

MP OBJECTION / LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 26/02/2020

APPLICATION No. **18/03020/MJR** APPLICATION DATE: 20/12/2018

ED: **ADAMSDOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Hale Construction & Hafod Housing Association
LOCATION: FORMER GREAT EASTERN HOTEL, 54 METAL STREET,
ADAMSDOWN, CARDIFF, CF24 0LB

PROPOSAL: CONSTRUCTION OF 20 NO. AFFORDABLE FLATS, ACCESS,
LANDSCAPING AND ANCILLARY WORKS AT LAND
ADJACENT TO METAL STREET & SUN STREET, CARDIFF

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
 - (SK)001W Proposed site layout;
 - (SK)002X Proposed Floor Plans;
 - (SK)003S Proposed Elevations;
 - (SK)004R Proposed Elevations;

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Prior to their installation samples of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

4. Prior to beneficial occupation of the development hereby approved details of the means of enclosure shall be submitted to and approved in writing with the Local Planning Authority. The approved detail shall be

implemented on site before the beneficial use of the dwellings hereby approved.

Reason: To ensure an acceptable form of development that is in keeping with the area in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

5. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained, the means of disposal of surface water and indicate how foul flows will communicate to the existing public sewerage system. Details shall also include the management/maintenance of the drainage in the event that Welsh Water do not adopt drainage infrastructure. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the building and shall thereafter be retained.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy EN10 of the adopted Cardiff Local Development Plan (2006-2026).

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

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

Planting plans shall be supplemented by:

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

prepared by a qualified landscape architect.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with Policy KP5 of the adopted Cardiff Local Development Plan.

7. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area in accordance with Policies KP5 and EN8 of the adopted Cardiff Local Development Plan.

8. Notwithstanding the submitted plans prior to beneficial occupation details showing the provision of cycle parking spaces (which shall be designed to safe, secure and sheltered) 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 secure parking of cycles in accordance with Policy T5 of the adopted Cardiff Local Development Plan.

9. Notwithstanding the submitted plans prior to beneficial occupation details showing the provision of refuse provision (which shall include an area for bulky goods to be stored for collection) have been 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 refuse provision shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with Policy W2 of the adopted Cardiff Local Development Plan.

10. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:

- (i) The parking of vehicles of site operatives and visitors;

- (ii) Loading and unloading of plant and materials;
- (iii) Storage of plant and materials used on constructing the development;
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) Details of highways/footway closures;
- (vi) Wheel washing facilities;
- (vii) A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction; and
- (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity.

11. No part of the development hereby permitted shall be occupied until a travel plan which shall include, but not limited to, the promotion of public transport and other alternatives to the private car; provision of a named travel plan co-ordinator, has been submitted to and approved in writing by the Local Planning Authority.

The plan shall be presented to all new residents and be monitored for a period of five years following occupation of the final dwelling.

Reason: In the interest of highway safety and to regulate the impact of the development on use of the adjacent highway in accordance with Policy T5 of the Cardiff Local Development Plan.

12. Prior to occupation of any part of the development hereby approved details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA.

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

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

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

13. Prior to the construction phase of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be

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

The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present;
- (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),, unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with Policy EN13 of the Cardiff Local Development Plan.

14. Prior to the construction phase of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN13 of the Cardiff Local Development Plan.

15. The remediation scheme approved by condition14 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN13 of the Cardiff Local Development Plan.

16. 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.

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

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

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

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

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

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management

license. The following must not be imported to a development site:

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

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

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

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

RECOMMENDATION 4: 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.

RECOMMENDATION 5: That the Applicant is advised that incoming residents will not be eligible to receive resident parking permits.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 Full planning permission is sought for 20 affordable flats with associated bin/cycle storage.

1.2 The flats are configured as follows:

Ground floor

Communal flat type 'a' 1bedroom x 4 no

Disabled flat type 'b' 1bedroom x 2 no

Disabled flat type 'c' 2bedroom x 1 no

First floor

Communal flat type 'a' 1bedroom x 4 no

Communal flat type 'd' 2bedroom x 4 no

Second floor

Communal flat type 'a' 1bedroom x 4 no

Communal flat type 'd' 2bedroom x 4no

- 1.3 The design of the block is a loose 'L' shape with the height primarily being 3 storeys (13 metres) under a flat roof, bar the corner of Metal / Sun Street where the height is reduced to 2 storeys (9 metres). The proposed footprint would be 34 metres along Sun Street x 27 metres along the western elevation (facing Adamsdown Primary School). This western elevation is constructed into three interlinked blocks that stagger back from the boundary with the Adamsdown School. Two of the blocks would have a height of 13 metres with the block closest to the southern boundary being 9 metres.

The materials of the block differ on ground floor (artificial stone) with the upper floors being rendered.

There is a proposed additional separate block that would be sited fronting Metal Street with a foot print of 7 metres x 9 metres with a height of 9 metres. This block would be sited 7.5 metres back from the Metal Street; this set back from the road is due to easement for the electric sub-station.

To create a residential character the proposal creates small front terrace gardens with entrances along Sun / Metal Street. Access to the rear amenity area would be via a pedestrian footpath sited on Metal Street.

The proposal will not provide any off street parking provision but accessible refuse and cycle provision is proposed on the ground floor that would be sited in close proximity to the pedestrian entrance onto Metal Street

The amenity space to serve the units is accessible to all, is south-westerly facing, and would be finished in astroturf.

- 1.4 In response to the committee's concerns the developer has amended the proposal as follows:

- **Reduction in unit numbers to provide more amenity space** – The units to the rear of the site have been reduced. This provides an increased amount of communal useable amenity space for future residents;
- **Re-introduction of second floor end flat (no. 15)** – Further design consideration has resulted in the re-introduction of the second floor end flat (no.15) to unify the front elevation onto Metal Street. This unit had previously been removed based on concern regarding the 25° principle set out in the Cardiff Residential Design Guide SPG 2017. The justification for this is that the elevation onto Metal Street only has a short distance where it is directly onto the pavement, before it recesses to the south. This ensures that there is not a continuous length of frontage which would adversely impact upon the existing houses on Metal Street;
- **Appearance** – Matters were raised regarding the general appearance of the proposals as no façade treatment had been specified. In response, the proposals now incorporate brick façades with panelled doors and cladding surrounds to break-up the elevations of the building and to add to the character

- **Impact on listed vicarage** – Twelve meters north of the proposals is a Grade II listed vicarage. The historical grid layout of the site and surrounding streets clearly demonstrates the acceptability of the proximity of the proposals to the vicarage. The May 2019 Committee Report confirms; “The concern over scale and height is noted, the site is a corner plot that is separated by roads from the terrace housing and the vicarage and therefore the site is considered able to accommodate a taller building. Visually, three storey buildings can be seen at Anderson Place and the Saint German Church is taller than the surrounding buildings. In this case the height of the proposal would not be seen as an incongruous feature within the street scene”. The report concludes; “The Council’s Conservation Officer has considered the setting and how the Listed Buildings are experienced by the public, and raise no objection to this proposal on heritage grounds”. As such, not further design changes have been deemed necessary in respect of these comments;
- **Scale & Massing of the proposals** – The scale and massing of the proposals has been designed to respect the proximity of neighbouring residential dwellings, whilst maximizing the corner gateway plot. The proposed 3-storey residential block acknowledges the ridgeline of the surrounding terraces, ensures continuity in terms of scale and establishes a sense of enclosure along Metal Street. As identified by the case officer in the May 2019 Planning Committee Report; “the site is separated from the adjoining residential properties by the existing road (separation distance of approximately 12.8 metres from the vicarage sited to the north and 12.97 metres from terraced properties to the east), this separation ensures that the 3/2 storey blocks would not result in an overbearing form of development on the existing residential properties”. It continues to state: “...the site is located within a tight urban environment where separation distances between frontages of circa 12 metres is not uncommon”. The proposed scale and massing of the scheme is therefore deemed an appropriate approach in the context of the surroundings;
- **Proximity of neighbouring primary school** – Effort has been made to ensure there is limited potential for overlooking of the school grounds from the new residential units, given concerns of local parents and residents. On the elevation facing the school (west), high level windows serve bathroom windows and will be obscured (flat 15 & 9), with further high level windows in flat 8. Furthermore, sightlines from low level windows (flats 1 & 2) are obstructed by the boundary wall between the sites. As such, it is considered the revised proposals have respectfully address the concerns raised by the local community and ensure little to no potential for sightlines into the school area.

2. DESCRIPTION OF SITE

- 2.1 The site rectangle in shape measuring an area of 1100m². The site is currently vacant (the former hotel was demolished circa 2010) and overgrown but is enclosed by a 2.5 metre high wooden hording that has been finished by art

work from Adamsdown Primary school.

- 2.2 Abutting the western and southern boundaries of the site is the Adamsdown Primary School and associated playground. To the east and opposite the application site, are sited a row of 2 storey terrace houses with their frontages facing the site. To the north is the grade II Listed vicarage (the vicarage is listed according to CADW as a good unaltered example of a clergy house by this important architect. Group value with church and former school).
- 2.3 The site is not located within a conservation area/flood risk zone. No protected trees are affected by this proposal

3. **SITE HISTORY**

- 3.1 13/00013/DCI – (Outline) Residential development of 11 x 1 bedroom flats, 3 x no 2 bedroom flats - resolved to be approved subject to the signing of the S106;
- 3.2 09/00468/C- community Centre and 5 flats – resolved to be approved subject to the signing of the S106 agreement;
- 3.3 05-02744/C – Demolition of former hotel & provision of residential accommodation - resolved to be approved subject to the signing of a S106 agreement;

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales, Edition 10 (November 2016).

4.2 Technical Advice Notes (TANs):

| | |
|----|----------------------------------|
| 2 | Planning and Affordable Housing |
| 5 | Nature Conservation and Planning |
| 11 | Noise |
| 12 | Design |
| 16 | Sport, Recreation and Open Space |
| 18 | Transport |
| 21 | Waste |

4.3 Local Development Plan (January 2016):

| | |
|------|--------------------------------------|
| KP1 | Level of Growth |
| KP5 | Good Quality and Sustainable Design |
| KP7 | Planning Obligations |
| KP8 | Sustainable Transport |
| KP12 | Waste |
| KP13 | Responding to Evidenced Social Needs |
| KP14 | Healthy Living |
| KP15 | Climate Change |
| KP16 | Green Infrastructure |

| | |
|------|-------------------------------------------------------------------------|
| KP18 | Natural Resources |
| H3 | Affordable Housing |
| EN8 | Trees, Woodlands and Hedgerows |
| EN9 | Conservation of the Historic Environment |
| EN10 | Water Sensitive Design |
| EN12 | Renewable Energy and Low Carbon Technologies |
| EN13 | Air, Noise, Light Pollution and Land Contamination |
| T1 | Walking and Cycling |
| T2 | Strategic Rapid Transit and Bus Corridor Enhancement |
| T5 | Managing Transport Impacts |
| T6 | Impact on Transport Networks and Services |
| 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 |

4.4 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)

Planning Obligations (January 2017)

Tall Buildings (January 2017)

Residential Design Guide (January 2017)

Location Waste Management Facilities (January 2017)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The Operational Manager, Transportation: In this instance, no off-street parking appears to be part of the application. Metal Street has managed on-street parking and is within a residential parking permit area.

The Council's Managing Transport Impacts (including Parking Standards) SPG (July 2018) applies a maximum vehicle parking standard. Therefore, the provision of no off-street parking in this location is acceptable.

The documentation indicates that cycle storage will be provided. The proposals appear to show one location for secure covered cycle parking.

The SPG requires the property to provide secure covered cycle parking for each bedroom in each unit. There is a minimum requirement to provide at least 1 secure covered cycle parking space per bedroom, in this instance a minimum of 20 cycle parking spaces have been provided and is policy compliant.

It is important to note that each flat must be able to access a cycle independently. In this instance, each cycle must be capable of being accessed by residents of each flat. Evidence illustrating the appropriateness and adequacy of the proposed cycle parking facility needs to be included as part of the application.

I understand the objector's concern, however, as per Council guidance :

Resident Parking Permits – In accordance with Council Parking Policy, the applicant is advised that incoming residents will not be eligible to receive resident parking permits (see Parking and Transportation, Operational Policies and Standards 2016, 1.1 & 17).

Therefore an objection on parking grounds would be unsustainable.

- 5.2 The Operational Manager, Environment (Contaminated Land): no objection subject to contamination conditions.
- 5.3 The Council's Tree Officer: Having reviewed the existing street trees on Sun Street, I do not consider that the proposed development will result in unacceptable harm to them, since they are young cherries with limited growth potential in a wholly hard-landscaped environment. However, they could be damaged by the movement of construction vehicles and materials, and in this context, it may be expedient to protect them with ply boards fixed to a wooden framework. In terms of the development itself I have no objections subject to landscaping conditions being imposed.
- 5.4 The Operational Manager, Waste Management, The refuse storage area, shown in the site plans, has been noted and is acceptable for the storage of the recommended bins; however, a designated area for the storage of bulky waste is now a compulsory element of all communal bin stores.
- 5.5 The County Ecologist: No objections.
- 5.6 The Operational Manager, Environment (Noise & Air).
 - 5.6.1 Noise
No objection.
 - 5.6.2 Air
A dust assessment for construction activity should be submitted to and approved by the Council before works start on site.
- 5.7 The Council's Access Officer: Any comment will be reported to committee.
- 5.8 The Operational Manager, Drainage : Any comment will be reported to committee.
- 5.9 The Operational Manager, Parks and Sport: no objection subject to a financial contribution in lieu of onsite provision.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 Dwr Cymru Welsh Water: We have reviewed the information submitted as part of this application and note that the intention is to drain both foul and surface water to the mains sewer for which we can only comment on the acceptability of the foul water proposal at this stage, albeit that we would specify that a

connection is made to the 225mm public sewer in Sun Street. We would not consider any new connection to the sewer in Metal Street. In the absence of a surface water strategy in which an assessment is undertaken to explore the potential to dispose of surface water by sustainable means, we cannot support the application in full.

6.2 The South Wales Police Crime Prevention Design Advisor: No objections.

6.5 The South Wales Fire and Rescue Service~: No objections.

7. **REPRESENTATIONS**

7.1 Neighbouring properties have been notified and re-notified of the amended plans. 67 letters of objection have been received, which have reiterated their original objections. A summary of the objections are as follows:

- (i) The proposal is an overdevelopment of the site;
- (ii) the proposal would have a negative effect upon the listed buildings of St. Germans Church (Grade 1), Clergy house (Grade 2) and St. Germans Court (Grade 2);
- (iii) the size and scale of the design makes no attempt to mimic the late Victorian architecture of the 3 storey town houses on Metal Street the flat roof is out of character with the pitched slate roofs within the area;
- (iv) the proposal does not promote mixed communities being on one bedroom flats which will result in a transient population that will not have invested in the local community;
- (v) poor conditions for the future occupiers though only having north facing windows and lack of access to green space which will result in a negative impact upon the wellbeing of future occupiers;
- (vi) the design does not proposes any renewable energy provision,
- (vii) concern over the lack of parking provision given that Metal Street is an important link road to Newport Rd since Clifton Street became one way. Given that the site will have, as a minimum, deliveries and trades people it is unrealistic to suggest that the proposal would not have a negative impact upon parking within the area;
- (viii) housing within the Adamsdown ward, both to rent and buy, is below the average for Cardiff and in addition, within this ward, there has been already 3,000 dwelling provide (7% of the expected demand required from the LDP) it is considered that Adamsdown has done its bit to promote the growing population of Cardiff.

In addition to the above the adjoining Adamsdown Primary School has objected on the additional following grounds:

Concern over future occupiers being able to see the children playing.

7.2 Local Members have been notified of the amended plans. Both Councillor Howells and Jones have reinstated their objections to the application on the following grounds:

- (i) the proposal does not promote mixed communities being on one

- bedroom flats which will result in a transient population that will not have invested in the local community;
- (ii) poor conditions for the future occupiers though only having north facing windows and lack of access to green space which will result in a negative impact upon the wellbeing of future occupiers;
- (ii) The design does not propose any renewable energy provision;
- (iv) concern over the lack of parking provision given that Metal Street is an important link road to Newport Road since Clifton Street became one way. Given that the site will have, as a minimum, deliveries and trades people, it is unrealistic to suggest that the proposal would not have a negative impact upon parking within the area;
- (v) Housing within the Adamsdown ward, both to rent and buy, is below the average for Cardiff and in addition, within this ward, there has been already 3,000 dwelling provide (7% of the expected demand required from the LDP) it is considered that Adamsdown has done its bit to promote the growing population of Cardiff.

In addition both have requested that the application is determined by the Planning Committee given that the committee recommended refusal of the scheme

7.3 Jo Stevens, Member of Parliament for Cardiff Central, states the following points:

- Believes the scheme is an overdevelopment of the site;
- The proposal would block out natural light and affect privacy of adjoining neighbours-including the school;
- Allowing such high density will result in waste management and noise pollution;
- The proposal fails to provide any off street parking which will cause pressure on the surrounding area;
- In summary, I do not believe these new plans go anywhere near far enough in alleviating the strong concerns of residents.

7.4 A petition of 80 signatures has been submitted in objection. The indicated grounds for objection are:

The site is unsuitable for such a large collection of dwellings, will put strain on local resources and the current proposal is out of keeping with the local area and there is insufficient parking provision

8. **ANALYSIS**

8.1 The application was presented to the 15th May Planning Committee, where it was deferred for a site visit. The site visit was undertaken on the 10th June, 2019 a further deferment was agreed at the June committee for officers to draft reasons for refusal on the following grounds:

- Poor design (in terms of character of the area, use of materials and inappropriate design of doors and windows, boundary treatment);
- Poor form of accommodation for the future occupiers (in terms of bedrooms and outlook);

- Unacceptable impact upon the Listed Buildings and;
- Lack of renewable energy or low carbon technology in the design e.g solar panels on the flat roof.

8.2 The planning considerations in this case are considered to be

- I) The principle of development;
- II) The impact upon the character of the area;
- III) The impact upon neighbouring properties
- IV) The impact upon the future occupiers
- V) The impact upon parking and highway provision
- VI) The impact upon Listed Buildings
- VII) Other matters raised
- VIII) Planning obligations

8.3 The principle of development

The application site falls within the settlement boundary and has no specific allocation or designation. The context and character of the surrounding area is residential.

Policy H6: Change of Use or Redevelopment to Residential Use provides the relevant policy framework against which the application should be assessed. Policy H6 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 requirement;
- ii. The resulting residential accommodation and amenity will be satisfactory;
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.

Assessed against the above policy framework, the application site is located in an established residential area, in a highly accessible and sustainable location. Clifton Street District Centre which offers a substantial range of local services and facilities is located within 130m and Cardiff City Centre and Queen Street Station approximately within 1km. In addition, the nearest bus stop is located within 150m and provides regular services to the city centre and surrounding area. As such, the site's location will encourage use of sustainable transport modes, being located within convenient walking and/or cycling distance of a range of local services and facilities.

In light of the above, the application raises no land use policy concerns.

It is also noted that a previous consent (13/00013/DCI) for residential development of 14 flats on this site has been approved, therefore, higher density development has, in principle, been established.

8.4 The impact upon the character of the area

The area is based upon a grid pattern layout, as is typical for an inner city area within Cardiff, with a built form that can be characterised as a mixture of styles, i.e. the regular rhythm and form of the terrace, the style and vernacular associated with the listed vicarage and church, and the functional form of the single storey primary school. The proposal is a modern design with a flat roof the set back and front gardens with railing creates a domestic character that respects the predominant uses within the area.

The bays project forward of the walls and with the windows in the bay framed by a grey glazing by using a differing materials to walls ensures that the mass of the building does not create 'block' feel. The use of materials (changed from render to buff brick) and their application is important in ensuring that the scheme harmonises with the local area, the proposed brick would be similar to that of the adjoining school (to ensure continuity with the streetscene). A condition is recommended to ensure this design quality is met.

The concern over scale and height is noted, however, the site is a corner plot that is separated by roads from the terrace housing and the vicarage, this context combined with the flat roof would result in the proposal being no higher than the surrounding properties and therefore would not represent a visually intrusive form that would dominate the area. It should be noted that within close proximity to the site are 3 storey buildings at Anderson Place and also that the Saint German Church is taller than the surrounding buildings. The Primary school is generally at odds in design terms with the Sun Street character by being single storey in height. In this case the height of the proposal would not be seen as an incongruous feature within the street scene.

Taking the above into account it is considered that the proposal accords with Planning Policy Wales (PPW) and Council's design policy which seeks good design that responds positively to the character of an area.

8.5 The impact upon neighbouring properties

PPW and the Council's design policy and guidance seeks to ensure that development does not harm the amenity of existing residential occupiers. This harm can be in either the form, scale and massing being overbearing and un-neighbourly, or in the loss of light or privacy. The Council's Infill sites SPG requires the loss of light from a development to be assessed by the 25 degree methodology. The amended plans ensure that the siting and design would breach this standard for adjoining residential properties but the proposal demonstrates that sufficient light would, therefore it is considered that in terms of loss of ambient light the proposal accords with policy.

The site is separated from the adjoining residential properties by the existing

road (separation distance of approximately 12.8 metres from the vicarage sited to the north and 12.97 metres from terraced properties to the east), this separation ensures that the 3 storey blocks being no higher than the adjoining properties, would not result in an overbearing form of development on the existing residential properties.

8.6 Privacy

There would be habitable windows that would overlook existing residential properties at a distance of approximately 12 metres. Whilst the 'Infill Sites' SPG (para 4.9) suggests a minimum of 21 metres (for private areas i.e rear gardens), this guidance must be read in the context of the application site. In this case, the site is located within a tight urban environment where separation distances between frontages of circa 12 metres is not uncommon. Whilst the amended plans have introduced windows onto the Metal Street frontage on balance, the proposal is considered acceptable from a privacy point of view having regard to local context.

8.7 Adamsdown Primary School

The Council's design policies relate to the protection of residential amenity rather than that of non- residential. Whilst acknowledging that the building would create a differing feel to that of the scrub land currently on site, it is considered that the proposal would not inhibit the ability of the school to teach children or result in an over development, bearing in mind that the site once housed a hotel.

The concern over privacy of the children is noted, but it is considered that the windows in the west elevation, which are the windows closest to the school can be obscurely glazed and non-opening below a height 1.8 metres. It must also be noted that the existing boundary wall will remain which will ensure that the ground floor flats and amenity space will be screened from the school. .

8.8 The impact upon the future occupiers

PPW and the Council's adopted design policy and guidance requires all new development to provide a positive living environment for future occupiers. The proposal has been amended to ensure that the amenity space to serve the development provides an environment that can be accessed and pleasant for all.

In terms of the internal configuration, the Council has approved a minimum internal standard for flat conversions. Whilst that SPG relates to conversions of properties rather than new build, it is the most up-to-date expression of the Council's view of good design. This proposal meets those standards and is therefore considered policy compliant in terms of floorspace per flat. The positioning of rooms and windows have been altered to ensure that the outlook for the occupiers is acceptable, these changes are considered to be acceptable.

8.9 The impact upon parking and highway provision

The concerns of residents, Local Councillors and a local MP over the lack of parking provision is recognised but PPW and the Council's approved parking standards seek to reduce car dependency by locating development in sustainable locations. This site is located close to the city centre and is within approximately 100 metres of the Clifton Street District Centre, and given this context, would meet the criteria of being a sustainable location. As a sustainable location the need for cars is significantly reduced, the lack of off street parking would accord with Policy T5 and the approved parking standards. However, to ensure that on-street parking does not occur, additional yellow lines are proposed along Sun Street.

The site is located in close proximity to the Adamsdown Primary School and the Council's Transportation Officer has considered this context within their consideration and believe that the lack of off street parking provision would not undermine highway safety in this instance.

8.10 The impact upon Listed Buildings

The proposal would be sited approximately 12 metres away from the vicarage and church, which are Listed Buildings. Section 66 of the Listed Building and Conservation Areas Act requires Local Planning Authorities to consider the setting of a Listed Building when determining applications. Recent case law clarifies how a Local Planning Authority considers the impact upon the setting of a listed building (i.e this can be wider than just the curtilage). The Council's Conservation Officer has considered the setting and how the Listed Buildings are experienced by the public, and raise no objection to this proposal on heritage grounds.

Other matters raised

- 8.11 The concerns of residents and the adjoining school in relation to anti-social behaviour is noted but no evidence has been produced that would suggest that the future occupiers would cause anti-social behaviour beyond any other forms of housing.
- 8.12 Reference to the area being affordable and the evidence supplied by the objectors is noted. However, the advice of the Council's Housing Strategy Manager states that there are currently 1,584 people on the waiting list within the Adamsdown Ward for 1 & 2 bedroom accommodation, therefore it is considered that there is a demand for this type of housing within the Ward.
- 8.13 The comments regarding renewable energy as raised by the objectors are noted. The proposal is a new build development which would need to accord with the new Building Regulations. It is not considered that the lack of renewable energy provision would be sufficient reason to sustain a refusal of planning permission in this instance.
- 8.14 The proposal is for one/two bedroom apartments and as such the on-site amenity space is considered appropriate for the scale of development including

for family needs. The finish of the amenity surface as astroturf is considered acceptable. In terms of visual amenity, the creation of green frontages is considered to accord with council policy for internal/external amenity

9. **SECTION 106 AGREEMENT**

9.1 Requests for the following financial contributions have been received:

Public open space (POS) **£30,088.93**

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 Anderson Fields, System Street Open Space, Brewery Park and Cemetery Park.

Highway improvements (including traffic orders) **£5,000** for junction protection on Sun Street/Metal Street and Lead Street/Metal Street.

Limiting the development to affordable housing as defined in TAN 2.

Having regard to the legal tests as set in Regulation 122 (Community Infrastructure Levy Regulations 2010), and policy advice set in Welsh Office Circular 13/97, the above financial requirements and limitation on tenure of the units are considered to meet those tests.

10. **CONCLUSIONS**

10.1 The proposal would utilise a brownfield site for affordable housing within an area of high housing need which is a significant material consideration. Whilst it is acknowledged that the scheme is a 3/2 storey flat roof design and is at a higher density than the surrounding properties, but having regard to material matters raised and for the reasons outlined in this report, it is considered that the proposal would, on balance, accord with the Council's policies and national policies for sustainable development. The application is recommended for approval subject to conditions and the completion of a Legal Agreement.

11. **OTHER LEGAL CONSIDERATIONS**

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

11.2 *Equality Act 2010* – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the

proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

11.3 *Well-Being of Future Generations Act 2016*

In reaching this decision, the Council have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. It considers that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Planning Policy Wales (Ed.10) well-being objective of supporting safe, cohesive and resilient communities.

11.4 Environment Act 2016

Section 6- of this Act imposes a duty on public bodies to maintain and enhance biodiversity and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

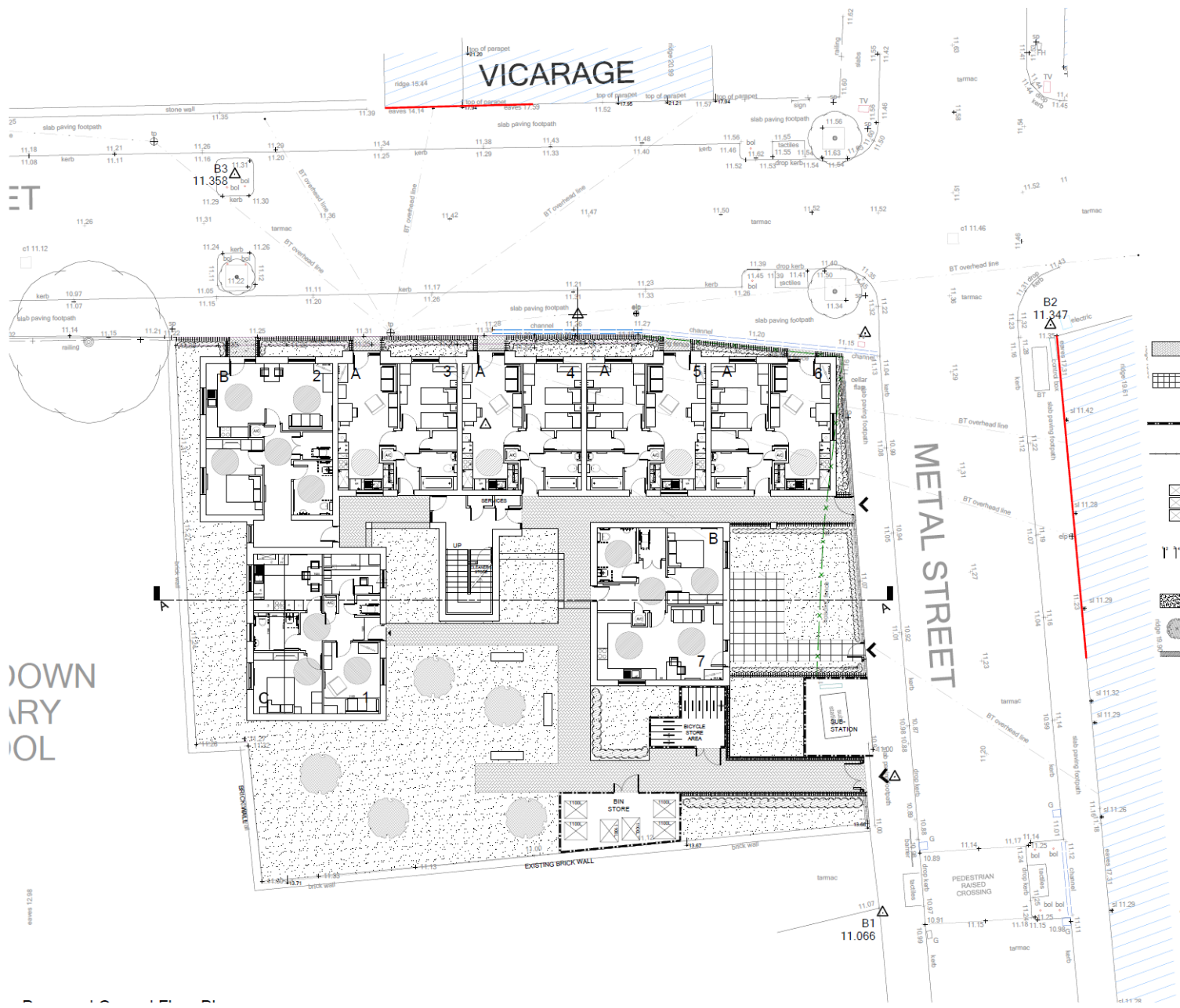
12. **SUGGESTED REASONS FOR REFUSAL**

If members are still minded to refuse on the grounds outlined in paragraph 8.1 of this report, officers provide the following draft reasons for refusal:

1. The proposal by virtue of its siting, design, use of materials and boundary treatment along Sun Street fails to provide a high quality sustainable form of development that responds positively to the character of the area, contrary to Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026) and advice contained in the Council's Infill Design Guide SPG (November 2017), Planning Policy Wales (Ed.10) and TAN 12 (Design);
2. The proposal would, by virtue of its siting and design, fail to provide a safe and secure living environment, resulting in harm to the amenity of the future occupiers, contrary to Policy KP5 and Policy C3 of the adopted Cardiff Local Development Plan (2006-2026) and advice contained in Planning Policy Wales (Ed.10) and TAN 12 (Design).
3. The proposal, by virtue of its siting and design, would fail to preserve or enhance the setting of the Grade 1 Listed St German's Church and the Grade 2 Listed Vicarage, contrary to Policy EN9 (Conservation of the Historic Environment) of the adopted Cardiff Local Development Plan (2006-2026) and advice contained in Planning Policy Wales (Ed.10) and TAN 24.
4. The proposal by virtue of its siting and design fails to utilise renewable energy and low carbon technologies contrary to Policy EN12 of the adopted Cardiff Local Development Plan (2006-2026) and advice contained Planning Policy Wales (Ed.10) and TAN12 (Design).



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notes

THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE FOLLOWING ARCHITECTS DRAWINGS:

- (S001) SITE LOCATION PLAN
- (S001) PROPOSED SITE LAYOUT
- (S002) PROPOSED FLOOR PLANS
- (S003) PROPOSED ELEVATIONS
- (S004) PROPOSED ELEVATIONS
- (S005) PROPOSED CROSS SECTIONS
- (S006) PROPOSED FLAT TYPES - GROUND FLOOR
- (S007) PROPOSED FLAT TYPES - 1ST + 2ND FLOOR
- (S008) PROPOSED KITCHEN LAYOUTS
- (S009) PROPOSED KITCHEN LAYOUTS
- (S010) PROPOSED KITCHEN LAYOUTS

SCHEDULE OF ACCOMMODATION

| FLOOR | FLAT TYPE | NO. | TOTAL |
|--------------------|------------------------|------|-------|
| GROUND FLOOR | COMMUNAL FLAT TYPE 'A' | 2P1B | 4 NO |
| | DISABLED FLAT TYPE 'B' | 2P1B | 2 NO |
| | DISABLED FLAT TYPE 'C' | 3P2B | 1 NO |
| FIRST FLOOR | COMMUNAL FLAT TYPE 'A' | 2P1B | 4 NO |
| | COMMUNAL FLAT TYPE 'C' | 3P2B | 3 NO |
| | COMMUNAL FLAT TYPE 'D' | 3P2B | 3 NO |
| | COMMUNAL FLAT TYPE 'D' | 3P2B | 2 NO |
| TOTAL NO. OF FLATS | | | 30 NO |

Notes

EXTERNAL WORKS

- DENOTES EXTENT OF CONCRETE BRICK PAVING Laid HERRINGBONE FASHION.
- DENOTES EXTENT OF 600X600X50MM P.C PAVING SLABS.
- JAILING - FENCING**
 - DENOTES 2 M HIGH CLOSE BOARDED 2 1/2" FENCE TO B.S. 1732 PART 5 WITH TIMBER POSTS AND RAIL. NOTE DATES (WHERE SHOWN) ARE TO MATCH FENCING IN HEIGHT.
 - GALVANIZED MILD STEEL HOOP TOPPED RAILING PAINTED; PROVIDE 1100MM HIGH MATCHING GATES.
- BIN STORE**
 - 2X1100 LITRE BIN FOR GENERAL WASTE
 - 2X1100 LITRE BIN FOR RECYCLABLE WASTE
 - 1X1100 LITRE BIN FOR FOOD WASTE.
- BIKE STORE**
 - 20 NO LOCKABLE SECURE FREE STANDING BICYCLE RACKS.
- LANDSCAPING**
 - DENOTES AREAS TO BE TOP SOILED AND TURPED. REFER TO NBS SPECIFICATION Q30.
 - DENOTES NEW TREES. FOR STAKING ETC REFER TO NBS SPECIFICATION Q31.
 - HEDGEROW PLANTING: BUXTU SEMPERVIRENS 3 LITRE POT SIZE.

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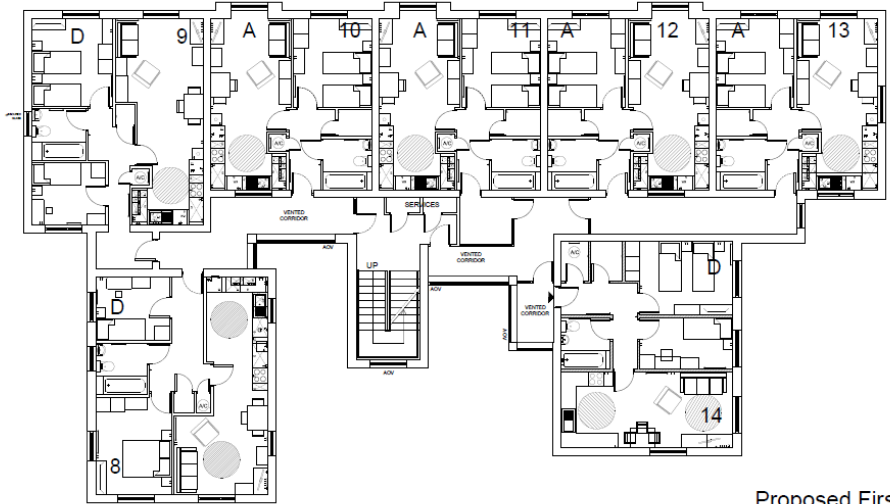
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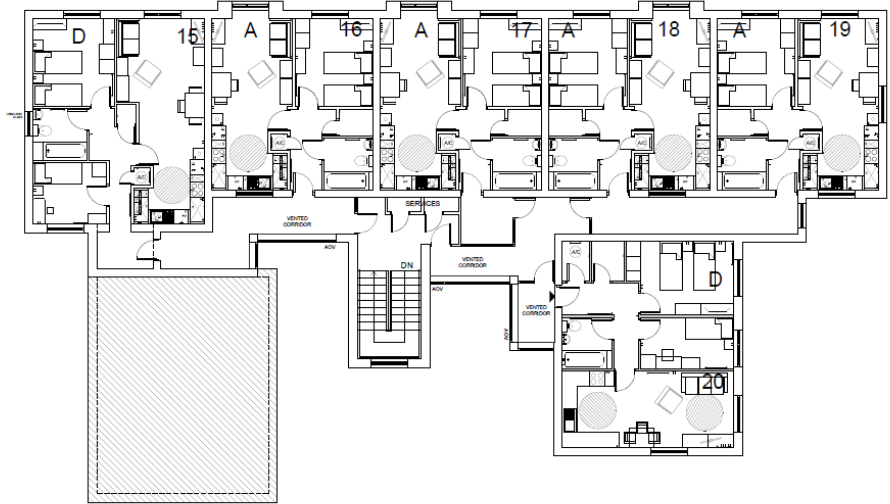
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- (S/002 PROPOSED FLOOR PLANS
- (S/003 PROPOSED ELEVATIONS
- (S/004 PROPOSED ELEVATIONS
- (S/005 PROPOSED CROSS SECTIONS
- (S/006 PROPOSED FLAT TYPES - GROUND FLOOR
- (S/007 PROPOSED FLAT TYPES - 1ST - 2ND FLOOR
- (S/008 PROPOSED BLOCK PLAN
- (7/101 PROPOSED KITCHEN LAYOUTS
- (7/102 PROPOSED KITCHEN LAYOUTS
- (7/103 PROPOSED KITCHEN LAYOUTS
- (7/104 PROPOSED KITCHEN LAYOUTS

SCHEDULE OF ACCOMMODATION

| | | |
|------------------------|------|---------------|
| GROUND FLOOR | | |
| COMMUNAL FLAT TYPE 'A' | 3P1B | 4 No |
| DISABLED FLAT TYPE 'B' | 3P1B | 2 No |
| DISABLED FLAT TYPE 'C' | 3P2B | 1 No |
| FIRST FLOOR | | |
| COMMUNAL FLAT TYPE 'A' | 3P1B | 4 No |
| COMMUNAL FLAT TYPE 'D' | 3P2B | 3 No |
| SECOND FLOOR | | |
| COMMUNAL FLAT TYPE 'A' | 3P1B | 4 No |
| COMMUNAL FLAT TYPE 'D' | 3P2B | 2 No |
| TOTAL No. OF FLATS | | 29 No. |



Proposed First Floor Plan



Proposed Second Floor Plan



View looking south from Sun Street



View looking west from Lead Street



View looking east from Sun Street



View looking north from Metal Street