

15th July 2015

22330800

To: Members of the Council

Dear Councillor

Planning Committee

Wednesday 22nd July 2015 in Committee Room 4, County Hall, Atlantic Wharf, Cardiff (meeting starts at 2.30.p.m.)

I attach a copy of the schedule of Development Control Applications which will be considered at this meeting of the Planning Committee.

The plans relating to the applications will be available for inspection at the County Hall, during the whole of Tuesday and Wednesday morning preceding the Committee.

Unless otherwise stated in the report, Planning Committee has delegated powers to determine the applications in the schedule. Planning Committee (but not an individual member) can also refer a matter to another committee or to the Council for a resolution. However, Council cannot move an amendment to a recommendation relating to a planning application or make a recommendation relating to a planning application and can only refer a matter back to Planning Committee on one occasion, after which Planning Committee shall decide the matter.

Please now note that if any requests for site visits are acceded to by the meeting, such site visits will take place during the afternoon of Wednesday 5th August 2015. If you submit a request for a site visit, you must include in your submission -

(a) a choice of at least two starting times for the site visit that you are requesting, each of which must be at least 45 minutes apart; and (b) the reasons why you believe that such a site visit is necessary.

If you fail to provide any choices of starting times for the site visit that you've requested, it will be assumed that you will be available to attend such a site visit at any time of the day, regardless of what time it starts.

The Clerk to the Council will circulate the Agenda for the meeting to the Members of the Planning Committee separately.

Yours sincerely



Head of Planning

**CARDIFF COUNTY COUNCIL
PLANNING COMMITTEE**

**THE REPORTS OF THE CHIEF STRATEGIC PLANNING AND ENVIRONMENT
OFFICER**

**LIST OF DEVELOPMENT APPLICATIONS FOR CONSIDERATION BY THE
PLANNING COMMITTEE ON 22nd JULY 2015 AT 2.30PM**

AREA	PAGES
NON STRATEGIC	1 - 16
STRATEGIC	17 - 87
HOUSEHOLDER	THERE ARE NO HOUSEHOLDER APPLICATIONS ON THE JULY AGENDA



CARDIFF LOCAL DEVELOPMENT PLAN

When regard is to be had to the Development Plan the Council's decision must be made in accordance with the Plan unless material considerations indicate otherwise.

The Development Plan for the administrative area of Cardiff remains the City of Cardiff Local Plan (1996), the South Glamorgan (Cardiff Area) Replacement Structure Plan (1997) and the South Glamorgan (Cardiff Area) Minerals Local Plan together with the approved Mid Glamorgan County structure Plan incorporating Proposed Alterations No.1 (September 1989)

In accordance with statutory procedures, the Council prepared and placed on deposit a Unitary Development Plan (to 2016) in October 2003. It has never been formally abandoned but agreement was reached with the Welsh Assembly Government in May 2005 to cease work on the UDP and commence work on a new Local Development Plan prepared under the provisions of the Planning and Compulsory Purchase Act 2004.

On the 28 April 2009 Cardiff Council placed the Cardiff Local Development Plan 2006-2021 on deposit for public consultation. On the 30th November 2009, following consideration of the responses to consultation, the submission draft was submitted to the Welsh Assembly Government for examination.

However, in the light of the significant reservations expressed at an Exploratory Meeting by the Inspectors appointed to carry out the examination and their recommendation that the Local Development Plan be withdrawn from the examination, the Council duly withdrew the LDP on the 12 April 2010.

Cardiff Council is currently preparing a new Local Development Plan. The Cardiff Local Development Plan 2006 -2026 was placed on deposit for public consultation on 15 October 2013. Policy on the weight to be attached to policies in emerging plans is contained in paragraph 2.6.2 of Planning Policy Wales Edition 5 November 2012 as follows:

'In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at

deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'

Unless a draft policy or proposal is a material consideration it should not be taken into account when making decisions: it is strictly irrelevant and if it is given weight in reaching a decision, that decision may be successfully quashed in the High Court.

Since the deposited UDP has not been abandoned, its policies and proposals may be a material consideration in a given case, but the weight which can be attached to the UDP, and any statement of policy including the statutory Development Plan should be determined in the light of the following principal considerations:-

- The degree to which later statements of national planning policy and the Wales Spatial Plan make the policy out of date and suggest a decision should be taken otherwise than in accordance with it;
- The degree to which the policy is out of date or has been superseded by other material considerations;
- The level and nature of any objection to a UDP or other draft policy.

Table 1.1: Existing Development Plans covering the Cardiff County Area	
Cardiff County Area	
Cardiff Deposit Unitary Development Plan (to 2016)	<i>The Plan was placed on deposit in October 2003 and agreement was reached with Welsh Assembly Government in May 2005 to cease work on the plan and commence work on a new Local Development Plan.</i>
City of Cardiff Area (part of the County of South Glamorgan until April 1996)	
South Glamorgan (Cardiff Area) Replacement Structure plan 1991-2011	<i>Adopted April 1997</i>
City of Cardiff Local Plan (including Waste Policies)	<i>Adopted January 1996</i>
South Glamorgan (Cardiff Area) Minerals Local Plan	<i>Adopted June 1997</i>
Pentyrch Community Area (part of the County of Mid Glamorgan and Borough of Taff Ely until April 1996)	
Mid Glamorgan County Structure Plan incorporating Proposed Alterations No. 1	<i>Approved September 1989</i>
Mid Glamorgan Replacement Structure Plan	<i>Modifications to the Plan including recommendations of the EIP Panel approved by Mid Glamorgan County Council in January 1996 but not adopted in respect of the Pentyrch Community Area.</i>
Glamorgan County Development Plan (Area No. 2)	<i>Approved March 1963</i>
Mid Glamorgan Minerals Local Plan for Limestone Quarrying	<i>In June 1996 Cardiff County Council resolved to approve the Plan as modified by the Inspector's Report, for development control and other planning purposes, but the Plan was not adopted in respect of the Pentyrch Community Area.</i>

PLANNING COMMITTEE - 22nd JULY 2015

Page No.	App No.	Location	Description	Decision	Officer
1	13/00944/DCO	16 THE AVENUE, LLANDAFF, CARDIFF, CF5 2LQ	DEMOLITION OF THE EXISTING TWO STOREY DWELLING AND GARAGE TO PROVIDE A THREE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 5NO SELF-CONTAINED TWO BEDROOMED UNITS AND ASSOCIATED CAR PARKING	That the Planning Inspectorate be informed that had the Council determined this application, the decision would have been to refuse planning permission	OJH

PLANNING COMMITTEE - 22nd JULY 2015

Page No.	App No.	Location	Description	Decision	Officer
17	15/00417/MJR	11-13 CITY ROAD, ROATH, CARDIFF, CF24 3BJ	REDEVELOPMENT OF SITE TO PROVIDE COMMERCIAL USES ON GROUND FLOOR (A1,A2,A3) WITH RESIDENTIAL UNITS ABOVE.	106	CJE
32	15/00787/MJR	PLOT L PORTH TEIGR, BUTETOWN	RESERVED MATTERS [SITING, DESIGN AND EXTERNAL APPEARANCE OF THE BUILDING(S), AND LANDSCAPING] FOR THE ERECTION OF 104 RESIDENTIAL HOMES AT PLOT L, PORTH TEIGR	106	RJC
53	15/00956/MJR	HAMADRYAD CENTRE, HAMADRYAD ROAD, BUTETOWN, CARDIFF, CF10 5UY	THE CONSTRUCTION OF AN APARTMENT BLOCK FOR 55 AFFORDABLE RESIDENTIAL UNITS, AND ASSOCIATED WORKS.	106	LAD
76	15/01036/MJR	COLEG GLAN HAFREN, 35 THE PARADE, ROATH, CARDIFF, CF24 3AD	REFURBISHMENT AND CHANGE OF USE OF 35 THE PARADE FROM D1 EDUCATION USE TO SUI GENERIS STUDENT ACCOMMODATION (79 UNITS) WITH 136SQM OF GROUND FLOOR A1/ A3 COMMERCIAL USES ALONG WITH ASSOCIATED WORKS.	PER	CJE

LOCAL COUNCILLOR OBJECTION

COMMITTEE DATE: 22/07/2015

APPLICATION No. 13/00944/DCO APPLICATION DATE: 12/06/2013

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Rees

LOCATION: 16 THE AVENUE, LLANDAFF, CARDIFF, CF5 2LQ

PROPOSAL: DEMOLITION OF THE EXISTING TWO STOREY DWELLING AND GARAGE TO PROVIDE A THREE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 5NO SELF-CONTAINED TWO BEDROOMED UNITS AND ASSOCIATED CAR PARKING

RECOMMENDATION: That the Planning Inspectorate be informed that had the Council determined this application, the decision would have been to refuse planning permission for the following reasons:

1. The proposal, by virtue of its scale, massing, materials and detailing, constitutes an incongruous development which is out of keeping with the character and appearance of surrounding developments and which would neither preserve nor enhance the setting of the Llandaff Conservation Area, to the detriment of visual amenity and the character of the area and contrary to policy B1 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991 – 2011, policy 11 of the Cardiff Local Plan, policies 2.20 and 2.53 of the deposit Cardiff Unitary Development Plan, paragraphs 2.3, 2.14, 3.12, 3.15, 3.16, 3.18 and 3.26 of Cardiff Supplementary Planning Guidance “Infill Sites” (2011), paragraphs 4.4.3, 4.11.9, 9.3.3 and 6.5.17 of Planning Policy Wales (July 2014) and paragraph 5.11.3 of Planning Policy Wales Technical Advice Note 12 (Design) 2014.
2. The proposed building, by virtue of its height and proximity to the boundaries with 12, 14 and 16 Fairwater Road, would appear dominant and overbearing when viewed from the rear gardens and windows of those properties, to the detriment of residential amenity and contrary to policy 2.24 of the deposit Cardiff Unitary Development Plan, paragraph 4.11 of Cardiff Supplementary Planning Guidance “Infill Sites (2011) and paragraph 9.3.3 of Planning Policy Wales (July 2014).
3. The front garden area of the development would be dominated by car parking, to the detriment of visual amenity and the character of the area and contrary to policy 11 of the Cardiff Local Plan, policy 2.20 of the deposit Cardiff Unitary Development Plan, paragraph 2.15 of Cardiff Supplementary Planning Guidance “Infill Sites (2011), paragraphs 4.11.9 and 9.3.3 of Planning Policy Wales (July 2014) and paragraph

5.11.3 of Planning Policy Wales Technical Advice Note 12 (Design) 2014.

4. Insufficient usable outdoor amenity space would be provided within the site to cater for the needs of all residents of the flats, to the detriment of the amenities of occupiers of the development and contrary to policy 2.24 of the deposit Cardiff Unitary Development Plan, objective 2 of Cardiff Supplementary Planning Guidance "Cardiff Residential Design Guide" (2008) and paragraphs 4.2 – 4.5 of Cardiff Supplementary Planning Guidance "Infill Sites" (2011).
5. The development would result in the removal of a tree which is the subject of a Tree Preservation Order and inadequate justification has been provided for the removal of the tree, and the development would also result in pressure from future residents to carry out works to other trees which are on or adjacent to the site, in order to address issues of overshadowing, damage to property and lack of usable outdoor amenity space, to the detriment of the future health and continued survival of the trees and contrary to policy 11 of the Cardiff Local Plan, policy 2.45 of the deposit Cardiff Unitary Development Plan, Cardiff Supplementary Planning Guidance "Trees and Development" (March 2007) , paragraph 3.35 of Cardiff Supplementary Planning Guidance "Infill Sites (2011) and paragraph 5.2.9 of Planning Policy Wales (July 2014).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The applicant has appealed to the Planning Inspectorate against the failure of the Council to determine the application within the prescribed time period, therefore the Committee's view is sought as to what decision would have been made had the Committee determined the application.
- 1.2 The application seeks full planning permission for the demolition of a two storey, detached, four bedroom dwelling with detached single garage and erection in its place of a 3 storey block containing four 2 bedroom flats and one 3 bedroom flat.
- 1.3 The house to be demolished dates from the early – mid 20th century. It is two storeys in height, finished in red brick and render with a hipped roof, a chimney and a curved bay to the front elevation, and has a footprint of around 10m x 7m. It is set back around 15m from the highway. The garage to be demolished is located approximately 6m from the highway on the southern side of the site.
- 1.3 The proposed building is around 9m tall (with the ridge height of the pitched roof elements rising to around 10m) and has a footprint of approximately 15m x 12m, with an additional 2.5m projection to one side of the front elevation and 1m projection to one side of the rear elevation. The roof of the proposed building is flat in the centre with pitched-roof elements running along each side forming gables at the front and rear at second floor level. There is a gap of approximately 1.5m between the boundary and each side of the building. The third storey is inset slightly and features balconies to the front and rear. The

ground floor and first floor will be finished in red brick with blocks of off-white render, and the second floor will be vertical standing seam profile zinc. Windows and doors will be light grey powder coated aluminium.

- 1.4 Five off-street parking spaces will be provided at the front of the property, with vehicular access being via a new sliding gate onto The Avenue. The site frontage will consist of the paved parking and turning area, a bin store adjacent to the road, a narrow strip of landscaping to the southern boundary and small planting beds adjacent to the highway and the building.
- 1.5 Two areas of private garden will be provided at the rear of the ground floor flats and there will be a cycle store and a communal garden area for the rest of the flats, measuring around 65 square metres, at the rear of the site.
- 1.6 A magnolia tree (which is the subject of a Tree Preservation Order) would be removed from the site frontage and 3 trees would be planted in the landscaped strip and adjacent to the access gate, between the building and the highway.

2. **DESCRIPTION OF SITE**

- 2.1 The site is towards the southern end of The Avenue, between the side of a detached house and the rear boundary of a row of semi-detached houses which front onto Fairwater Road. The Avenue is a residential street which is blocked off at its northern end and which contains a number of large detached and semi-detached houses, most of which date from the early 20th century. The boundary of the Llandaff Conservation Area lies to the east and abuts the rear boundary of the application site. There are protected trees on the site frontage and overhanging the rear boundary.

3. **SITE HISTORY**

- 3.1 01/02226/W – Replacement dwelling. Granted.
- 3.2 12/00427/DCO – Demolition of existing 2 storey dwelling and garage to provide 3 storey residential development comprising 5 no. self-contained 2 and 3 bedroom units and associated car parking. Withdrawn.

4. **POLICY FRAMEWORK**

- 4.1 *South Glamorgan (Cardiff Area) Replacement Structure Plan 1991–2011:*
MV1 (Location of New Developments);
MV11 (Parking);
B1 (Conservation of the Built Environment).
- 4.2 *Cardiff Local Plan –*
 - 10 (Contaminated or Unstable Land);
 - 11 (Design and Aesthetic Quality);
 - 12 (Energy Efficient Design);
 - 17 (Parking and Servicing Facilities);

- 18 (Provision for Cyclists);
- 19 (Provision for Pedestrians);
- 28 (Subdivision of Residential Property);
- 30 (Insensitive or Inappropriate Infilling).

4.3 *Supplementary Planning Guidance - Access, Circulation and Parking Standards* (January 2010); *Cardiff Residential Design Guide* (March 2008); *Trees and Development* (March 2007); *Waste Collection and Storage Facilities* (March 2007); *Infill Sites* (April 2011).

4.4 *Deposit Cardiff Unitary Development Plan –*

- 2.20 (Good Design);
- 2.22 (Subdivision of Residential Properties);
- 2.24 (Residential Amenity);
- 2.45 (Trees, Woodlands and Hedgerows);
- 2.53 (Conservation Areas);
- 2.57 (Access, Circulation and Parking Requirements);
- 2.63 (Contaminated and Unstable Land);
- 2.74 (Provision for Waste Management Facilities in Development).

4.5 *Planning Policy Wales (July 2014):*

3.1.7: The planning system does not exist to protect the private interests of one individual against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. The courts have ruled that the individual interest is an aspect of the public interest and it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties. However, such consideration should be based on general principles, reflecting the wider public interest (for example a standard of “good neighbourliness”) rather than the concerns of the individual.

3.1.8: While the substance of local views must be considered, the duty is to decide each case on its planning merits. Local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission.

4.4.3: Planning policies and proposals should (inter alia)

- Promote resource-efficient and climate change resilient settlement patterns, wherever possible avoiding development on greenfield sites
- Locate developments so as to minimise the demand for travel, especially by private car
- Minimise risks relating to unstable land, contaminated land and flooding
- Facilitate sustainable building standards
- Help to ensure the conservation of the historic environment and cultural heritage
- Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development should be encouraged near public transport nodes or near corridors well served by public transport.

4.11.8: Good design is essential to ensure that areas offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement.

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.

4.11.10: In areas recognised for their landscape, townscape or historic value, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

4.12.2: Development proposals should mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition.

4.12.3: Development proposals should also include features that provide effective adaptation to and resilience against the current and predicted future effects of climate change, for example by incorporating green space to provide shading, sustainable drainage systems to reduce run-off, and are designed to prevent over-heating and to avoid the need for artificial cooling of buildings.

5.2.9: Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a locality.

5.5.13: Local Authorities have a duty to ensure that adequate provision is made for the planting or preservation of trees by imposing conditions and/or by making tree preservation orders.

6.5.17: If any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the granting of planning permission.

9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meet national sustainability standards and make a significant contribution to promoting community regeneration and improving the quality of life, and new housing development in towns, villages and edge of settlement locations is a mix of affordable and market housing that retains and where possible enhances important landscape and wildlife features in the development.

9.1.2: Local authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local authorities should promote mixed tenure communities, development that is easily accessible by public transport,

attractive landscapes around buildings etc.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4: Where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design, construction and demolition stage should be made by developers. All opportunities should be explored to incorporate re-used or recyclable materials or products into a new building or structure.

13.4.2: Surface water run-off should be controlled as near to the source as possible by the use of sustainable urban drainage systems. Development should not increase the risk of flooding elsewhere by loss of flood storage or flow route, or increase the problem of surface water run-off.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise or in proposals to use or develop land near an existing source of noise.

4.6 *Technical Advice Note 12 - Design (2014):*

4.9 Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.

5.11.2 Development proposals, in relation to housing design should aim to:

- create places with the needs of people in mind, which are distinctive and respect local character
- promote layouts and design features which encourage community safety and accessibility
- focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles
- avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building
- promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards
- secure the most efficient use of land including appropriate densities
- consider and balance potential conflicts between these criteria.

5.11.3: The design of housing layouts and built form should respect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. All residential proposals should seek to minimise energy demand.

5.11.4: New development should take account of the existing relationship of buildings to landscape and the local means of boundary definition such as hedges, walls and fences.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation*: No objections subject to conditions requiring provision and retention of parking spaces as shown on the plans, details of cycle parking, approval of a construction management scheme and approval of details of footway improvement works. Travel information should be provided to tenants.

5.2 *Drainage*: No comments received. Did not object to the previous application subject to a condition requiring ground permeability tests to be undertaken to ascertain whether sustainable drainage techniques can be utilised and approval of a drainage scheme for the disposal of both surface water and foul sewage.

5.3 *Pollution Control (Noise & Air)*: Standard advisory note relating to construction site noise.

5.4 *Pollution Control (Contaminated Land)*: Standard conditions and recommendations on unforeseen contamination; imported materials, radon protection and contaminated/unstable land.

5.5 *Waste Strategy & Minimisation Officer*: The bin storage area indicated within current site plans has been noted, however, I have concerns over the size of it. Please ensure the refuse storage area is large enough to accommodate 1 x 660 litre bulk bin for general waste, 1 x 240 litre bin for food waste and 1 x 660 litre bulk bin for recycling, or if access isn't suitable for communal bins: 5 x 140 litre bins for general waste, 5 x 25 litre kerbside caddies and storage space for mixed recycling bags. If bulk containers are used, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Welsh Water*: No comments received. For previous application, requested that foul and surface water discharges must be drained separately; no surface water shall be allowed to connect to the public sewerage system unless agreed

by the local planning authority; no land drainage will be permitted to discharge to the public sewerage system; no development will be permitted within 3m of the centreline of the sewer that crosses the site.

7. **REPRESENTATIONS**

7.1 The application was advertised by site notice and neighbour notification. 22 letters of objection have been received. The grounds for objection are as follows:

1. The proposal is out of keeping with the character of the street. The building is too large and out of scale and the design and materials are incongruous and low-quality.
2. The development will be overbearing when seen from adjacent properties.
3. Loss of privacy to adjacent houses, caused particularly by balconies and the loss of a boundary wall.
4. Overshadowing of adjacent properties (caused by the building and the proposed trees).
5. Increased noise disturbance, particularly caused by use of balconies, sliding gates and parking area next to houses.
6. Important trees, including a tree with a protection order, will be lost and the roots of trees adjacent to the site could be damaged. The proposed replacement trees would not compensate for the loss of the mature magnolia.
7. The lack of landscaping, particularly on the frontage, will be detrimental to the character of the street. The frontage will look like a car park.
8. Insufficient off-street parking is proposed. There is already a severe parking problem on the street.
9. Increased likelihood of collisions at the junction due to increased traffic and parked cars.
10. Use of a sliding, electronic gate would be dangerous, particularly to children.
11. Gates will give the impression of a separate, "gated community".
12. The proposal has an inadequate amount of outdoor amenity space.
13. The development will have an adverse impact on the adjoining Llandaff Conservation Area and nearby listed buildings.
14. There is no demand for flats. Family houses with gardens are needed in the area.

7.2 The Llandaff Society objects on the grounds that the development is alien in style and scale and would adversely affect the setting of the adjacent Llandaff Conservation Area.

7.3 Councillor Gareth Aubrey endorses the letters of objection written by residents and the concerns expressed therein. He notes particularly that one of the previous draft reasons for refusal related to the impact of parking provision on-site and would point out that any move to reduce on-site provision in favour of off-site provision is not feasible due to the extreme pressures already existing on parking in The Avenue.

8. **ANALYSIS**

- 8.1 The site lies within an established residential area and there are no objections to the principle of residential development. The main considerations in assessing this application are the impact of the proposal on the amenities of neighbouring residents, visual amenity, trees and the character of the area (this being particularly significant given the site's location on the edge of the Llandaff Conservation Area, the boundary of which follows the rear boundary of the application site).
- 8.2 In assessing the impact on visual amenity and character, the proposal must be considered against current design policy as well as the guidance contained in the Supplementary Planning Guidance "Infill Sites" and "Cardiff Residential Design Guide".
- 8.3 The Council's Infill Sites SPG advises that:
- "It is important to strike a balance between maintaining the established positive character of a residential street and introducing additional housing. To avoid a 'town cramming' effect, any proposals must:
- Maintain a useable amenity space or garden for new as well as any existing dwellings/ occupiers;
 - Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site;
 - Maintain appropriate scale and massing which respects buildings in the vicinity of the site;
 - Respect the frontage building line and respond to the existing street scene."
- 8.4 The predominant character of The Avenue is identified by large Edwardian villas, either detached or paired, set within large landscaped gardens. There has been infill development within the street, including the property proposed for demolition, but it is the character of the Edwardian properties that dominates. The predominant materials are white render and red tiled roofs with elements of period detailing to gabled, windows and porches.
- 8.5 The proposal is considered to be in contrast to the character of development in the local area in terms of the scale and mass of the building, the proposed materials and detailing and the use of the front garden area for car parking.
- 8.6 The proposed development extends almost across the whole width of the site with a pathway width between the building and its boundaries. Whilst there are quite tightly spaced buildings in the local area, the majority have at least a driveway width to one side of the properties. The scale of this proposal means that the impact of development close to the boundary is significant. The depth of the proposal also results in a larger footprint than that of its neighbours and this plot is therefore considered to be more densely developed.

- 8.7 The overall height of the development is three storeys with the third storey set back behind a parapet. The set back helps to diminish the impact of the building height but the overall massing of the building and the 'blocky' approach to the design results in an overall appearance which is dominant in the street scene and at odds with the local character. The significant amount of zinc proposed at the upper storey and the use of balconies are also uncharacteristic features of properties in the area.
- 8.8 The level of parking proposed on the site frontage will have a significant impact on the front garden area of the property, changing its character to that of a car park which contrasts with the character of front gardens within the street. There is a very limited amount of planting proposed to soften the expanse of paving.
- 8.9 Private gardens are provided to the rear which will be accessed solely from the ground floor units. A communal garden area is provided behind these gardens which is only accessible from the front of the property along a footpath to the side of the house. The Infill SPG identifies in paragraph 4.2 that 'All new residential developments... should maintain useable and appropriate external space'. It is considered that the proposal does not provide an adequate level of useable space for the units that do not have access to private gardens. The majority of the communal space would be overshadowed by a large sycamore tree, which is protected by a tree preservation order. The rear gardens and amenity areas would be dominated by the canopy of the sycamore, which will continue to grow and thereby increase its spread towards the dwellings. In full leaf, mature sycamores can be oppressive trees due to their large, dark green leaves. In addition they are typically heavily colonised by aphids in spring, early summer and again in autumn, resulting in a constant rain of sticky honeydew onto surfaces beneath. The proposed rotary washing line would be unusable for much of the year and the space would be unsuitable for clothes drying or sitting out, and the proposed cycle shelter would be regularly covered in sticky honeydew and mould. Such a nuisance problem would be likely to result in significant pressure to unsuitably prune or fell the tree, and where a nuisance problem is significant, such proposals are difficult to refuse.
- 8.10 With regard to the impact of the proposal on trees within and adjacent to the site, it should be noted that the development would result in the removal of a protected Magnolia tree on the site frontage. This tree is protected by a Tree Preservation Order that was confirmed on 12th July 2012.
- 8.11 Where trees are identified in a Tree Survey as being suitable for retention the Council will normally expect them to be retained. If a developer proposes their removal, they will need to demonstrate how the removal of such trees will enable or enhance their overall design concept and how mitigation measures such as new tree planting and landscaping can compensate for losses.
- 8.12 Information submitted in objection to the provisional TPO accorded the tree 'B' categorisation (moderate quality and value) with a 20-40 year life expectancy. The same information states that no action is required with regard to the tree other than annual monitoring and the tree may require bracing if potential limb subsidence is identified. The proposal for no action, or at most bracing in due

course, demonstrates that the Magnolia lacks significant health or structural defects.

8.13 In accordance with the SPG “Trees and Development” and BS 5837, ‘B’ category trees are expected to be retained as part of development, and the design of development adapted to accommodate their current and future growth requirements. The SPG states that Planning permission will not normally be granted for development that:

- Directly or indirectly causes unacceptable harm to trees or woodlands that have been identified as having significant amenity value.
- Includes inadequate or inappropriate landscape proposals that fail to provide measures to conserve or, where appropriate, enhance the character of the landscape.

8.14 The applicant was asked to provide amended plans showing the magnolia retained within the development. An Arboricultural Impact Assessment was submitted by the applicant in support of draft amended proposals to retain the tree whilst also retaining the hard surfacing at the front of the site. The AIA, in contrast to the previous information, now states that the Magnolia tree as existing contains ‘a number of significant structural defects’ and without any remedial intervention ‘the tree is at high risk of serious structural failure that may lead to total tree loss’. The applicant’s arboriculturist states that this will be mitigated by the implementation of remedial Arboricultural work and considers that the proposals for access and hard surfacing will have a limited impact on the Root Protection Area of the tree and that the development proposal will not be detrimental to the health and amenity value of the Magnolia tree.

8.15 The Council’s Trees and Landscaping Officer is not satisfied with the submitted details – a Tree Hazard Assessment has not been carried out to support the assertion that the tree is at high risk of structural failure, the recommendations for pruning are disputed, the AIA does not consider the protected sycamore at the rear of the site and there are inadequate details of the incursion into Root Protection Areas/areas where protection measures will be required. There is also concern that changes to the surfacing at the front of the site may have a detrimental impact on the tree – e.g. if the ground here is not currently trafficked, but will be under the development, then damage to soil structure via compaction and thereby a likely contraction in usable soil volume for roots is very likely.

8.16 The applicant’s agent has responded to the Trees and Landscaping officer’s concerns by stating that a Tree Hazard Assessment is not admissible as part of a planning application but could only be considered as part of an application to undertake works to a TPO tree (this is disputed – if such an assessment is required to enable a Local Planning Authority to consider whether a tree could be retained within a development, it is relevant to the planning application); the previous AIA did not provide extensive details of the tree’s structural condition as it would not be usual for such a survey to do this; there is ample description of the structural defects of the tree to justify pruning (this is disputed - the report does not contain sufficient evidence through visual tree assessment or a tree

hazard assessment to back up the statement that the tree is “at high risk of serious structural failure”); the arboriculturist was not asked to look at the sycamore tree at the rear of the site but it is understood that this is no longer an issue now that a proposed soakaway has been relocated (this is disputed – the tree consultant should be making an objective assessment of all trees that may offer a constraint to development, and the soakaway was not the only issue associated with this tree); the submitted plan clearly shows incursion into the RPA and sections of the AIA refer to mitigation measures, which could be provided in more detail in a subsequent document; the existing gravel driveway would remain but new gravel would be likely to be added as a cosmetic improvement (however, before this could be accepted, details confirming that the changes would be beneficial to trees – i.e. will secure un-compacted, well-aerated root-available soil volume – would need to be provided).

8.17 As the issues surrounding the protected magnolia tree have not been resolved, amended plans showing the retention of the tree have not been formally submitted by the applicant. The current plans showing new planting to mitigate the loss of the tree are considered to be inadequate – the magnolia would be replaced by smaller, more upright trees in a growing environment that would be unlikely to support healthy growth. The applicant has suggested that the magnolia could be replaced by a mulberry (a less upright tree, retaining the “character” of the magnolia); however, this is unacceptable as the mulberry would be planted close to the existing canopy of a protected yew, and as such, would be likely to grow in phototropic fashion across car-parking areas and the pedestrian and vehicular access to the site. In the proposed planting position, the mulberry would develop an unbalanced crown that required substantial and unsuitable pruning to prevent undue conflict with vehicles and people. To be a successful replacement for the magnolia, a mulberry would have to be planted within a soft landscaped area rather than surrounded by a car park and paved area. The design constraints imposed by the planting of a mulberry would be the same as those associated with the Magnolia. Serious concerns relating to the impact of the proposed development on protected trees, particularly the magnolia, therefore remain unresolved. The solution to this would be to reduce the number of parking spaces provided at the front of the site – a soft landscaped area could then be provided around the magnolia tree which would ensure its future survival and which would also reflect the front gardens that are characteristic of other properties on The Avenue. However, the applicant has declined requests to reduce the number of spaces. The Access Circulation and Parking Standards SPG requires a minimum of 3 and maximum of 5 spaces for a development of this size, and 5 are proposed.

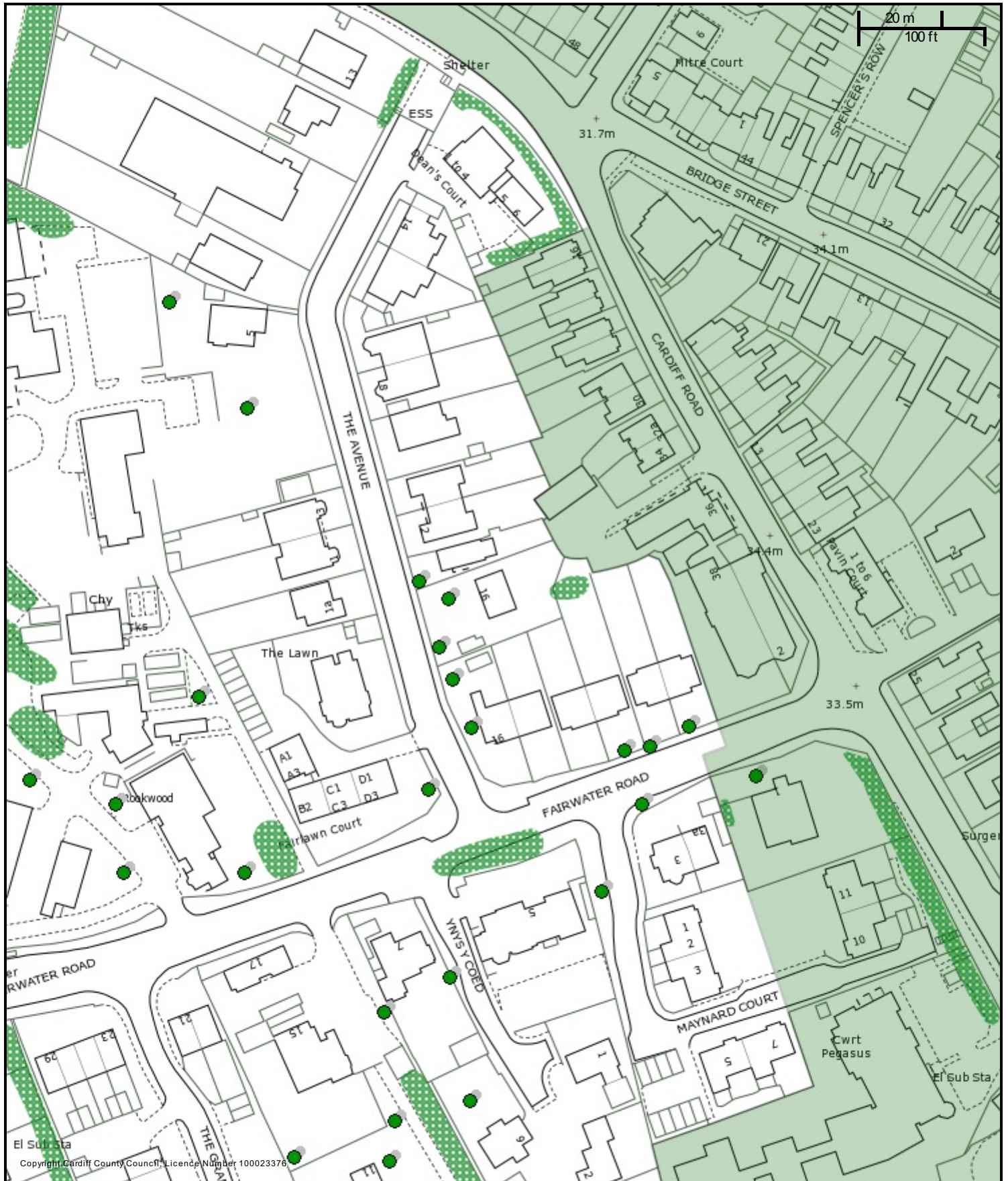
8.18 With regard to the objections received from concerned residents, as listed at paragraph 7.1 of this report, I would comment as follows:

1. The impact of the proposed development on the character of the street is discussed above.
2. The height of the building and its proximity to the boundaries with 12-16 Fairwater Road will result in an overbearing impact when viewed from the rear gardens of these properties. The existing building is not as tall or bulky as the proposed flats and is more than 6m from the southern

boundary, whereas the proposed flats would be less than 2m from the boundary and around 8m tall (rising to a ridge height of around 9.5m).

3. Privacy screens could be used to screen the balconies, there are no habitable room windows overlooking neighbouring land at close quarters and existing walls could be replaced by boundary structures of an appropriate height, therefore I do not consider that loss of privacy to adjoining properties constitutes grounds for refusal of the application.
4. The height and scale of the building means that it would inevitably cause more overshadowing than does the existing house. However, no significant windows of neighbouring buildings would be affected and additional shading of gardens would not be excessive.
5. The site is within an existing residential area where there will already be domestic activity. The additional units are unlikely to generate significant amounts of additional noise and disturbance. Furthermore, noise from residential properties is controlled under Environmental Protection legislation.
6. The issue of the impact on trees is discussed above.
7. The issue of landscaping, street character and replacement planting is discussed above.
8. The Transportation officer considers the proposal to be in accordance with the Council's policy regarding car parking provision.
9. The Transportation officer has not raised any concerns regarding traffic generation or the safety of the junction.
10. It cannot be assumed that a sliding gate, a relatively common feature in urban areas, would necessarily be dangerous.
11. The gates will not be any different in character to gates provided at other developments. The existing property has gates, as do many others on The Avenue.
12. The issue of outdoor amenity space is discussed above.
13. The proposal will not affect any listed buildings and its impact on the setting of the Conservation Area is discussed above.
14. In a case such as this there is no requirement for an applicant to demonstrate that there is a demand for the proposed development.

8.19 In conclusion, the scale, design and materials of the proposed building are considered to be out of keeping with the character of the area (and to harm the setting of the adjacent Llandaff Conservation Area), the height and massing of the building would make it overbearing when viewed from the houses and gardens to the south, the lack of landscaping and dominance of car parking on the site frontage would be detrimental to the street scene (particularly given that a protected tree would be removed from the frontage), the amount of useable outdoor amenity space would be below the standard normally required and at least one tree with significant public amenity value would be lost from the site, without adequate justification or suitable replacement planting. The applicant was given the opportunity to submit amended plans to overcome these concerns but the amendments made were relatively minor and do not address the fundamental objections as set out above. It is recommended that the application be refused.



CHIEF EXECUTIVE
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 County Hall
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 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

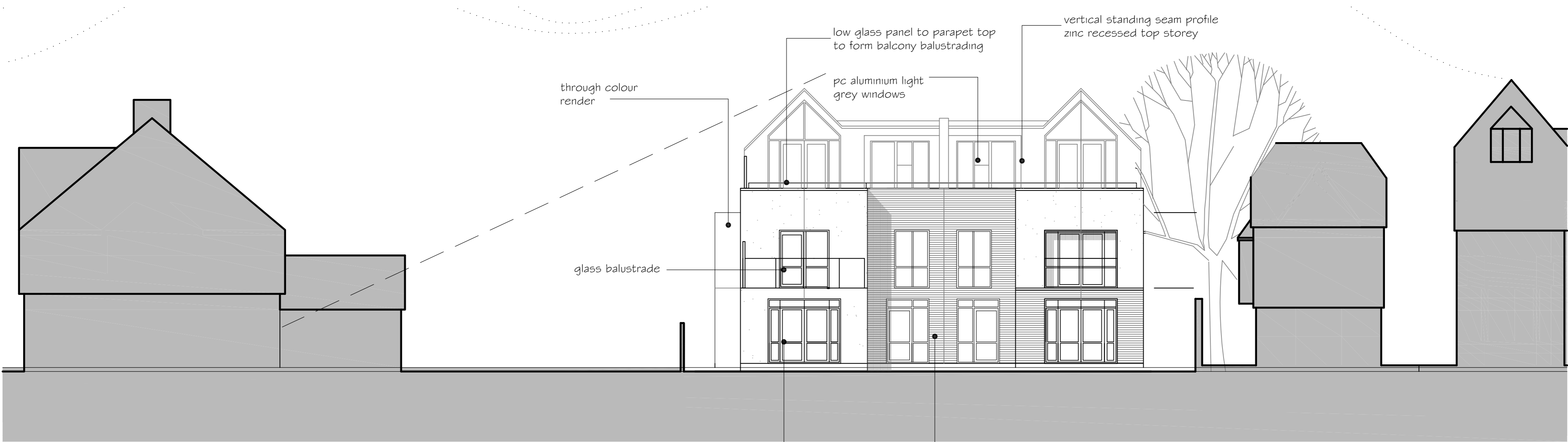
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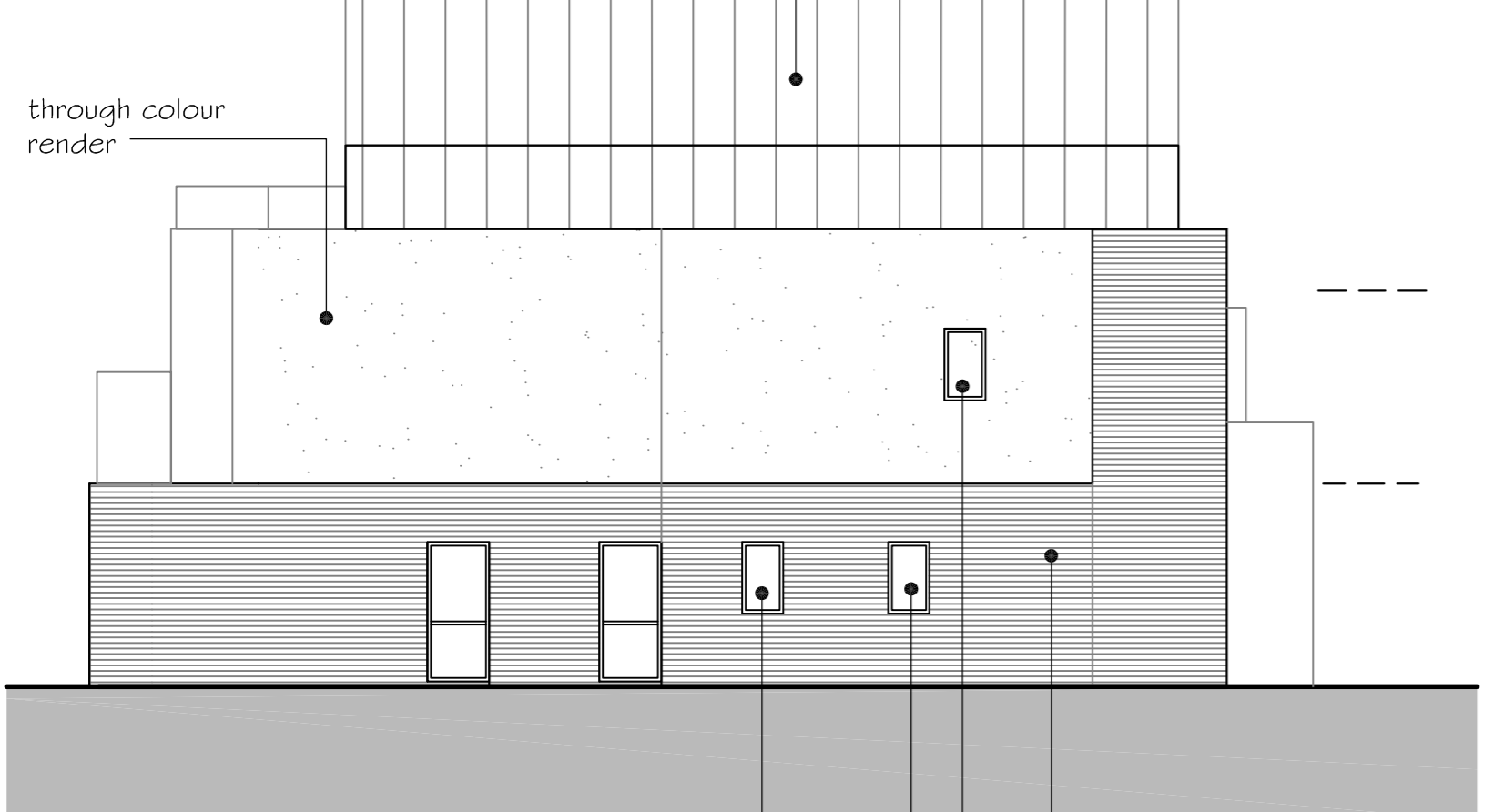
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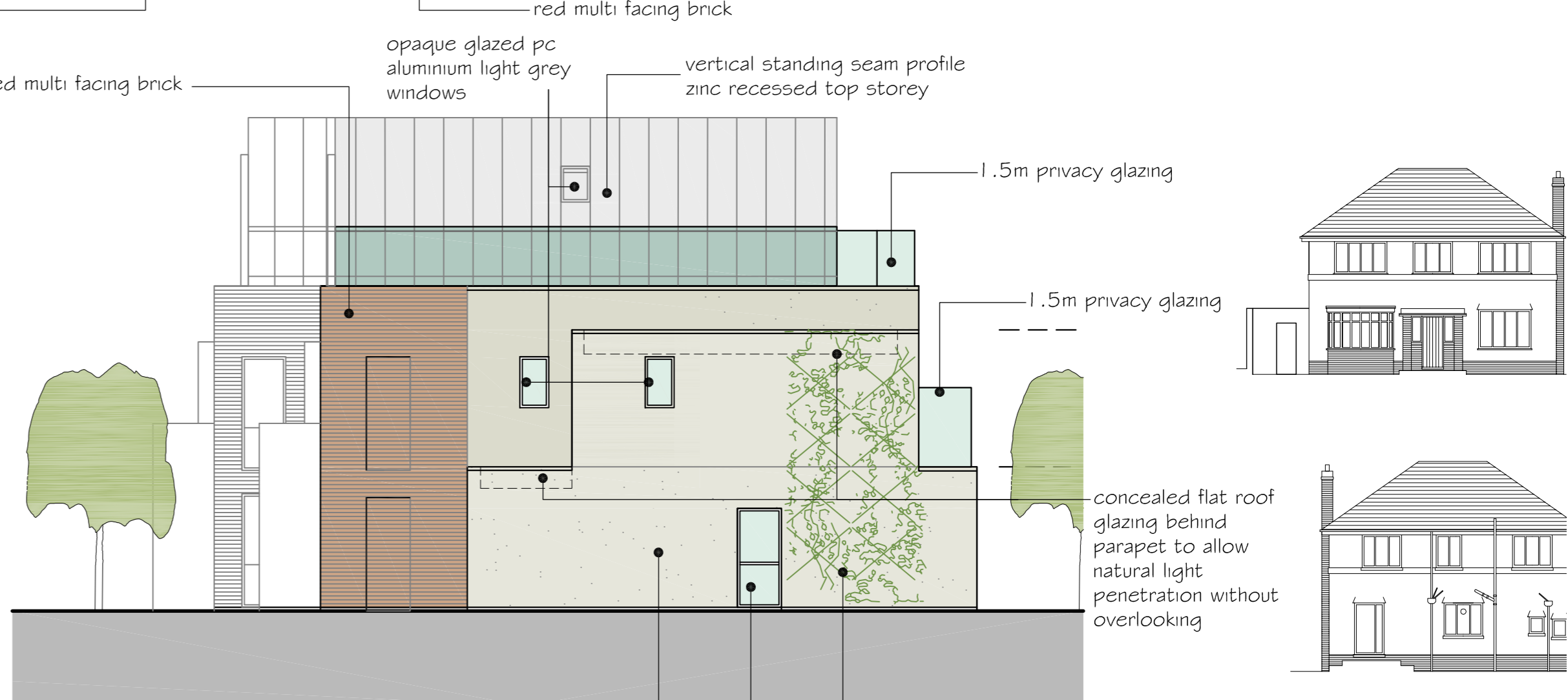
1:100 front elevation



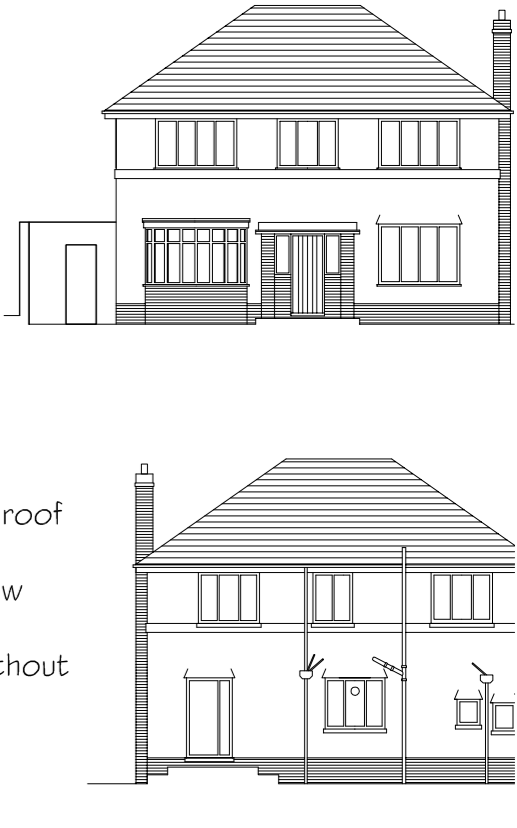
1:100 rear elevation



1:100 side elevation



1:100 side elevation

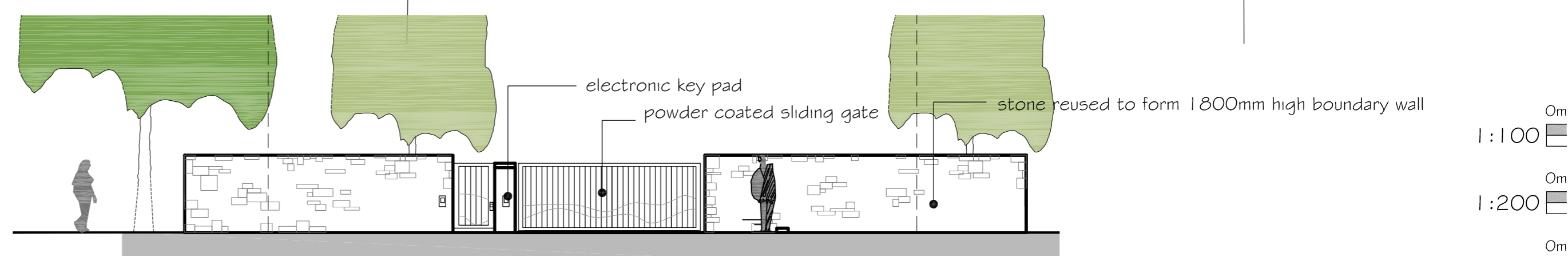
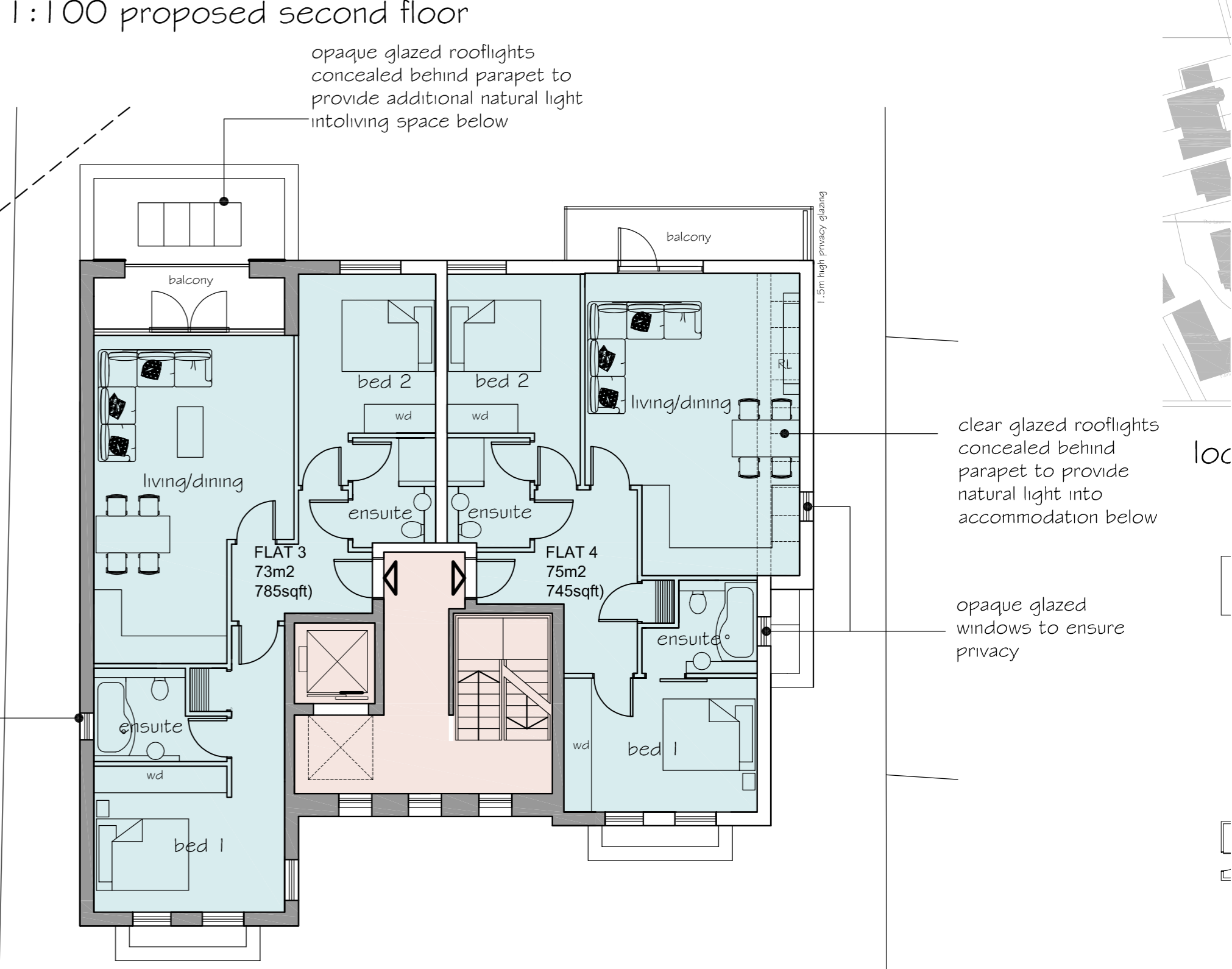
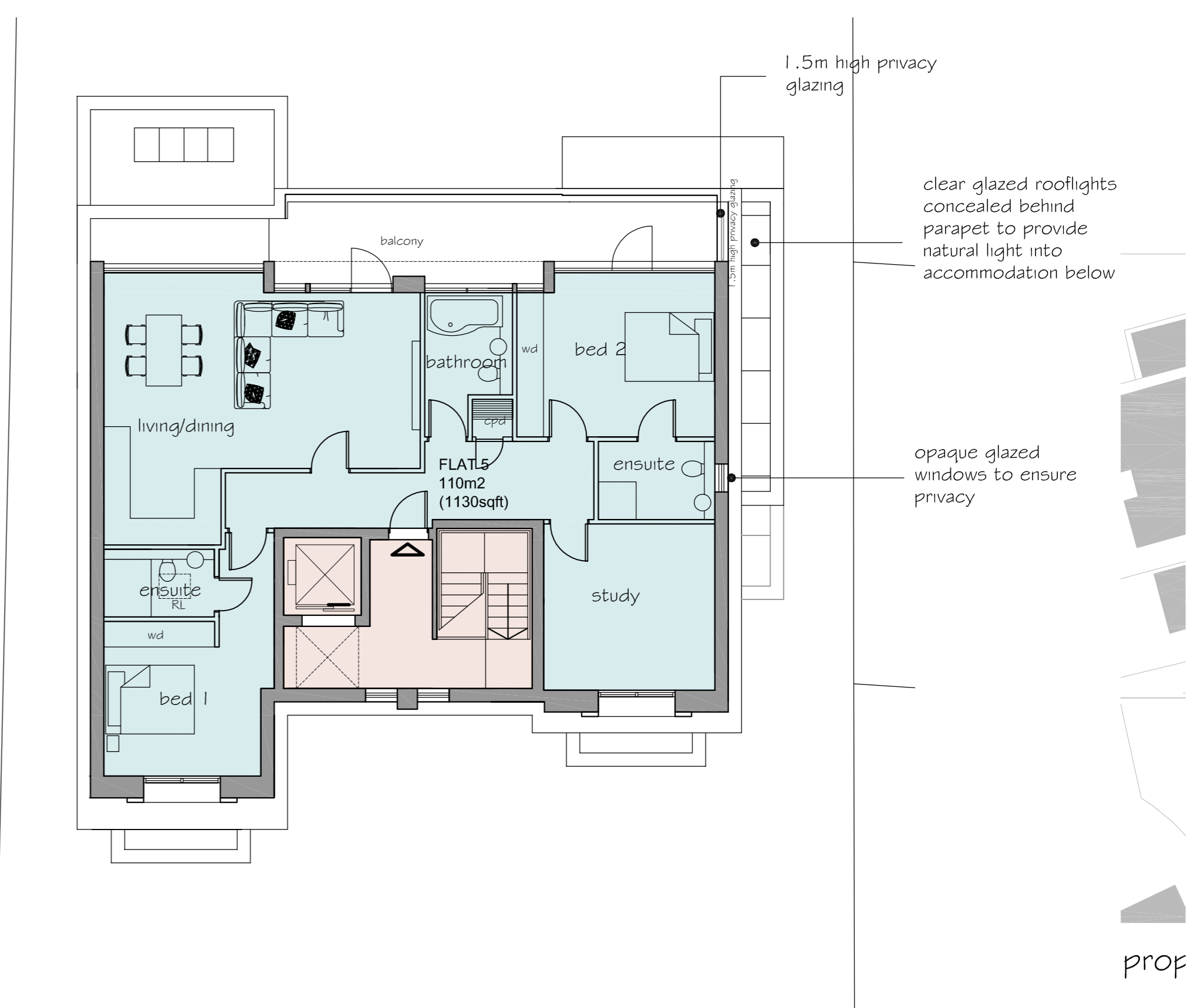
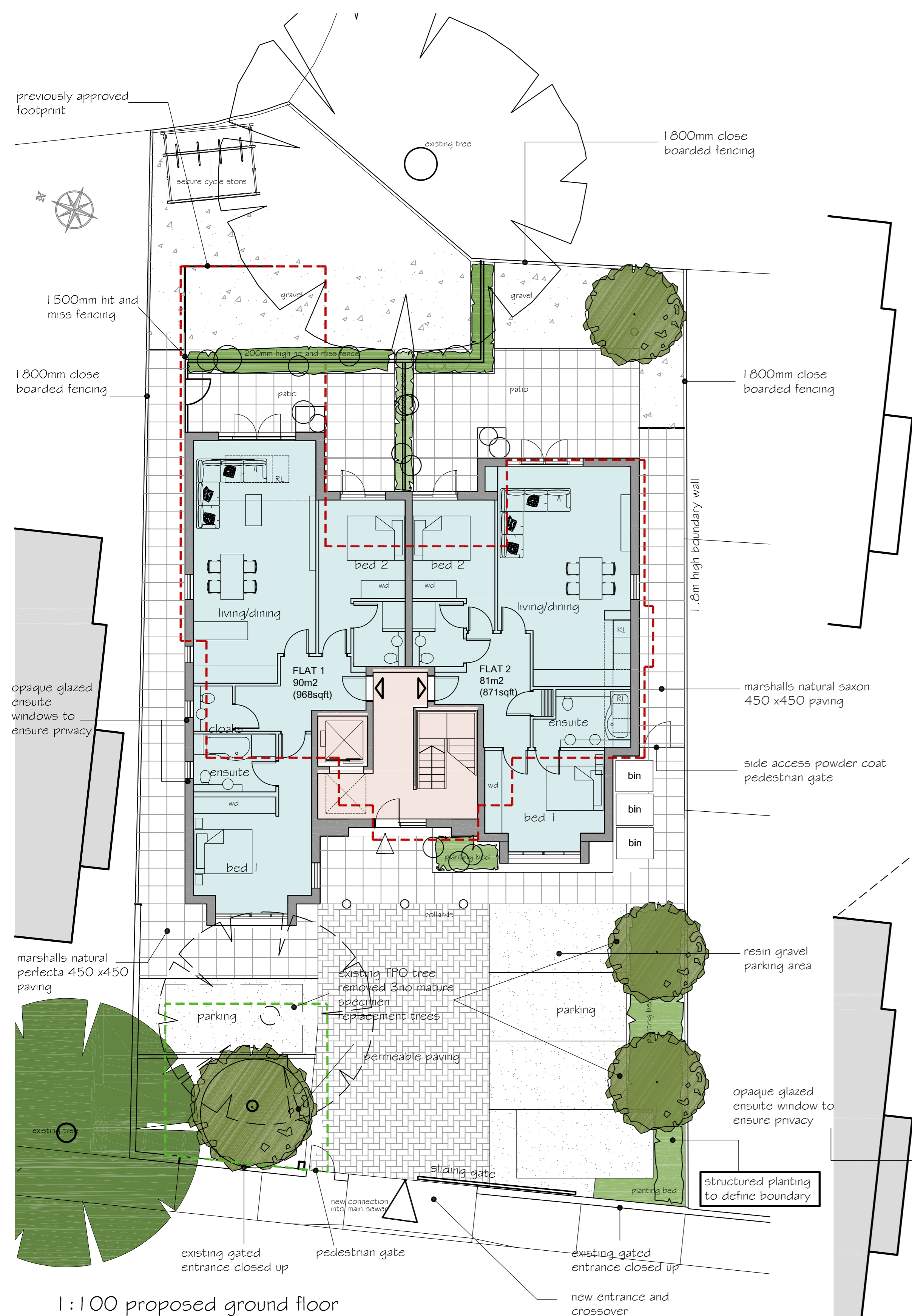


1:200 existing el

opaque glazed pc aluminium light grey windows
red multi facing brick

pc aluminium light grey windows
through colour render
wire trellis with climbing plants

0m
1:100
0m
1:200



flat	m2	beds	hab/rm
1	91	2	3
2	81	2	3
3	73	2	3
4	75	2	3
5	110	2	4
total floor area	-	519m2 (5586sqft)	
site area	660m2		

prop

loc

existing gr

0m

1:100

0m

1:200

0m

1:500

1:1250

COMMITTEE DATE: 22/07/2015

APPLICATION No. 15/00417/MJR APPLICATION DATE: 16/03/2015

ED: **PLASNEWYDD**

APP: TYPE: Outline Planning Permission

APPLICANT: Horizon Properties

LOCATION: 11-13 CITY ROAD, ROATH, CARDIFF, CF24 3BJ

PROPOSAL: REDEVELOPMENT OF SITE TO PROVIDE COMMERCIAL USES ON GROUND FLOOR (A1,A2,A3) WITH RESIDENTIAL UNITS ABOVE.

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, or otherwise under **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 5.1, 5.7, 5.8 and 5.10 of this report, outline planning permission be **GRANTED** subject to the following conditions:

1. E00 Standard outline
2. Notwithstanding the submitted plans, details of refuse storage and management shall be submitted to and approved in writing by the local planning authority. The details shall show separate facilities for the commercial and residential units, with the following capacities for the residential provision:

3x 1100 litre bins for general waste;
3x 1100 litre bins for recyclables; and
3x 240 litre bins for food waste.

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure an orderly form of development and protect the amenities of the area.

3. C3S Cycle Parking
4. Unless otherwise agreed in writing by the local planning authority, the development shall accord with the scale and massing principles indicated in the approved Design & Access Statement.
Reason. To ensure that the development accords with the indicated principles of the Design & Access Statement.

5. Details submitted in pursuance of condition 1 above, encompassing detailed building design, shall not provide for a roof terrace to the south side of the roof.
Reason. To protect the privacy and amenity of adjacent and future residential occupiers.
6. A scheme of construction management to include (but not be limited to) any; site hoardings, site access, management of all activities impinging on the highway, diversion of the existing footway during the construction period/traffic management measures/ re-instatement of the footway as a consequence of damage to it during construction etc. shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.
Reason: In the interests of highway safety and public amenity.
7. No customers shall be admitted to or allowed to remain on the ground floor commercial premises between the hours of 22:00 and 08:00 on any day.
Reason. To protect the amenity of adjacent residential occupiers.
8. Insofar as relates to any Class A3 (Food & Drink) use of the ground floor commercial units hereby approved, the premises shall be used as a coffee shop/café/restaurant and no other purpose (including as a bar or other vertical drinking establishment) within Use Class A3 (Food & Drink) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason. The use of the premises as a bar or drinking establishment may prejudice the amenities of the area and may increase instances of crime and disorder.
9. C7X No Takeaway Sales
10. A scheme of sound insulation works to the floor/ceiling/party wall structures between the commercial and the residential areas shall be submitted to and approved in writing by the local planning authority in writing and implemented prior to beneficial occupation of the development.
Reason. To protect the amenities of future occupiers.
11. D7G Road Traffic Noise
12. Any application for reserved matters in pursuance of condition 1 above, encompassing detailed building design, shall include a noise assessment for existing plant in/on the surrounding buildings and, for any proposed fixed plant which will be added to the development. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time at any residential property when measured and corrected in accordance

with BS 4142: 2014(or any British Standard amending or superseding that standard).

A scheme of mitigation measure must also be submitted for consideration prior to approval.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan and guidance contained within the adopted supplementary planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).

13. G7Q Future Kitchen Extraction
14. C7Zd CLM - UNFORESEEN CONTAMINATION
15. D7Z Contaminated materials
16. E7Z Imported Aggregates
17. 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 that 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 2.63 of the Cardiff Unitary Development Plan.
18. C2N Drainage details
19. D4A Landscape Scheme
20. C4R Landscaping Implementation

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

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

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 An outline application for the demolition of an existing two/three storey premises, in use as a restaurant/club, and the construction of a 9 storey building with two ground floor commercial units and with 30 residential units on the upper floors. All matters except access are reserved.
- 1.2 The application form indicates that the commercial units will occupy approx. 195sqm of ground floor area, fronting and accessed off City Road, with a proposed Class A1 (Shops) or Class A3 (Food & Drink) use. The application form indicates that the proposed hours of opening for these premises would be 08:00 – 22:00.
- 1.3 The commercial units sit either side of a central residential access foyer, with lift and stair access to the upper floors.

The proposed residential accommodation is indicated as being 15x 1 bed, 14x 2 bed and 1x 3 bed units, set around a central core.

- 1.4 Both ground floor commercial, and residential occupiers will have direct access to the rear yard area, where separate commercial and residential refuse and cycle parking facilities are to be located.

- 1.5 Access to the development is via pedestrian doors fronting City Road, with side gates to the southern end of the City Road frontage providing access to the street from the rear cycle/refuse storage facilities

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 475sqm in area, forming the southern end of a small terrace of commercial/mixed use properties. The site is adjacent to, but outside The Parade Conservation Area.
- 2.2 The adjacent properties on City Road are in mixed commercial/residential use with both having restaurant uses to their ground floors.

The property to the immediate south is the 11 storey 'Coleg Glan Hafren' building, currently in use for educational purposes. This building is the subject of a planning application (15/1036MJR) for conversion to a ground floor commercial (A1, A2, A3) use with student accommodation (123 beds) above.

To the opposite side of City Road there are commercial ground floor uses (several A3 (Food & Drink) units) with residential above.

To the rear of the site there is the rear parking area of a domestic scale building fronting The Parade, in use as a Solicitors office.

3. **SITE HISTORY**

- 3.1 No relevant history.

4. **POLICY FRAMEWORK**

- 4.1 The site is located with the City Road area as identified in the adopted City of Cardiff Local Plan 1996.

- 4.2 The relevant Local Plan Policies are:

Policy 11 (Design and Aesthetic Quality)
Policy 17 (Parking and Servicing Facilities)
Policy 18 (Provision for Cyclists)
Policy 40 (Development in City Road)

- 4.3 The site is within the City Road District Centre as identified in the Cardiff Unitary Development Plan Deposit Written Statement 2003.

- 4.4 The relevant Deposit Unitary Development Plan Policies are:

Policy 2.20 (Good Design)
Policy 2.24 (Residential Amenity)
Policy 2.36 (District and Local Centres)
Policy 2.57 (Access, Circulation and Parking Requirements)
Policy 2.74 (Provision for Waste Management Facilities in Development)

4.5 Supplementary Planning Guidance, 'Tall Buildings' 2009.

5. INTERNAL CONSULTEE RESPONSES

5.1 The Transportation Manager has no objection, making the following comments:

“Though this is an outline application - relating to the redevelopment of the site to construct 2 ground floor commercial units together with some 30 new residential units above – it appears to be the intention that no off-street parking will be provided. This is acceptable in principle mindful of the highly sustainable location immediately adjacent to the central area and with ready access to public transport and local services. I note that cycle parking in accordance with the SPG (Access, Circulation & Parking) is to be provided in conjunction with a future detailed application and a condition (C3S) is required to this effect.

The standard Construction Management Plan condition should also be imposed and should be expanded to include for diversion of the existing footway during the construction period/traffic management measures/ re-instatement of the footway as a consequence of damage to it during construction etc.

*Mindful of the significant increase in the number of residential units compared with existing, and in particular given the lack of any off-street parking provision, a contribution towards public transport enhancement is appropriate. In association with the recent Coleg Glan Hafren application (15/1036/MJR) a Section 106 contribution of **£15,000** was agreed to enable an RTI unit and crime camera to be provided in one of the adjacent bus shelters on City Road. Though the current application relates to a lower number of additional units it also represents a more significant increase over and above existing use than 15/1036. I therefore consider that a similar contribution is therefore appropriate in connection with the current application which would then enable the shelters on either side of City Road to be provided with cameras and RTI.”*

5.2 The Highways Drainage Manager has been consulted and no comments have been received.

5.3 The Waste Manager considers the indicated refuse storage facilities to be acceptable in principle.

5.4 The Pollution Control Manager (Contaminated Land) has no objection, subject to a condition in respect of unforeseen contamination, along with contaminated land advice.

5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of traffic noise, plant noise, sound insulation, hours of operation and delivery times, with further advice in respect of construction site noise.

5.6 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.

5.7 The Parks Manager has no objection to the proposed change of use, subject to the developer agreeing to a financial contribution of **£42,493** towards the provision of or maintenance of existing open space in the vicinity of the site.

5.8 The Neighbourhood Regeneration Manager has no objection, making the following comments:

“Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that ‘the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities’. If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings including student accommodation.

No onsite community facilities have been proposed therefore a contribution will be required towards community facilities.

The formula in the community facilities SPG is based on the number of habitable rooms per dwellings. In this instance 30 dwellings are proposed, but the exact details of the number of habitable rooms are not specified. It is recommended, therefore, that the development makes provision for payment of a financial contribution for community facilities to be calculated in accordance with the formula in the SPG. An exact request for community facilities contributions will be made once details of habitable rooms have been provided.”

5.9 The Land Use Policy Manager has no objection to the proposals, making the following comments:

“The site falls within the City Road area, as defined by the Local Plan Proposals Map. The application should be assessed against policy 40 of the Local Plan which states that business development, housing, shops and financial and professional services will be favoured.

The proposal is to redevelop the site to provide commercial units at the ground floor level (Use Class A1, A2 and A3) and residential units above.

Given that policy 40 favours housing amongst other uses in City Road, and the ground floor is maintaining a commercial frontage, the application raises no land use policy concerns.”

5.10 The Housing Strategy Manager has considered the proposals and makes the following comments:

“In line with the emerging Local Development Plan (LDP), an affordable housing contribution of 20% of the 30 units (6 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements for purchase by a nominated Registered Social Landlord partner.

However, given the proposed design of the scheme, the unknown proposed future tenure of the units, the likely service charges for this type of residential development and the mixture of commercial and residential, all of the above could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord.

*As an alternative to on-site provision, we would be willing to enter into discussions with the applicant with regard to providing the affordable housing as a financial contribution in lieu of on-site affordable housing provision. On that basis we would seek a financial contribution of **£420,210** (in lieu of the above mix of 6 units) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).”*

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage.
- 6.3 South Wales Police offer comments in respect of crime prevention matters. Their correspondence has been forwarded to the agent for consideration as part of any detailed reserved matters submission.

7. REPRESENTATIONS

- 7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures. No comments have been received.
- 7.2 Local Members have been consulted and no comments have been received.

8. ANALYSIS

- 8.1 An outline application for the demolition of an existing two/three storey premises, in use as a restaurant/club, and the construction of a 9 storey building with two ground floor commercial units and with 30 residential units on the upper floors. All matters except access are reserved.
- 8.2 Access to any form of redevelopment on this site would be from the City Road frontage. The current indicative plans show that there would be direct access to the 2x commercial units (with specific shopfronts likely to be the subject of individual applications), from the street, with access to the upper floor residential units through central doors, serving a communal entrance foyer, with lift and stair access to the upper floors.

Access to the rear of the site (for amenity space and cycle/refuse facilities is via the rear of the commercial units, through the communal foyer, or via a side gate that will allow refuse containers to be presented for collection via City Road.

In this case, the proposed access for consideration here is considered acceptable.

- 8.3 In terms of the principle of the proposed development. The Land Use Policy Manager has advised that there are no land use concerns, with a mixed use development being policy compliant.
- 8.4 The application is supported by a Design and Access Statement, which offers an indicative layout and elevation, which also provides an idea of the scale and massing of the proposed building. It is considered that this document offers sufficient information for the local planning authority to make a reasonable judgement of the potential impact of the development in the street scene and wider context.

The nearest properties in sole residential use would be those fronting East Grove, with the rear elevation of these properties being approx. 75m from the rear of the proposed building. In this case, it is considered that the proposed building would have no significant impact on residential amenity/privacy.

The existing building has no architectural or historic merit, and currently has a dishevelled appearance. With the appropriate use of modern materials and finishes, it is considered that the proposed building could offer a significant visual enhancement to this part of City Road, particularly when considered in conjunction with the proposals for a new student block on the 'Plumb Centre' site and the extant outline consent for residential development on the cleared site adjacent to no. 19 City Road.

- 8.5 Notwithstanding that this is an outline application, with all matters reserved except access, it is nonetheless appropriate to consider the implications of this 'tall building' proposal.

The adopted Supplementary Planning Guidance, 'Tall Buildings' 2009 offers guidance on the appropriate siting and design of tall buildings. Whilst it is acknowledged that the SPG indicates tall buildings should be located within the City Centre or Bay area, it also indicates that other locations can be suitable, dependant on certain criteria and context.

In the case under consideration here, the proposed 9 storey domestic scale building is adjacent to an existing 11 storey commercial scale building (Coleg Glan Hafren). This taller building forms the junction with The Parade, and the proposed building would appear to be set at its rear, forming a 'new cluster' of taller buildings at this junction.

The proposed building, when viewed from City Road, would form a step between the existing 2/3 storey properties in the small terrace adjacent to the site, offering a degree of cohesion between the existing terrace and the Glan Hafren building, rather than the stark contrast that exists at present.

Notwithstanding this, the submitted Design & Access Statement offers an illustrative elevation (which is consistent with pre-application advice), which shows a mixed curtain wall/render finish, with the curtain walling located adjacent to the remaining terrace.

This approach offers an impression of visual 'separation' from the remaining terrace, as well as providing a vertical emphasis to the City Road façade.

8.6 In light of the above, and having regard for the adopted Tall Buildings SPG, it is considered that the principle of development is acceptable, subject to the consideration of detailed design at reserved matters stage.

8.7 With regard to the request from the Pollution Control Manager (Noise & Air) for a condition relating to delivery times, having regard for the extant use of the premises and the nature of the surroundings, it is considered that this condition would be overly onerous and would likely fail the tests for the use of conditions in planning permission. Whilst it is noted that the proposals include a significant residential element, future occupants would be aware of the environment they were in and could not reasonably expect the same level of amenity as a suburban resident.

8.8 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Transportation - £15,000 – Real Time Information board and Crime Camera in a bus stop close to the site.

Neighbourhood Regeneration – A figure yet to be determined (based on the residential composition) – Towards the improvement of facilities at Penylan Library and Community Centre.

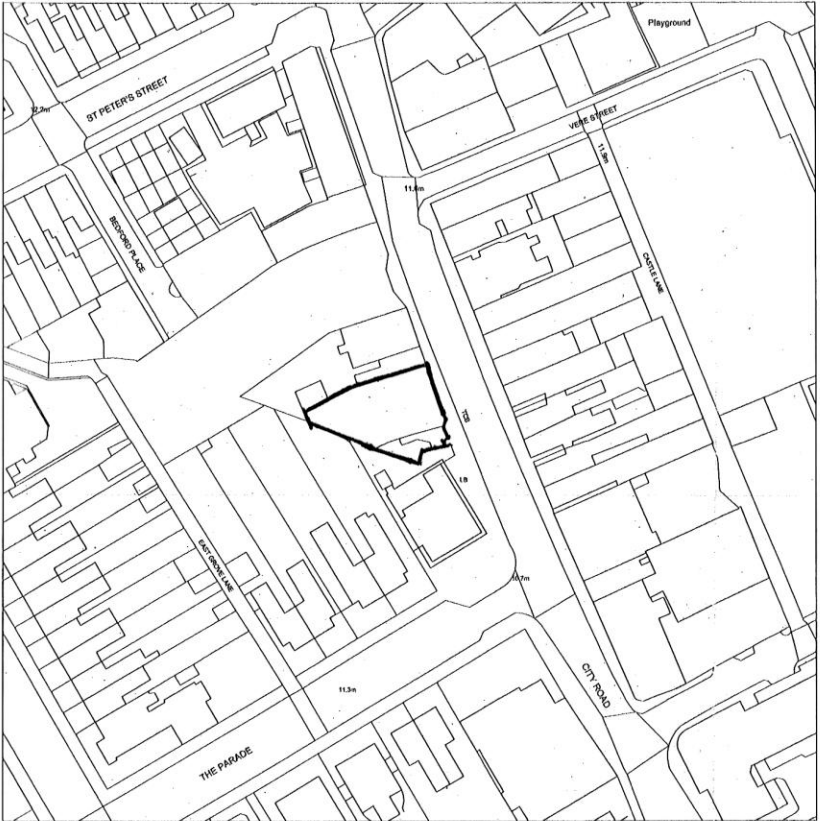
Parks – £42,493 – Towards the improvement of open space in the vicinity. Details to be agreed in line with the CIL tests.

Affordable Housing - £420,210 – A financial contribution in lieu of any on site provision is acceptable to the Housing Strategy Manager.

The agent has indicated that the submission of a Unilateral Undertaking may be considered to cover the matters above (the applicant has agreed to the requests). Recommendation 1 is therefore worded accordingly.

8.9 In light of the above, and having regard for adopted planning policy guidance it is recommended that outline planning permission be granted, subject to a legal agreement and conditions.

177100m



15/00417/MJR

SITE LOCATION PLAN
1/1250

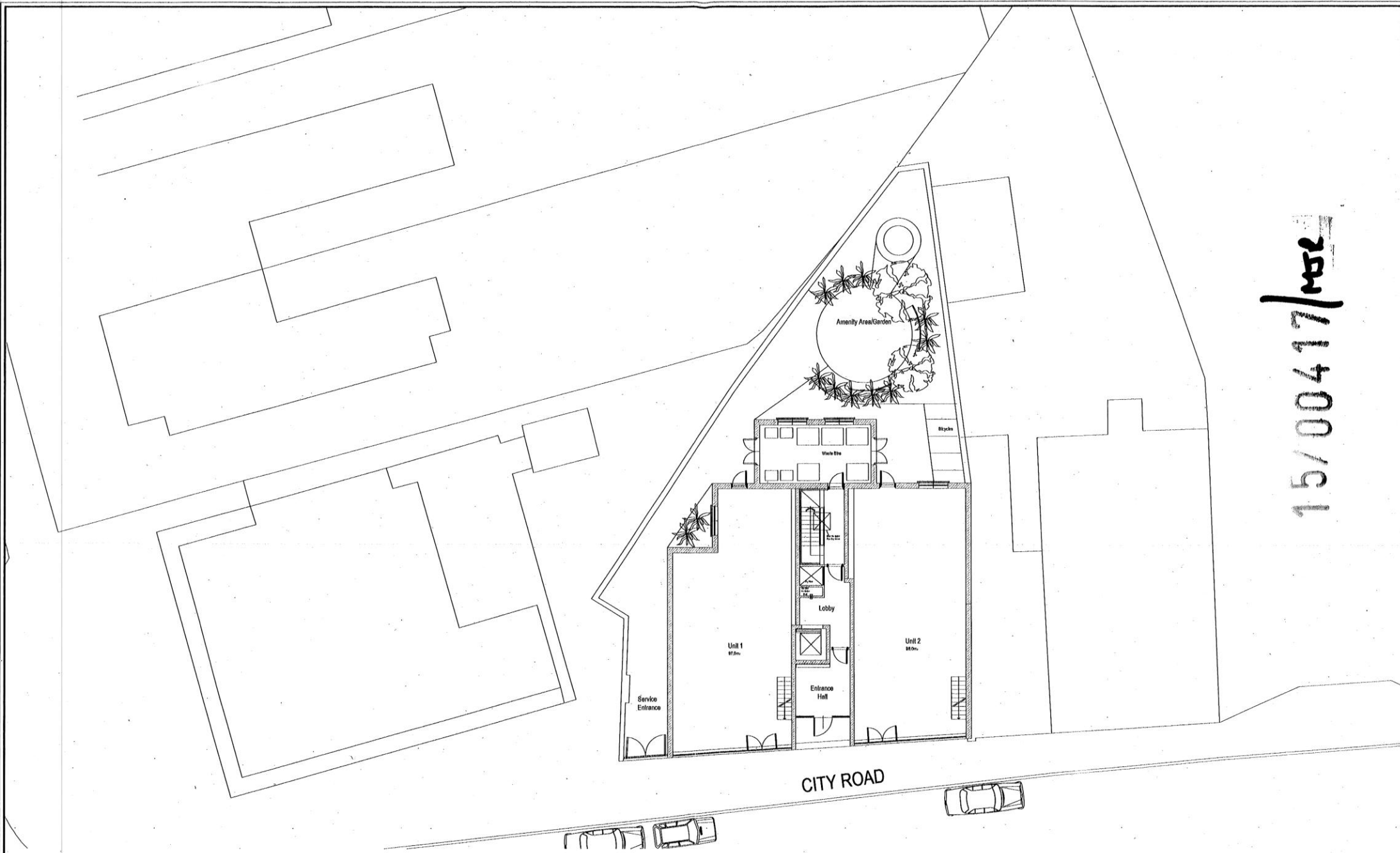
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11-13 CITY ROAD, CARDIFF CF64 5FA			SITE LOCATION PLAN		
			ELIO LEO RIBA CHARTERED ARCHITECT <small>STUDIO 6 OLD HALL, BUNG WATERS, COED-ENNE, VALLE OF HEARDFRAN 9971 1AFL</small>		



NORTH EAST ELEVATION - CITY ROAD ELEVATION

15'00417/msk

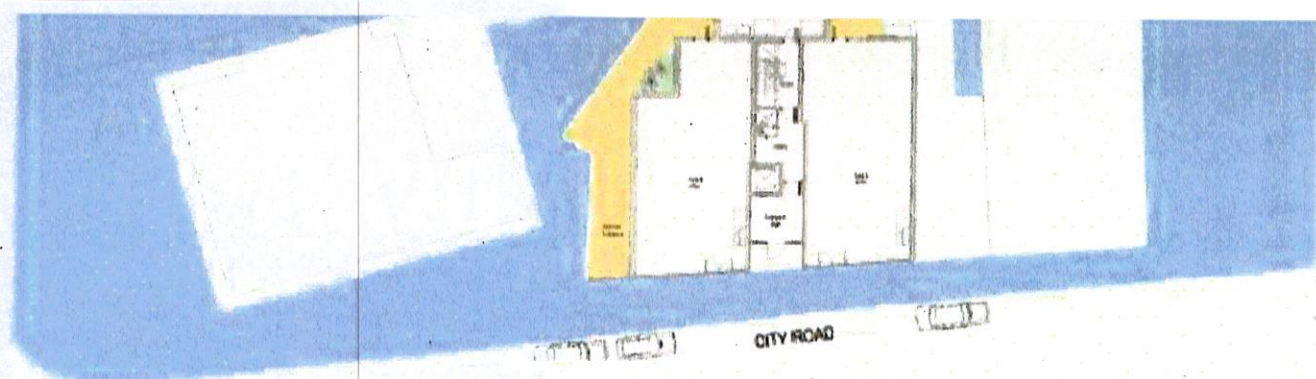
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11-13 CITY ROAD CARDIFF			EXISTING ELEVATIONS 1 ELIO LEO ARCHITECTS		



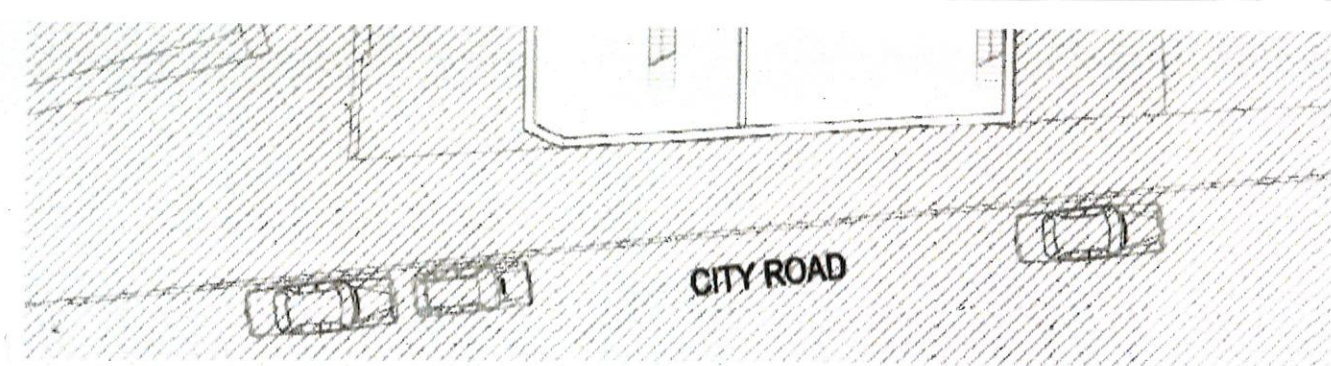
15/00417/MS2

PROPOSED SITE PLAN - ILLUSTRATIVE

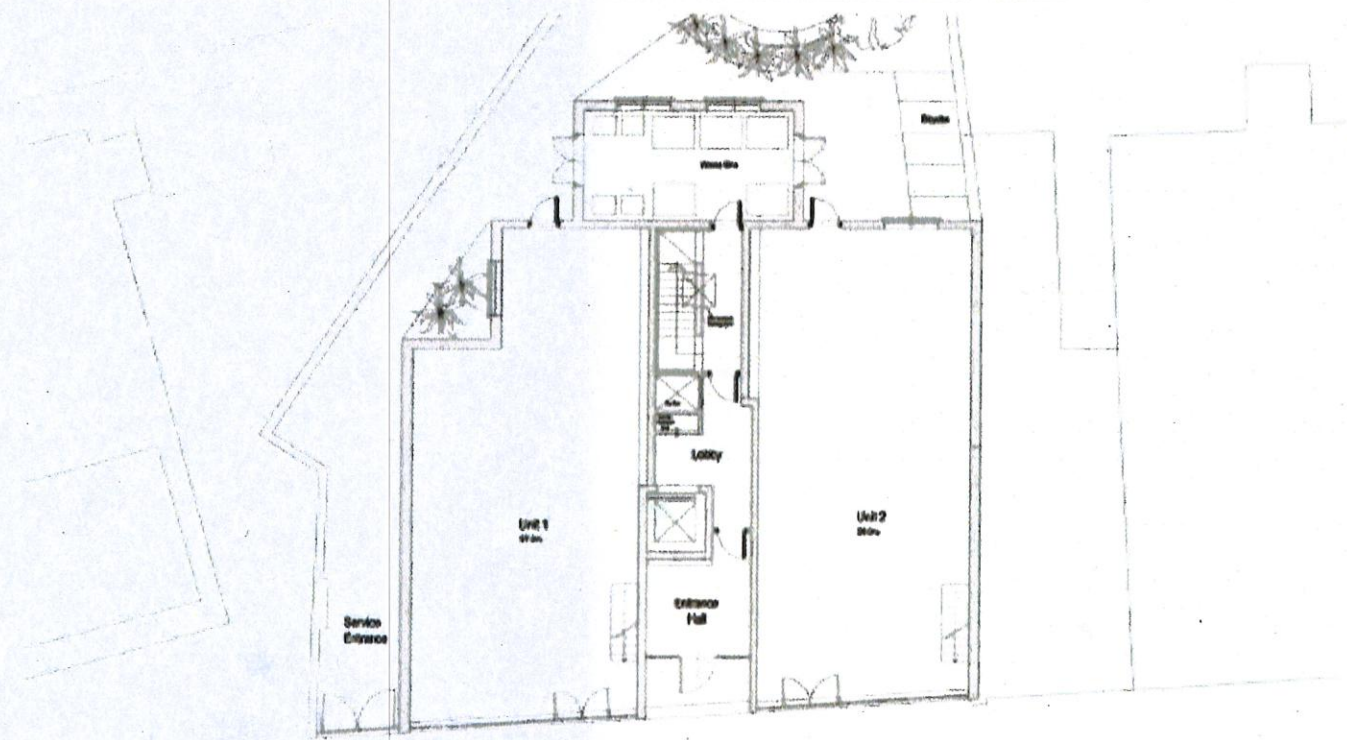
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11-13 CITY ROAD CARDIFF			PROPOSED SITE PLAN ELIO LEO ARCHITECTS		



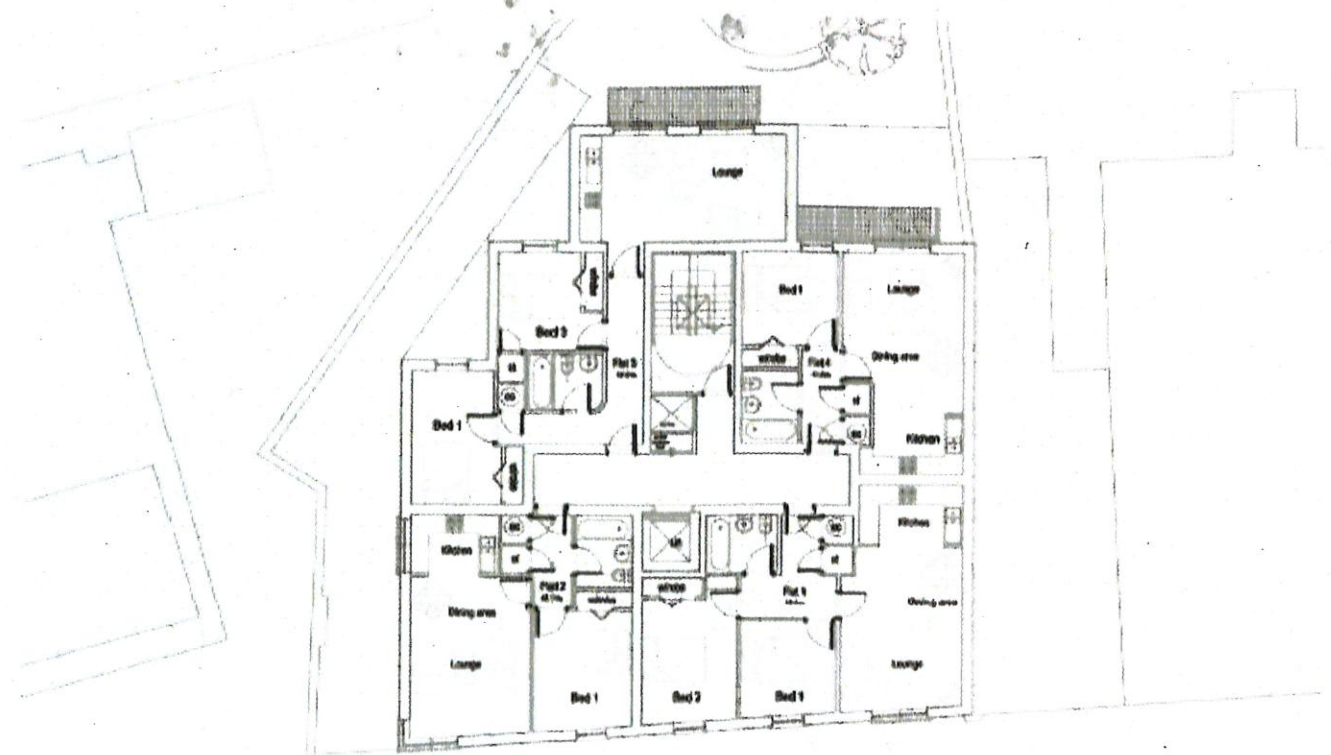
PROPOSED SITE PLAN



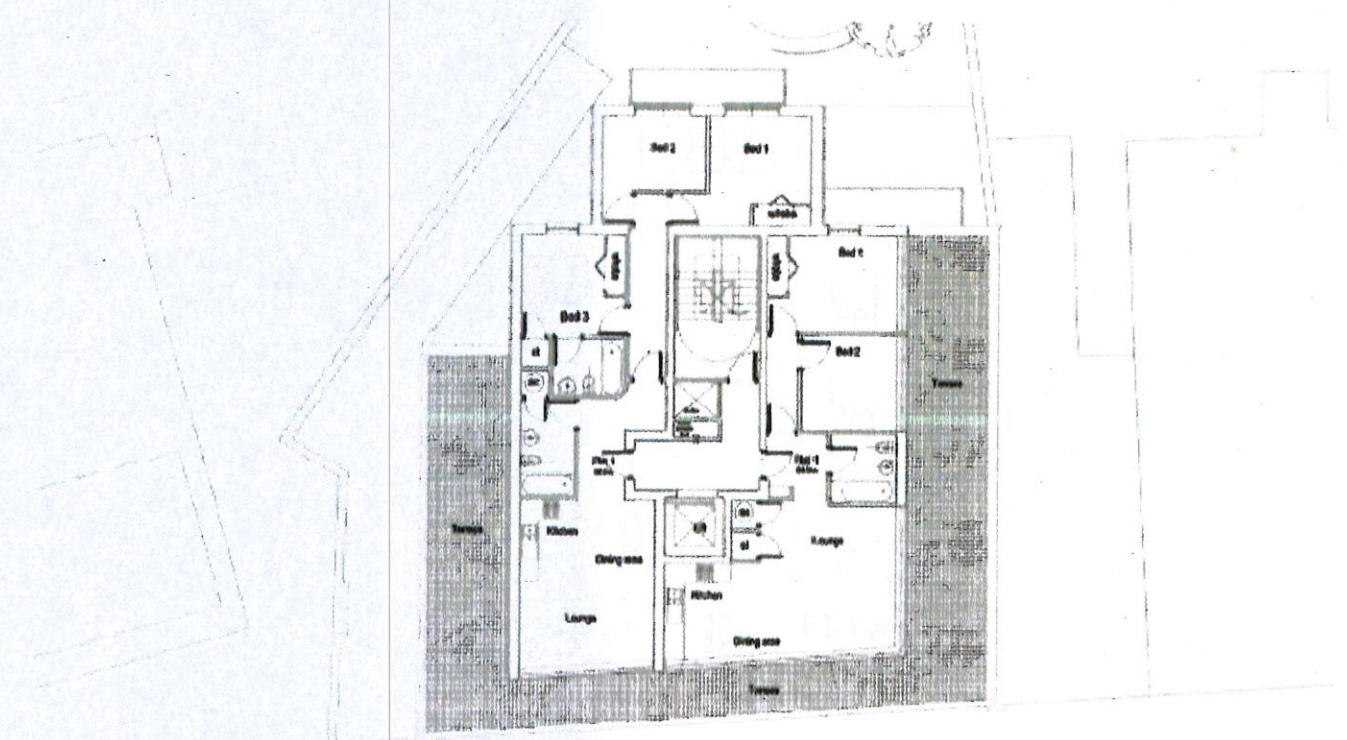
PROPOSED BASEMENT PLAN



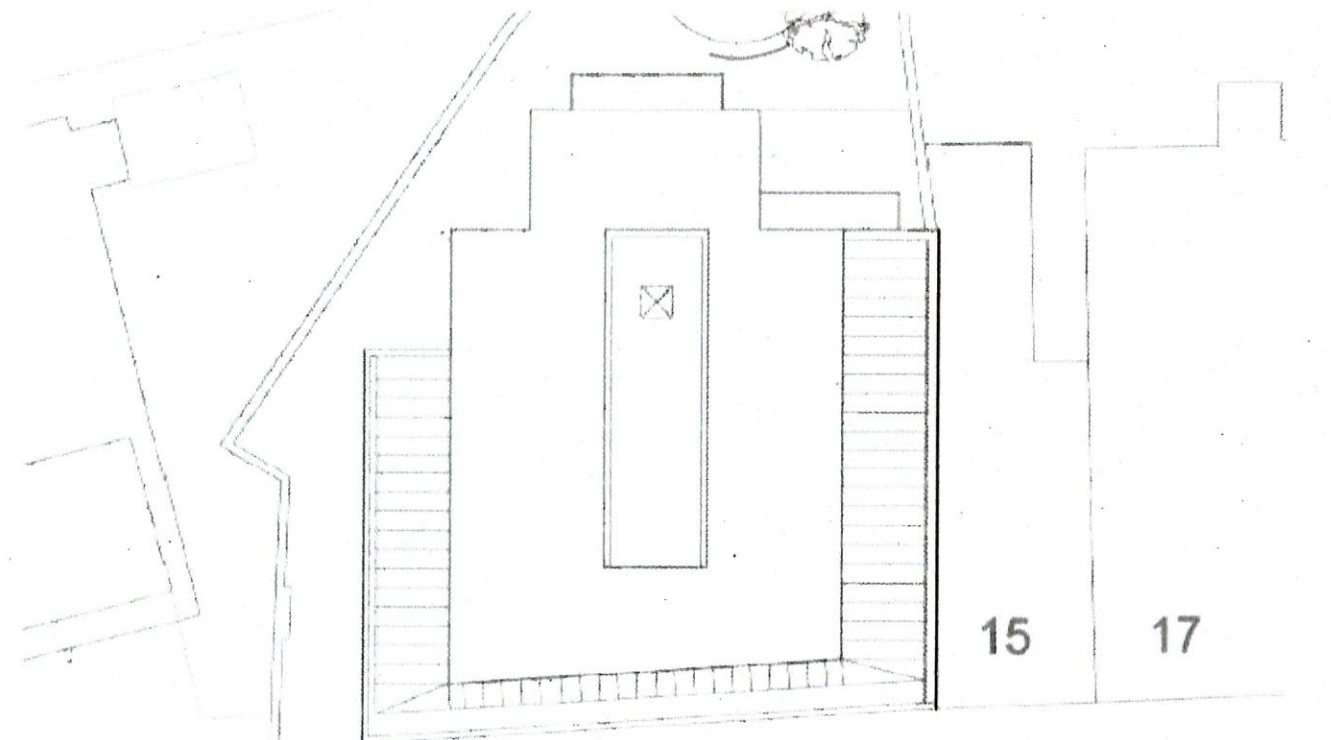
PROPOSED GROUND FLOOR PLAN



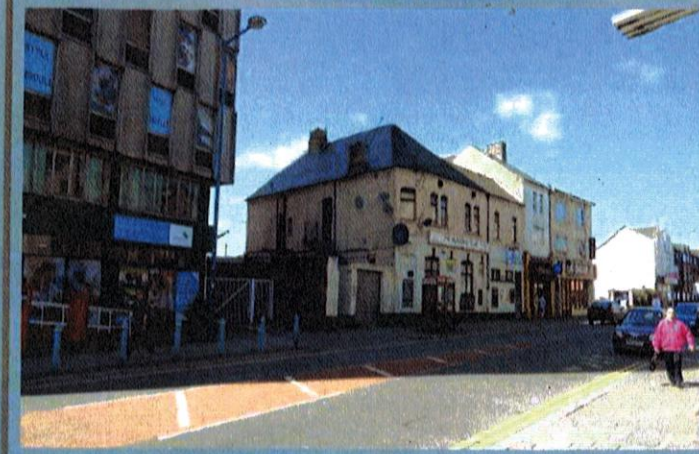
PROPOSED TYPICAL FLOOR PLAN



PROPOSED PENTHOUSE PLAN



PROPOSED ROOF PLAN



15/00417/mse



Horizon Properties

11-13 City Road, Cardiff
Design and Access Statement

COMMITTEE DATE: 22/07/2015

APPLICATION No. 15/00787/MJR APPLICATION DATE: 02/04/2015

ED: **BUTETOWN**

APP: TYPE: Reserved Matters

APPLICANT: Igloo Regeneration

LOCATION: PLOT L PORTH TEIGR, BUTETOWN

PROPOSAL: RESERVED MATTERS [SITING, DESIGN AND EXTERNAL APPEARANCE OF THE BUILDING(S), AND LANDSCAPING] FOR THE ERECTION OF 104 RESIDENTIAL HOMES AT PLOT L, PORTH TEIGR

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal **Deed of Variation** with the Council to amend the provisions of the **SECTION 106** agreement relating to Outline Planning Permission 09/01672/C in respect of the delivery of Affordable Housing as summarised in section 9 of this report, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, that the matters of Access, Siting, Design and external appearance of the building(s), and Landscaping, be **APPROVED** subject to the following conditions :

1. The development shall accord with a scheme of architectural detailing, and palette of external materials and finishes which shall first have been submitted to and agreed in writing by the local planning authority; Such details shall relate to external wall finishes, parapet detailing, balcony and boundary enclosures, window, screen and door details, and shall include for the submission and approval of samples of materials and finishes as appropriate.
Reason : To ensure for a high quality and sustainable finished appearance to the development.
2. Notwithstanding the details submitted with the application, No development shall take place until there has been submitted to and approved by the Local Planning Authority a detailed landscaping scheme including full details of hard and soft landscaping works; all functional services above and below ground; shrub and planting details (noting schedules of plants, species, plant size, and proposed numbers/densities); tree planting (noting species, size, and proposed numbers and including for an arboricultural method statement confirming details of tree pits specifications; volumes and appropriateness of planting soils; mechanisms of irrigation and aeration and aftercare programme of maintenance).
Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to ensure that the new planting will be appropriate to the site context and that new tree and planting will have the best possible chance of healthy growth and longevity.

3. If within a period of five years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed, or dies, or becomes (in the opinion of the local planning authority) seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.
4. The car parking spaces shown on the approved plans (or such other arrangement of car parking spaces as may be agreed by the local planning authority) shall be provided commensurate with each phase of the Plot 'L' development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway
5. Notwithstanding the details submitted with the application, the scheme of architectural detailing required by virtue of condition 1 shall pay special regard to the Tyneside Road elevation of the Block E development, with the aim of providing feature detailing to enliven the basement parking area of that elevation to the highway.
Reason: To improve the aesthetic of that building which is in a prominent position in the interests of visual amenity.

1. **DESCRIPTION OF DEVELOPMENT**

- 1.1 This application seeks approval of reserved matters of access, siting, design, external appearance and landscaping of the first 104 new residential dwellings granted planning permission under the terms of Outline Planning Permission 09/01672/C

2. **DESCRIPTION OF THE SITE**

- 2.1 The site lies to the Northern end of an area of land originally known as Roath Basin South and rebranded 'Porth Teigr' for which Outline Planning Permission for a mixed use development, including for up to 1010 residential units was Granted in 2008 and most recently varied in respect of Masterplan layout in March of this year 2015.
- 2.2 The application site is located to the Southern side of the Roath Basin/ Roath Dock lock, opposite the Adventurers Quay development, and is contained by the Tyneside Road Swingbridge crossing to the North East, Teigr Way carriageway to the South East side and has an irregular boundary to the Southwest just south of the North-eastern edge of the Basin.
- 2.3 The land was last used as a contractors compound during the construction of the BBC studios development. The site contains a constraint area to accommodate the swing bridge in an open position when shipping access to

the Basin is required, and contains a number of trees to its Northern Edge. The site is otherwise covered in aggregate chippings or is unfinished ground.

- 2.4 The Seafarers Mission and Sea Cadets buildings (Both low level structures) lie adjacent to the site on the Opposite side of Tyneside Road, Docks storage areas and warehouse buildings to the south east on the opposite side of the Docks Access roundabout, and by vacant sites to the south and southwest which are also sites contained within the 09/01672/C outline planning application site. The BBC TV studios are located on the opposite side (southern side) of Teigr way to the south east.
- 2.5 The proposals include for 104 dwellings in 7 house types plus flatted maisonette and penthouse accommodation over 2.62 hectares of land (6.47 acres). This equates to a density of 87 dwellings per hectare.

The accommodation types also have various permutations dependant on corner or terrace location and principal frontage.

The 104 units are indicated as:

8no.	House Type A - 3 bed, 3 storey
9no.	House Type B - 3 bed, 4 storey
1no.	House Type B+ - 4 bed, 4 storey
6no.	Corner House Type - 4 bed, 5 storey
10 no.	House Type C - 3 bed, 2 storey
16 no.	House Type D - 3 bed, 3 storey
15no.	Apartment E - 2 bed (5 storey)
2no.	Penthouse E - 3 bed (5 storey)
15 no.	House Type F - 3 bed, 2 storey
22no.	Maisonette Type G - 2 bed (4 storey)

- 2.6 The layout is effectively a perimeter terrace scheme wrapping around three central groups of accommodation

The development would provide for two terraces of 7 and 9 three storey 3 bed town houses to the lock frontage opposite Adventurers Quay; A terrace of 3 bed four storey houses along the basin waterfront with higher five storey 4 bed corner feature units; a terrace of 8 three storey 3 bed houses and 11 four storey maisonettes to Heol Porth Teigr; A 17 unit 5 storey apartment block to Tyneside Road (inc. 2 penthouses) and three groups of 3 bed two storey houses within the courtyard formed by the perimeter developments.

- 2.7 The development would accommodate 108 car parking spaces, of which 81 would be surface parking and a further 27 within dwelling curtilages.

3. **SITE HISTORY**

- 3.1 Planning Committee considered application 03/99/C for Outline Planning permission for the mixed use development of 14.77 hectares (36.5 Acres) of brownfield port land on the south side of Roath Basin in 2004. Further to the signing of a legal agreement, Outline planning permission 03/99/C for the development was granted some four years later on 1st July 2008.

- 3.2 The originally approved Outline scheme included for 1,010 residential units, 1,204,847 sq ft of office/similar floor space, and 119,518 sq ft of retail / leisure uses, together with some 3,141 parking spaces, public open space, landscaping and land reclamation works. The scheme also included highway infrastructure works to serve the development, which were not a 'reserved matter' and were approved at the time of the application.
- 3.3 An application 08/1736 to vary the time period in which reserved matters applications relating to that Outline Permission could be submitted was granted in January 2010 and extended that period to 8 years.
- 3.4 Thereafter, Planning Committee resolved to Grant a variation of the proposed Masterplan appertaining to the development of the land, (essentially to accommodate a revised layout and facilitate the development of the BBC Roath Lock Television Studios and reduce the overall car parking allocation on the land by approximately one third) subject to the signing of a legal agreement in February 2010, This agreement has been signed and a varied planning permission released on 25th March 2015.
- 3.5 Related Site History
- 94/01804R - Planning Permission for land reclamation, permanent road and footpath, temporary port access and strategic landscape works, Granted 18.01.95.
 - 97/2121C - Planning Permission for construction of approximately 1.7 km of new carriageway, Granted 02.03.98.
 - 98/0009C - Planning Permission for temporary plugging of inner lock crossing, Granted 14.04.98.
 - 98/0010C - Listed Building Consent for temporary plugging of inner lock, Granted.
 - 05/2710/C -- Advance preparation Works including works between Gyrotory Roundabout site access and Cargo Road. Granted July 2006
 - 09/2120/C for Full Planning Permission for a television Studio Development and infrastructure through the site was Granted Planning Permission on 1st July 2010

4. **POLICY FRAMEWORK**

Planning Policy Wales

WG Technical Advice Notes

TAN 1:	Joint Housing Land Availability Studies (2006)
TAN 2:	Planning and Affordable Housing (2006)
TAN 11:	Noise (1997)
TAN 12:	Design (2009)
TAN 14:	Coastal Planning (1998)
TAN 15:	Development and Flood Risk (2004)
TAN 21:	Waste (2001)

Welsh Office Circular

11/99 Environmental Impact Assessment

16/94 Planning Out Crime

Cardiff Unitary Development Plan Deposit Written Statement 2003

Policy 2.20: Good Design

Policy 2.23: Affordable Housing

Policy 2.24: Residential Amenity

Policy 2.26: Provision for Open Space, Recreation and Leisure

Policy 2.27: Provision for Schools

Policy 2.51: Statutory Listed Buildings

Policy 2.55: Public Realm Improvements

Policy 2.56: Public Art

Policy 2.57: Access, Circulation and Parking Requirements

Policy 2.58: Impact on Transport Networks

Policy 2.62: Flood Risk

Policy 2.63: Contaminated and Unstable Land

Policy 2.64: Air, Noise and Light Pollution

Policy 2.74: Provision for Waste Management Facilities in Development

Cardiff Adopted Local Plan January 1996

Policy 9 Development in areas at risk of flooding

Policy 10 Contaminated or unstable land

Policy 11 Design and aesthetic quality

Policy 15 Eastern bay link

Policy 17 Parking and servicing facilities

Policy 18 Provision for cyclists

Policy 19 Provision for pedestrians

Policy 20 Provision for special needs groups

Policy 21 Land for housing

Policy 24 Affordable and special needs housing

Policy 31 Residential open space requirement

Policy 37 Safeguards for residential amenity and existing industrial areas or operational docks

Policy 38 Land within the operational docks

Policy 39 Older industrial and commercial areas

SPG

Access, Circulation and Parking Standards Jan 2010

Affordable Housing Mar 07

Community Facilities and Residential Development Mar 07

Developer Contributions for School Facilities Mar 07

Developer Contributions for Transport Jan 2010

Householder Design Guide Mar 07

Open Space Mar 08 including May 2011 update to Section 106 Baseline Contribution Figure
Residential Design Guide Mar 08
Waste Collection & Storage Facilities Mar 07

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Housing Officer : Notes that the proposal provides for 0% affordable housing justified by means of a Viability Study, the conclusions of which are supported by the Council's Valuer at this time.

The Section 106 agreement relating to the outline application currently indicates the provision of 25% Affordable Housing on each phase, and if the proposal is to be supported this will require a deed of variation.

The Housing Officer would therefore request that there is a mechanism included in any varied s106 agreement that ensures a financial review and reassessment of the viability of the scheme at the appropriate time (likely practical completion) to ensure that any variation in build costs or market conditions over the build period is accounted for.

The applicant will then also need to demonstrate how they can deliver the 25% affordable housing, or such other negotiated percentile /contribution for the overall site.

- 5.2 Traffic and Transportation Officer: Any Observations will be reported at Committee
- 5.3 Parks Officer: Any Observations will be reported at Committee, but acknowledges that issues of public open space provision are dealt with under the terms of the S106 agreement relating to the Outline Planning Permission.
- 5.4 Pollution Control Noise and Air Officer: Note that no acoustic assessment has been provided with the application and so cannot provide any comment on the acceptability of the proposed layout and design in respect of potential mitigation of noise from the operational dock, but accept that this matter is a requirement of a condition attached to the Outline Planning Permission and not a specific reserved matter.
- 5.6 Trees and Landscaping Officer: The layout makes little provision for trees of large size and long life. The trees proposed are jammed into very tight spaces and compared with building footprints, car-parking and hard-surfacing, they occupy a very small percentage of the site. Proposed sewerage conflicts with the potential root available soil volume of at least x15 trees and confirmation is required in any event that the tree planting proposed is acceptable to Welsh Water in terms of its proximity to sewerage apparatus. If possible I would like to see significant amendments to the layout that provides for fewer but larger trees in larger soft landscape beds. I would also like to see sewerage layouts (and all other service provision including lighting) designed to maximise root available soil volumes. Where trees are to be planted, the priority must be

providing for maximum root available soil volume. The installation of features that may restrict this should be avoided, including 'uplighters' close to trees.

There are differences between the illustrative general arrangement, drainage and public realm furniture & tree layout plans. Please can a scaled planting plan and plant schedule be submitted, backed up by a full top-soil and subsoil specification for all planting, tree pit section and plan views for different site situations, planting methodology and aftercare methodology (including a chronological matrix detailing aftercare tasks).

On the Porth Teigr frontage, fastigiated elms (*Ulmus columella*) are proposed, to tie in with the existing *Ulmus* planting. Whilst the existing *Ulmus* seem to be largely healthy, I have noted problems with bifurcating leaders and a lack of apical dominance that I fear may result in structural problems in time. An upright elm of proven good health (including Dutch Elm Disease resistance to date) and structural quality that has been planted in Cardiff is *Ulmus* 'New Horizon'. Consideration should be given to planting this unless we can see evidence from the supplying nursery proving the good form of *Ulmus columella* to be planted.

Betula lenta (cherry birch) must not be planted in exposed situations, or in spaces that are significantly constrained above or below ground. Multi-stem *Betula lenta* will require a very large growing space if conflict with structures or highways is to be avoided. Cobnut (*Corylus maxima*) is essentially a spherical bush, and would only be appropriate as under-storey planting in sheltered locations. Specimen fruit trees should not be planted close to car-parking or highways due to the problems posed by falling and fallen fruit. The 'orchard' feature is supported but it is advised that *Pyrus* spp. will be the most tolerant of coastal exposure.

I advise that consideration be given to incorporating some of the following species and cultivars into the planting scheme: -

Acer campestre (including cultivars)
Acer pseudoplatanus (including cultivars)
Alnus glutinosa
Alnus x spaethii
Arbutus unedo
Pinus nigra
Pinus pinea
Populus tremula 'Erecta'
Sorbus intermedia

Where possible, narrow beds accommodating large numbers of trees should be consolidated into single large beds accommodating single or fewer trees. The planting of a single large species tree in a large bed is preferred to the planting of large numbers of small trees. Where tree planting holes are bounded by engineered surfaces, products such as structural soils and soil crates should be specified to extend root available soil volumes. Site specific product supplier specifications should be included and target root available soil

volumes should be set for all planting (I suggest 5m³ for very small, 20m³ for medium and 30m³+ for large).

- 5.7 Pollution Control Contaminated Land: Note the updated Ground Contamination Strategy and relevant conditions appertaining to the Outline Planning Permission which will ensure for an acceptable methodology and containment between contamination and human receptors.
- 5.8 Regeneration Officer: Note that the requirement on the developer (under the current Section 106 agreement) to provide community facilities does not trigger until the proposed phase 3 of the development which is some way off.
- 5.9 Waste Officer: Details referencing waste have been noted, however the waste officer suggests that it would be prudent for the developer to provide a waste strategy including for

- Site waste management
- Construction waste management
- Contingency waste management
- Flats waste management
- House Waste Management
- Refuse Vehicle Access

and makes numerous recommendations in reference to best practice and the Council's SPG. *(These have been relayed to the applicant).*

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Natural Resources Wales

6.2 Flood Risk Management

The application site lies within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines.

The flood statement undertaken by Bay Associates, ref: 6646-302, dated 04.12.14, has used the latest information to assess the flood risk to the proposed development site. The Strategic Flood Consequence Assessment (SFCA) undertaken by Atkins, ref: 5097656-DG-017, dated 2011, uses the latest tidal information. These documents identify the extreme tidal level for a 100 year lifetime of development is 9.4m AOD. The proposed development is between 9.5m AOD – 10.5m AOD and is therefore compliant with A1.14 and A1.15 of TAN 15. Therefore, we have no adverse comments to make from a flood risk perspective.

6.3 Land Contamination

The Ground Contamination Strategy Report undertaken by Bay Associates, ref: 6646-303, dated 04.12.14, refers to various information sources. We advise your Authority the reporting information referred to in Sections 2.0-5.0 (e.g. Desk Study, Site Investigation, Hydrogeological Risk Assessment, Remediation Strategy and Verification Reporting), and all relevant documented correspondence with the EA/NRW referred to in Section 4.0 has not be submitted in support of the application.

If your Authority is minded to request this information from the Applicant, we will be happy to provide further advice upon consultation. We advise the Applicant that the treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and the Applicant will be required to obtain the appropriate Environmental Permit from us. Based on the information provided, we are unable to specify what exactly would be required. For further information please contact our Taff and Ely Industry and Waste Regulation Team on 03000 65 3072, or refer to our website. Excavated materials recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether excavated material arising from site during remediation and / or land development works are waste. Further information can be found on our website.

6.4 The Applicant should ensure all contaminated materials are adequately characterised both chemically and physically, and the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

6.5 Welsh Water / Dwr Cymru

Have provided a plan of the likely position of their apparatus, including a water main with a 3m no build easement located along Heol Porth Teigr; and advise that they will apply conditions relating to drainage from the site in conjunction with specific terms and conditions provided with their quotation and other associated documentation relating to the development.

6.6 South Wales Police

Confirm that South Wales Police have no objection to this development and have been engaged in pre application consultation, the developers have been working with South Wales Police to address any community safety issues and the development has been registered for a Secured by Design Award which will involve South Wales Police making site visits to ensure relevant design standards are in place.

6.7 South Wales Fire Service

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

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

7. **REPRESENTATIONS**

- 7.1 The application has been advertised on site and in the Local Press and Members have been consulted:
- 7.2 No representations have been received.

8. **ANALYSIS**

8.1 **Environmental Impact Assessment**

Outline Planning Application 03/00099/C was an application accompanied by an Environmental Statement.

Both its variation (09/01672/C) and this application (15/00787/MJR) for reserved matters approval are therefore considered 'subsequent applications' for the purpose of the Environmental Impact Assessment Regulations in that they contain 'additional information' or 'further information' required by the LPA and have been advertised as such.

The information submitted has been screened as to whether it is considered likely to have a significant or different environmental effect not already considered by the LPA as part of the Outline Planning Application determinations, or to propose, cumulatively, with other recently built developments, approved developments, or developments likely to come on line within the lifetime of the permission to result in any significant environmental effects not already considered by the LPA.

The application has been accompanied by updated information in respect of a Ground Contamination Strategy, Transport Statement, Flooding Statement, Drainage Strategy, and Design and Access Statement.

It has been concluded that the details of reserved matters will not in themselves, or cumulatively with other developments, result in any significant environmental impacts not already considered by the Local Planning Authority or to require the submission of a further environmental statement or supplementary environmental information at or above that which has already been submitted.

8.2 **Land Use**

The principle of residential development of the land is established by outline planning permission 09/01672/C. 104 residential units represents approximately 10th of the maximum number of residential units which might be provided on the site.

Plot L was originally indicated for a higher density of development with 37,000 sq ft of office accommodation over two storeys, 321 residential units over 12 storeys and 357 car parking spaces, however market conditions now suggest that such development density and flatted accommodation is not desirable or viable, and that a lesser number of town houses of would better meet market demand.

The use of plot L for 104 residential units only is not considered to compromise the potential of the Masterplan to deliver a sustainable mix or quantum of development overall.

8.3 Reserved Matters of Access (and Car Parking)

The principal spine road to the Outline Application Site of Roath Basin South was not reserved under the terms of application 03/00099/C and was also approved and completed to serve the BBC Television Studios development under the terms of Full Planning Permission 09/02120/C. Approval is sought here only for vehicle and pedestrian connections to that spine road and the perimeter basin walkway.

The principal philosophy put forward for Plot L is that of a hierarchy of pedestrian, cycle, vehicle access, (In that order) where minimum car parking standards are adhered to but where cars and vehicles 'trespass' onto otherwise pedestrian and cycle friendly spaces around building groups.

Car parking allocation has therefore been based on 1 space per unit of accommodation and a small number of visitor spaces, with houses able to accommodate secure cycle parking within curtilages, and where residents are encouraged to travel by means of public transport including the local bus service running along the Heol Porth Teigr principal spine road (also currently supported by the developer under the terms of the legal agreement relating to the Outline Planning Permission).

This is considered progressive and in accord with Council policy and its sustainable transport agenda.

The principal vehicle access to the site is from a point approximately mid-way along its south-eastern boundary off Heol Porth Teigr and a vehicle tracking diagram has been produced showing that the site can accommodate the movement of larger multi axle service, refuse and emergency service vehicles.

Occasional accommodation of larger dock service cranes and apparatus which Associated British Ports may require to maintain the Roath Basin/Roath Dock Lock and swing bridge is shown to be able to be obtained from Tyneside Road if required but this is reportedly a very rare necessity.

Pedestrian and Cycle access can also be obtained from six other access points around and through the site, including an access to the north near the swingbridge and two points to the south opposite and staggered from the

current access to the BBC Television Studios entrance; these access points are in addition to access from the Roath Basin perimeter pedestrian and cycle way.

The access arrangements and access philosophy are supported.

8.4 Reserved Matters of Siting

The submitted layout has been borne of a number of permutations and feasibility studies based both on the numerous constraints of the site and on impacts such as microclimate as well as practical issues of access and containment of the houses..

The essentially perimeter terraces achieve both the protection of an inner courtyard and by virtue of frontages and flexible/transparent enclosures to the basin and lock create a beneficial potential for interaction and surveillance of those spaces.

The general layout proposed is welcomed from a design perspective and scale and location / orientation of buildings generally supported.

Block E which principally for reasons of acoustics and activity on Tyneside Road turns its back to the road might be aesthetically improved as mentioned below, but generally the perimeter terrace surrounding central groups of buildings is supported and considered appropriate.

8.5 Reserved Matters of Design and External Appearance

8.6 Architecture

A contemporary architectural form to the buildings proposed and is welcomed and the architect has enhanced this form and respected the context of the development by use of traditional materials common in the area as well as more contemporary additions such as the Koln paviers used to the front of the BBC studios and pedestrian walkways. The use of traditionally lime mortared brick; stone; steel and timber detailing reflects those found within some of the older warehouses within the operational docks and are therefore considered appropriate and acceptable.

8.7 Materials Palette

A very comprehensive design and access statement has been submitted with the application which details a Palette of handmade clay facing brick (such as Ibstock Olde English Buff), aluminium/timber hybrid window systems to allow for the provision of window screens, parapet roof details with optional terrace/greenhouse/ portico features; metal balustrades to balconies, terraces and stairs; Gabion Basket wall detailing (As used at the BBC Television studios) Planting screens and wall climbing planting as an external aesthetic.

The exact detail of materials can be subject of condition however the concept is refreshing and viewed as an excellent contemporary use of traditional and modern materials.

8.8 Scale

The scale and massing of the buildings proposed within the development would be consistent within the neighbouring development to the north of the site [Adventurers Quay] and is therefore considered acceptable and appropriate. Originally tall building proposals for the Tyneside Road end of the site have been omitted from the scheme and the mix of 3/4/5 storey buildings is now considered better conceived and offers continuity of scale.

8.9 Density

At 87 dph the proposed scheme is considered to be of an appropriate density for the site. The range and choice of different housing types proposed is welcomed and would aid in creating an interesting development with a potentially diverse range of occupiers.

8.10 Crime

The buildings fronting onto the dockside realises a level of interaction whilst also allowing for active surveillance; the internal courtyard area forms an interesting semi-private space within the development, and surveillance of access points also offers a secure environment without the necessity of physical/gated enclosures. The initial application for secured by design certification and the ongoing dialogue with south wales police is viewed very positively and commended.

8.11 Amenity Space

The level and type of amenity space provision ranges from property to property within the proposed scheme and is generally considered to be acceptable in design terms. The innovative means of provision associated with a number of the properties such as roof scape gardens and 'options' such as shared roof spaces, pergola, or landscaped features within individual and adjacent plots is supported and is welcomed as it would add interest to the development while enabling the development density proposed to be realised without requirement for overly large ground level garden areas.

8.12 Public Open Space

The development provides for no public open space, however Public Open Space is an element of the S106 agreement relating to the Outline Planning Permission for the site as covered below.

8.13 Sustainability

Igloo promote their business on Green credentials and have, irrespective of any national planning requirement, always sought to provide for developments of a sustainable nature. (A number of their local developments acquired Very Good, Excellent and Outstanding sustainability ratings under previously required BREEAM assessment schemes). To this end they have developed internal 'Footprint Policy' which covers targets for Health, Happiness and Wellbeing, Regeneration, Environmental Sustainability and Urban Design and this standard is the key sustainability driver for this development.

In addition the architect advises that the development will aim for accreditation under the Building For Life 12 scheme, SAP rating no less than 'B' rating and will offer construction utilising very high levels of insulation based on a 'passive' fabric first model minimising the need for heating or cooling requirements. This is viewed very positively.

8.14 Block E

The aesthetic of the development is considered acceptable in all respects other than the presentation of Block E to Tyneside Road. Given time this may have been able to be negotiated prior to Committee, however the developer and the planning officer are keen to progress the first phase of residential accommodation at Porth Teigr and considered that this could equally be a matter resolved by condition.

Block E is proposed as containing parking at ground floor level. As such, the building would have an inactive elevation along Tyneside Road. While it is noted that a certain levels of surveillance would be afforded over the street here given the presence of windows and balconies in the upper floors of the building, concerns would be had with regard to the inactive street frontage at ground floor level. The addition of some means of adding interest to the ground floor here would subsequently be welcomed, either as public art or architectural detail.

The addition of further windows in the Tyneside Road elevation of block E might also be considered to further improve the levels of surveillance the building would afford over the street and added punctuation may also benefit the aesthetic of some of the larger unbroken expanses of the building facade.

The planning officer suggests that the final treatment of the external elevation of Block E fronting Tyneside road be a matter controlled by a specific condition to allow some flexibility and variation to the architectural detailing.

8.14 Reserved Matters of Landscaping

A significant amount of hard landscaping is proposed as part of the scheme; and is an intentional part of the character of the scheme and in response to former land contamination. As such, it is important that the limited areas of public soft landscaping proposed are given every opportunity to survive and flourish. It is therefore important that sufficient space and soil conditions and soil protection are provided as part of the development in order that trees and vegetation can flourish.

The updated contamination strategy indicates that the philosophy is to use capping as a way of reducing or eliminating any remaining contamination source from human receptors. In practice this will likely involve the use of capping soils, barrier membranes integral to building construction, and imported clean soils for planting, especially if fruiting trees are involved.

The Tree officers observations, including the desire for fewer larger tree specimens in larger soft beds is noted, and further dialogue is considered appropriate in respect of a final landscaping specification; however the planning officer is supportive of the overall concept and layout of development and concludes that detailed matters of landscaping such as a specification for soil crates, tree pit details, irrigation, and planting specification can be adequately controlled by planning condition.

8.15 OTHER MATTERS

8.16 Affordable Housing

The agent has submitted a viability appraisal that concludes that because of the exceptional infrastructure and remediation costs involved in the preparation of Roath Basin South, that the first phase of residential building cannot support any affordable housing provision or commuted payments in lieu.

The developer also notes that because of the timing of the original Section 106 agreement, that they are currently bound to a 25% affordable housing provision, which if the development were considered now, would only result in a requirement for 20% affordable housing under current application of the Council's SPG.

8.16 The developer has therefore requested that the first phase of residential building is exempted from the requirement contained within the current legal agreement to provide affordable housing, and that latter phases of development are subjected only to a percentile in line with Council requirements as might apply at that time.

8.17 The Council's Valuer has appraised the viability study and concurs with its findings at this current time. i.e. that affordable housing provision cannot be supported in the first phase. However the planning Officer is also aware that market conditions and build costs can change quickly and notes and concurs with the Housing Officer's view that if accepting of the Applicant's proposal, that there should be a review clause built into any varied Section 106 agreement to re-appraise the margins of the scheme at an appropriate time.

8.18 The essential mathematics relating to the outline proposal is that if the outline development of 1010 residential units were assessed now, then the LPA would require 202 units to be provided as affordable units; and ordinarily the first phase of 104 units would be required to provide 21 units as affordable accommodation. If the first phase of building were exempted from this requirement, then the remainder of the outline site should be able to provide for 181 units affordable accommodation by the completion of development.

Of course the developer may choose not to implement the permission to its maximum capacity, but the LPA would still need an assurance that the site could accommodate such provision in a scenario where the site were developed for the maximum amount of development allowable. This can also be a matter confirmed within any varied Section 106 agreement.

8.19 Public Open Space

The S106 agreement relating to the outline planning application requires the Council to advise the applicant of the relevant contribution for public open space within twenty days of the approval of reserved matters for any phase of development; and for the applicant to pay such contributions prior to commencement of the development of that phase; The Council has accepted however that the Public Open Space secured to the Southern 'Outer Lock' crossing and at the 'Queensgate access' to the site shall be considered as part of the public open space calculations.

Such calculations will be undertaken if Committee resolve to approve these reserved matters and the applicant will be bound to pay such contributions under provisions of the legal agreement.

Such contributions would be used to provide new, or maintain existing areas of adopted public open space in the vicinity.

8.20 Fire Safety

The comments of the South Wales Fire Officer are noted in respect of a requirement on the developer to ensure for adequate water supply and access for firefighting appliances. The proximity of the development to the Roath Basin and vehicle tracking diagram would suggest that this can be accommodated..

8.21 Residential Amenity

The impact of the development on existing residential amenity is not considered to have any negative impact. Adventurers Quay provides the nearest residential provision and is of comparable height to the proposed buildings on the opposite side of the lock. This nature of the development proposed would not appear to have any negative or undue environmental outputs in terms of noise, pollutants, light, vibration, air quality than any other residential scheme, the location of which has already been approved in principle by the outline planning permission.

As indicated previously, neighbour concerns relating to a former proposal for a 12 storey tower on plot L have now been superseded and this would appear to remove the principle object of concerns previously expressed.

8.22 Flood Risk

The development site is between 8.4 and 10.5m AOD. The section drawings suggest internal floor levels of between 9.5 and 10.5 AOD, well above the formerly recognised 8.00m AOD threshold for development at risk of flooding and still above the Cardiff Strategic Flood Consequences Assessment which predicts a maximum estimated extreme flood level of 9.4m and therefore the planning officer is satisfied that the proposed properties will not flood in an

extreme flooding event and that egress from the properties along Heol Porth Teigr (at 10,4m AOD) is also assured.

8.23 Safeguards for residential amenity and existing industrial areas or operational docks

The new residences will be subject to survey and mitigation of noise from the local environment by virtue of conditions attached to the outline planning permission but the architect is aware of this requirement and will address this in discharge of relevant conditions.

9. **SECTION 106**

9.1 The Local Planning Authority are keen to see the regeneration of Roath Basin South progress, and for the first phase of residential accommodation to be realised as soon as practically possible with the aim of stimulating future phases of development of the area further to a recognised period of depression in the market, and subsequently slower take up of development opportunities than originally expected at development outset.

The Planning Officer is therefore prepared to support the approval of reserved matters and variation of the current S106 agreement in line with the applicant's proposals, in the interests of economic and environmental regeneration of the area with certain provisos.

9.2 Those being:

- That the current extant S106 agreement will be varied by deed (and reserved matters approval granted) within 6 months of the date of any Committee resolution supporting such approval;

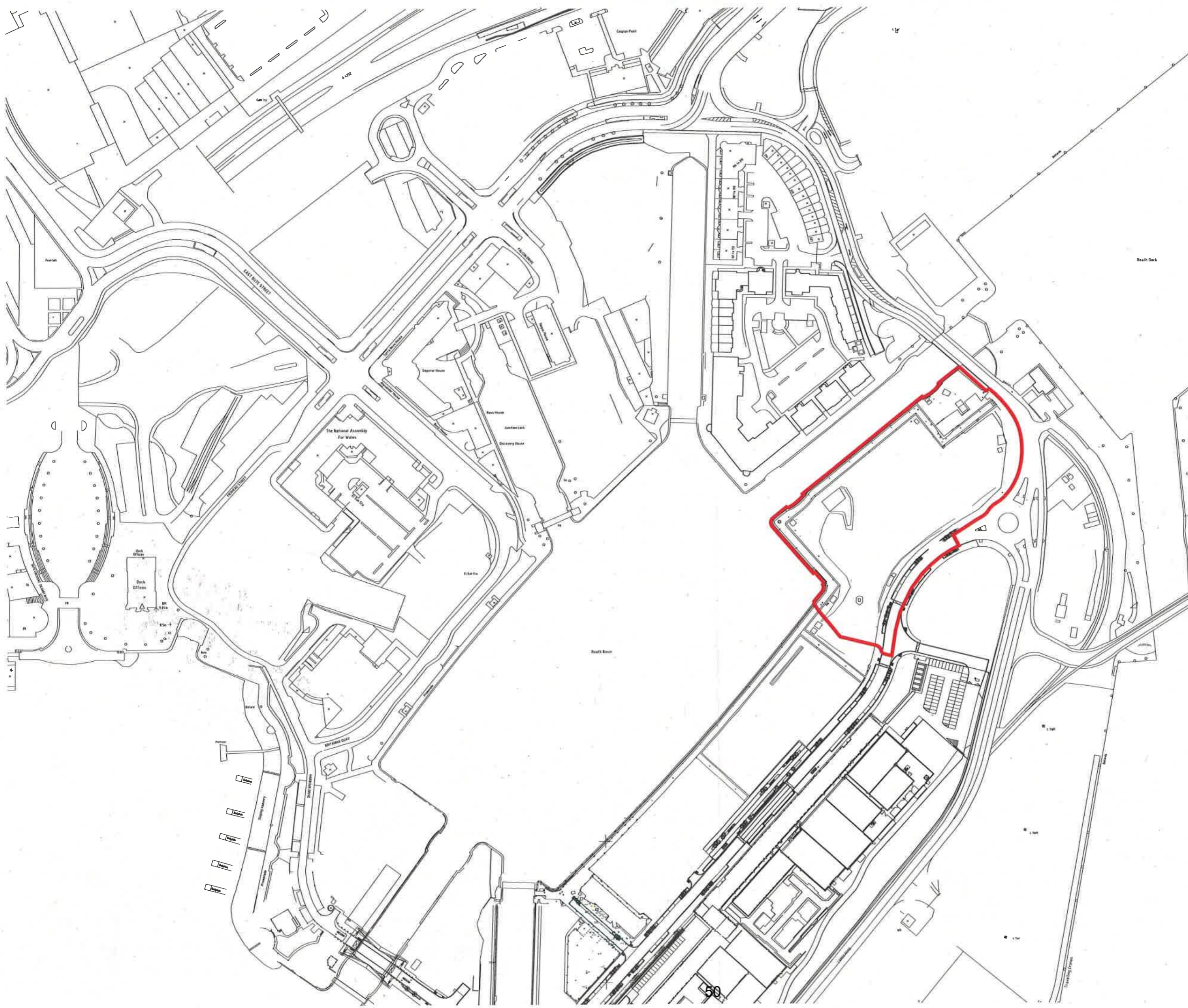
The deed being varied to include for:

- An exemption from the need to supply affordable housing within the residential development of plot L in accordance with the approval of reserved matters as indicated in application 15/00787/MJR Subject to the agreement of the developer to fund a re-appraisal of the viability of the scheme at the point of practical completion of Plot 'L' by a recognised valuation specialist acceptable to the Local Planning Authority, and to be bound by any conclusion that the development were able to support affordable housing provision up to a maximum of 21 units of accommodation (or such financial contributions in lieu).
- An agreement to the provision of 20% affordable housing (A maximum of 181 units) on the remainder of the site for which outline planning permission 09/01672/C has been granted.

- An agreement that the upfront exceptional remediation and infrastructure costs used to justify the exemption of the development of Plot L from the need to provide affordable housing will not be subsequently used for such purposes in respect of future residential phases.
- The implementation of the development of Plot 'L' within 18 months of the approval of the reserved matters.
- The developer demonstrating to the satisfaction of the LPA how and where the proposed remaining affordable housing allocation of 20% of the maximum potential remaining residential build (Maximum 181 units of accommodation) would be provided on the site, including obligations that such sites would be set aside for such use, albeit with an allowance for some mixed use element.

10. **CONCLUSION**

That the reserved matters be approved subject to the signing of the necessary deed of variation



15/00-97

REVISION A 04.12.14
RESERVED MATTERS APPLICATION



PROJECT
PLOT L, PORTH TEIGR

DRAWING
PROPOSED : SITE APPLICATION
LOCATION PLAN

SCALE 1:2500@A3 DRAWING NO.
DATE NOV 14 DRAWN VC/MN 1256/L01A

DRAWING STATUS
 PRELIMINARY INFORMATION APPROVAL PLANNING
 TENDER B REGS CONTRACT CONSTRUCTION

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1.3 Executive Summary

In relation to the original brief the proposed scheme has been developed to include a mixture of housing types centred around a dense, urban scheme but with a strong public realm and a connection of open spaces within it.

The current scheme is for 104 homes incorporating the following mix:

- 8no. House Type A - 3 bed, 3 storey
- 9no. House Type B - 3 bed, 4 storey
- 1no. House Type B+ - 4 bed, 4 storey
- 6no. Corner House Type - 4 bed, 5 storey
- 10 no. House Type C - 3 bed, 2 storey
- 16 no. House Type D - 3 bed, 3 storey
- 15no. Apartment E - 2 bed (5 storey)
- 2no. Penthouse E - 3 bed (5 storey)
- 15 no. House Type F - 3 bed, 2 storey
- 22no. Maisonette Type G - 2 bed (4 storey)

Density:
87 / h 35 / acre

Parking:
108 spaces
surface - 81
within curtilage - 27



PORTH TEIGR PLOT "L"

ADVENTURERS QUAY



This view presents an aspirational artist's impression of the scheme as it could be once it has become occupied and inhabited by future residents

PROJECT
PORTH TEIGR, PLOT L

DRAWING
PROPOSED : INNER LOCK
VIEW 01

SCALE
NTS
DATE NOV 14
DRAWN VC/MN
DRAWING NO.
1256/S507

DRAWING STATUS
PRELIMINARY INFORMATION APPROVAL PLANNING
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COMMITTEE DATE: 22/07/2015

APPLICATION No. 15/00956/MJR APPLICATION DATE: 22/04/2015

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Community Housing Association and Morganstone Ltd.

LOCATION: HAMADRYAD CENTRE, HAMADRYAD ROAD, BUTETOWN, CARDIFF, CF10 5UY

PROPOSAL: THE CONSTRUCTION OF AN APARTMENT BLOCK FOR 55 AFFORDABLE RESIDENTIAL UNITS, AND ASSOCIATED WORKS.

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **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 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory finished appearance to the development.
3. No development shall take place until a scheme showing the architectural detailing of the principal elevations has been submitted to and approved in writing by the LPA 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 building.
4. Notwithstanding the details of the boundary wall treatment shown on dwg. L(90)043 External Works, no development shall take place until details of the boundary treatment have been submitted to and approved by the LPA. The boundary treatment shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason: To ensure that the amenities of the area are protected.
5. No development shall take place until details showing the provision of 54no. cycle parking spaces have been submitted to and approved in writing by the LPA. 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.

6. E3D Retain Parking Within Site
7. C3F Details of Access Road Junction
8. No development shall take place until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity.
9. *Ground Gas Assessment and Mitigation Measures*: The proposed details of any appropriate gas protection measures which are required to ensure the safe and inoffensive dispersal or management of gases 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.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan
10. *Contaminated land*: Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

11. *Undertaking of Remediation and Issue of Verification Report:* The remediation scheme submitted to the LPA 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.

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 2.63 of the Cardiff Unitary Development Plan.

12. *Monitoring:* Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority (as set out in that plan). On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met.

13. *Identification of Unsuspected 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 2.63 of the Cardiff Unitary Development Plan

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

15. *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 to 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, verification sampling of the material received at the development site is required to verify that the imported aggregate is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

16. *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 2.63 of the Cardiff Unitary Development Plan.

17. *Piling works:* Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
Reason: In order to protect quality of groundwater and the River Taff.
18. C2N Drainage details
19. C7S Details of Refuse Storage
20. C4P Landscaping Design & Implementation Pro
21. C4R Landscaping Implementation
22. D4X Tree Protection - Complex Sites with On
23. Prior to commencement of the development a scheme for additional compensatory tree planting in Hamadryad Park adjacent to the site shall be submitted and approved in writing by the LPA and thereafter implemented in accordance with the approved details prior to beneficial occupation.
Reason: To minimise the impact of the development on the visual amenity and biodiversity of the Park.
24. No materials, waste, arisings or plant shall be stored or operated within the River Taff Site of Importance for Nature Conservation (SINC) or the Cardiff Bay Wetlands and Hamadryad Park Local Nature Reserve (LNR), outside the site boundary identified within the planning application, or allowed to fall, be washed or blown into them.
Reason: To protect the features of interest for nature conservation for which these sites have been designated.
25. No part of the development shall be brought into beneficial use until an approved lighting scheme for the site incorporating best practice guidance by the Bat Conservation Trust *Bats and Lighting in the UK* (BCT, 2007) has been submitted to and approved in writing by the LPA and the approved scheme is implemented.
Reason: To minimise light spill onto sensitive areas which have the potential to be used by commuting and foraging bats.
26. There shall be no light spill from external artificial lighting into the River Taff or adjacent river corridor habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within 15 metres of the bank top of the watercourse are maintained at background levels. Natural Resources Wales considers background levels to be a Lux level of 0-2.
Reason: To minimise light spill from the new development into the watercourse and the adjacent river corridor habitat.

27. Prior to commencement of any works on the site an ecological survey shall be carried out to ascertain whether non-native invasive plant species are present on the site. Should such species be present a detailed method statement for removing or the long-term management / control of Japanese Knotweed and Himalayan Balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.
Reason: To control the spread of non-native invasive plant species in accordance with the Wildlife and Countryside Act (1981).

RECOMMENDATION 2: The highway works condition and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 3: The applicant is requested to provide future residents with a Welcome Pack detailing available public transport services, cycle routes and other transport alternatives to the private car. Leaflets and advice in connection with which are available by contacting Miriam Highgate, Cardiff Council Transportation Services, County Hall, Atlantic Wharf.

RECOMMENDATION 4: 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 5: 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 6: Bats often roost in trees, and work on these trees 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 tree in which bats are known to be roosting, Natural Resources Wales must be contacted. 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 bats or their roosts are present, no works of felling, lopping or pruning should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. NRW can be contacted at: Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP. The Bat Conservation Trust can be contacted at:

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

RECOMMENDATION 7: Where gulley pots are adjacent to full-depth kerbs (i.e. not dropped kerbs) there is a well-established danger that amphibians such as toads will follow the kerb and fall into the gulley pot and get trapped. There are simple measures which can be implemented to avoid this, such as offsetting the gulley pot from the kerb, or installing 'wildlife kerbs' adjacent to the gulley pot.

RECOMMENDATION 8: To offset the loss of habitat for birds, rodents, invertebrates and amphibians, and loss of feeding opportunities for species such as birds and bats the applicant is advised to consider incorporating a range of biodiversity enhancement measures, including:

- Bat bricks in buildings
- Bat tiles/ridge riles to allow access to roof voids

- Bat soffit boxes
- Bat roosting boxes on trees and buildings
- 'Bug boxes' for bees, ladybirds and lacewings
- Wildflower meadows instead of mown grassed areas
- Wildlife-friendly planting to provide food and shelter for wildlife
- Bird nesting-boxes on trees and buildings
- Housemartin nest boxes
- Roof tiles adapted to allow Swifts to nest
- 'Swift bricks' or external Swift boxes
- Living roofs and walls, which can provide a range of benefits including:
 - Supporting biodiversity
 - Increasing energy efficiency through thermal insulation
 - Aesthetic value
 - Forming a key part of SUDs by reducing run-off
 - Providing local cooling
 - Extending building lifetimes by protecting the fabric of walls and roofs
 - Noise barrier
 - Cost savings and enhanced property value

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The site forms part of the previous application for 75 dwellings and associated works (14/02077/DCI) which also incorporated land to the east. Planning permission was granted on 11.6.15 for the wider site and preparatory work started on site on 29.6.15. The removal of a significant number of protected trees on the wider site was approved on 18.3.15 (BUTE/TP/15/00038). The trees have been removed. Pre-commencement conditions are in the process of being discharged.
- 1.2 Cabinet authorised the purchase of the land to the east of the application site for education purposes in March 2015. Negotiations are in progress. In the event the land to the east of the application site is sold to the Council the applicant seeks to develop the apartment block only, in line with the earlier consent, but with a new access and altered parking provision and layout.
- 1.3 The detailed application proposes the construction of a four/ six storey apartment block with 55 affordable apartments (16x2 bed & 39x1 bed).
- 1.4 The apartment block is on the western edge of the site separated from the park boundary by communal gardens and landscaping. Vehicular and pedestrian access is from Hamadryad Road and makes use of an existing secondary access (not in use) immediately to the west of the Royal Hamadryad Hospital building. There is parking for 15 cars on site and a pedestrian route linking the main entrance to the site to the park via a gated entrance. There is secure cycle storage for 36 bikes with a further 18 spaces located on the eastern boundary. Three of the retained protected trees border the eastern boundary.
- 1.5 The building rises from 4 storeys in the north to 6 storeys in the south and overlooks the park. The design is contemporary and predominantly brick.

1.6 The application is supported by the following additional information:

- Planning Statement, April 2015
- Design and Access Statement, April 2015
- Ecology Report, August 2013
- Bat and Reptile Surveys, September 2013
- Flood Consequences Assessment Report, July 2014
- Geo-Technical and Geo-Environmental Report, Nov 2013
- Remediation Strategy Report, March 2014
- CG images showing the development in context

2. **DESCRIPTION OF SITE**

2.1 The application site is 0.25 hectares in area and forms part of the former Royal Hamadryad Hospital annexes and grounds. The site is bounded to the south and west by Hamadryad Park, to the east by the former hospital grounds, and to the north by Hamadryad Road and predominantly 19th century terraced housing.

2.2 The River Taff Site of Importance for Nature Conservation is about 20m to the west of the site. To the south and east is the A4232 Cardiff Bay Link dual carriageway which is approx. 150m away at its closest point.

2.3 The original hospital buildings lie immediately to the northeast of the site and front Hamadryad Road. They were built in 1913 (recently extended to the rear and middle sections in a contrasting contemporary style) and are in use as a mental health facility. The substantial 3 storey pitched roof brick building is locally listed.

2.4 There is an electricity substation on the northern boundary of the site.

3. **PLANNING HISTORY**

- 14/2077/DCI PP granted 11.6.15 for development of 75 affordable dwellings and associated works.
- 14/00543/DCI Detailed application for 69 affordable dwellings withdrawn by applicant May 2014.
- 06/02857/C Resolution to Grant planning permission in 2007 for 117 bedroom retirement facility and 25 bed extra care affordable housing block.
- 03/01901/C Resolution to Grant outline planning permission in 2003 for partial demolition of hospital buildings and new residential development (92 dwellings). Deemed withdrawn 2011.

Related planning history

- 99/01657/C Planning permission granted 1999 for Hamadryad North park

- 97/02243/C Outline PP granted 1998 for development for recreational and residential accommodation uses, yacht club, youth hostel, sea cadet corps HQ and associated works.

4. **POLICY FRAMEWORK**

- 4.1 Adopted City of Cardiff Local Plan
 Policy 7 Protection of Open Space
 Policy 11 Design and Aesthetic Quality
 Policy 17 Parking and Servicing Facilities
 Policy 31 Residential Open Space Requirements
- 4.2 Deposit Cardiff Unitary Development Plan (2003)
 Policy 2.20 Good Design
 Policy 2.24 Residential Amenity
 Policy 2.45 Trees, Woodlands and Hedgerows
- 4.3 Supplementary Planning Guidance
 Open Space Supplementary Planning Guidance (2008)
 Community Facilities and Residential Development (2007)
 Access, Circulation & Parking Standards (2010)
 Developer Contributions for School Facilities (2007)
 Trees and Development (2007)
 Residential Design Guide (2008)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Transportation: The Council's Transportation Officer confirms that the submission has been assessed and is considered to be acceptable in principle, subject to the same transport-related conditions that were imposed on the previous application (14/02077/DCI). Comments and details of the 106 financial contribution will be the subject of a late representation to be reported to committee.
- 5.2 Parks Services: Under current policy the proposed development is subject to Policy 31 of the Local Plan (Provision of open space on new residential developments), which requires the provision of open space for recreational activity.
- 5.3 The Council's Supplementary Planning Guidance - Open Space requires provision of a satisfactory level and standard of open space on all new housing developments (2.43 hectares per 1000 projected population), or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.4 As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality.

- 5.5 Based on the information given, allowing for an occupancy rate of 78.65, the contribution will be £77,219. Contributions towards open space provision are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.
- 5.6 As this is an affordable housing scheme the figure may be reduced in line with previous discussions for the 1 bed apartments if it can be shown that they are for single tenants only and no children. On the larger properties the standard calculation still applies.
- 5.7 Demand for usage of the existing open spaces would increase in the locality as a result of the development and therefore the Council considers it appropriate that an off-site contribution is made, calculated in accordance with the guidelines set out in the SPG.
- 5.8 The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest recreational open spaces are Hamadryad Park and Canal Park.
- 5.9 Based on the 2009 Cardiff Council Open Space Survey the Butetown Ward, in which the development is situated, is deficient in opens space provision by 3.96 hectares (measured by the Fields in Trust recommended standard of 2.43 hectares per 1000 population). The quality and facilities of existing open spaces also require improvement, with additional capacity to take into account the increased residential population resulting from the development.
- 5.10 The final decision on expenditure of the contribution at the time of receipt would be determined by the requirements for improving any individual open space in the locality at that time. This would involve local consultation with various parties and be subject to Member approval.
- 5.11 The Parks Officer makes the following additional design comments: The FCA indicates that the FFL for the flats will be 9.2AOD which is broadly similar to the levels shown on the site survey for the adjacent open space. The developer should ensure that all level changes are accommodated within the site boundary and do not extent out into the adjacent open space.
- 5.12 The layout shows the loss of some vegetation within and along the boundary of the site with the open space and compensatory planting should be sought to mitigate the loss of the vegetation on site and the visual impact of the development on the open space and. This could take the form of mixed species groups of trees of varying ultimate heights and spreads to reduce the scale of the building when viewed from the open space and provide filtered views to and from the development.
- 5.13 I concur with the tree officers comments in relation to the potential impact of the development on the retained trees and the need for a BS5837:2012 tree assessment, arboricultural method statement and tree protection plan.

- 5.14 There is a slight mismatch between the proposed brick wall around the secure cycle parking and the line of the existing boundary along the southern boundary of the development which will need to be secured to maintain the continuity of the adjacent park boundary.
- 5.15 I note the proposed access gate through the southern boundary into the adjacent space, whilst this is acceptable in principle from a flattened development consideration should be given to the security of the gate with a controlled access created for residents along with the provision of a footpath link to the path network within the adjacent park.
- 5.16 Details of the proposed railings along the boundary of the open space will need to be agreed with the parks service and should be a minimum of 1.8m high galvanised and painted solid bar mild steel railings with 100mm shs posts ideally set within a mowing trim to minimise the use of weed control chemicals.
- 5.17 Rather than the plastic grid reinforced turf turning area for emergency vehicles I would suggest consideration be given to an advanced turf system which will provide the same stable surface without the drawbacks of the plastic grid systems which are prone to physical damage, and poor grass establishment. I have attached details for reference. This has been used very successfully in heavily trafficked parks areas and facilitates successful grass establishment indistinguishable from adjacent areas.
- 5.18 Neighbourhood Regeneration: The officer makes the following observations: Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that 'the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities'. If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The formula in the SPG is based on the number of habitable rooms per dwellings. In summary a contribution of £32,230 is requested.
- 5.19 The SPG for 'Community Facilities and Residential Development' was formally adopted by Council on 22nd March 2007. The SPG was adopted to provide guidance on national and local planning policy which highlights the importance of the planning system in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development. Policy 21 of the City of Cardiff Local Plan (adopted January 1996) supports the provision of community facilities as part of new residential developments.
- 5.20 It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states "Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable". A development proposing a significant increase in population, such as this, would

create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.

5.21 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards one of the many local community facilities, which could include:

- Butetown Community Centre – a financial contribution could be spent on adaptations to this facility, and equipment to accommodate increased and changing uses.
- Butetown Youth Pavilion – community facility funding could be spent on adaptations and equipment to accommodate increased use.
- Channel View Leisure Centre – As the nearest leisure centre to the development, this is likely to be used by residents of the new development. A financial contribution could be spent on adaptations and equipment to accommodate increased use.
- Local shops on Bute Street and James Street – the improvement of local and neighbourhood shopping centres is included in the definition of community facilities. Improvements to the shopping centre could include environmental regeneration.

5.22 Education: The Education Officer confirms that the mix of 1 bed and 2 bed flats does not trigger a 106 contribution.

5.23 Housing Strategy: Note that the planning application has been submitted jointly by a private developer and Registered Social Landlord (RSL), however the whole site will be delivered as affordable housing (social rented), and the RSL (Cardiff Community Housing Association) will ultimately own and manage all the units on the site. The Housing Development Enabling team fully supports the development of this site wholly for affordable housing, given the high levels of housing need in the area, and have been working very closely with Cardiff Community Housing Association to ensure the successful delivery of the scheme. The development will comprise of 55 units of new affordable housing for singles, couples and families (both small and larger families), all of which are in high demand in this area of Cardiff.

5.24 All social rented units will meet WG Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).

5.25 Drainage Management: The Drainage Engineer has no objection and makes the following comments: A direct connection to the River Taff would be acceptable and as the applicant's documentation suggests, no attenuation would be required. However, there would be a requirement for an NRW consent for an outfall into a main river. Also, it would be appropriate if feasible to use surface vegetation to clean any highway run-off, as part of the drainage process.

- 5.26 Waste Management: The Waste Strategy Officer objects on grounds of inadequate storage and collection arrangements.
- 5.27 Pollution Control (Contaminated Land): The Contaminated Land Officer makes the following observations: Previous investigations undertaken on the site as part of the initial development of the Hamadryad Centre for the 14/2077/DCI planning permission for the 75 dwellings has indicated the need for remediation and ground gas protection measures. The same information in terms of ground investigation and remediation strategy from Terra Firma has been submitted as part of this application. Pollution Control requests standard, ground gas, remediation, and imported soils and aggregates conditions.
- 5.28 Pollution Control (Noise & Air): No comments have been received.
- 5.29 Trees: The Trees officer objects to the following grounds:
- 5.30 No tree assessment in accordance with BS 5837:2012 has been undertaken and used to inform design despite the fact that three trees covered by a TPO adjoin the site and may suffer significant incursions into their Root Protection Areas due to the construction of an access and car-parking court.
- 5.31 At least one, but probably three trees required to be planted in accordance with a TPO consent dated 18th March 2015 (reference TP/15/00038) will need to be removed in due course or could not be planted in accordance with the conditions of consent in any event due to the footprint of the proposed car-parking court. The trees comprise X1 *Pinus pinea* (would definitely require removal or could not be planted) and x2 *Pinus nigra* required to be planted in soft landscape beds incorporating shrub surrounds as shown on the approved planting plan submitted in relation to planning application 14/2077 and TP/15/00038.
- 5.32 No provision is made for new tree planting or other soft landscaping except for the indicative planting of trees in POS which in any event has been or will be agreed as part of 14/2077.
- 5.33 Both the existing trees and the trees required as a condition of TPO consent are fixed constraints and proposed development should be designed to accommodate them and their future growth requirements above and below ground.
- 5.34 Given the above I consider that the proposed development will result in unacceptable harm to trees of amenity value.
- 5.35 Ecology: The Ecology Officer makes the following observations: The proposal site is adjacent to the River Taff Site of Importance for Nature Conservation (SINC), and the Cardiff Bay Wetlands and Hamadryad Park Local Nature Reserve (LNR). A condition is requested to minimise the impact on the adjacent protected areas.

- 5.36 As the habitats on the site are suitable for nesting birds, a standard condition in relation to the timing of clearance/ demolition works is requested.
- 5.37 Surveys revealed substantial numbers of Common Toads on the site, and whilst this species is not statutorily protected (other than for trade), it is nonetheless listed among the Species of Principal Importance for Conservation of Biological Diversity in Wales as required by Section 42 of the Natural Environment & Rural Communities Act 2006.
- 5.38 Although the presence of this species would not influence the development of this site, there are nevertheless some measures which could be implemented to reduce the impact of the proposed development such as hand clearance of the site and the use of wildlife kerbs adjacent to gully pots.
- 5.39 Nesting/roosting opportunities should be built in to new build, in accordance with the advice given in the TCPA's '*Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009*', and in the Bat Conservation Trust's '*Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010*'.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Glamorgan Gwent Archaeological Trust (GGAT): Not consulted. Their response to the previous withdrawn application (14/543/DCI) raised no objection subject to a request to contact GGAT should any archaeological features be disturbed during the course of the development.
- 6.2 DCWW: No objection subject to standard conditions on separation of foul and surface water, and discharge of surface and land drainage run-off to the public sewer, and submission of a comprehensive drainage scheme for approval by the LPA.
- 6.3 Natural Resources Wales (NRW): NRW note that the development site is of high environmental sensitivity because the site is situated within 50m of a surface watercourse, the River Taff.
- 6.4 They therefore request the inclusion of a number of contaminated land and biodiversity related conditions on any permission the LPA may be minded to grant. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and NRW would wish to object to the application.
- 6.5 The conditions relate to land contamination assessment, remediation strategy and verification plan; verification report; contamination monitoring and maintenance plan; unforeseen contamination; light spill; invasive plant species; and flood risk conditions.
- 6.6 Western Power (WPD): No response received.

7. **REPRESENTATIONS**

7.1 The application was advertised on site and in the press as a major application. Neighbours and local members were notified. Letters of objection were received from 6 local residents objecting on the following grounds:

- Inadequate on-site parking provision resulting in increased pressure on limited uncontrolled on-street parking which is already heavily parked during the day by commuters.
- Increased parking pressure when primary school is built on neighbouring site.
- Lower parking provision ratio than previous consented scheme.
- Impact of increased traffic from proposed development and new school on safety and amenity of local residents.
- Loss of open space.
- School proposals for neighbouring site not indicated.
- Inadequate access from Hamadryad Road for emergency and larger construction vehicles.
- Inadequate access to Hamadryad Road from Clarence Embankment.
- Inadequate waste storage and collection arrangements.
- Section 106 contributions on previous application do not meet statutory tests.
- Failure to post site notices publicising the application.
- 1905 legal covenant requiring hospital more community use only still in force.
- Noise and disruption during construction period.

7.2 In summary, the main grounds for objection relate to inadequate levels of parking provision, exacerbated by a potential new primary school on the neighbouring site, overdevelopment, and loss of open space.

8. **ANALYSIS**

8.1 The site is former hospital land. As the principle of development for this site for residential purposes has already been established by planning permission 14/02077/DCI the application raises no land use policy concerns.

8.2 The main issues to assess are loss of open space, scale and design, loss of habitat and impact on biodiversity, and adequacy of parking provision.

Loss of open space

8.3 The proposals do not involve the loss of any of the Park or any public open space. The site is defined by the existing Hamadryad Hospital fence.

8.4 The 1996 Local Plan shows the site as part of the wider area of reclaimed land identified on the Plan for open space to be delivered over the plan period. This subsequently passed into the ownership of the Hospital resulting in the current site boundary.

- 8.5 The site is prominently located adjacent to the Park and the river. Protected trees have been removed in accordance with the Council TPO approval. As part of that approval, and the 14/2077 planning permission, a landscaping scheme for replacement planting on the site and compensatory tree planting in the Park (secured via a POS improvement financial contribution) was agreed. The application will be subject to the same landscaping conditions and a pro-rata POS contribution towards the planting of compensatory trees in the Park.
- 8.6 The principle of the loss of open space with amenity value has been established by 14/2077/DCI

Scale and Design

- 8.7 The apartment block to the west is 4 storeys high with a six storey corner block. This is significantly higher than the existing housing to the north however previous consented schemes have included taller buildings on the site (up to 10 storeys) and the principle of a building or buildings significantly taller than the historic 2 storey housing has therefore been established.
- 8.8 However given the low-rise residential context and proximity to the park a maximum of 6 storeys to the SW corner was considered appropriate, with the remainder of the apartment block a maximum of 4 storeys to pick up on the building line and scale of the existing 3 storey apartment block that terminates the Clarence Embankment terrace.
- 8.9 The apartment block is set back 8m from the western boundary at the Hamadryad Road end increasing to 11m before reducing to 2.5m at the southern end of the block. There is sufficient space for a communal garden area and landscaped buffer including new trees to the west and south of the block. The apartment block is set back 7.5m from the southern boundary with the park.
- 8.10 Materials are primarily brick and zinc cladding and are in keeping with the traditional materials palette of the surrounding residential development. External areas are landscaped/ paved.

Loss of habitat and impact on biodiversity

- 8.11 The proposal site is adjacent to the River Taff Site of Importance for Nature Conservation (SINC), and the Cardiff Bay Wetlands and Hamadryad Park Local Nature Reserve (LNR). The SINC is approximately 20m to the west. The LNR is approximately 125m to the east. The Cardiff Bay Wetlands are the other side of the Cardiff Bay Link bridge. The development does not impact directly on any of these designated areas. The site has been cleared under planning permission 14/2077/DCI.
- 8.12 Indirect impacts arising from potential lightspill on the SINC/LNR is controlled by condition. A condition is imposed to minimise the impact on the adjacent protected areas.

- 8.13 Biodiversity Enhancements: Clearance of this site has resulted in a loss of habitat for birds, rodents, invertebrates and amphibians, and loss of feeding opportunities for species such as birds and bats. An advisory is therefore attached setting out a number of biodiversity enhancement measures to offset these losses and contribute to the overall sustainability of the scheme.
- 8.14 In relation to mitigation measures for the destruction of bat habitat the trees on site were assessed as having limited potential for roosting bats, so it is not likely that the impact upon roosting bats would be great, especially taking into account the small size of the site. There will be some loss of foraging habitat, but this is not significant given the amount of habitat remaining nearby in the form of the River Taff, Cardiff Bay, and the Local Nature Reserve. Putting up bat boxes will provide an enhancement to the roosting habitat available in the area.
- 8.15 In relation to the impact of light pollution on nocturnal species within the Park resulting from the removal of the dense tree screen it is acknowledged that there will be a significant potential impact in terms of light pollution on this 'dark space' but this will have limited impact on bats. Conditions have however been imposed to control the potential adverse impact of light spill on all nocturnal species using the Park and the river's edge, in line with the NRW consultation response.

Parking provision

- 8.16 The adopted Access, Circulation and Parking Standards SPG identifies a parking requirement of zero to one car space per residential unit (zero visitor) for the City Centre and Bay; and a minimum cycle parking requirement of 1 space per unit for flats/apartments. The proposed development is therefore considered to be car parking policy compliant.
- 8.17 It must also be taken into account that the site is 100% affordable; within easy walking distance of shops and services locally; 300m from bus public transport services and the Cardiff's cycle network. The site is therefore considered to be in a sustainable location in transport terms and given its nature (100% affordable with a high proportion of 1 bed apartments) is more likely to attract residents who choose not to own a car.
- 8.18 The number of cycle spaces proposed is 54, of these 36 spaces are shown under cover. This is considered acceptable given the location of the development. A standard cycle parking condition is attached.
- 8.19 It is acknowledged that the non-resident, uncontrolled parking areas are heavily and occasionally inappropriately parked, including corner parking and obstruction of the park access for example. A financial contribution is therefore requested towards transport and highway-related improvements including TRO and other modifications to be implemented to help address these issues, and public realm improvements adjacent to the site.

Compliance with TPO landscape scheme

- 8.20 The protected trees were removed under a TPO approval and subject to the implementation of an agreed landscaping scheme broadly in accordance with the 14/2077 consent for a 100% residential scheme on the wider site.
- 8.21 The application is for residential on part of the site only and will be implemented in the event that the neighbouring site is sold by CCHA to the Council to build a school.
- 8.22 The Trees Officer objects to the proposals on the grounds that the consented landscaping scheme, insofar as it relates to the application site, cannot be implemented because the access and parking arrangements require the removal of one replacement tree and compromise two other replacement trees.
- 8.23 To overcome this it is proposed that the sale of the neighbouring land be made conditional on the purchaser implementing a landscaping scheme as part of the redevelopment of the site that will adequately compensate for the loss of the protected trees. This approach has been agreed in principle by the Director of Education and Legal.
- 8.24 In order to establish that such a landscaping scheme is achievable, given the constraints of the site and the requirements of a 2FE primary school, the agent has been asked to provide a provisional landscape scheme for the neighbouring site, based on an indicative footprint for the school provided by Education, for discussion and approval in principle by relevant service areas.
- 8.25 The outcome of this discussion will be reported to committee as a late representation

Issues raised through representations

- 8.26 Local residents' objections on the grounds of loss of open space and adequacy of parking provision are addressed above.
- 8.27 Legal covenant restricting the use of the land: This is not a planning matter. It is understood that a request has been made to Welsh Government (WG) for documentation regarding transfer of land surrounding Hamadryad Hospital under the title deed drawn up in 1996 between WG and S. Glamorgan CC
- 8.28 Access for larger and emergency vehicles: Under the previous application Transportation confirmed that there is adequate access for emergency vehicles and larger vehicles from Hamadryad Road, and from Clarence Embankment to Hamadryad Road. The situation is unchanged.
- 8.29 Parking provision worse than consented scheme: The application is for 55 flats (1 and 2 bedroom) with 15 parking spaces. The consented scheme is for 55 flats (1 and 2 bedroom) and 20 townhouses (total 75 dwellings) with 38 parking spaces. Assuming a 1:1 parking ratio for the townhouses gives 18 spaces for the 55 flats.

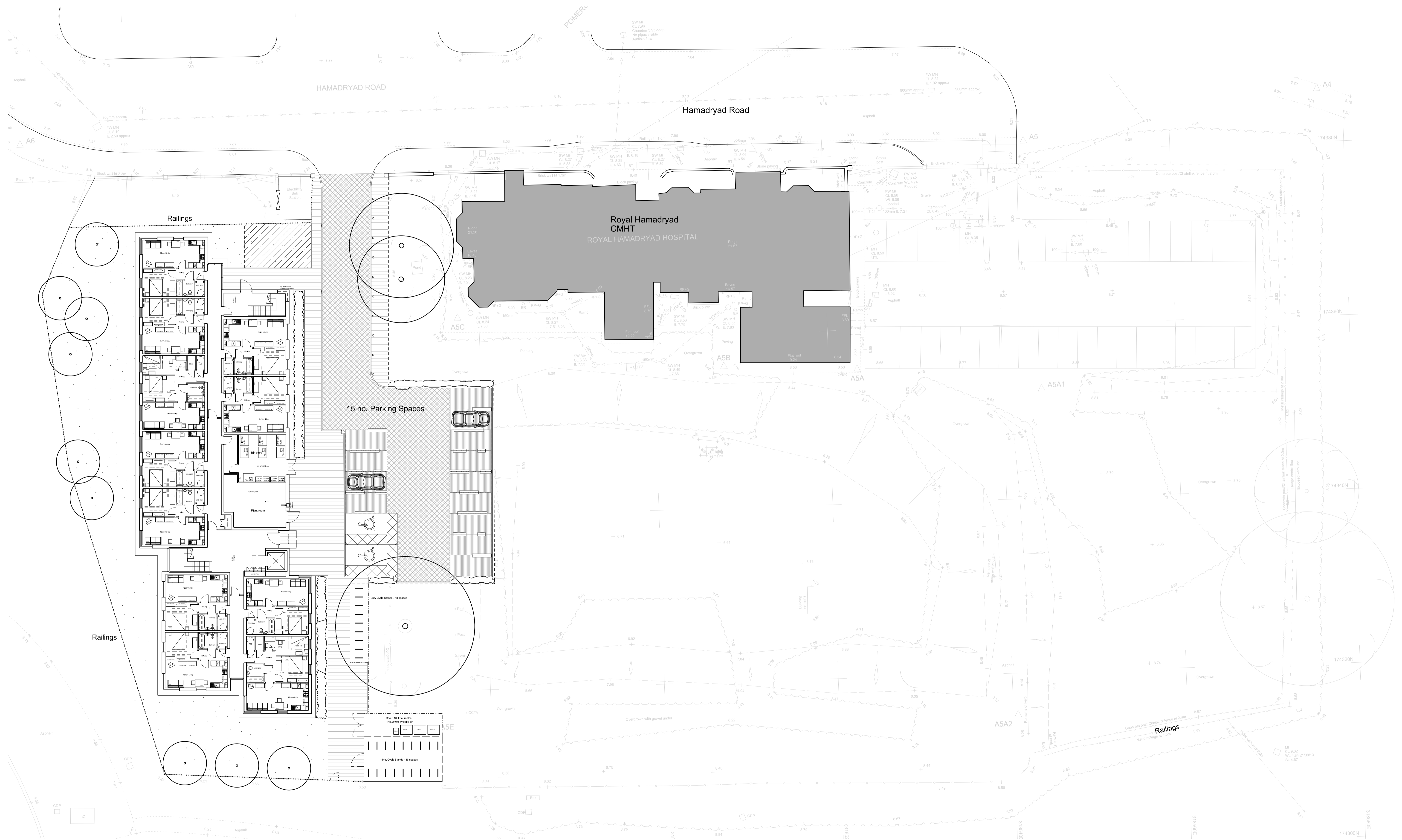
- 8.30 There is therefore a notional 3 fewer parking spaces for the apartment block than the consented scheme. It is acknowledged that this is a worse parking ratio than the consented scheme however provision remains policy compliant and Transportation have no objection.
- 8.31 Inadequate consultation process: The application is a major development and the statutory publicity requirements are for a newspaper advert and either site notice or neighbour notification. A notice was put in the press and site notices put up around the site on 21.5.15. Neighbours were notified on 8.5.15. The Council has therefore publicised this application using all 3 methods. This is normal practice where it is considered that development affects more than just immediate neighbours.
- 8.32 Potential school on neighbouring site: References to Council plans to build a primary school on the adjoining site, and the potential impact this may have on parking pressures and traffic movements in the vicinity is not a consideration in the determination of this application. It should also be noted that a final decision has not yet been taken on whether a school will be built on the neighbouring site. Current plans are to formally consult on local school provision in Autumn 2015.
- 8.33 S106 tests: The validity of planning obligations relating to the previous application is not a consideration in determining the current application.
- 8.34 Waste storage: Waste Management's objection has been sent to the agent. Their response will be reported to committee as a late representation.

S106 Matters

- 8.35 Service areas have requested the following financial contributions: £77,219 towards public open space improvements in the vicinity; £32,230 towards community facilities improvements in the vicinity, and; £*** (to be reported to committee) towards transport and highways related improvements. The total amount requested by service areas totals £*** (to be reported to committee).
- 8.36 Committee resolved to grant the previous application 14/2077/DCI for 75 dwellings on the basis of a reduced 106 contribution to take into account abnormal piling and site engineering costs and 100% affordable housing provision. The amount agreed was £105,000 split between public open space improvements, community facility improvements, and transportation and highways-related improvements, with a proviso that the total amount be subject to review should any additional funding become available.
- 8.37 On this basis the applicant has confirmed that a pro-rata contribution of £77,000 ($55/75 \times 105,000$) would be acceptable. The principle of a reduced amount for 100% affordable housing on this site has been established by the previous application and £77,000 is therefore considered acceptable.

9. **CONCLUSION**

- 9.1 In conclusion the proposals redevelop a vacant plot and provide 55 affordable dwellings in a highly sustainable location. The principle of residential development on this site has been established by earlier consents. The design has proper regard for the scale and character of its residential neighbours to the north and Hamadryad Park to the south. Extensive replacement tree planting is proposed to mitigate the loss of poorer quality protected trees. Parking provision is policy compliant and a financial contribution is secured to address some of the on-street parking problems that the area experiences.
- 9.2 The granting of planning permission is recommended subject to conditions being imposed and a legal agreement (Section 106) being signed to secure a financial contribution, as follows:
- £43,500 for improvements to public open space
 - £18,500 for improvements to community facilities, and
 - £15,000 for transport and highway-related improvements, including public realm improvements adjacent to the site.



Revision	Description	By	Chkd By	Date	Revision	Description	By	Chkd By	Date
*	Initial Issue	JJ	MJR	01.09.14					
A	Amendments to house and flat layouts; cycle shelter added	TK	MJR	02.11.14					
B	Landscaping & boundary line clarified								
	Houses omitted. Parking/ landscaping amended. New access road	AM	TB	17.04.15					

Revision	Description	By	Chkd By	Date	Revision	Description	By	Chkd By	Date

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Drawn	TCC	Austin-Smith:Lord LLP
Date	JULY 2014	Architects Designers Planners
Scale	1:200 @ A1	Landscape Architects
Status	PLANNING	one Dunleavy Drive Cardiff CF11 0SN t 02920 225 208 f 02920 225 230 e cardiff@austinsmithlord.com

Austin-Smith:Lord
 Project Royal Hamadryad Hospital Site
 Hamadryad Road, Cardiff
 Description Ground Floor Plan
 Job No. 314098 Drawing No. L(00)010 Revision * A B



Indicative Only

Revision	Description	By	Chkd By	Date
*	Initial Input	JJ	MJR	01.09.14
A	Model updated	TE	MJR	06/11/14
B	Houses Omitted	AM	TB	17.04.15

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Drawn	JJ	Austin-Smith:Lord LLP Architects Designers Planners
Date	SEPT 2014	Landscape Architects one Dunleavy Drive Cardiff CF11 0SN
Scale	@ A3	02920 225 208 02920 225 230 e cardiff@austinsmithlord.com
Status	PLANNING 75	

Austin-Smith:Lord			
Project	Royal Hamadryad Hospital Site Hamadryad Road, Cardiff		
Description	Site Perspectives SE Aerial View		
Job No.	Drawing No.	Revision	* A B
314098	L(00)411		

COMMITTEE DATE: 22/07/2015

APPLICATION No. 15/01036/MJR APPLICATION DATE: 12/05/2015

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Parade Cardiff Ltd

LOCATION: COLEG GLAN HAFREN, 35 THE PARADE, ROATH, CARDIFF, CF24 3AD

PROPOSAL: REFURBISHMENT AND CHANGE OF USE OF 35 THE PARADE FROM D1 EDUCATION USE TO SUI GENERIS STUDENT ACCOMMODATION (79 UNITS) WITH 136SQM OF GROUND FLOOR A1/ A3 COMMERCIAL USES ALONG WITH ASSOCIATED WORKS.

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **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 5.1, 5.7 and 5.8 of this report, planning permission be **GRANTED** subject to the following conditions:

1. The development permitted shall be begun before the expiration of 5 years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. Notwithstanding the submitted plans, details of refuse storage and management shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason: To ensure an orderly form of development and protect the amenities of the area.
3. Prior to the beneficial occupation of the development, a Student Management Plan to include, but not be limited to, the promotion of public transport and other alternatives to the private car, that management of traffic at the start and end of term, the exclusion and control of car ownership and the parking of vehicles by students in the vicinity of the site, shall be submitted to and approved in writing by the local planning authority.
Reason: In the interests of highway safety and to regulate the impact of the development in terms of exacerbation of existing kerbside parking pressure on roads in the vicinity of the site.
4. Prior to the commencement of development a scheme of construction

management to include (but not be limited to) any; site hoardings, site access, management of all activities impinging on the highway shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

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

5. The cycle parking facilities shown on the approved plans shall be provided prior to any beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure appropriate provision for cyclists and in the interests of promoting alternative means of transport.

6. No customers shall be admitted to or allowed to remain on the ground floor commercial premises between the hours of 22:00 and 07:30 on any day.

Reason: To protect the amenity of adjacent residential occupiers.

7. Where the ground floor commercial unit is used for purposes within Class A3 (Food & Drink), that use shall be limited to a coffee shop and for no other purpose (including any other purpose within Use Class A3 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: The use for other purposes within Use Class A3 may prejudice the amenities of adjacent occupiers.

8. C7X No Takeaway Sales

9. A scheme of sound insulation works to the floor/ceiling/party wall structures between the commercial and the residential areas shall be submitted to and approved in writing by the local planning authority in writing and implemented prior to beneficial occupation of the development.

Reason: To protect the amenities of future occupiers.

10. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active or passive ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

- 1) an upper rate of not less than 37 litres per second against a back

pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

11. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time at any residential property when measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard).

In addition to the above, a BS4142: 2014 assessment must be carried out to take into consideration the surrounding commercial businesses. Mitigation measures must be addressed in the noise assessment and submitted to the LPA prior to development.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan.

12. C2N Drainage details

13. This consent relates to the application as supplemented by the information contained in the emails dated 28 May and 29 May 2015, and letter dated 10 June 2015.

Reason: The information provided forms part of the application.

14. The consent relates to the application as amended by the revised plans received on 29th May 2015 attached to and forming part of this planning application.

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

15. R1 Construction Site Noise

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A full application for the refurbishment and change of use of an 11 storey block, currently used as a teaching college, to a mixed commercial use and student residential use.

- 1.2 The commercial unit will occupy approx. 136sqm of ground floor area, fronting and accessed off City Road, with a proposed Class A1 (Shops) or Class A3 (Food & Drink) use. The agent has confirmed that the proposed hours of opening for these premises would be 07:30 – 22:00.

- 1.3 The remainder of the ground floor area is proposed to be the entrance foyer for the student accommodation proposed for the upper floors, with associated lifts, staircase and concierge area, along with a small common room.

The proposed student accommodation (79 units, allowing for 123 students) comprise 5x two bed flats, 13x 4 bed flats and 61x studio apartments, with 7x rooms being disability accessible

- 1.4 Both ground floor commercial, and residential occupiers will have direct access to the existing rear yard area, where separate commercial and residential refuse and cycle parking facilities are proposed.
- 1.5 Within this application, works that affect the external appearance of the building are limited to the replacement of the existing windows serving the upper floors, with the new windows indicated as being a 'like for like' replacement.

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 0.08Ha in area, with the 11 storey building forming the north west corner of the junction between The Parade and City Road. The site is adjacent to, but outside The Parade Conservation Area.
- 2.2 The property behind the site is currently a two storey property, in use as a club/restaurant. This property is the subject of a current outline planning application (15/417MJR) for redevelopment as an 8 storey building with commercial units to the ground floor and flats above.

The property next door along The Parade is a two storey former dwelling currently used as offices for a Solicitors practice.

To the opposite side of City Road there are commercial ground floor uses (several A3 (Food & Drink) units) with residential above.

To the opposite side of The Parade, there is a two storey office premises on the site of a former garage and filling station.

3. **SITE HISTORY**

- 3.1 93/675C – Change of use from offices to education use - Approved.
05/1894C – Rear single storey extension – Approved.

4. **POLICY FRAMEWORK**

- 4.1 The site is located with the City Road as identified in the adopted City of Cardiff Local Plan 1996.
- 4.2 The relevant Local Plan Policies are:

Policy 11 (Design and Aesthetic Quality)
Policy 17 (Parking and Servicing Facilities)
Policy 18 (Provision for Cyclists)
Policy 40 (Development in City Road)

4.3 The site is within the City Road District Centre as identified in the Cardiff Unitary Development Plan Deposit Written Statement 2003.

4.4 The relevant Deposit Unitary Development Plan Policies are:

Policy 2.20 (Good Design)
Policy 2.24 (Residential Amenity)
Policy 2.36 (District and Local Centres)
Policy 2.57 (Access, Circulation and Parking Requirements)
Policy 2.74 (Provision for Waste Management Facilities in Development)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Transportation Manager has no objection, making the following comments:

Though no provision is made for off-street parking I consider that the proposed conversion of the existing college to 79 student flats (together with an A1/A3 unit) is acceptable in this instance mindful of; the sustainable location near both the city centre and the university with consequent ready access to both by non-car borne modes of travel, and also the existing college use which caters for some 1000-1500 students and 100-200 staff – subject to a condition to deter car ownership by students by precluding parking in the vicinity of the site. I'm mindful also that the proposed development would help to relieve demand for student accommodation in private houses where such controls would not exist, and that the proposed use would entail reduced travel during peak hours in comparison with the existing use. Adequate provision is also made for cycle parking.

I'd therefore have no objection subject to the following conditions;

'No part of the development shall be occupied until the submission to, and the approval by the LPA, of a Student Management Plan which should include but not be limited to; the promotion of public transport and other alternatives to the private car, the management of traffic and the beginning and end of terms, the exclusion and control of car ownership and the parking of vehicles by students in the vicinity of the site'. Reason: in the interests of highway safety and to regulate the impact of the development in terms of the exacerbation of existing kerbside parking pressure on the roads in the vicinity of the site.

'No part of the development shall be commenced prior to the submission to, and approval by the LPA, of a scheme of construction management to include; site hoardings, wheel washing facilities, and management of all activities impinging on the public highway'. Reason: in the interests of highway safety and public amenity.

'No development shall take place until details of the proposed cycle parking have been submitted to and approved in writing by the LPA. The approved details shall be implemented prior to beneficial use' Reason: to ensure that adequate provision is made for the secure parking of cycles.

Given the emphasis on alternative modes of travel to the private car a Section 106 contribution towards public transport enhancement may be appropriate. Though the site is generally well served by public transport my colleagues will advise whether any infrastructure improvements in the immediate vicinity of the site may be required which would serve to promote this mode of travel.

Further to the above, the following comment is made:

*It is advised that the two nearest bus stops on either side of City Road already have shelters and bus boarders – but would both benefit from the provision of RTI units and crime cameras. Each of these items costs in the region of £7,500 – and so a contribution of **£15,000**, which seems proportionate to the scale of the proposed development, would enable cameras to be installed in each shelter. This would have the effect of both reducing future maintenance costs and ensuring that the shelters are kept in good condition – thereby increasing their attractiveness and promoting travel by public transport.*

(Whilst the above mentioned contribution request is noted, it should also be noted that in light of similar comments received relating to planning application 15/417MJR, the requested contribution would be allocated to the provision of a RTI unit **and** a crime camera in one bus stop, with a similar contribution providing the same in the second stop).

- 5.2 The Highways Drainage Manager has no adverse observations to offer.
- 5.3 The Waste Manager notes the submitted refuse storage information. However, further details of the provision are required, with advice provided in respect of capacities.
- 5.4 The Pollution Control Manager (Contaminated Land) has no comments in respect of the proposals.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of traffic noise, plant noise, sound insulation, hours of operation and delivery times, with further advice in respect of construction site noise.
- 5.6 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.
- 5.7 The Parks Manager has no objection to the proposed change of use, subject to the developer agreeing to a financial contribution of **£73,447** towards the provision of or maintenance of existing open space in the vicinity of the site.
- 5.8 The Neighbourhood Regeneration Manager has no objection, making the

following comments:

“Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that ‘the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities’. If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings including student accommodation.

*No onsite community facilities have been proposed therefore a contribution of **£50,430** is required towards community facilities.*

This has been calculated based on a £410 contribution per bedroom, for 123 bedrooms as shown in the submitted plans”.

5.9 The Land Use Policy Manager has no objection, commenting:

“The application site falls within City Road, therefore Policy 40 of the City of Cardiff Local Plan applies. Policy 40 favours the development of housing, shops (Class A1) and financial and professional services (A2) in this location, subject to considerations of scale, location, design, amenity and transportation. It is noted that a retail frontage is being provided on City Road, which is supported.

Policy 27 indicates that the conversion of space above existing commercial space in the City Road Area to residential will be favoured, where there is adequate servicing and security can be maintained to the existing commercial uses and appropriate provision can be made for car parking, pedestrian access, amenity space and refuse disposal.

The conversion of under used or vacant upper floors of commercial premises to residential use will provide a valuable addition to the total housing stock of the city. The resulting mix of land uses will add to the vibrancy and atmosphere of City Road.

The application therefore raises no land use policy concerns. However, if permission is granted, it is suggested that a condition is imposed to restrict the A3 element to a coffee shop only (with no hot food takeaway function) in the interests of residential amenity.”

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage.
- 6.3 South Wales Police raised concerns over a number of crime prevention matters, advising that they would object on that basis, should the applicant not address the issue raised.

The agent has submitted further details covering the issues raised and these have been considered by the Police, who have confirmed that providing the measures identified in the letter from the agent dated 10 June 2015 are incorporated into the scheme, their objection is withdrawn

7. **REPRESENTATIONS**

- 7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures. No comments have been received.
- 7.2 Local Members have been consulted and no comments have been received.

8. **ANALYSIS**

- 8.1 A full application for the refurbishment and change of use of an 11 storey block, currently used as a teaching college, to a mixed commercial use and student residential use.

As physical works affecting the exterior of the building are limited to replacement upper floor windows, the main issue to be considered is the proposed use of the building for residential purposes.

- 8.2 The existing use of the building generates considerable movements around the area with students coming and going to attend classes etc. It is considered that the proposed use would not generate significantly more movement. In addition, the use of the upper floors for residential use, coupled with the commercial use of the ground floor would result in an increased sense of place. It is considered therefore, that the proposed use would add to the vitality of this part of City Road.
- 8.3 It is noted that the premises at 11-13 City Road (directly to the rear of the application site) is the subject of a planning application for mixed ground floor commercial and upper floor residential uses (8 storey). That application is in outline, with all matters except access reserved. Illustrative plans indicate that the elevation (south) facing the rear of the Glan Hafren building may have windows. However, it is also noted that these windows would serve a kitchen area and would effectively be a 'side' window. As such it is considered that this would not represent a significant loss of privacy for future occupiers. With regard to an indicated roof terrace, the agent for that application has been advised that in any subsequent reserved matters application (should outline consent be granted), this area would require further design consideration.
- 8.4 No details of the replacement windows have been provided, with the exception of the statement that these replacements would be on a 'like for like' basis in terms of external appearance. Having regard for the requirement for mechanical ventilation as part of condition 10 above, it is considered appropriate to review details of the replacement windows at that time.
- 8.5 With regard to the request from the Pollution Control Manager (Noise & Air) for a condition relating to delivery times, having regard for the extant use of the

premise and the nature of the surroundings, it is considered that this condition would be overly onerous and would likely fail the tests for the use of conditions in planning permission. Whilst it is noted that the proposals include a significant residential element, future occupants would be aware of the environment they were in and could not reasonably expect the same level of amenity as a suburban resident.

- 8.6 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Transportation - £15,000 – Real Time Information board and Crime Camera in a bus stop close to the site.

Neighbourhood Regeneration – £50,430 – Improvement of facilities at Penylan Library and Community Centre, and Plasnewydd Community Centre.

Parks – £73,447 – Towards the improvement of open space in the vicinity. Details to be agreed in line with the CIL tests.

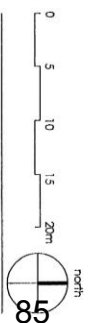
- 8.7 In light of the above, and having regard for adopted planning policy guidance it is recommended that planning permission be granted, subject to a legal agreement and conditions.



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15/01036/11/13

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project
**35 The Parade
Cardiff
CF24 3AD**

client
Parade Cardiff Limited

stage
Planning Application

drawing
Block plan

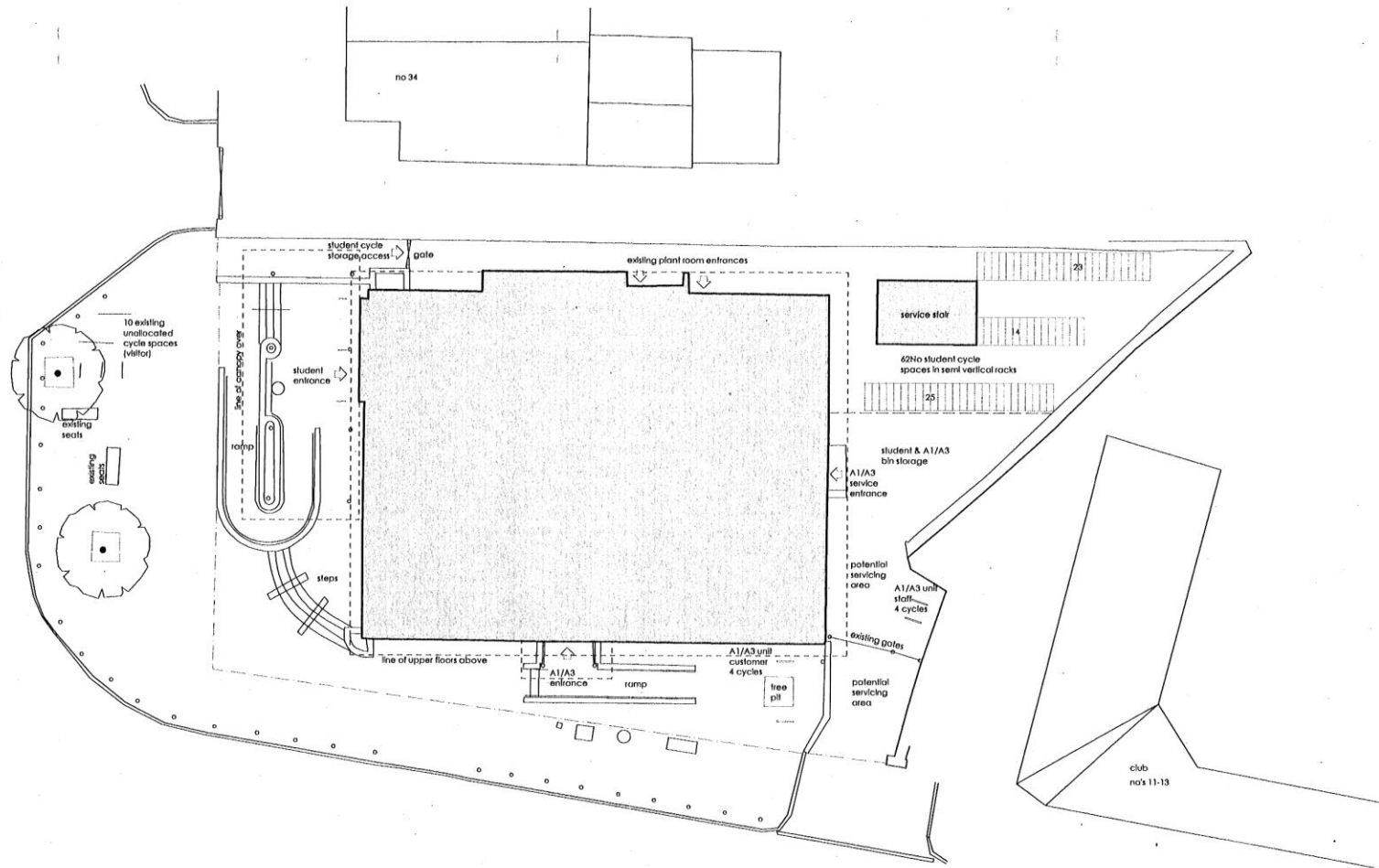
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April 2015

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The Parade



City Road

ADDITIONAL INFORMATION
 Date 29 MAY 2015
 Applic. No. 15/1036 MJA

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 notes

revisions



project
35 The Parade
 City Road
 Cardiff
 CF24 3AD

client
Parade Cardiff Ltd

drawing
Site Plan
As Proposed

stage
Planning

scale
1:200 @ A3

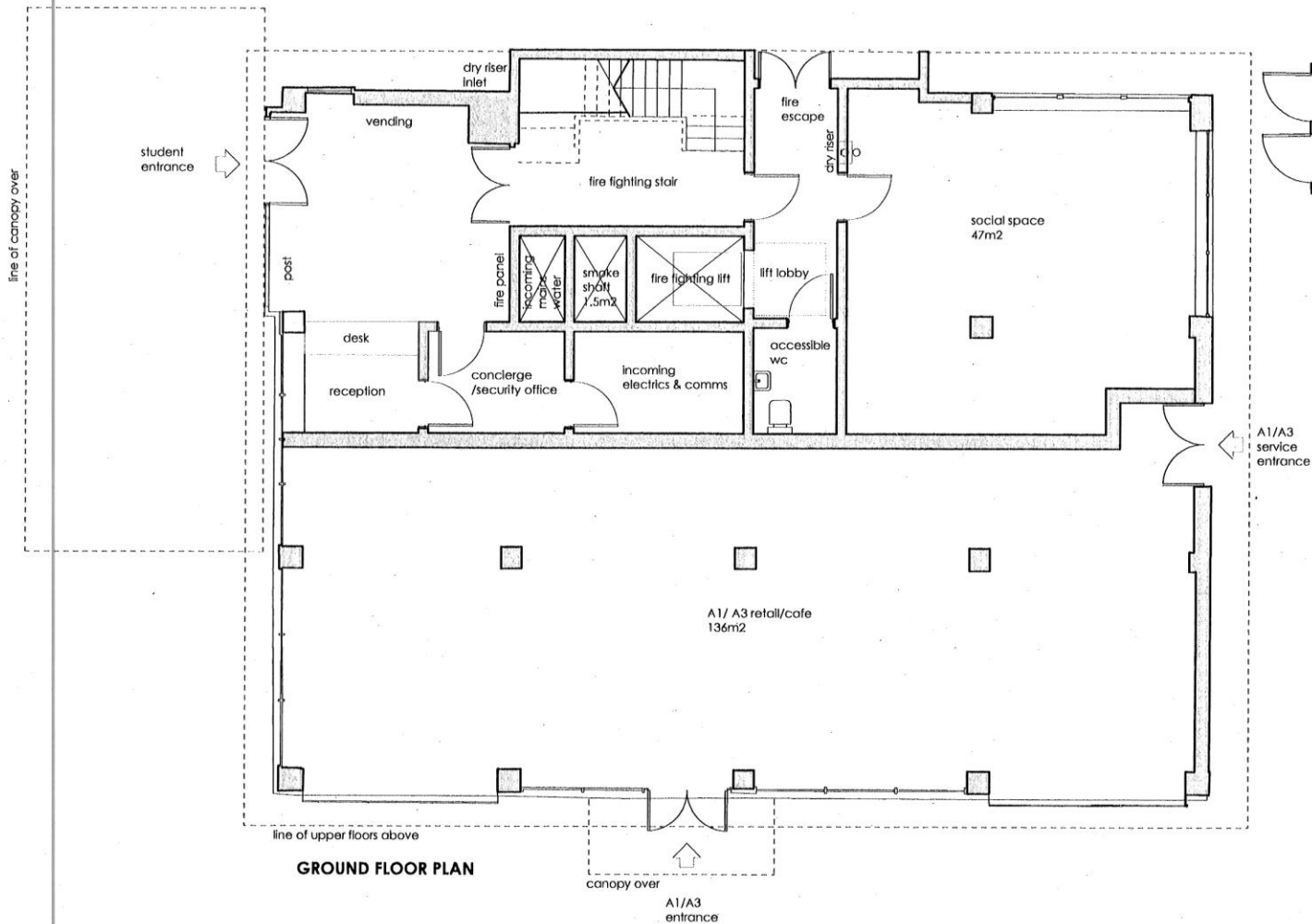
date
April 2015

job no., dwg no., revision
1502_16

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LEVEL	BEDS
0	0
1	11
2	12
3	13
4	12
5	13
6	12
7	13
8	12
9	13
10	12
TOTAL	123

MIX - 79 UNITS
 5No 2 BED FLATS
 13No 4 BED FLATS
 61No STUDIOS (inc 7No accessible)

AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
 & ENVIRONMENT
 DATE 29/5/15

15/1036 MJR

0 5 1 2 3m

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notes

revisions
 A1: 29.05.15
 • Ground floor layout reconfigured to accommodate social space



project
**35 The Parade
 City Road
 Cardiff
 CF24 3AD**

client
Parade Cardiff Ltd

drawing
**Ground Floor Plan
 As Proposed**

stage
Planning

scale
1:100 @ A3

date
May 2015

job no. / dwg no. / revision
1502_17_A

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