

## PETITION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/00153/MJR** APPLICATION DATE: 23/01/2020

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: Silver Crescent Developments

LOCATION: 17-41 CLEARWATER WAY, LAKESIDE, CARDIFF, CF23 6DL

PROPOSAL: ERECTION OF TWO NEW FLOORS ABOVE EXISTING UNITS TO CREATE 15 ADDITIONAL APARTMENTS, SIDE EXTENSIONS INCORPORATING AN EXTENSION TO CAFE (A3 USE CLASS) AT GROUND FLOOR, REFURBISHMENT TO EXISTING COMMERCIAL UNITS, ELEVATIONAL TREATMENTS TO PREMISES, PUBLIC REALM WORKS, HIGHWAYS WORK AND OTHER ASSOCIATED WORKS [AMENDED DESCRIPTION AND PLANS]

---

**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following condition(s):

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:

<b>Drawing Title</b>	<b>Drawing Reference</b>
Site Location Plan	3742/PA/001
Existing Ground Floor Plan	3742-PEN-ZZ-00-DR-A-001 S4 P1
Existing First Floor Plan	3742-PEN-ZZ-01-DR-A-002 S4 P1
Existing Front and Rear Elevations	3742-PEN-ZZ-ZZ-DR-A-003 S4 P1
Existing Side Elevations	3742-PEN-ZZ-ZZ-DR-A-004 S4 P1
Proposed Ground Floor Plan	3742-PEN-ZZ-03-DR-A-010 P17
Proposed First Floor Plan	3742-PEN-ZZ-01-DR-A-011-P12
Proposed Second Floor Plan	3742-PEN-ZZ-02-DR-A-012 P12
Proposed Third Floor Plan	3742-PEN-ZZ-03-DR-A-013 P12
Proposed Front & Rear Elevations	3742-PEN-ZZ-ZZ-DR-A-015 P12
Proposed Front & Rear Elevations (Colour)	3742-PEN-ZZ-ZZ-DR-A-018 P5
Proposed Side Elevations	3742-PEN-ZZ-ZZ-DR-A-016 P12
Proposed Side Elevations (Colour)	3742-PEN-ZZ-ZZ-DR-A-019 P5
Proposed Section and 3D Views	3742-PEN-ZZ-ZZ-DR-A-017 P1
Bioretention Section and Elevations	RF-087-002 E
Landscape General Arrangement Plan	RF-087-001 J
Base Landscape Plan	RF-087-100 C
Planting Plan	RF-087-200 E

Reason: For the avoidance of doubt.

3. *Material Samples:* Notwithstanding condition 2, prior to their application on site, samples of the external finishing materials shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.  
Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
4. *Architectural Detailing:* Prior to commencement of any elevation construction work, a scheme showing the architectural detailing of the depths of the reveals of the building shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.  
Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
5. *Cycle Parking:* Prior to the occupation of the development hereby permitted, 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, Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).
6. *Highway Works:* Prior to development commencing, details of junction improvements at Carnegie Drive/Clearwater Way and to the existing parking area in front of the Clearwater Way retail units shall be submitted to and approved in writing by the Local Planning Authority. The details should include dropped kerbs/tactile paving across the Carnegie Drive bellmouth and a tightening of the radii, and details of the parking area demonstrating safe and suitable access can be achieved. These details shall be implemented prior to beneficial occupation.  
Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility, in accordance with Policy T6 of the adopted City of Cardiff Local Development Plan (2006-2026).
7. *Delivery/Servicing/Parking Strategy:* Prior to occupation of development, details of the delivery/servicing/parking strategy for the site shall be submitted to and approved in writing by the Local Planning Authority, to include information on allocation of car parking spaces,

frequency of deliveries and how delivery areas will be suitably controlled and not be used by residents, and the control and operation of the gates into the delivery/parking area. Those agreed details shall remain in force whilst the site is in beneficial occupation.

Reason: To ensure that deliveries and parking are suitably controlled and managed, in accordance with Policies T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

8. *Construction Environmental Management Plan*: No development shall commence, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and should include details of:
- (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) Details showing that consideration has been given to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on local/current residents;
  - (viii) A dust assessment with dust suppression measures to monitor and control the emission of dust and dirt during demolition and construction;
  - (ix) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity, Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

9. *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 adopted City of Cardiff Local Development Plan (2006-2026).

10. *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 adopted City of Cardiff Local Development Plan (2006-2026).

11. *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 adopted City of Cardiff Local Development Plan (2006-2026).

12. *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, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

13. *Bird Nesting*: No works of roof replacement or repair shall take place between 1st March and 15th August unless otherwise approved in writing (email) by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this roof immediately (48 hrs) before works commence.  
Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), where it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.
14. *Sound Insulation*: A scheme of sound insulation works to the floor/ceiling/party wall structures between residential units shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
15. *Delivery Times*: There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 hours and 08:00 hours.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
16. *Outdoor seating*: The outdoor seating area shown on approved drawing number 3742-PEN-ZZ-03-DR-A-010 P17 shall only operate between the hours of 08:00 and 21:00 hours. All tables and chairs, and all other paraphernalia shall be removed from the outdoor seating area at all times when the use is not being carried on.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
17. The flat roof at first floor level above unit 1A as shown on approved drawing no. 3742-PEN-ZZ-01-DR-A-011-P12 shall not be used or accessed, other than for emergency egress.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
18. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any orders revoking and re-enacting those orders with or without modification) the A3 unit labelled 01 and 01A as shown on approved

drawing number 3742-PEN-ZZ-03-DR-A-012 P17 shall only be used for a café use and for no other purposes whatsoever.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

19. *Noise Assessment:* Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).  
Reason: To ensure that the amenities of occupiers in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
20. *Future Kitchen Extraction:* If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
21. *Drainage Scheme:* No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026).

22. *Landscaping details:* No development shall commence until finalised landscaping details have been provided to give the following additional details: -

- A plant schedule for the shrub/herbaceous mixes for each planting bed.
- A topsoil and subsoil specification with detailed parameters for all planting soils including volumes, profile depths, keying in, drainage, structural qualities, textural qualities, chemistry, storage, handling and placement - such a specification shall be drawn up by a soil scientist familiar with the planting plans.
- Tree pit section and plan views for all planting types showing root available soil volume per tree.
- Planting methodology, aftercare methodology, implementation programme and evidence to show that services including drainage won't compromise planting.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policies KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

23. *Landscaping Implementation:* All planting, seeding, turf-laying and paving shown on approved plan drawing numbers RF-087-001 J, RF-087-100 C and RF-087-200 E shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner.

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 appearance of the area in the interests of visual amenity, in accordance with Policies KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

24. *Roof Terrace Landscaping:* No works to the third floor communal roof terrace shall take place until details of landscaping measures on the third floor communal roof terrace shown on approved plan drawing number 3742-PEN-ZZ-03-DR-A-013 P12, have been submitted to and approved in writing by the Local Planning Authority.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

**RECOMMENDATION 2:** The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team ([BilingualCardiff@cardiff.gov.uk](mailto:BilingualCardiff@cardiff.gov.uk)) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

**RECOMMENDATION 3:** Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact [SAB@cardiff.gov.uk](mailto:SAB@cardiff.gov.uk)

**RECOMMENDATION 4:** Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.



Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP,  
0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845  
1300228

**RECOMMENDATION 5:** 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 licence. 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 6:** The applicant is reminded that all the A3 units are required to provide litter bins at the front of the unit in order to prevent littering on the adopted highway. The tenant will be required to provide, service and empty a litter bin to be placed at front of the unit during opening hours and removed from the highway during closing hours. (Please refer the applicant to Paragraph 5.12 of the Food, Drink and Leisure Uses Supplementary Planning Guidance: 2017).

**RECOMMENDATION 7:** 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)

**RECOMMENDATION 8:** The applicant is advised to liaise with South Wales Police and contact Jon Brown; 01656 655555 ext: 29248, [Jon.Brown@south-wales.pnn.police.uk](mailto:Jon.Brown@south-wales.pnn.police.uk)).

**RECOMMENDATION 9:** There shall be no burning of waste or burning of waste materials on site and all waste associated with the construction of the development is to be disposed of correctly by suitably licenced waste contractors.

**RECOMMENDATION 10:** The highway works condition and any other works to the existing public highway are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

**RECOMMENDATION 11:** 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, this also includes the delivery and removal of materials, plant, skips etc. The applicant is also advised to seek approval for any proposed piling operations.

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

- 1.1 The application seeks full planning permission to create two additional storeys above the existing building to accommodate 15 new apartments (Use Class C3). The works will also involve the reconfiguration of two existing apartments at first floor level, a single storey extension at ground floor level to the existing café (A3) unit, refurbishment and elevational treatments to the existing commercial units, public realm works, highways works and other associated works.
- 1.2 The new storeys will be extended upwards by two floors with a staggered set-back away from the western boundary. The second floor will cover the full width of the existing building and the third floor will measure half the width of the floor below (37m wide), with two sections of roof garden either side. The development will feature two access points, both with a staircase and lift; the first being from a central core within the block, providing access to all floors, and the second from the south-east corner of the site, providing access to the first and second floors only. At ground floor level the existing steps on the south-eastern corner of the site will be removed and replaced with a single storey ground floor extension to the A3 unit. This will include an associated external seating terrace on the corner, with further seating spilling out on to part of the main public realm frontage along Clearwater Way. The existing stepped access along the east will be removed for landscaping, but the pedestrian access to the north will be retained. The existing commercial units will be retained but refurbished and the public realm area to the front (east) will be enhanced with a projecting 2.3m deep undercover walkway along the fronts of the commercial units. Soft landscaping is proposed to the edges of the site to the north, east and south and 5 trees will be planted. The existing retaining walls along the eastern side of the public realm is to be softened with timber cladding. The existing and proposed walls of the development are to be clad in brick slips with perforated sheet cladding to the uppermost floor. Windows will be double glazed.
- 1.3 The 15 new apartments will comprise 12 units on the second floor and 3 units on the third floor. They will be split into four 1-bedroom, eight 2-bedroom and three 3-bedroom units. The 12 existing 2-bedroom units on the first floor will be retained, however the two central units will be reconfigured from 2-bedroom units to 1-bedroom units. As such, the development including the existing structure will amount to four storeys in height, with a total of 27 residential units on site. Whilst the second floor apartments will not have private balconies, the occupiers will have access to a 241sqm communal roof terrace on the third floor, which will be accessible to all residents within the development. The units on the third floor will also have private balconies/terraces, measuring a variety of sizes (unit 25's measuring 47sqm terrace, unit 26's measuring 12sqm and unit 27's measuring 54sqm).
- 1.4 The proposal seeks to formalise the vehicular parking along the front of the site along Clearwater Way. A total of 4 additional car parking spaces are proposed to the site, resulting in 25 spaces in total (including 2 disabled spaces). The tandem car parking spaces to the rear (west) will be offered to

two separate dwellings in pairs. 29 cycle parking spaces are proposed to the west of the site for residents, 2 for the commercial units within the south-western core and 8 spaces for the public along the public realm on Clearwater Way. Security gates are proposed on either side of the un-adopted lane to the rear to be used for delivery and service vehicles. The additional car parking and the cycle parking will be accessible through these gates. The rear lane will have a one-way vehicular route.

## **2. DESCRIPTION OF SITE**

- 2.1 The application building forms a two storey local parade of shops with flats located above at first floor level. There are eight existing commercial units, comprising a local supermarket (Tesco Metro), café/tea room, pharmacy, restaurant, cycling shop and two additional retail stores. External steps lead to the site from the south of Clearwater Way with an area of grass on either side. Twelve 2-bedroom flats are located on the first floor above, accessed from external steps on the south-eastern corner of the site, leading to a rear balcony walkway with semi-private front gardens. The existing building has a flat roof with white rendered elevations and stone facing applied on the south-eastern flank wall. This is of a differing design and form to the buildings in the locality, which appears to be intentional to define its distinct use. The frontage of the application site is an open area in private ownership, which acts as an area of public realm providing access to the commercial units. Beyond this along Clearwater Way is an unmarked car parking area with approximately 18 parking spaces (including 2 disabled spaces). The site is bounded by public highways to the north, south and east (front) and an un-adopted service lane to the west (rear). The site measures approximately 0.3ha in area and sits on the brow of a hill.
- 2.2 The site is located within a suburban area of predominately residential properties. The principal building type is of single and two storey residential dwellings, however there is some variation within the area including terraced dwellings and four storey apartment blocks. The context to the site to the west and south is post-World War II semi-detached single and two storey homes forming periphery blocks on standardised curvilinear estate roads which form a continuous network on the hillside. Gardens are reasonably generous and the dwellings have a significant set-back from the highway, with on-plot parking and some garages. To the immediate north, two four-storey apartment blocks sit along the contours, and side onto the street frontage, with a generous parking area between, but set-back a little behind trees. Opposite the site to the east, and beyond the reasonably wide Clearwater Way is a short parade of businesses set-back from the road behind a mixture of car park, service yards and a beer garden, including the Discovery Inn public house, a takeaway and a convenience store.
- 2.3 The application site falls within the settlement boundary as defined by the Adopted Local Development Plan proposals map and has no specific land use allocation or designation. The site is located within Flood Zone A, meaning there is little or no risk of flooding. The site is not located within a conservation area and there are no listed buildings in close proximity.

- 2.4 There are two schools in close proximity; Lakeside Primary School is located 450m walking distance away to the south and Cardiff High School, which is approximately 650m walking distance to the north-west. In terms of recreational facilities, Roath Lake/Roath Park Wild Gardens are within 300m walking distance to the west. Strips of woodland which are designated Sites of Importance for Nature Conservation, curve around the north, east and south approximately 50m away from the site.
- 2.5 Bus stops on Lakeside Drive are within 250m west of the site and provide regular services throughout the day to the city centre and other destinations. There are also bus stops on Celyn Avenue. Both the Heath High Level and Heath Low Level train stations, which lie on the Rhymney and Coryton lines respectively, are a little over 1km from the site, both of which run frequent services to Cardiff Central.

### **3. RELEVANT SITE HISTORY**

- 3.1 16/00962/MJR – Proposed construction of rear balcony walkway, new access steps to rear and creation of private garden areas. Permitted: 01/09/2016.

### **4. POLICY FRAMEWORK**

- 4.1 The following national planning policy and guidance is considered to be of particular relevance:

4.2 Planning Policy Wales (PPW) (Edition 10, December 2018)

4.3 Building Better Places (July 2020)

4.4 The following Technical Advice Notes (TANs) are relevant:

- TAN 4: Retail and Commercial Development (November 2016)
- TAN 11: Noise (October 1997)
- TAN 12: Design (March 2016)
- TAN 18: Transport (March 2007)

4.5 The following local planning policy and guidance is considered to be of particular relevance:

4.6 Cardiff Local Development Plan 2006-2026:

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP14 Healthy Living
- KP15 Climate Change

- KP16 Green Infrastructure
- H3 Affordable Housing
- EN8 Trees, Woodlands and Hedgerows
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution & Land Contamination
- T1 Walking & Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- R1 Retail Hierarchy
- R6 Retail Development (Out of Centre)
- C3 Community Safety/ Creating Safe Environments
- C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
- W2 Provision for Waste Management Facilities in Development

#### 4.7 Supplementary Planning Guidance:

The following Supplementary Planning Guidance (SPG) is of relevance:

- Green Infrastructure Consultation Draft (2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning Obligations (2017)
- Waste Collection and Storage Facilities (2016)
- Infill Sites (November 2017)
- Food, Drink and Leisure Uses (November 2017)

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Transportation:** The existing site comprises an unmarked car parking area with approximately 18 parking spaces (including 2 disabled spaces) along Clearwater Way. This area will be formalised to provide 20 marked parking spaces (including 2 disabled spaces). The area to rear (west) will have 5 spaces proposed, which will serve 3 of the new units. There will therefore be 25 parking spaces in total on site. The proposed vehicular parking meets the Council's parking standards in line with the 'Managing Transportation Impacts' SPG.
- 5.2 The application proposes 29 secure and covered cycle parking spaces at the west of the site to be used by residents. This amounts to 1 space per bedroom for the additional 15 units, in accordance with the SPG. There are also 2 secure and covered staff cycle spaces proposed within the south-west core and 8 Sheffield stands proposed along the public realm frontage. Whilst the proposed cycle parking complies with the SPG, further details are required by way of a condition.
- 5.3 Transportation Officers have raised no objection, subject to an £8,000 Traffic Regulation Order (TRO) which shall be paid through a Section 106 Legal Agreement. The TRO will be made for proposed parking restrictions (double yellow lines) at the Carnegie Drive/Clearwater Way junction and the eastern

side of Carnegie Drive. In addition, improvements at the junction will be made including tightened radii and pedestrian dropped kerbs/tactile paving. The following conditions have been applied; a delivery/servicing/parking strategy, cycle parking and highway works. Refer to para's 8.21 – 8.26 for further details.

- 5.4 **Trees:** The Tree Officer supports the proposed 'Stockholm' system which is being specified primarily because of the benefits it affords in terms of drainage in a SuDS context – i.e. free drainage whilst maintaining good aeration to depth. Whilst landscaping details have been provided, the Tree Officer has requested further details. As such, no objection has been raised, subject to conditions providing further landscaping details, landscaping maintenance and the implementation of landscaping. An additional condition has been proposed requesting landscaping details to be provided for the communal roof terrace.
- 5.5 **Ecology:** The Ecology Officer notes that alterations to the roof have already taken place and that there are new fascia boards and soffits all around. This suggests that if any bats had been present they would already have been disturbed by the works. A bat survey is therefore not requested but an advisory note has been included to remind the applicant that there is a small chance bats may be present, and what to do if any are found. There may also be nesting birds such as gulls on the flat roof of this building. As such, a nesting bird condition has been included.
- 5.6 **Affordable Housing:** In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 15 units (3 units) is sought on this brownfield site or a financial contribution of £241,570 in lieu of 1x 1-bedroom unit and 2 x 2-bedroom units. This has been calculated in accordance with the formula in the Planning Obligations– Supplementary Planning Guidance (SPG) (2017).
- 5.7 **Parks:** 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.
- 5.8 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.
- 5.9 Based on the information provided on the number and type of units, officers have calculated the additional population generated by the development to be 27.1. This generates an open space requirement of 0.066 ha of on-site open space based on the criteria set for housing accommodation, or an off-site contribution of £28,118.
- 5.10 As no public open space is being provided on-site, Parks Officers have

requested that the developer makes 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.

- 5.11 Consultation would take place with Ward Members to agree use of the contribution, and this would be confirmed at S106 stage. The closest areas of recreational open space are Roath Park Discovery Wood and Scott Wood.
- 5.12 Parks Officers welcome the inclusion of the additional trees and SuDS feature and note that no existing trees will be affected by the proposals.
- 5.13 **Waste Management**: Officers raise no objection to waste storage areas for the commercial and residential units. An advisory note has been included reminding the applicant that all the A3 units are required to provide litter bins at the front of the unit in order to prevent littering on the adopted highway. The tenant will be required to provide, service and empty a litter bin to be placed at front of the unit during opening hours and removed from the highway during closing hours.
- 5.14 **Pollution Control (Contamination)**: The site has been identified as retail and residential. Contamination is not known at this site, however the potential for this cannot be ruled out. As such, an unforeseen contamination condition has been applied.
- 5.15 Should there be any importation of soils to develop the 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. Therefore conditions and informative statements in accordance with CIEH best practice have been recommended to ensure that the safety of future users is not prejudiced in accordance with Policy EN13 of the Cardiff LDP. The following standard conditions have been recommended; contamination land measures (unforeseen contamination), imported soil, imported aggregates and use of site won materials. An advisory note has also been included.
- 5.16 **Pollution Control (Air Quality)**: Due to the nature of the development, in terms of its purpose for residential housing and its location, via the submission of an appropriate air quality assessment (AQA) the applicant must give consideration to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on local/current residents. As a minimum, consideration of air quality impacts should be examined through the development stage, focusing on dust emissions during the construction phase of the development. These details will be required as part of the Construction Environmental Management Plan.



- 5.17 In terms of operational impacts expected of the proposed scheme Officers note the expected increases in traffic movements, as per the submitted Transport Statement, and therefore can conclude that the threshold criteria stipulated in EPUK IAQ guidance “Land-Use Planning and Development Control: Planning for Air Quality, January 2017”, specifically Table 6.2, would not require the operational element of the proposal to be assessed.
- 5.18 **Pollution Control (Noise)**: A number of conditions have been recommended to ensure that the amenities of occupiers of other premises in the vicinity are protected. These include a sound insulation scheme, a noise assessment for the plant equipment, kitchen extraction details, restrictions on delivery hours to the commercial units and a Construction Environmental Management Plan to protect the residents against noise, vibration and dust during construction. The condition restricting operation hours has not been applied, as no new commercial units are being proposed.
- 5.19 **Education**: The Education Officer notes that the yield of pupils from such a small development will have a very little impact on the capacity of local schools. The calculated gross yield of pupils will be significantly below 1 child per year group. In accordance with the Council’s adopted Planning Obligations SPG, no obligation will be sought.

## **6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Welsh Water**: No objection is raised in principle however a drainage scheme condition and an advisory note has been recommended.
- 6.2 **South Wales Police (SWP)**: SWP have raised no objection but have provided a number of security-related recommendations. An advisory note has been included.
- 6.3 **Natural Resources Wales**
- No objection.

## **7. REPRESENTATIONS**

- 7.1 The application was subject to two 21-day consultation periods, being advertised by press and site notices as a major application and neighbours and local members were notified. Following amendments to the plans, the application was subject to a 7-day re-consultation.
- 7.2 Two petitions of objection have been submitted by Mr and Mrs Archard. The first with 127 signatures and the second with 65 signatures. The petitions have been submitted on the grounds of loss of parking, traffic volume, overlooking and the development appearing out of character with the local area.
- 7.3 48 letters of objection have been received from residents, summarised as follows:

- Excessive scale, overdevelopment and not in keeping with local area, especially given that the site is elevated on a hill
- Loss of privacy, light, undue sense of enclosure
- Potential increase in noise and waste
- Request to ensure no impact on bat roosting
- Parking and traffic concerns, safety concerns
- Loss of revenue to the commercial premises due to a lack of parking spaces
- School capacity concerns
- Lack of space for fire services and lorries
- The development will lead to increased litter and anti-social behaviour
- Clearwater Way should be made into a one-way street
- There are no benefits to the scheme

7.4 1 letter of support received from a local resident.

7.5 Councillor Hopkins and Councillor Molik submitted a joint objection and amended their objection following the submission of amended plans. For the benefit of members the letters of objection have been summarised below:

- Excessive scale, overdevelopment
- Overlooking, overbearing, overshadowing to neighbouring properties
- Parking and traffic concerns and confusion over how many affordable apartments are provided
- Poor public transport links results in reliance of car use
- Concerns with safety of children walking to school

7.6 Councillor Kelloway objected. This has been summarised as follows:

- Excessive scale and massing, overdevelopment
- Overbearing, overshadowing, overlooking/loss of privacy
- Parking concerns
- The works will contradict existing works taking place to implement an active travel scheme in the area, to make walking to school safe for children
- Oversubscribed schools

## 8. **ANALYSIS**

8.1 The main issues to be assessed are:

- a. Proposed land use
- b. Design
- c. Impact on residential amenity
- d. Transport and accessibility
- e. Other considerations

### **a. Proposed land use**

8.2 The application site falls within the settlement boundary as defined by the

Cardiff Local Development Plan (LDP) Proposals Map and has no specific land use designation or allocation. Given the residential nature of the area, the flats proposed on top of the existing two storey building raise no land use policy concerns.

- 8.3 In relation to the retail element of the proposal, the site does not fall within a designated District or Local Centre as defined by Policies R4 or R5 of the LDP. However, it contains an existing retail frontage which provides an important local shopping function. Paragraph 5.282 of the LDP states that in addition to local centres identified on the proposals map, there are numerous smaller groups of shops and individual 'corner shops' across the county that provide valuable shopping facilities to surrounding communities. This parade of local shops at Clearwater Way falls under this definition. This proposal will enhance this function by maintaining the existing ground floor retail units and offering greater footfall from the proposed new flats, which is supported in Planning Policy Wales and its refocused guidance in 'Building Better Places (July 2020)'.
- 8.4 The application proposes an extension to the existing A3 unit, which shall be assessed against Policy R8 (Food and Drink Uses) of the LDP. Paragraph 5.297 states that Local Centres and smaller neighbourhood centres are generally more residential in nature, and do not have the scale or variety of retail and non-retail uses of larger centres. Therefore, A3 proposals may be more difficult to accommodate, and are less likely to be acceptable on amenity grounds (e.g. potential noise and disturbance, anti-social behaviour and litter associated with this type of development proposal). As a consequence more emphasis will be placed on protecting residential amenity within these centres through restricting the type of A3 premises. As such, a condition has been applied to restrict the A3 element to a café only.
- 8.5 Whilst the extended outdoor sitting area associated with the A3 use does not raise any land use policy concerns, paragraph 5.26 of Supplementary Planning Guidance (SPG) 'Food, Drink and Leisure Uses' (November 2017) states that each case will be assessed on its merits, taking into consideration the nature and individual characteristics of the centre. Given the proximity of the outdoor seating area to residential accommodation, a condition has been applied restricting the opening of the area to 8:00am to 9:00pm.
- 8.6 Taking the above factors into consideration and subject to conditions, the proposal does not raise any land use policy concerns.

#### **b. Design**

- 8.7 Cardiff Local Development Plan (LDP) Policy KP5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces.

### *Architectural Design:*

- 8.8 The proposed architectural design is considered suitable in the context of the setting, and will greatly improve the existing vernacular, which is considered dated and uninspiring. The existing primary elevation is dominated by dark railings, white rendered external walls, and a flat roof and the ground floor commercial units are partially visible from the main road. The proposed retail frontage will be significantly enhanced, with a clever reuse of the existing structure to create a striking contemporary brick block with a strong colonnade. The fenestration is reorganised to create a coherent design. The use of brick provides a more traditional and durable material and ties the scheme in with the general character of nearby homes, more than the current white render solution. The top floor is defined separately by the use of perforated sheet cladding and the a-symmetric arrangement within the context is considered an interesting design feature.

### *Scale and Massing:*

- 8.9 The proposal involves the addition of two storeys extending upwards with a staggered set-back away from the western boundary. The second floor will cover the full width of the existing building and the third floor will measure half the width of the floor below. Sitting at the brow of the hill, officers note that the development will be prominent in local views, and certainly more prominent than the current scheme. However it is considered that the development will not be overly dominant and overbearing within the local context. From the south-east the building sits in a reasonably large space fronting Clearwater Way, but the development sits close to homes to the north and south-west. The second floor is considered acceptable, as it is set back from the existing first floor element that is retained, with the massing being proposed to the Clearwater Way side. This will create a local focus within the community and will enhance the legibility of the area in a way officers find acceptable. Whilst the majority of dwellings in the locality are two-storey, the development will match the height of the four-storey apartment blocks to the north. Further, the third floor will only be a partial element, measuring half the width of the storey below with set-backs from the front, rear and sides, reducing the perception of scale. The two stair/lift cores are considered to be reasonably discrete elements; the centrally positioned core will measure just 5.5m wide and will sit away from neighbouring dwellings. The south-western core will sit adequately away from the dwellings on Celyn Avenue and Carnegie Drive, creating some mass but only onto the reasonably wide Clearwater Way frontage.

### *Public Access:*

- 8.10 Pedestrian access to the shops and apartments will be via the precinct which roughly retains its form but is upgraded with drainage features and some shrub and tree planting. The steps from the south-west will be removed and pedestrians will access the shops from this direction by moving further up the retained pavement. An outdoor seating area for the café will be located at the south-west corner of the site, as well as an area for Sustainable Drainage Systems (SuDs) and planting. This will bring some vitality to the corner and

offer a good outdoor amenity space to the area, providing a significant feature of the scheme for the public. Whilst the access via the steps from the eastern parking area is removed to allow for additional landscaping, the access from the north is retained. The detour is not considered significant and so officers consider this acceptable.

*Landscaping:*

- 8.11 Soft landscaping is also proposed to the edges of the site to the north and east and 5 trees will be planted. The vegetation will serve an aesthetic purpose and forms a key part of the SuDS strategy. Officers consider that the landscaping will create a better sense of place through its approach to hard and soft landscaping. The extensive pedestrian public realm to the site frontage has been carefully set out to create an active space that will be more usable than at present. Sitting out areas are complemented by adjacent planting and the existing retaining walls along the eastern side of the public realm are to be softened with timber cladding.
- 8.12 Whilst the Tree Officer raises no objection to the use of the Stockholm soil structure system, which is being used for the benefits it affords in terms of drainage in a SuDS context, further landscaping details will be required as conditions. This will ensure that the landscaping is appropriately implemented and maintained. In light of the above, it is considered that the landscaping proposals will significantly improve the existing hard landscaped character of the site.

*Amenity of Future Occupiers:*

- 8.13 The application proposes a 241sqm communal roof terrace on the third floor, which will also be accessible to all residents within the development. The first floor flats will retain their private balconies and the flats on the third floor will have private balconies/terraces measuring a variety of sizes (unit 25's measuring 47sqm terrace, unit 26's measuring 12sqm and unit 27's measuring 54sqm). Whilst the second floor apartments will not benefit from private balconies, the occupiers will have access to the communal roof terrace on the floor above. A landscaping condition has been applied for the communal roof terrace, to ensure that it provides a desirable space for future occupants. The proposed residential units are considered a reasonable size and will receive adequate levels of ambient lighting and ventilation.

**c. Impact on residential amenity**

- 8.14 The scheme has been carefully assessed against the Council's SPG guidance on privacy and a sense of enclosure and early submissions have been adjusted to bring the development within acceptable limits.

*Overlooking and Privacy:*

- 8.15 Paragraph 4.9 of the Infill Sites SPG (2017) states that the minimum overlooking distance from a habitable room window to a garden area of a

separate dwelling should be at least 10.5m. The closest rear gardens to the site are at 23 Carnegie Drive and 68 Celyn Avenue to the west. The existing situation already enables a degree of overlooking from the existing first floor level. This has a rear balcony walkway with semi-private front gardens, with an overlooking distance of 9.8m from the rear gardens to the west. This was granted permission in 2016 (ref: 16/00962/MJR) and will be retained. The overlooking distance from the proposed second floor to the neighbouring gardens is 14m. These views will be from the rear balcony walkway and so will essentially be a 'passing through' area, where people are typically coming and going from homes and not necessarily lingering. There will also be areas of planting against the boundaries which will push residents further away from the balcony edge to reduce the impact of overlooking. The third floor will have an even further set-back, with a 17m separation distance from the gardens to the west. Whilst it is noted that there will be a communal roof terrace at this level, the 17m distance considerably exceeds the separation distance as identified in the Infill Sites SPG. Further, 68 Celyn Avenue has screening along its side rear garden boundary from trees. There are no overlooking concerns to the north, with the flank elevation of the development being a considerable 28 metre distance across the road from the Celyn Avenue apartment blocks. As such, it is not considered that the proposed development will detrimentally affect neighbouring occupiers living conditions in terms of overlooking and a loss of privacy.

*Outlook and Sense of Enclosure:*

- 8.16 Whilst it noted that the development will sit on the brow of the hill, the development is staggered, with the two additional storeys stepping away from the western boundary. By taking the massing nearer to the Clearwater Way side, with the gradual staggered set-back approach is considered sufficient to ensure that the development doesn't appear overbearing from the rear gardens of the dwellings to the west. To the south-west, the development will measure just three storeys high at a considerable distance from the nearby dwellings. It is therefore not considered that the development will appear overbearing to the nearby dwellings.

*Sunlight and Daylight:*

- 8.17 The assessment of sunlight and daylight is based on the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' by P J Littlefair (2011). Officers note that 23 Carnegie Drive has ground floor side windows facing the site. The BRE 25 degree rule has been used to measure the angle from these windows to test whether they will experience a loss of light. At the worst case, the 25 degree angle will intersect the parapet of the third floor roof terrace by 300mm, meaning there will be a negligible impact in terms of a loss of ambient light to 23 Carnegie Drive's side windows.
- 8.18 The applicant has provided a shadow analysis which compares the existing and proposed situation. Given the increase in height, there is marginally worse overshadowing during the early part of the day in both March and

September, but it is resolved by 10:30am in the worst case scenario. The analysis shows that there will be no adversities in summer. Further, 68 Celyn Avenue has trees and planting lining the side boundary that faces the site, meaning that the occupiers will already experience overshadowing of their garden. The impact of overshadowing is therefore considered to be within acceptable limits.

*Other matters impacting upon amenity:*

- 8.19 Conditions have been applied ensuring that there will no delivery vehicles arriving, departing, loading or unloading between the hours of 8:00pm and 8:00am. These hours are not considered to be unreasonable and will not result in an unacceptable level of noise disturbance in this location. To ensure the external plant equipment that is retained at first floor level doesn't harm neighbour's amenity, a noise assessment condition has been applied. Given that the commercial units will remain, it would be unreasonable to apply new operation hours to these units. A condition has however been applied to ensure that the external seating area should not be open outside the hours of 8:00am and 9:00pm.

**d. Transport and accessibility**

*Car Parking / Road Safety:*

- 8.20 The existing site comprises an unmarked car parking area with approximately 18 parking spaces (including 2 disabled spaces). This area will be formalised to provide 20 marked parking spaces (with 2 disabled spaces). The area to rear (west) will have 5 spaces proposed, which will serve 3 of the new units. There will therefore be 25 parking spaces in total on the site. Officers note the objections raised regarding the insufficient amount of car parking spaces within the development, which the objectors suggest will create additional pressures on local parking. Policy T5 of the adopted LDP requires development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved 'Managing Transportation Impacts' SPG states that *'the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes'*. The aforementioned SPG uses maximum parking standards (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided. The site is also located within a sustainable location with adequate access to public transport.
- 8.21 Officers also note that objections have been raised with regard to traffic safety concerns, especially for the safety of children walking to school. As such, the application is subject to an £8,000 Traffic Regulation Order (TRO) which shall be paid through a Section 106 Legal Agreement. The TRO will be made for proposed parking restrictions (double yellow lines) at the Carnegie Drive/Clearwater Way junction and the eastern side of Carnegie Drive. In

addition, improvements at the junction will be made including tightened radii and pedestrian dropped kerbs/tactile paving. The TRO will seek to ensure that the additional traffic that may be generated and with consideration of other layout changes that are occurring, does not result in local problems arising from the development. The works will not contradict existing works that are taking place to implement an active travel scheme in the area, to make walking to school safer for children.

- 8.22 In light of the above, the proposed vehicular parking meets the Council's parking standards, and there is no objection from the council's Transportation Manager on highway safety grounds subject to the TRO. It is therefore considered that the proposal accords with national and local transport planning policy.
- 8.23 In light of the objection regarding reference to the affordable apartments in the Transport Statement, there was an error in this statement. The development does not propose affordable housing units.

*Cycle Parking:*

- 8.24 The Managing Transport Impacts (Incorporating Parking Standards) SPG requires the provision for cycle parking at a minimum ratio of 1 space per bedroom. The application proposes 29 secure and covered cycle parking spaces at the west of the site to be used by residents. This amounts to 1 space per bedroom for the additional 15 units, in accordance with the SPG. There are also 2 secure and covered staff cycle spaces proposed within the south-west core and 8 Sheffield stands proposed along the public realm frontage. The existing site provides no formal cycle parking along the frontage. Whilst the number of cycle parking spaces proposed complies with the aforementioned SPG, further details on cycle parking provision will be required by condition.

*Servicing / Deliveries:*

- 8.25 Servicing and deliveries to the ground floor commercial units will occur within the rear lane along the western boundary (un-adopted highway), which will be accessed through security gates either side, with a one-way vehicular route. The applicant has confirmed that deliveries will happen "as and when required" by the individual commercial units, which are likely to be fairly infrequent based on the size and likely use/nature of each premises. The applicant states that the future occupants aren't known yet, as the units will likely be marketed during construction when a completion timescale is known. Tesco is however already established and won't change its delivery scheduling/arrangements, likewise with Waterloo Tea. The other units will have infrequent deliveries, and will be served by the rear access lane via its one-way system, with the delivery parking areas located to the rear of the commercial waste area. The limited size and number of units means that units 2-5 and 7 and 8 are likely to be served by small vehicles, no larger than transit vans or similar. Though unit 6 is larger, it is not expected it to be serviced by vehicles any larger than that either. Whilst it is considered unlikely that



multiple units will accept deliveries at once and there will be sufficient space for parking and manoeuvring, Transportation Officers wish to ensure that the operation of the Delivery/Parking area is suitably managed and does not result in safety concerns. As such, a Delivery/Servicing/Parking Strategy has been requested by condition, which will include details in relation to the lane and the management of parking, including the deliveries area.

#### **e. Other considerations**

- 8.26 Officers note the objection raised regarding the potential pressure that the development will have on local schools, which are suggested to already be near capacity. The Education Officer was consulted and confirmed that the calculated gross yield of pupils will be significantly below 1 child per year group. It was concluded that this will have a very little impact on local schools and any potential pressure on local schools can be already be absorbed by the existing arrangements.
- 8.27 There is no independent evidence to suggest that the development will lead to increased crime and anti-social behaviour. There is similarly no evidence to suggest that the proposed development will reduce the response times for the Fire Services.
- 8.28 Objections regarding the potential reduction in house prices are not a material planning consideration.

### **9. SECTION 106 REQUIREMENTS AND VIABILITY**

- 9.1 National Policy and CIL regulations outline the legal requirements for a valid Planning Obligation. Policy KP7 is also relevant and the Council's position reflects careful consideration of the national and local planning policy framework, together with relevant guidance contained within the Council's Supplementary Planning Guidance (SPG).
- 9.2 The total planning obligations requested amount to **£277,687**, broken down as follows and calculated in accordance with Council policy and guidance:
- **£241,570** towards off-site affordable housing
  - **£28,118** off-site towards Public Open Space
  - **£8,000** for a Traffic Regulation Order for be paid for proposed parking restrictions (double yellow lines) at the Carnegie Drive/Clearwater Way junction and the eastern side of Carnegie Drive.
- 9.3 To assist the consideration of planning obligations, the applicant provided a Viability Statement (August 2020) prepared by Savills which concluded the scheme to be unviable and does not generate any surplus to support any S106 contributions. In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council commissioned the District Valuer (DV) to prepare an assessment of the viability appraisal. The DV's report, dated 16<sup>th</sup> December 2020, confirmed that the scheme cannot viably provide any policy requirements and the deliverability of the project is therefore a concern. It

should be noted that the report relates to the new build element only, but includes a commentary on the full scheme for clarity. Both outcomes came back as unviable.

- 9.4 Notwithstanding the viability exercise carried out by the applicant and verified by the District Valuer, the developer has agreed to provide a planning obligation contribution of **£25,000**. This will include the full amount for the TRO process (£8,000) and a contribution towards public open space (POS) of £17,000. The applicant wishes to make it clear that these amounts are offered on a without prejudice basis and would not necessarily remain 'on the table' should the application be refused.
- 9.5 Further to the advice of the Housing and Parks Officers, the planning obligation will also require a further viability assessment to be undertaken in the event that the construction of the development has not substantially commenced within 24 months of the issue of the planning permission to allow the financial contributions to be reassessed.
- 9.6 It is considered that the above planning obligation Heads of Terms fully satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, and this offer is recommended to members of Planning Committee.

## **10. LEGAL CONSIDERATIONS**

- 10.1 *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.
- 10.2 *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.
- 10.3 *Wellbeing of Future Generations (Wales) Act 2016*: Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable


impact upon the achievement of wellbeing objectives as a result of the recommended decision.

- 10.4 *Statutory pre-application public consultation:* The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

## 11. **CONCLUSION**

- 11.1 In considering the application, officers have sought amendments to reduce the scale and massing of the proposal and to introduce better quality materials. The proposed design is considered to be well executed and will result in a significant and necessary uplift in the character of the area. The proposal delivers 15 additional residential units in a sustainable location and will introduce a significant improvement to the streetscape. It is considered that the development will not harm the neighbouring occupiers living conditions. Further, the s106 contribution will improve road safety and will provide provision of new or improved open space in the locality.
- 11.2 It is therefore recommended that planning permission be approved subject to the completion of a legal agreement to secure the measures identified in Section 9, and the relevant conditions.



 denotes Site Ownership

Site Area 0.297 ha

---

All site & ownership boundaries to be confirmed by client.

**pentan**  
architects

22 Cathedral Road  
Cardiff CF11 9LJ

t: 029 2030 9010  
info@pentan.co.uk

Project  
Clearwater Way, Lakeside

Client  
Silvercrescent Developments

Drawing Title

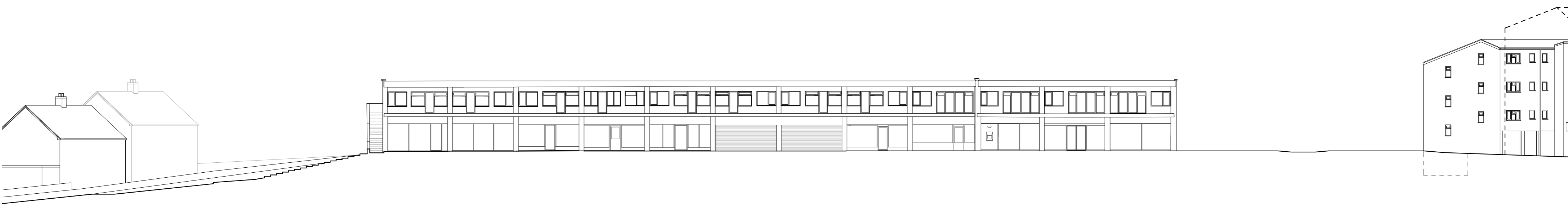
**Site Location Plan**

Date  
July' 19

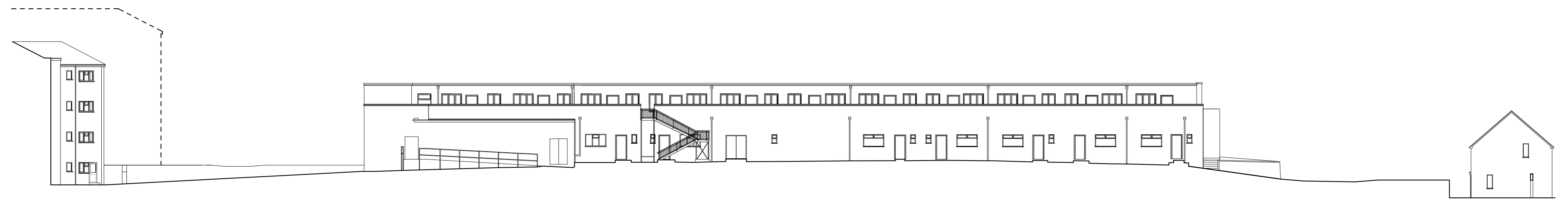
Scale  
1 : 1250 @ A4

Drawing No.  
3742 / PA / 001

Rev.



Front Elevation  
1 : 250



Rear Elevation  
1 : 250

Rev.	Description	Drawn	Check	Date
P1	Issued for comment.	HJ	AH	July' 19

**FOR APPROVAL**

**pentan**  
architects

22 Cathedral Road  
Cardiff CF11 9LJ  
t. 029 2030 9010  
info@pentan.co.uk

Project  
Clear Water Way, Lakeside

Client  
Silvercrescent Developments

Drawing Title

**Existing Front and Rear Elevations**

Job no.	Org.	Zone	Level	Type	Role	Description	Status	Rev.
3742	PEN	ZZ	ZZ	DR	A	003	S4	P1
Scale								Date
1 : 250 @ A2								Dec' 19

**NOTES** Do not scale. All dimensions are in millimetres unless stated otherwise

**IMPORTANT NOTE**

Elevations drawings produced using detailed survey ref:  
LAKESIDE SHOPPING CENTRE 2D

and using Elevation survey prepared by Zenith Land ref: '21122' dated: September 2018

Drawings to be read in conjunction with all other relevant project drawing.

Position of all existing in use and redundant drainage runs to be confirmed following further investigation.

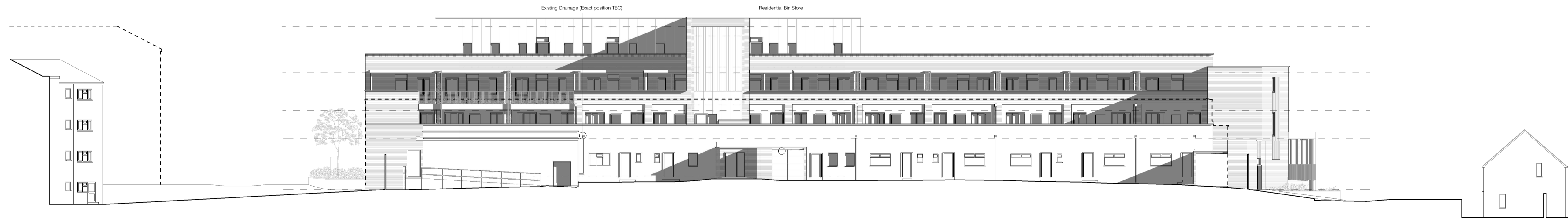
Position of any existing underground services to be confirmed following further investigation.

Location of all service inlet/ extract terminals & boiler flues not illustrated and to be confirmed following design and capacity requirements by specialist manufacturer.

All signage TBC and agreed subject to Local Authority Agreement



Proposed Front Elevation



Proposed Rear Elevation

**Material Key:**

**Walls:**

Proposed walls to be clad in brick slips as indicated in drawings. Recessed panels clad in brick soldier bond. Exact colour and bricks TBC. Existing walls to be re-rendered as indicated in drawings. Exact colour TBC. Top Floor and section of core external wall: Perforated sheet cladding. Brass colour or similar.

Parapet capping: Material and colour TBC. Colour to match canopy and railing details.

**Roofs:**

Flat Roof: Construction TBC to Engineers Specification.

Gutters and Downpipes: Specification per elevation TBC.

**Windows and Doors:**

Windows/ sills: Double Glazed. Colour and material TBC. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements.

Doors: Frame/ material and colour TBC as per elevation. Double glazed units with fenestration patterns as indicated. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements.

**Other:**

Service penetrations: Colour of all penetrations to match surface in which they are located. For clarity, no service penetrations are indicated. All service locations to be confirmed by M and E consultant and Local Planning authority.

Drainage: Indicative positions of existing drainage shown. Proposed drainage recorded on floor plans are indicative, following further investigation.

Canopies: Colour and material TBC. Waterproof membrane roof. Underside to be clad with Timber with integrated lights as per M and E specification. Steel posts to support canopy at second floor level colour as specified by structural engineer. Powder coated finish. Colour TBC. Timber posts to support canopy of unit 1A as specified by structural engineer.

Bin Stores: Curved walls enclosures to be formed in brick. Doors formed from sheet material to match perforated cladding. Security and Lighting to comply with Secured-by-Design requirements.

Bike Stores: External covered structure. Material TBC. Security and Lighting to comply with Secured-by-Design requirements.

Railing Detail: Powder coated finish. Colour TBC. Integrated planting and bespoke dimensions.

**IMPORTANT NOTE**

Elevations drawings produced using detailed survey ref: LAKESIDE SHOPPING CENTRE 2D

and using Elevation survey prepared by Zenith Land ref: '21122' dated: September 2018

Drawings to be read in conjunction with all other relevant project drawing.

Position of all existing in use and redundant drainage runs to be confirmed following further investigation.

Position of any existing underground services to be confirmed following further investigation.

Location of all service inlet/ extract terminals & boiler flues not illustrated and to be confirmed following design and capacity requirements by specialist manufacturer.

All signage TBC and agreed subject to Local Authority Agreement

P12	Cladding material amended. Bin store doors amended. Core brick detail amended.	JS	HJ	25.09.20
P11	Mix updated. Landscape updated.	HJ	AH	14.08.20
P10	Shower rooms added in units. Gate shown in south west elevation. Window positions/panelling amended. Amenity space sub divided.	HJ	AL	07.08.20
P9	Mix updated.	HJ	AH	29.07.20
P8	Option D revised. Additional external seating added. Steps omitted and footway increased to 3m. Cafe glazing amended. Sliding doors added.	HJ	AH	21.07.20
P7	Option D. A combination of Option A and Option C.	HJ	AH	08.07.20
P6	Option C. Issued to Planner.	HJ	AH	04.06.20
P5	Option C. A combination between Options A and B.	HJ	AH	19.05.20
P4	Revised Option B. Stepped Core Arrangement.	HJ	AH	12.05.20
P3	Revised Core Arrangement. Option issued to Planner as Option A.	HJ	AH	03.04.20
P2	Revised Option	HJ	AH	10.03.20
P1	Update gate position. Landscape updated.	HJ	AH	18.12.19
Rev.	Description	Drawn	Check	Date

**FOR APPROVAL**

**pentan**  
architects

22 Cathedral Road  
Cardiff CF11 9LJ  
t. 029 2030 9010  
info@pentan.co.uk

Project  
Clear Water Way, Lakeside

Client  
Sivircrescent Developments

Drawing Title  
**Proposed Front & Rear Elevations**

Job no.	Org.	Zone	Level	Type	Role	Description	Status	Rev.
3742	PEN	ZZ	XX	DR	A	015	S4	P12

Scale  
1 : 200 @ A1

Date  
Sept' 2020

NOTES Do not scale. All dimensions are in millimetres unless stated otherwise





THE DISCOVERY

ADDITIONAL  
CAR PARKING  
AT REAR

SLOW







Elderly  
people  
Henoed



