

## PETITION

COMMITTEE DATE: 14/08/2019

APPLICATION No. **19/01682/MNR** APPLICATION DATE: 18/06/2019

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Wates

LOCATION: SITE OF FORMER CARDIFF SCIENTIFIC LABORATORY,  
5-13 CROFTS STREET, ROATH, CARDIFF  
PROPOSAL: CONSTRUCTION OF 9 RESIDENTIAL UNITS

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**RECOMMENDATION 1** : That consent be **GRANTED** subject to the applicant submitting within six months a **Section 106** Agreement that the dwellings be available for Council accommodation and to provide the contributions identified in paragraph 9.1 of this report and the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following plans:-
  - CST-ACM-XX-XX-RP-ZZ-001
  - CST-ACM-XX-XX-RP-ZZ-002(1)
  - CST-ACM-XX-XX-RP-ZZ-003(1)
  - CST-ACM-XX-XX-RP-ZZ-004(1)
  - CST-ACM-XX-XX-RP-ZZ-005 PART 1 OF 3
  - CST-ACM-XX-XX-RP-ZZ-005 PART 2 OF 3
  - CST-ACM-XX-XX-RP-ZZ-005 PART 3 OF 3
  - CST-RSH-XX-00-DR-AR-20110 P03
  - CST-RSH-XX-00-DR-AR-20100 P03
  - CST-RSH-XX-00-DR-AR-20101 P03
  - CST-RSH-XX-00-DR-AR-20111 P03
  - CST-RSH-XX-00-DR-AR-20112 P03
  - CST-RSH-XX-01-DR-AR-20011 P03
  - CST-RSH-XX-01-DR-AR-20010 P03
  - CST-RSH-XX-EW-DR-AR-22010 P03
  - RSHP-J50003-SK-0011 REV 2
  - CST-RSH-XX-EW-DR-AR-22020 P03
  - CST-RSH-XX-EW-DR-AR-22120 P1
  - CST-RSH-XX-RF-DR-AR-20014 P03
  - CST-RSH-XX-XX-DR-AR-21012 P1
  - CST-RSH-XX-XX-DR-AR-21111 P1
  - CST-RSH-XX-XX-DR-AR-27200 P1
  - CST-RSH-XX-XX-DR-AR-60110 P1
  - CST-RSH-XX-XX-RP-AR-00001 PART 2 OF 4

- CST-RSH-XX-XX-RP-AR-00001 PART 3 OF 4
- CST-RSH-XX-XX-RP-AR-00001 PART 4 OF 4
- CST-RSH-XX-XX-RP-AR-00001 PART1 OF 4
- CST-RSH-XX-XX-RP-AR-00003 PART 1 OF 3
- CST-RSH-XX-XX-RP-AR-00003 PART 2 OF 3
- CST-RSH-XX-XX-RP-AR-00003 PART 3 OF 3
- CST-RSH-XX-XX-VS-AR-90002 P1
- CST-RSH-XX-XX-VS-AR-90003 P1
- CST-RSH-XX-XX-VS-AR-90004 P1
- CST-RSH-XX-XX-VS-AR-9001 P1
- CST-RSH-XX-00-DR-AR-20111 P1
- Q112-101 RevJ
- Q112-102 RevJ
- Q112-108 RevJ

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

3. Prior to the commencement 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) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition 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 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.(LDP policy EN13)

4. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme 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 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 workers, neighbours and other offsite receptors (LDP policy EN13).

5. The remediation scheme approved by condition 4 above shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall 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 workers, neighbours and other offsite receptors (LDP policy EN13).

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plans 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 workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. 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.
8. 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.

9. 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 (LDP Policy EN13).

10. The rear side boundary means of enclosure to the northern dwelling shall be finished in brick to match the approved rear boundary walls.

Reason: In the interests of visual amenity and security (LDP policies KP5 and C3).

11. No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A landscaping implementation programme.
- Finalised scaled planting plan.
- Evidence to demonstrate that services including drainage will not conflict with proposed planting.
- Finalised schedule of plant species, sizes, numbers and densities.
- Finalised, scaled tree pit sectional and plan drawings for soft landscape and hard landscape situations that show the Root Available Soil Volume for each tree.
- Topsoil and subsoil specification for all planting types that demonstrates fitness for purpose for the specific landscape function. Site won soils shall only be used if a Soil Resource Survey and Plan demonstrates fitness for purpose. Imported planting soils shall not only be certifiable to British Standard 3882:2015 (topsoil) and British Standard 8601:2013 (subsoil), but shall be subject to a soil scientists interpretive report demonstrating that the soil is appropriate for the landscaping type(s) proposed. The specification shall be supported by a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance (LDP policy KP5).

12. 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.  
Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 11.  
Reason: To maintain and improve the amenity and environmental value of the area (LDP policy KP5).

13. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:
- An Arboricultural Method Statement (AMS) based on the finalised plans and specifications, detailing the methods to be used to prevent loss of or damage to the retained river birch tree on Partridge Road.

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

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

The development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses (LDP policy KP5).

14. Prior to development commencing details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being brought into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.  
Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles (LDP policy T1).

15. Prior to development commencing details of a highways improvement scheme for Quail Court, Elm Street Lane and Croft Street shall be submitted

to and approved in writing by the Local Planning Authority. This shall include details of footway resurfacing/improvement, provision of a shared surface area for parts of Quail Court and Elm Street Lane, stopping up of the former access into the site, and provision of a build-out on Croft Street. Those agreed details shall be implemented prior to any part of the development being brought into beneficial use.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility (LDP policy KP5).

16. Prior to commencement of each phase of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, times of deliveries, loading/unloading and storage of plant and materials, construction compounds, any temporary facilities for construction / sales staff, site hoardings (including the erection, maintenance and security), site access, wheel washing facilities, and details of a carpark for contractors vehicles. The development construction of the relevant phase shall be managed strictly in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity (LDP policy KP5).

17. No development shall commence until a foul drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained and how flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development with no surface water or land drainage 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 EN11).

**RECOMMENDATION 2** : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

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

- (i) determining the extent and effects of such constraints;

- (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.

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

- 1.1 The proposal is to erect 9 two bedroom terraced dwellings on a site that accommodated 9 terraced dwellings before their destruction from war damage. The proposed houses would be two storeys high with flat roofs. The original terrace immediately adjoined the footpath to the front. Each dwelling would have a front garden (5m x 3.5m) and a larger rear garden (5m x 9m).
- 1.2 Some 95% of the dwellings will be assembled off site. The first floor cladding will be finished in a contemporary version of beige render and painted brick with the ground floor walls in red stock brick.
- 1.3 Pedestrian access to the front of the dwellings would be from Crofts Street and access to the rear gardens, incorporating bin storage and cycle sheds, would be from Quail Lane. (Initially the rear gates were shown as opening into Quail Lane but this has since been amended and now shows the gates opening inwards).
- 1.4 Ground and first floor side facing windows are proposed for the end units adjoining Partridge Road and Elm Street Lane.
- 1.5 All the proposed dwellings would be affordable. The proposal is a partnership scheme between Housing and Wates to deliver 1500 new homes across Cardiff

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is opposite The Crofts public house and is surrounded by two storey terrace dwellings. Most of the dwellings in the surrounding streets have no off street vehicular parking. The site has been cleared of the previous buildings and is level. There is a cherry tree within the site.
- 2.2 The site is rectangular in shape and measures 48 m x 25 m.

## 3. **PLANNING HISTORY**

- 3.1 Planning history on this site since 1997 comprises the following:-

15/00487/MNR Prior Approval for the demolition of the laboratory building on this site was granted on 18/05/2015

## 4. **PLANNING POLICIES**

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

KP3 (B) Within the Settlement Boundary  
KP5 Good Quality and Sustainable Design  
KP6 New Infrastructure  
KP7 Planning obligations  
KP8 Sustainable Transport  
KP14 Healthy Living  
KP15 Climate Change  
H3 Affordable Housing  
H6 Change of Use or Redevelopment to Residential Use  
EN8 Trees, Woodlands and Hedgerows  
EN12 Renewable Energy and Low Carbon Technologies  
EN13 Air, Noise, Light Pollution and Contaminated Land  
T1 Walking and Cycling  
T5 Managing Transport Impacts  
T6 Impact on Transport Networks and Services  
C1 Community Facilities  
C3 Community Safety/Creating Safe Environments;  
C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport  
C6 Health  
W2 Provision for Waste Management Facilities in Development.

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

Green Infrastructure  
Managing Transportation Impacts (Including Parking Standards)  
Planning Obligations  
Protection and Provision of Open Space in New Development  
Residential Design Guide  
Soils and Development

5. **INTERNAL CONSULTEES RESPONSES**

5.1 Shared Regulatory Services say that

In reviewing available records and the application for the proposed development, the site has been identified as the former Cardiff Council Laboratory site. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. Consequently the inclusion of conditions requiring contamination assessment and any necessary remediation are requested.

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**

**PC14A. CONTAMINATED LAND MEASURES – ASSESSMENT**

Prior to the commencement 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) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

#### **PC14B. CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN**

Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme 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.

#### **PC14C. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION**

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.

#### **PC14D. CONTAMINATED LAND MEASURES - UNFORESEEN CONTAMINATION**

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.

#### **PC15A IMPORTED SOIL**

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.

### **PC15B IMPORTED AGGREGATES**

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.

### **PC15C USE OF SITE WON MATERIALS**

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**

### **R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE**

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.

## 5.2 Waste Officer states:

The bins can be stored in the rear garden of each property as they all have rear access. Bins can be presented for collection either on Croft Street or Partridge Road.

Each property 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)

The storage of which must be sensitively integrated into the design.

Please advise the owner/applicant that since 27<sup>th</sup> July 2015, the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management Team on 029 20717500.

The kitchen 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.

Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) for further relevant information.

## 5.3 The Tree Officer states

An unprotected 'B' category cherry tree (T1) is lost as part of development and a

'B' category river birch tree (T2) will see incursions into its Root Protection Area (RPA) and a requirement for pruning by 1.5m to give clearance to facilitate access for a proposed structure. I am content that the loss of T1 can be mitigated.

My comments regarding the build-out tree pit are as follows: -

The approximate locations of CATV, Electrics and mains water are noted along with a root barrier. It is important that it is clear that neither the root barrier or services will compromise the volume of root available soil, so some clarification and explanation in this regard would be helpful.

The Root Rain product, tree grille product and anchoring product should be specified for the avoidance of doubt.

I note the single Arborvent inlet in section, but three in plan-view. A minimum of two should be provided and I seek clarification.

The RootRain inlet should be clear in plan-view. Two other inlets are apparent in plan-view (Hydrogrille).

It should be clear that the root director and upper cell layer will be backfilled with GreenBlue Urban Rootsoil 20 topsoil and the bottom cell layer back-filled with GreenBlue Urban Rootsoil 20 subsoil.

The tree should be annotated to be 'compliant with Table 1, p.21, BS 8545:2014'.

The root-ball should be annotated 'all non-perishable wrappings and cages removed before planting, to include treated hessian. Single layer untreated hessian and narrow gauge non-galvanized baskets may be retained until tree in position, and then the upper third of hessian and basket removed at the same time as back-filling to support the root-ball'.

I have no adverse observations otherwise. If you are intending to take the application forward imminently and to apply conditions to obtain further details, then something along the lines of the following would be appropriate: -

#### Landscaping

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

- A landscaping implementation programme.
- Finalised scaled planting plan.
- Evidence to demonstrate that services including drainage will not conflict with proposed planting.
- Finalised schedule of plant species, sizes, numbers and densities.
- Finalised, scaled tree pit sectional and plan drawings for soft landscape and hard landscape situations that show the Root Available Soil Volume for each tree.

- Topsoil and subsoil specification for all planting types that demonstrates fitness for purpose for the specific landscape function. Site won soils shall only be used if a Soil Resource Survey and Plan demonstrates fitness for purpose. Imported planting soils shall not only be certifiable to British Standard 3882:2015 (topsoil) and British Standard 8601:2013 (subsoil), but shall be subject to a soil scientists interpretive report demonstrating that the soil is appropriate for the landscaping type(s) proposed. The specification shall be supported by a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

#### Landscaping Maintenance

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 (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition \*\*\*\*\* , unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area.

#### Tree protection

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

- An Arboricultural Method Statement (AMS) based on the finalised plans and specifications, detailing the methods to be used to prevent loss of or damage to the retained river birch tree on Partridge Road.

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

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

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP.

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

5.4 The Housing Officer has confirmed that the development is 100% affordable.

5.5 The Parks Officer states:

#### Design Comments

The street trees around the development, including T2, are highway trees under management responsibility of Parks Tree Section. Therefore minimising impact on the root protect area of T2 is particularly important as due to services and other restrictions on this area re-establishing new trees is challenging. I agree with the Tree Officer that the root system is likely to extend within the site (except where the existing buildings were) and the root system of birches are particularly sensitive. Use of gravel or cellweb with no dig construction is reasonable – we have successfully used cellweb in a number of schemes. I agree that the details need to be set out in the Arboricultural Method Statement, final Tree Protection Plan and scheme of supervision of the work. My main concern is whether the surfacing would subsequently be changed by the homeowner once they have taken occupation, so the design should take this into consideration to discourage them excavating the area at a later date.

Given that there are proposals to resurface the existing pavement around the tree I would advise that a solution used in a number of areas of Cardiff is implemented. This involves use of KBI rubber surfacing within aluminium edging. This increases aeration and water access to the roots and is a flexible surface; it also ensures that tarmac surfacing is not laid up to the trunk. Technical details and an image are attached to the Planning response.

The additional proposed tree located in the buildout is welcome. I agree with the comments made by the Tree Officer with regard to design and soil volume required. Establishing location of services including drainage at this stage is essential to determine whether there is sufficient rooting capacity within cells for the tree – it needs to be established whether it is possible to implement the tree planting at this stage as it is a material part of the scheme. I echo the Tree Officer comments that the majority of the cells need to be within the pavement or buildout and not the road and agree that securing aeration and irrigation points in the carriageway is likely to prove difficult to agree with Highways. I presume the size and location of the buildout is acceptable to Highways.

I presume that resurfacing the pavement and the buildout would be carried out under a S278 Highway scheme. For the Council to oversee installation of the new tree and adopt it for long term maintenance a 20 year commuted sum and

supervisory fee would be required.

#### 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 16.2. This generates an open space requirement of 0.039 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £16,808. I enclose a copy of the calculation

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

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

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

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Shelley Gardens, Roath Mill, Roath Brook and Waterloo Gardens, and Roath Rec.

(The Tree Officer's comments were amended following the submission of revisions by the applicant).

#### 5.6 The Transport officer states:

There will be no dedicated vehicle parking, and cycle parking will be provided in sheds at the rear of the dwellings (backing onto Quail Court).

In order to ensure that no traffic/safety issues arise from the development, and

noting that no vehicle parking is to be provided, it will be necessary for a road/footway improvement scheme to be undertaken on Elm Street Lane/Quail Court, to involve the provision of improved surfacing, a shared surface area, and extended parking restrictions (including on Elm Street Lane and most of Quail Court). The parking restrictions would need to be the subject of a TRO process. Figure 3.1 of the submitted Transport Statement report provides an indication of the extent of extended parking restrictions that will be sought. Whilst there is some uncontrolled on-street car parking in the vicinity there is also some resident permit parking, and residents of the new development would not be eligible for these permits. These works would be dealt with via a Section 278 agreement (to be referenced with an informative) and a planning condition (wording below).

The submitted plans indicated a build out/tree on the eastern side of Croft Street (opposite Lily Street). Due to utility issues the applicant has subsequently proposed that this is relocated further south (adjacent to Elm Street Lane). This is considered to be acceptable in-principle, and would be covered by the works condition below.

Each 2-bedroom dwelling would need to provide a minimum of 2 cycle parking spaces. The plans indicate a cycle shed in each of the gardens, providing access to a rear gate backing onto Quail Court. No details of the provision are set out, but it is considered there is space on each plot to provide the required parking, and the suggested wording is provided below.

We request a Section 106 contribution of £12,000 to deal with the TRO process for the proposed extension of parking restrictions.

Requested planning conditions are below. Can a standard Construction Management one also be added.

Prior to development commencing details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles.

Prior to development commencing details of a highways improvement scheme for Quail Court, Elm Street Lane and Croft Street shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of footway resurfacing/improvement, provision of a shared surface area for parts of Quail Court and Elm Street Lane, stopping up of the former access into the site, and provision of a build-out on Croft Street. Those agreed details shall be implemented prior to the development being put into beneficial use.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility.

## 6. **EXTERNAL CONSULTEES RESPONSES**

6.1 Wales and West Utilities have submitted a plan showing their gas pipelines outside the application site.

6.2 (a) South Wales Police state:

South Wales Police have no objection in principle but made several comments in consultation stage which are reflected pre-application planning report.

South Wales Police would point out to developers that all affordable/social housing in Wales needs to comply with SBD Gold standard as part of Welsh Governments housing Quality Standards.

Further information on requirements of new Homes 2016 can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

(b) The Police submitted further comments stating I have now been provided with a copy of the Design and access statement by developers which shows how they have addressed community safety issues and have received an application for Secured by Design.

I can confirm that South Wales Police will be happy to work with developers to achieve the Secured by Design award.

6.3 Welsh Water states:

We have reviewed the information submitted as part of this application and our comments should be read in conjunction with the SAB application addressing surface water under reference SAB00004. We note that the intention is to discharge surface water by utilising a combination of rainwater harvesting and soakaways and to convey foul water to the mains sewer reusing a historic connection that served the previous building on the site.

We have not raised any objection to the proposed method to dispose of surface water as part of our formal response to the SAB application, however we note that there are no plans submitted as part of the planning application to show how foul flows will drain to the public sewer network. We note the comment in the Drainage Strategy that an existing pipe will be reused but at the time of writing the report further investigations were to be undertaken. We raise this point as we would not allow a new direct connection onto a brick work sewer in either Crofts Street, or Partridge Road and recommend that a plan is submitted to show how the site will effectively drain foul water.

Notwithstanding the above, 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 development shall commence until a foul drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The



scheme shall demonstrate how the site will be effectively drained and how flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development with no surface water or land drainage 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](http://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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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 water mains 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.

## 7. **REPRESENTATIONS**

- 7.1 Local Members and adjoining residents have been notified and the application advertised on site.
- 7.2 A petition of objection signed by 73 residents of Cardiff, almost all of which are local, has been received. The objections are in respect of the following:
  - Modular build
  - Close to homes - Take away privacy and light
  - Traffic congestion

Cutting down memorial cherry tree  
No parking  
Shame not left as a green space

### 7.3 A local resident says:

I am representing the residents of Roath on the croft street development build also the removal of the blossom tree due to be cut down I will put forward all comments and signatures from all residents in this close community , to bring to your attention I've been petitioning for months on this development being not in keeping with this area at all this modular build will be an eyesore in this very close built up area also you promised to build 9 houses in keeping with the area which residents agree with also the other issues are you are planning to open back gates onto quail court 3 houses there in which we have spoken to ccha housing they have also agreed that this is not feasible with health and safety issues - with all residents in quail court driving off there drive n right up against the boundary wall n turning to drive off -if there was back gates there with vehicles turning in and out is a risk , also with rubbish issues being put there we would have to put up with bins left there n have to look at it , this is our private space for driving out n being clean - also with ambulances / police / fire engines need that clear to access x Also we have to bring our rubbish through our houses to the front ,we think they should take theirs to the front of there houses, and no back gates . The housing r getting in touch with you over this issue because of us driving out we have lived here 24 yrs . Also in the original plans you were gating the lane opposite the croft into quail court ,now you have decided to stop the gating simply because you are not building the flats , we have police backing with all the trouble drugs anti-social behaviour urinating in lane sexual behaviour in lane cars speeding through here trying to avoid junction by the croft pub burnt out motorbikes xx we need this gated asap we have the police on our side also a petition going x The other issue is the parking situation is bedlam in this built up area - the croft pub is now a hotel with 10 rooms needing parking - then the new build houses needing parking already we have people parking an leaving cars here n going to work leaving them 8-5 all day x you really need to send someone here at 9 in the morning n 5 o'clock to see the congestion with cars.

and

Also why don't you build this modular build by waterloo gardens where the homes for the elderly were demolished 7 yrs ago n you don't build on that site x we feel if you want to construct a building like that do it somewhere like Newport road or places like that where it don't stand out like a sore thumb in a built up area like ours when we look out of our windows to a bright orange build like a university building taking all our light as well. We feel your building this because you have a grant this is not acceptable so close to our houses. We have rights as well. We intend to take this as far as we can. I have an online petition with 262 residents signed n commented on - also written petitions on this modular build also cutting down tree - n the opening off back garden gates onto our privacy and health and safety x I will be bringing proof of all this to you 2moz n we are also going to bring this situation to be put on tv with wales online news - also Neil McEvoy is involved x we will fight on with this because this is a lovely community n we don't want it run down like this -

please take these views seriously on behalf of our community.

and

- -devalue adjoining property
- -takes light from adjoining property
- -loss of privacy
- -trees being planted in Quail Court

#### 7.4 A local resident objects stating:

Comment:- Loss of green space

Residents of Plasnewydd, an area lacking in green spaces, will lose the opportunity to establish a community park or garden on the former laboratory site. It is widely accepted that access to green spaces greatly improves quality of life and serves to harmonise communities. If Cardiff Council are determined to construct dwellings on this site, they should present a conciliatory tangible asset, for the benefit of the whole community.

- Loss of established cherry tree

The established cherry tree on the site of the former laboratory is an asset to wildlife, the surrounding area and whole community. Many residents have expressed dismay at the proposed loss of this tree - a petition against this has been submitted. If the developers and council had the will, the tree could be incorporated in the proposal. Protecting the tree would send a powerful message that Cardiff Council respects residents and the areas in which they live.

- High number of dwellings

The Cardiff Living scheme has proposed to build eight dwellings in the Hortensia Place development :

<https://www.cardiff.gov.uk/ENG/resident/Housing/Housing-Partnership-Programme/Pages/default.aspx>). In comparison to the proposed Crofts Street development, these dwellings are surrounded by considerably more green space and incorporate several resident parking bays. This reduces the developments impact on its surroundings. The same cannot be said for the Crofts Street proposal. While it does appear that prior to the 1940s the site incorporated nine terraced houses, the area surrounding the site now hosts multiple dwellings that were not present at that time. Furthermore, the site is objectively small at only 1373 square metres. If houses are to be constructed on the site, it would be pragmatic to construct fewer, potentially five or six, to lessen the developments impact on surrounding properties and increase green space, vegetation and trees. This would serve to promote quality of life for both existing and new residents and lessen a sense of overcrowding.

- Poor aesthetic and design - proposed development unsympathetic to existing structures

The proposed modular buildings are totally out-of-keeping with the style of the vast majority of properties in the surrounding area. The proposed properties are tall and imposing, exacerbated by the flat roof style. The large upstairs windows will allow

clear elevated views into adjacent neighbours bedrooms, living rooms and gardens.

This issue could be mitigated if the proposed dwellings were of a traditional style, less tall, in keeping with the area. Properties proposed in the Hortensia Place development could be more suitable.

(<https://www.cardiff.gov.uk/ENG/resident/Housing/Housing-Partnership-Programme/Pages/default.aspx>). It is extremely disappointing that the bottom-line appears to be driving this development, rather than what is optimal for residents, new or existing.

- Insufficient parking

During the pre-planning consultation, residents recommended that permitted parking should be introduced around the site prior to the submission of the planning application. This would allow an assessment on the impact of introducing potentially several new vehicles to an already highly populated area with a lack of street parking. This has not been done, so the impact on road congestion and parking remains unknown.

Croft pub is now a hotel with 10 rooms.

- Safety concern - back gates open onto highway

The pre-planning proposal incorporated a green buffer between the rear boundary of the two storey properties and Quail Court/the lane leading to Quail Court. This green buffer has now disappeared, leaving nine gates that open directly onto the highway.

The developers clearly anticipate high usage of back gates, given the location of bin and bicycle storage. This creates an unreasonably high risk for residents encountering a vehicle as they are exiting through a rear gate. As the development is purportedly aimed at families, this design flaw must be addressed as a matter of urgency. A green buffer could be re-instated, a separate footpath could be constructed behind the proposed properties with access on either end or the lane leading to Quail Court could be gated at Partridge Road.

- Poor location for bin storage

It is likely bin collections for the proposed development is going to take place from Crofts Street. Locating bin storage at the very rear of the proposed properties gardens is inviting waste to accumulate in these locations or within Quail Court. Bin storage should be incorporated at the front of each proposed dwelling

- 7.5 The occupiers of 6 other properties raise similar issues to those identified in paragraph 7.2 and 7.3. One of the objectors thinks the proposal is for 3 storey flats. In addition concern was raised in respect of existing anti-social behaviour and the fear that crime will rise and noise dust disturbance from construction.
- 7.6 The owner/manager of The Crofts Hotel is disappointed that the Council is not developing a traditional terrace and not provided some form of off street parking.

7.7 Another resident says “Please can you share what plans there are for coping with the additional parking for these 9 residential properties. Parking in the street is already challenging”

## 8. **ANALYSIS**

8.1 The analysis section also addresses the issues identified in the objections received.

8.2 The Policy position is that the development is within the settlement boundary of the City of Cardiff and there are no objections in principle to an infill residential development on a brownfield site within a predominantly residential area. The site was recently occupied by a laboratory building and prior to that was occupied by 9 terraced dwellings. The site has not been used as a green space nor is there any proposal to use this site as a green space. The nearest area of open space is Shelley Gardens which is 150m from the application site.

8.3 The Tree Officer has no objection to the loss of an unprotected “B” Cherry tree subject to appropriate mitigation measures. A replacement tree is to be planted in a build out in Croft Street. In addition small trees are to be planted in all the front gardens. There is no proposal to plant trees in Quail Court. The Tree Officer has no objections subject to conditions. If the Cherry Tree were to have been retained at least two of the affordable dwellings would have to be omitted leaving a residual area of questionable value.

8.4 The rear gardens are 9m long but combined with the front garden provides 62 sq m garden area for each unit. The Residential Design Guide states that gardens should measure at least 10.5m in depth or 50 sq m overall. The gardens exceed the 50 sq m identified in the SPG and are similar in size to properties in the surrounding area. The density of development is comparable with properties in Lily Street, Clive Place, Dylan Place, Hardy Place, Rose Street, Croft Street, Rouse Street and parts of Elm Street and Elm Street Lane and matches that previously existing on the site. LDP policy KP5 promotes the efficient use of land developing at highest practicable densities.

8.5 Most of this part of Cardiff was developed over 100 years ago and whilst there have been some new dwellings since 1950 these have principally been on land formerly occupied by development that existed prior to 1939.

8.6 There is no infringement of the LPA’s privacy standards specified in the Residential Design Guide SPG as rear windows are almost 22m from habitable windows in the front of windows to dwellings in Quail Court (separated by a highway) and there is a 16m separation between the front windows of the proposed development and those in existing dwellings on the other side of Crofts Street. There is a 13m gap between side ground floor windows in the rear annex of 81 Partridge Road and the rear of the proposed dwellings but these properties are separated by a public highway, Quail Lane. In several of the surrounding streets the distance between habitable windows is 11m separated by a highway.

8.7 In the surrounding area there is brick and various coloured render wall finishes with

some stone finishes in Partridge Road and some timber panel inserts in Elm Street and the end of Crofts Street. The external materials proposed are considered appropriate for this location. The laboratory building previously occupying the site was finished in brick.

- 8.8 The proposed development is of a contemporary design by Rogers, Stirk and Harbour. The overall height of the development is similar to other dwellings in the area. The number of dwellings proposed is in line with that that existed before the war and is of a comparable density to other dwellings in this area. The dwelling is not as high as the nearest house, 81 Partridge Road.
- 8.9 Where dwellings have been constructed since 1945 in the surrounding area they have been built as to the standards of the day they were constructed and are not replicas of the much older houses that preceded them. The site is not within a Conservation Area nor does it adjoin a listed building where a different design approach may be required.
- 8.10 The issue of modern methods of construction implementation has recently been the subject of an “Independent Review of Affordable Housing Supply – Welsh Government Response to Final Report” and a discussion in the Assembly on 9 July 2019.
- 8.11 In response to the relevant review recommendations the Welsh Government stated that:

The Welsh Government should continue to support the trialling of Modern Methods of Construction (MMC) to help establish which methods can contribute to the objective of increasing the scale and pace of affordable housing with the existing resources available.

Currently MMC contributes approx. 1% to housing currently but we believe it has the potential over the next 10 years or so to increase to approx. 20%. To further support this recommendation we will be implementing the panel’s recommendation to wrap existing MMC related funding programmes into the new grant model which will include commitment to MMC and provide a clear policy lever, together with greater certainty of long term demand in order to support such investment.

The Innovative Housing Programme continues to fund homes built using modular approaches, and Innovative Housing Programme Year 3 will continue to test modular technologies. A final test programme will be announced in October 2019 by the Minister.

The Welsh Government should develop a strategy to map out how Wales could further use off-site manufacturing (OSM) and MMC to deliver near zero carbon homes along with an appropriate timetable for achieving this.

Consultation within the housing sector on the strategy for off-site manufacturing and modern methods of construction for house building in Wales to be launched.

- 8.12 Independent advice on modern construction techniques and the position of the

Welsh Government is to encourage modular homes for the delivery of affordable homes and housing in general.

- 8.13 The agent says that the annual heating bills of traditional build are 90% higher than this type of modular build, so will help address fuel poverty.
- 8.14 The rear boundaries will be enclosed by a 1.8m high brick wall. The front gardens would be enclosed by a 0.5m high wall.
- 8.15 It should be noted that the applicant has significantly reduced the scale of this proposal following the PAC exercise reducing both the height of the development and the number of dwellings proposed. It should also be noted that each application has to be judged on its own particular merits. Hortensia Place is in a suburban location in Old St Mellons where the context is significantly different and permission granted two years ago for a different form of residential development.
- 8.16 The site lies within the central area of the City for the application of current parking standards. Residential development in this area does not require a minimum car parking provision but does require a minimum of 1 cycle parking space per dwelling. No objection has been received from the Transportation Officer. The surrounding area is characterised by on street parking with a few exceptions.
- 8.17 Paragraph 6.8 of the Managing Transport Impacts SPG states:
- Limiting the provision of parking in these central areas of the city is necessary to manage the demand for travel by car to central Cardiff and encourage travel by public transport, walking and cycling in order to achieve the Local Development Plan target of a 50:50 modal split.
- 8.18 Quail Lane is a relatively short length of highway providing access to 3 dwellings. Traffic speed and volume of traffic will be relatively low. No objection has been received from the Transport Officer to the proposed rear access arrangements. The Waste Officer has no objection to the waste collection arrangements.
- 8.19 The suggested gating of Quail Lane is a separate matter for the Transportation Officer to consider and is not part of the current application. If gating were to occur the proposed development would not prejudice such an arrangement.
- 8.20 No evidence has been submitted that the proposed development would devalue surrounding properties and this is not considered a material matter in the determination of this application.
- 8.21 The proposed development will not infringe the daylighting and sunlighting standards identified in the Residential Design Guide SPG.
- 8.22 There is always some disturbance during construction but this is for a temporary period only. With so much of the dwellings built off site this temporary period will be significantly reduced, a welcome feature of the modular approach proposed.
- 8.23 The agent in response to Welsh Water's comments states:

Welsh Water's comments are in line with our previous correspondence with them. The current proposals include the re-use of an existing foul water connection on to the brick sewers. The latest drainage strategy layout (AECOM drawing number 60594792-ACM-CS-XX-DR-CE-000002 - Drainage layout P2-000002) provides full details (pipeline line and level, access chamber details, invert and cover levels etc) of the proposed foul water drainage network which includes a proposal to assess the existing manhole chamber condition within the site to determine whether it will require a re-build.

- 8.24 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. The Police were consulted and have no objections. It is considered that there would be no significant unacceptable increase in crime and disorder as a result of the proposed decision. Increased passive surveillance from front, rear and side windows overlooking the adjoining highways may have a positive impact.
- 8.25 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic
- 8.26 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application for affordable housing on a brownfield site.
- 8.27 In conclusion the proposal will provide well designed and much needed affordable housing in accordance with LDP policies and SPGs. No consultees have objected. It is considered that for the reasons given earlier in this section that the proposal does not have such adverse effects as to warrant the refusal of this proposal.
- 8.28 The applicant needs to enter a unilateral Undertaking under Section 106 that all the dwellings will be affordable dwellings and provide an off-site contribution towards the design, improvement and/or maintenance of existing open space in the locality and for a TRO for the proposed extension of parking restrictions adjoining the application site.

## 9. **SECTION 106 REQUIREMENTS**

- 9.1 Contributions under Section 106 are required to address the following matters:-
- (i) £12,000 for the TRO process for the proposed extension of parking restrictions adjoining the application site.



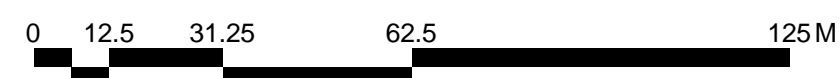
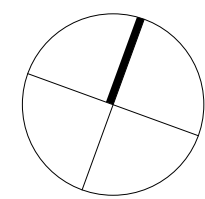
- (ii) Off-site contribution of £16,808 new open space, or the design, improvement and/or maintenance of existing open space in the locality.
- (iii) That all the dwellings be available for Council accommodation.





Revision	Date	Description
1	2019-06-06	Planning Submission
P03	2019-07-24	Planning Amendments - Build Out

Legend



Drawing Purpose  
**Planning Amendment**

Drawn by	Checked by	Authorised by
RSHP	LJ	AP

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**PROPOSED SITE PLAN**

Drawing Number  
**CST-RSH-XX-00-DR-AR-20110**

Scale @ A1  
**1 : 1250**

Drawing Date  
**2018-11-22**

Revision  
**P03**

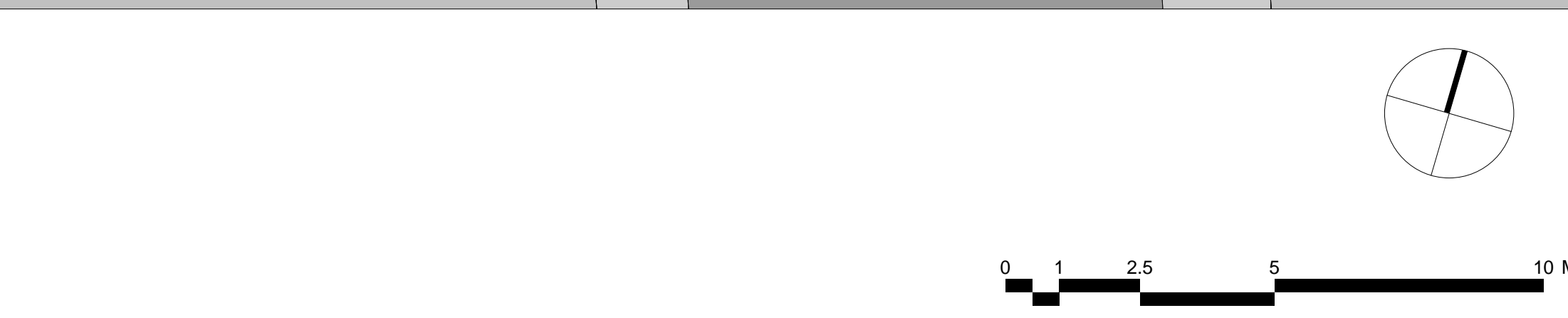
Revision Date  
**2019-07-24**





Revision	Date	Description
1	2019-06-06	Planning Submission
P03	2019-07-24	Planning Amendments - Build Out

Legend  
 --- Trench cut redout



Notes

Drawing Purpose		
Planning Amendment		
Drawn by RSHP	Checked by LJ	Authorised by AP

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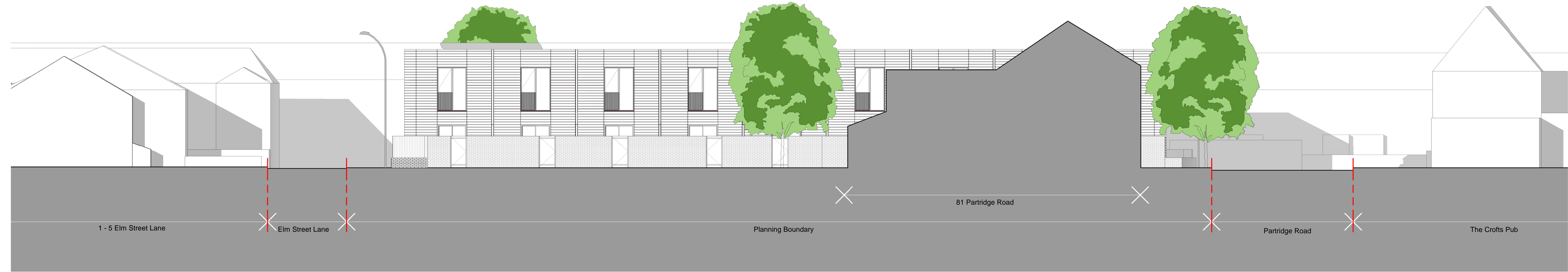
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Drawing Title		
Proposed Roof Plan		
Drawing Number CST-RSH-XX-RF-DR-AR-20014	Revision P03	
Scale @ A0 1 : 100	Drawing Date 2018-11-30	Revision Date 2019-07-24



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**1 EAST-ELEVATION**  
1/100



**2 WEST-ELEVATION**  
1/100

Revision	Date	Description
1	2019-06-06	Planning Submission
P03	2019-07-24	Planning Amendments - Build Out

Legend

Notes

Drawing Purpose

Planning Amendment

Drawn by	Checked by	Authorised by
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**Proposed East + West Elevation**

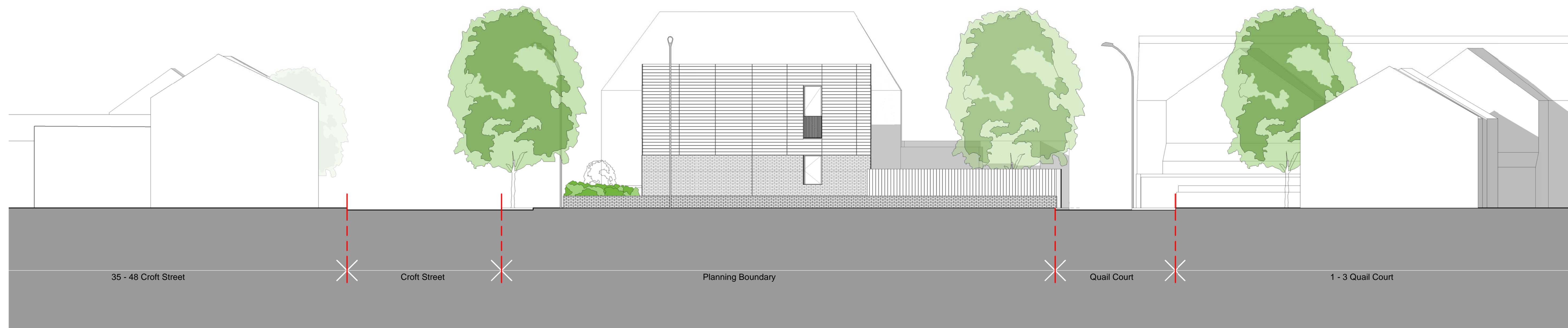
Drawing Number	Revision
CST-RSH-XX-EW-DR-AR-22020	P03
Scale @ A0	Drawing Date
1 : 100	2018-11-22
	Revision Date
	2019-07-24







**1 NORTH-ELEVATION**



**2 SOUTH-ELEVATION**

Revision	Date	Description
1	2019-06-06	Planning Submission
2	2019-07-05	Planning Amendment

Legend

Notes

Drawing Purpose

Planning Amendment

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Proposed North + South Elevation

Drawing Number

CST-RSH-XX-NS-DR-AR-22010

Revision

2







Revision	Date	Description
P1	2019-06-06	Planning Submission

Legend

Drawing Purpose  
**Planning Submission**

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**Visualisation from South of Croft Street**

Drawing Number	Revision
CST-RSH-XX-XX-VS-AR-90004	P1

Scale	Drawing Date	Revision Date
@ A1	2019-04-25	2019-06-06






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