school close to allotments and a nature reserve whilst safeguarding the amenities of adjoining residents goes towards meeting the afore mentioned policies and strategic outcomes.
- 8.49 Section 3 of the Well-Being of Future Generations Act 2016 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. 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.

- 8.50 The provision of affordable housing on the HPP sites meets the 20% requirement on brownfield sites specified in the Council's planning policies. In any event this proposal is part of a larger project to provide substantially more affordable housing across the City to help towards addressing a pressing social need.

Waste

- 8.51 On site bin storage for houses and apartments have been indicated on the amended plans which would address an issue raised by the Waste Officer. Refuse bins can be addressed by a Section 106 Agreement. If there is insufficient viability to fund the cost of refuse bins future residents would have to fund them.

Equality Act 2010

- 8.52 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 in the vicinity of the site or who may occupy the proposed dwellings.
- 8.53 The Waste Officer (£2,580) and Parks Officer (£123,676) are seeking S106 contributions totalling £ 192,321.41. The applicant has not concluded a viability assessment whilst all the costs associated with demolition needed to be finalised. The applicant is at this point in time unable to confirm agreement to the financial contributions identified and the recommendation has been formulated in recognition of this.
- 8.54 The Affordable Housing Officer, Drainage Officer, Contaminated Land Team, Fire Safety Officer, NRW, GGAT, South Wales Police, Tree Officer, Ecologist, Pollution Control, Welsh Water, Parks Officer, Transportation Officer, Waste Management Officer, Noise and Air Team, Regeneration Officer and Education Officer have raised no objections to the development subject to conditions and Section 106 contributions.
- 8.55 Notwithstanding the objections/concerns raised by the two local members and the occupiers of a neighbouring dwelling the proposal complies with the Council's LDP policies and SPG on residential amenity and car parking standards. The proposal makes efficient use of land in a safe, well-designed scheme that positively contributes to the provision of affordable housing and increases housing supply and choice within the City in a sustainable location on a brownfield site. It is not considered that there are any good reasons for refusing this application.

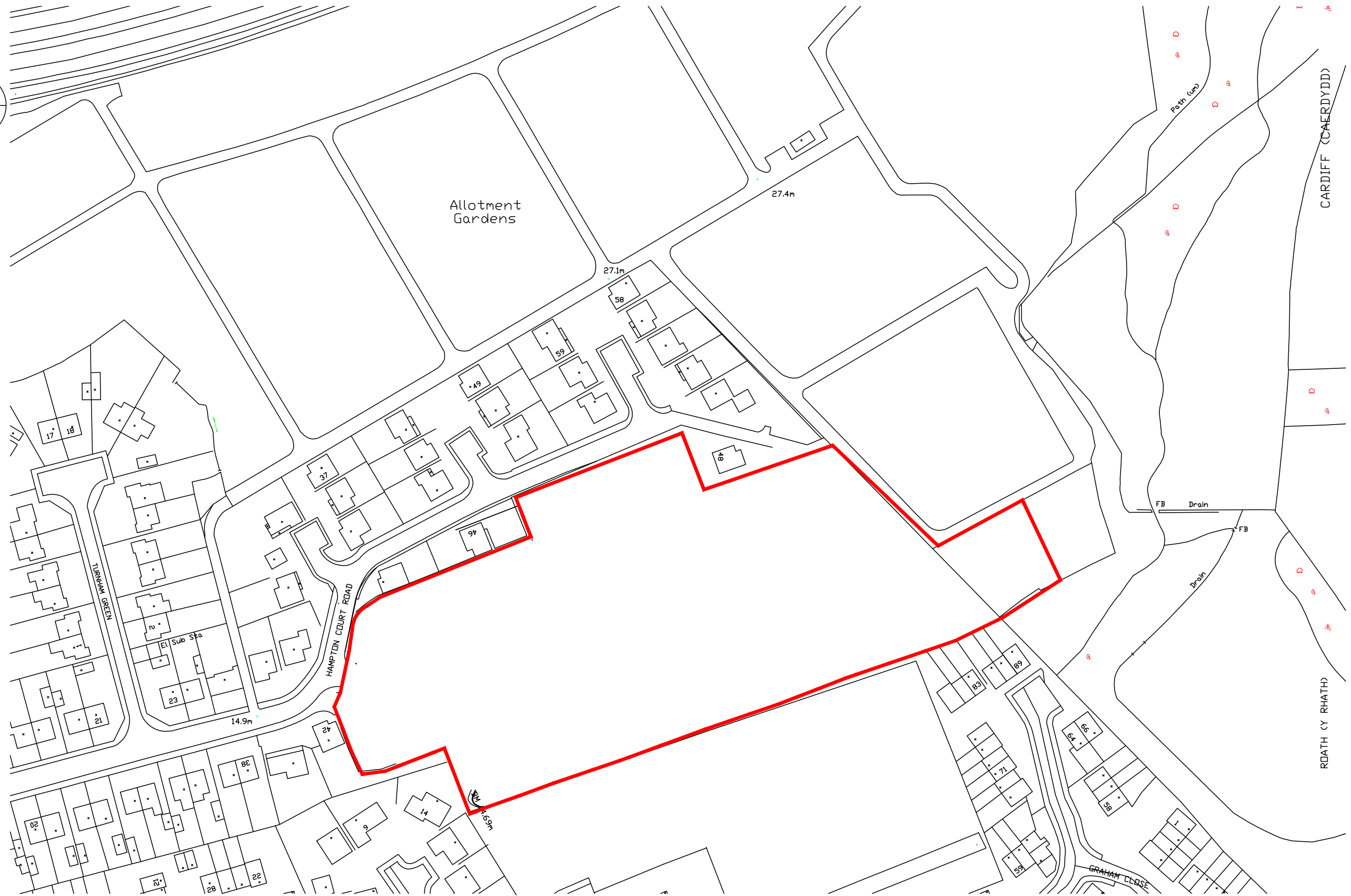
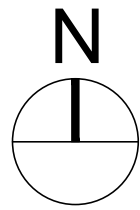
9. **SECTION 106 REQUIREMENTS**

9.1 The application is considered acceptable subject to conditions and the following Section 106 requirements:

A) Units 17-24 (inc) shall be available for council accommodation

B) A financial contribution of £123,676 for local off-site public open space enhancements.

C) A financial contribution of £2,580 for refuse bins to serve the development



Site Boundary

Status: **PLANNING**

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rev	date	description
A	13.09.18	Axis amended
B	22.10.18	Red line amended

by
CC
CC

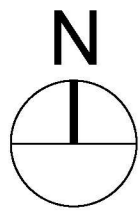
Drawn: CC
 Checked: BJ
 Date: 12/09/18
 Scale: 1:1250 @ A3

Client: Wates Residential Limited
 Project: Howardian, Centre Cardiff
 Title: Location Plan
 Ref: 2289/100B

Rev: B



Unit 2 Chapel Barns | Merthyr Mawr
 Bridgend | CF32 0LS | 01656 656267
 mail@spring-consultancy.co.uk



Accommodation Schedule

Ref	Description	No.
Affordable		
4.2.1	Two Bed House	9
Private		
1B1	One Bed apartment	2
2B1	Two Bed FOG	1
2B2	Two Bed FOG	1
HTC	Three Bed House	1
HTD	Three Bed House	2
HTE	Four Bed House	4
HTI	Four Bed House	4
HTK	Four Bed House (2 & Half Storey)	11
HTL	Five Bed House (2 & Half Storey)	8
Total		43

Site Key

- Existing Vegetation (refer to landscape architects detail drawings for extent of further removal)
- Hedge planting
- Trees & foliage to be removed
- Proposed Swale (to engineers details)
- Denotes affordable units
- 1.8m High Gate
- 200 litre water butt
- Bin storage location
- Bin store collection point
- Compost bin
- Timber Shed
- Rotary line

Boundary Treatments Key

- 2.1m High brick screen wall to engineers specification.
- 1.8m High timber closeboard fence
- 1.1m High timber post & rail fence
- 1.1m High front boundary metal railings
- 0.45m High front boundary brick wall
- Timber bollards
- Timber knee rail
- 0.9m High feature wall (refer to detail)

Surface Materials

- Asphalt / Bitmac
- Grey tegular block paviors or similar approved to public highway
- Shared drives to be Tobermore Tegula "Bracken" paving
- Concrete Paving slabs



Status: PLANNING

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rev	date	description	by
A	06.11.18	Plots 22-25 moved 2m east. 26 rear boundary amended. Plots 43 & 42 boundary amended.	CC
B	07.11.18	Plots 4 & 5 handed	CC
C	20.11.18	Plots 17-28 amended	CC
D	20.11.18	Site key amended & swale added adjacent to plot 22	CC
E	30.11.18	Layout amended in response to local authority consultation responses.	JM
F	05.12.18	Boundary treatments added to layout	CC
G	08.12.18	Plot 19 handed. Bay windows added to plots 28,29 & 30	CC
H	20.12.18	Plots 6, 7, 11, 32-34 & 38-39 amended per LPA comments	JM

Drawn: CC
 Checked: JM
 Date: 12/09/18
 Scale: 1:500 @ A2

Client: Wates Residential Limited
 Project: Howardian, Centre Cardiff
 Title: Planning Layout
 Ref: 2289 / 102 Rev: H



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PLOT 1

PLOT 2

PLOT 3

PLOT 4

PLOT 5

PLOT 6

PLOT 7

PLOT 8

Street Scene 01



PLOT 26

PLOT 27

PLOT 30

PLOT 31

PLOT 32

PLOT 33

PLOT 34

Street Scene 02

Project: Howardian Centre, Cardiff

Date: 19/10/18

Drawing No: 2289-300-01

Title: Coloured Street Scene Elevations

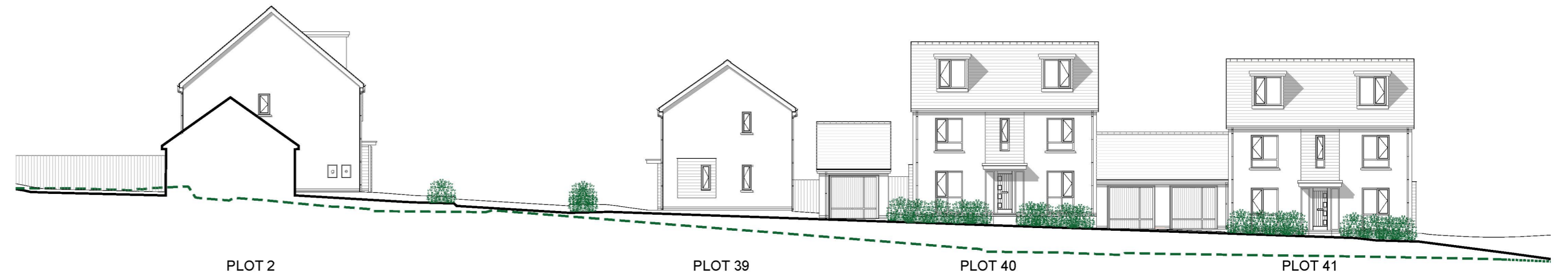
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Revision: -

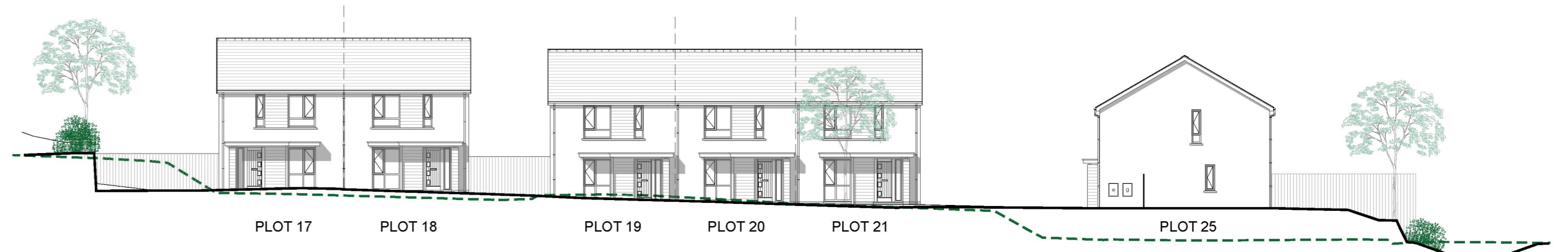
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Sectional Elevation A-A



Sectional Elevation C-C

Site Plan Key 1:1000



Sectional Elevation B-B

--- Existing Ground Level
 — Proposed New Level

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Project: Howardian Centre, Cardiff

Date: 05/12/18

Drawing No: 2289-310-01

Title: Site Sections

Scale: 1:200 @ A2

Revision: -



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SECTIONAL ELEVATION

MATERIALS SCHEDULE

- 1 slate grey "Forticrete Gemini" roof tile or equivalent
- 2 buff clay multi facing brick
- 3 grey UPVC window
- 4 "Marley Cedral Click" cladding (see block elevation for colours)
- 5 reconstituted stone sills
- 6 blue engineering brick
- 7 cast stone facing masonry

Project: Howardian Centre, Cardiff

Date: 19/10/18

Drawing No: 2289-200-02

Title: House Type 4.2.1 Elevations

Scale: 1:100 @ A3

Revision: A

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FRONT ELEVATION

SIDE ELEVATION

MATERIALS SCHEDULE

- 1 slate grey "Forticrete Gemini" roof tile or equivalent
- 2 buff clay multi-facing brick
- 3 grey UPVC window
- 4 slate grey stained timber cladding
- 5 reconstituted stone sill
- 6 blue engineering brick
- 7 cast stone facing masonry



REAR ELEVATION

SIDE ELEVATION

Project: Howardian Centre, Cardiff

Date: 22/11/18

Drawing No: 2289-204-02

Title: House Type E Elevations

Scale: 1:100 @ A3

Revision: B

Wates

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