

LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 22ND JULY 2015

PAGE NO. 1	APPLICATION NO. 13/00944/DCO
ADDRESS:	16, THE AVENUE, LLANDAFF
FROM:	Applicant's agent.
SUMMARY:	<p>The development proposal retains the TPO Magnolia Tree, and the parking layout has been amended accordingly.</p> <p>The Arboricultural Impact Assessment indicates that the tree suffers from significant structural defects which require remediation through pruning to prevent failure. Pruning works would need to be undertaken to improve the safety and health of the tree irrespective of this development. The development includes a proposal to implement remedial pruning works, which could be conditioned by any planning permission, and which would improve the safety and health of the tree as well as maintaining a contribution to public amenity.</p> <p>The Magnolia tree will be physically protected during the construction works in strict accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction.</p> <p>The proposed development fully complies with all relevant National and Local Planning policies, and with the Council's SPG "Trees and Development".</p> <p>A set of drawings showing the retention of the TPO'd Magnolia tree is submitted.</p>
REMARKS:	<p>The proposed retention of the <i>Magnolia</i> is supported. It will suffer incursions into its nominal Root Protection Area (RPA) by the proposed building footprint, paving, a loose gravel parking area and new soft landscaping comprising shade hardy shrubs. Whilst it is not clearly annotated there is a strong possibility that a new sewer pipe will incur into the RPA. A wall, fence or other edging feature is shown within the RPA following the north-eastern edge of the proposed drive before heading north-west away from the drive to join the boundary with the house to the north. Construction of this feature may result in harm to or loss of roots. It should also be noted that micro-drainage is not shown on the submitted plan but may be required and may incur into the RPA.</p> <p>Since no Tree Constraints Plan has been submitted based on an existing topographic plan, accurate assessment of the likely impact of the proposed incursions into the RPA as compared with the rooting conditions currently enjoyed by</p>

the *Magnolia*, is hindered. However, it is clear that there will be a substantial incursion (estimated to be in excess of 20%) by engineered features (paving and building footprint) into the RPA. Taken alone the incursion by the building footprint is minimal, and whilst it should preferably be designed out, the incursion might be acceptable subject to improvements to the RPA elsewhere. Unfortunately, evidence to demonstrate positive changes in the RPA is lacking. Unless the construction of the paved patio and permeable paved drive is specified in such a way that the likely impact on the health of the tree will be neutral or positive – i.e. that there will be no phytotoxic materials used in construction and no compaction or impediment to the percolation of water and diffusion of gases within the RPA (but preferably that there will be improved percolation of water and gaseous diffusion), then it must be assumed that their construction will result in unacceptable harm. Similarly, whilst it is understood based on the submitted Treescene Ltd Arboricultural Impact Assessment dated 14th October 2014 that the ‘tree is sited within a permeable, hard stand area that has historically been utilised as a driveway and parking area for vehicles’, this does not mean that the proposed loose gravel parking space will not have the potential to cause harm to roots. The most serious form of harm possible is direct crushing of roots and their asphyxiation due to compaction caused by trafficking. A thin layer of gravel is not sufficient to protect soil from compaction. Any car-parking within the RPA should be designed to allow for unimpeded water percolation and gaseous diffusion – an improvement in permeability and aeration beneath the proposed car-parking space would help to offset the incursions by the building footprint and the other potentially detrimental incursions into the RPA cited above.

Careful precautions taken in the construction of the drive, patio and parking area could be pointless if new service connections are required within the RPA of the *Magnolia*, or if a wall is built in the heart of its RPA. Clarification is needed concerning the location of all proposed services including any micro-drainage and the nature of the ‘edging’ features shown and described above.

The proposed soft landscaping within the RPA of the *Magnolia* could result in beneficial or detrimental impacts to roots dependent on how it is installed. If machine cultivation is undertaken, levels are changed significantly by importing topsoil and installing it onto compacted sub-soil, or deep planting pits are excavated for new shrubs, then significant and unacceptable harm is likely. However, if the planting

incorporates measures to actively improve the soil environment for *Magnolia* roots – i.e. hand cultivation and other measures to de-compact any compacted soil and incorporate organic matter, and shrubs are planted at small size, in small, carefully positioned pits, then the impact is likely to be neutral or beneficial. Measures that *benefit* the rooting environment of the *Magnolia* would help to offset harm caused elsewhere within the RPA.

The submitted Treescene Ltd Arboricultural Impact Assessment in relation to the work proposed to the *Magnolia* uses alarming language concerning the structural integrity of the tree but fails to back this up with definitive evidence from Visual Tree Assessment (VTA) or, as would be expected given the language used, a Tree Hazard Assessment. The Treescene report states that the tree leans heavily to the North East – it does lean to the North East but the use of the word ‘heavily’ is an exaggeration and implies some form of root plate instability for which no evidence has been presented. The tree does show heavy end loading of some branches and there are cavities that may increase the risks of branch failure, but without evidence from VTA and the use of decay detection equipment it cannot be concluded that the tree is therefore at ‘*high risk of serious structural failure that may lead to total tree loss*’. For example, no evidence of branch subsidence has been presented and there is no evidence that cavities are sufficiently large or actively decaying to increase the risks of failure significantly. This said it is accepted that the tree would benefit in structural terms from some reduction in end-loading, and subject to its RPA being protected from unacceptable harm, it should recover from such work and remain healthy. The extent of pruning could be reviewed (considering that its condition may have changed since the Treescene report was produced in October 2014) and the issue could be dealt with via a TPO application or pruning specification submitted in an addendum to the submitted Treescene report that also considers the other tree-related issues and references the plans as submitted .

The Treescene Ltd report does not consider the TPO sycamore at the rear of the site, but as with the *Magnolia* the proposed building footprint will incur into its RPA, as does a large area of patio paving, fencing, a cycle store and an area of gravel. As with the *Magnolia* the slight incursion made by the building footprint might be offset by improvements to the RPA elsewhere. Unfortunately without evidence to the contrary it must be assumed that the impact of paving construction and cycle store construction would be harmful or neutral at best. Gravel is nominally permeable

unless it is laid over an impermeable membrane which is quite possible. The construction of fencing will have a negligible impact except where posts are installed into concrete. Hedging would therefore be a preferred treatment.

Aside from the incursions into the RPA of the sycamore, concern remains that the tree will be perceived as a nuisance. A large part of the garden will be directly overhung by the canopy, and future growth is likely to incur over patio areas. Sycamore leaves are large and dark green and a mature tree in full leaf can be oppressive where it overhangs gardens. A further concern is the nuisance caused by honeydew resulting from aphid feeding. Sycamores are commonly subject to heavy aphid colonisation and feeding in spring, early summer and autumn. The honeydew they excrete vaporises and covers a wide area around the tree. Since it is sticky it means that hanging washing is a problem, sooty moulds can develop on honeydew covered plants, paving and garden furniture causing black stains and affecting detrimentally the appearance and photosynthetic performance of other plants. When wetted by rain, honeydew covered surfaces can be very slippery. The quality of life for residents would be detrimentally affected by the close proximity of development to the tree.

Whilst the submitted landscaping details make nominal provision for the planting of light standard *Ginkgo biloba* 'Mayfield', no trees are actually shown annotated on the plan and the space available for new tree planting is negligible. A thin soft strip bounds parking spaces on 'The Avenue' frontage. Whilst this strip could nominally accommodate a small number of light standard 'Mayfield', it is not clear how the trees will have access to the 15m³ of soil specified in the outline planting specification, except perhaps assuming that roots develop in an extremely constrained linear pit for the length of the strip. If this was the case the trees are likely to be vulnerable to structural failure as they mature. In addition, unless they are provided and maintained with a clear stem, conflict is likely between low branches and vehicles. Consequently the plans should be amended to provide for a wider strip and with root available soil volume extending beneath car-parking via structural soil and/or soil crates, with additional aeration and irrigation points provided at distance. In terms of soil, a full topsoil and subsoil specification should be provided.

In conclusion, it is not considered that the submitted amendments demonstrate that the development would not result in harm to trees of amenity value. However, since the Magnolia tree is now proposed to be retained,

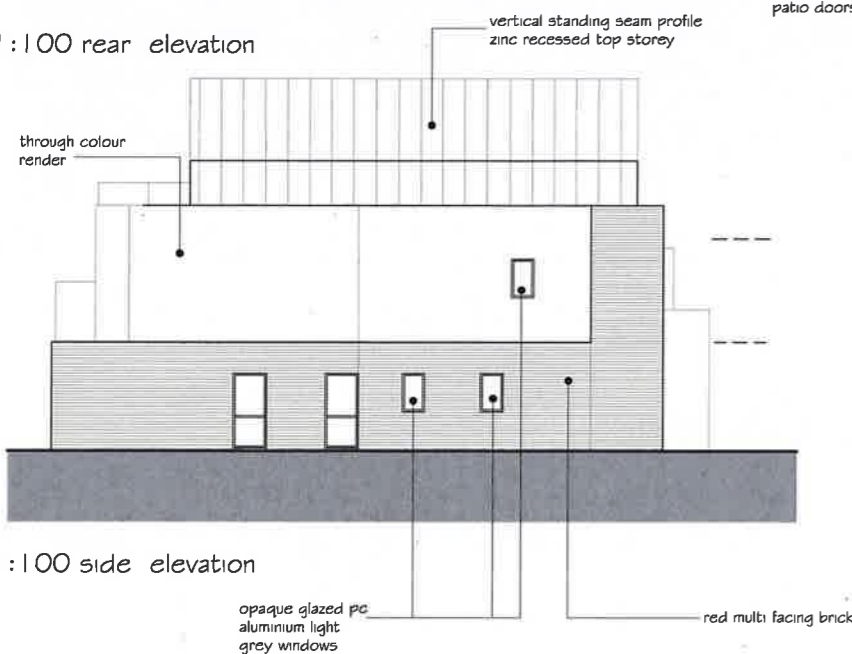
	<p>recommended reason for refusal (5) should be re-worded as follows:</p> <p>(5) It has not been demonstrated that the development would have no adverse impact on the Magnolia Tree at the front of the site which is the subject of a Tree Preservation Order, and the development would also result in pressure from future residents to carry out works to another protected tree at the rear of 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).</p>
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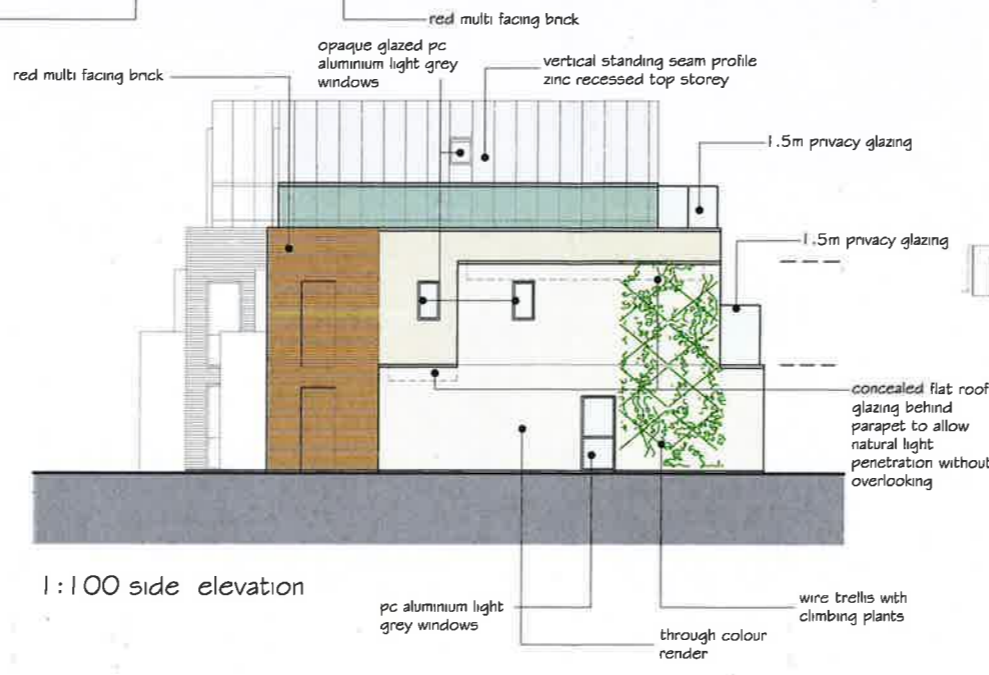
1:100 front elevation



1:100 rear elevation



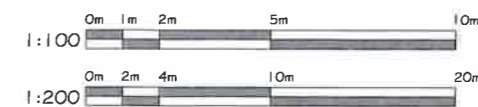
1:100 side elevation



1:100 side elevation



1:200 existing elevations



Notes:
 do not scale:
 detailed drawings and larger scale drawings take precedence. Figured dimensions only are to be taken from this drawing.
 dimensions:
 All building and site dimensions, levels and sewer levels limits at connection points are to be checked and verified on site by the contractor before the commencement of work. All dimensions are to be checked prior to the placement of orders for materials or the fabrication of work and any discrepancy, omission or error is to be reported to the Architect immediately for verification.
 specifications:
 The Contractor is to comply with current Building Legislation, British Standards Specifications, Building Regulations etc. Whether or not specifically stated on this drawing. This drawing must be checked against and read in conjunction with any structural or other relevant specialist and design documentation provided.

Revisions:
 rev a - feb '12 issued for approval
 rev b - feb '12 planning set issue
 rev c - july '12 planning set revised
 rev d - feb '13 planning set resubmission
 rev e - sept '13 amendments
 rev f - jul '15 amendments

PLANNING SET

client:
 Mr M A Rees

project:
 Residential Development
 16 The Avenue
 Llandaff
 Cardiff CF5 3LQ

description:
 existing and proposed elevations



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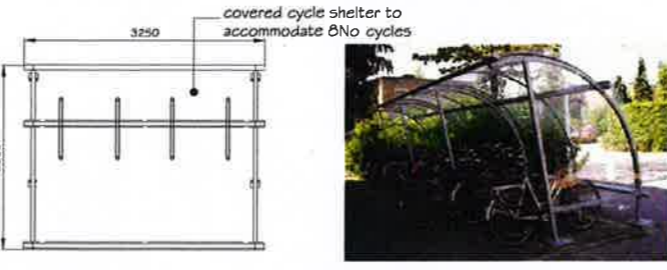
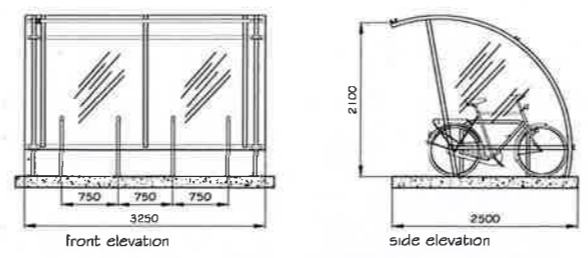
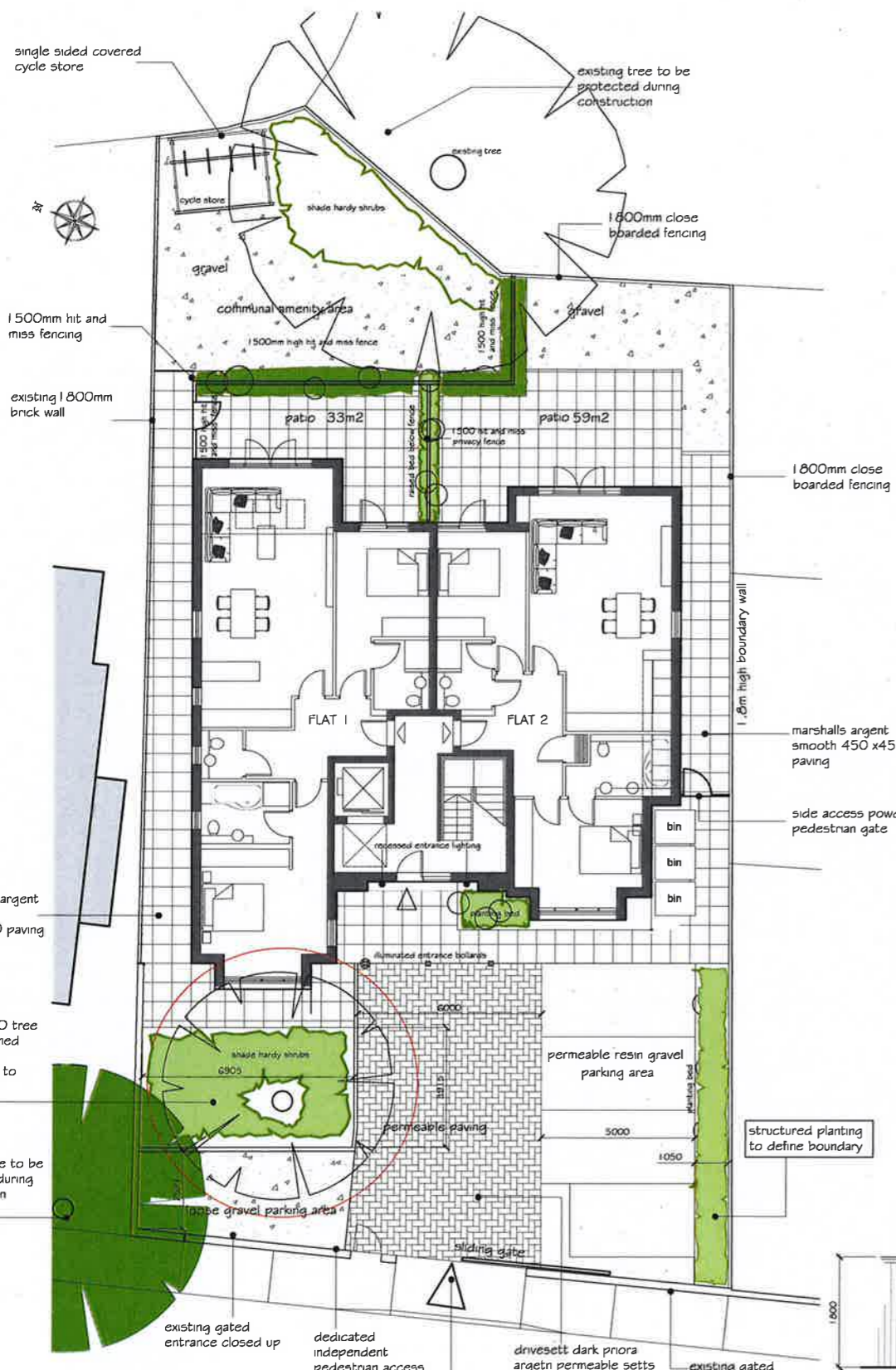
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drawn: jw scale: 1:100/200 @A1
 date: feb '12 sheet: of:

job draw no: JW305-102 rev: F

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1:50 close boarded fence

1:50 powder coated side gate

1:50 hit and miss fence

1:50 proposed front boundary wall

1:50 close boarded fence

1:50 powder coated side gate

1:50 hit and miss fence

1:50 proposed front boundary wall

1:50 close boarded fence

1:50 powder coated side gate

1:50 hit and miss fence

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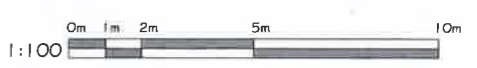
1:50 proposed front boundary wall

planting schedule

key	image	species	specification	density
light standard trees				
GIN BIL		ginkgo biloba 'mayfield'	6-8cm	individually planted
BET EDI		betula 'edinburgh'	6-8cm	individually planted
ornamental shrubs & groundcovers				
CHO AZT		choisia ternata 'zazac pearl'	3 litre pot	4/m2
POT ELI		potentilla 'Elizabeth'	3 litre pot	4/m2
LAV HID		lavandula hidcote	3 litre pot (plant in ericaceous compost)	6/m2
CAL VUL		calluna vulgaris 'Dark Star'	2 litre pot (plant in ericaceous compost)	6/m2
HEB AUT		hebe 'autumn glory'		4/m2
EUC FOR		eucynymus fortunei 'emerald & gold'	3 litre pot	4/m2

materials

- permeable grey resin bound surfacing to manouvring space in parking areas
- Marshall's drivesett Argent Priora dark permeable setts to parking area
- Marshall's Argent 450x450 smooth dark grey paving



outline planting specification
light standard trees

to be planted in tree pit providing min 1.5m³ usable soil volume with overall pit of approximately 2.5m x 2.5m x 2.5m. planting medium to be 1050mm depth, comprising 80% approved quality topsoil, to comply with BS3882, and 20% approved peat free compost. Enmag fertilizer to be incorporated at a rate of 70 grams/m². Deciduous trees to be staked with two 100mm diameter tanalised softwood stakes pointed at end. Stakes to be driven into existing ground beneath tree pit 300mm min. top of stakes to be 750mm above ground level and fixed to tree with a suitable rubber tree tie. Allow for watering in well.

shrubs and groundcovers

to be planted in 450mm depth approved quality topsoil beds with 75mm consolidated depth bark mulch, to comply to BS3882, cultivated and incorporating Enmag fertilizer at a rate of 70 grams/m². specimen plants to have backfill of 80% topsoil/ 20% approved peat free compost. all plants to be well watered in. all shrub beds to receive a 65mm layer of coarse/ medium grade bark mulch, unless otherwise specified by client.

general plant supply

all plant material to be supplied with BS3936 parts 1-4 and 10, all plants to the correct species and stock size specified, and to be good specimens characteristic of species. all plants to be supplied free from pest and disease. no substitution of species shall be allowed without prior approval.

amenity area

all proposed amenity gravel areas to receive layer of terram 100mm depth hardcore with 100mm top dressing of flint gravel

services

the landscape contractor should establish positions of drains and services on site prior to excavation works, and any potential conflict with tree planting positions should be brought to attention.

outline maintenance specification

all soft landscape elements are to be maintained and guaranteed during 12 months defects liability period. operations to include regular mowing of amenity grass areas, less frequent mowing of peripheral grass areas - as preferred by client depending on visual preference. (e.g. could be as little as 2-4 cuts per year) including strimming where required. maintenance also to include weeding operations to trees, and shrub areas, pruning plants as necessary (including plants in visibility splays to a height of 600mm), checking and adjusting stakes and ties, watering as necessary during prolonged dry periods, and replacing any plant failures.

Notes:

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- Dimensions: All building and site dimensions, levels and sewer invert levels at connection points are to be checked and verified on site by the contractor before the commencement of works. All dimensions are to be checked prior to the placement of orders for materials or the fabrication of work and any discrepancy, omission or error is to be reported to the Architect immediately for verification.
- Specification: The Contractor is to comply with current Building Regulations, British Standard Specifications, Building Regulations etc. Whether or not specifically stated on the drawing. This drawing must be checked against and read in conjunction with any structural or other relevant specifications and design documentation provided.

- Revisions:
- rev a - feb '13 issued for approval
 - rev b - feb '13 tree types amended in line with LA feedback
 - rev c - mar '13 planning set resubmission
 - rev d - aug '13 minor amendments to rear
 - rev e - jul '15 amendments

PLANNING SET

client:
Mr M A Rees

project:
Residential Development
16 The Avenue
Llandaff
Cardiff CF5 3LQ

description:
proposed landscaping plan



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date: feb '12

scale: as noted @A1
sheet: 01

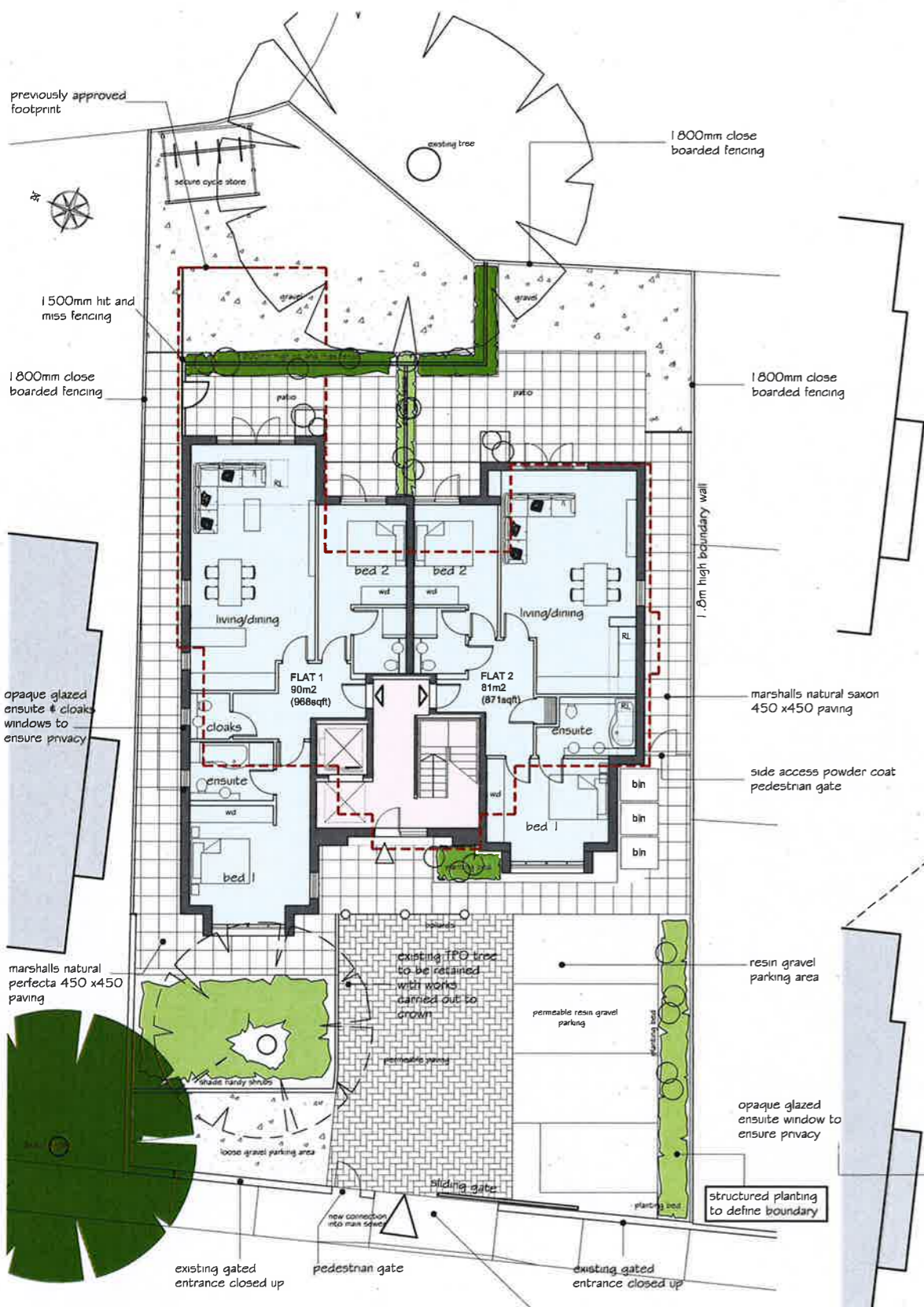
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Notes:

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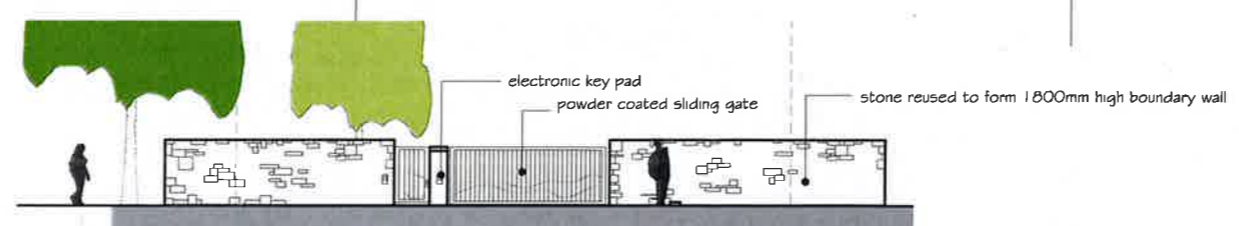
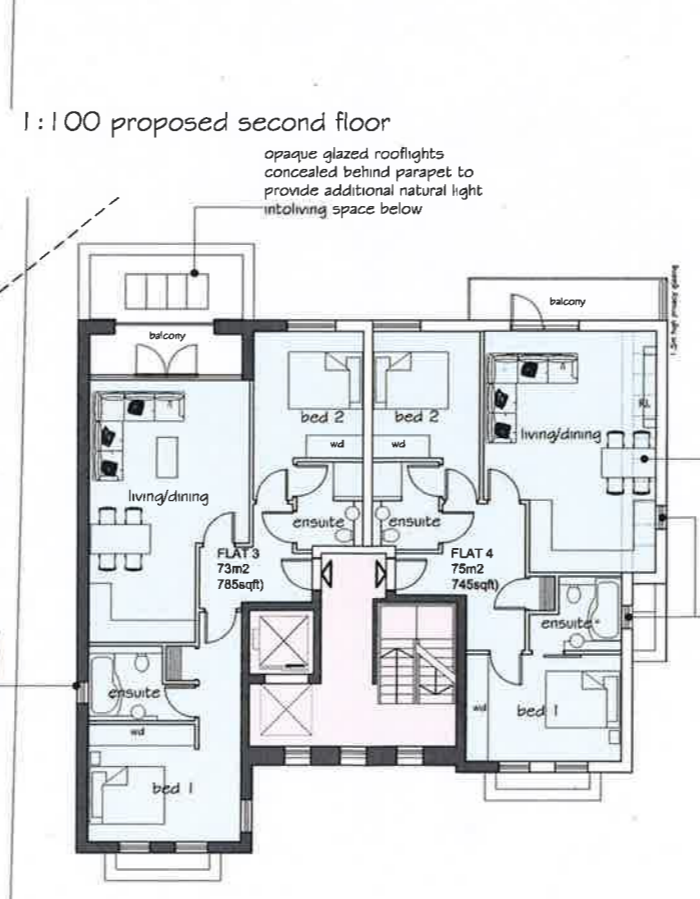
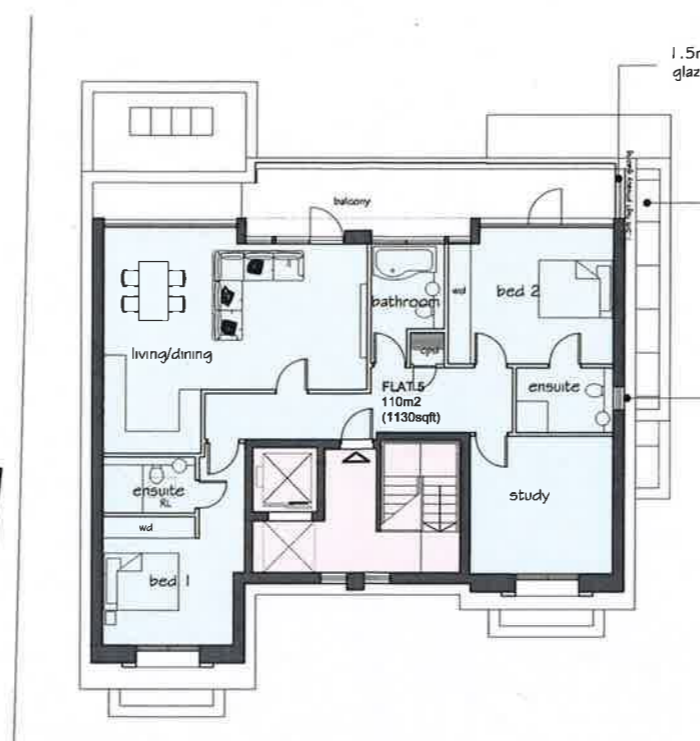
dimensions:
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schedule of areas

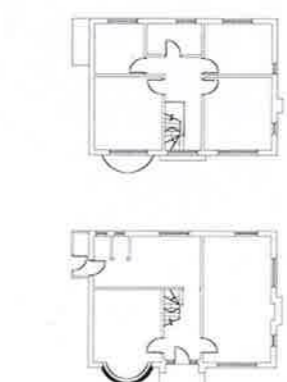
flat	m2	beds	hab/rm
1	91	2	3
2	81	2	3
3	73	2	3
4	75	2	3
5	110	2	4
total floor area	519m2 (5586sqft)		
site area	660m2		



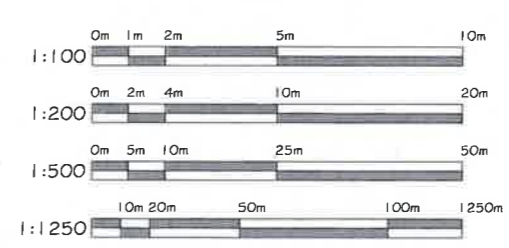
proposed block plan 1:500



location plan 1:1250



existing ground and first floor plans 1:200



REVISIONS:

- rev a - feb '12 issued for approval
- rev b - feb '12 planning set issue
- rev c - jul '12 planning set revisions
- rev d - nov '12 planning set revisions
- rev e - feb '13 planning set resubmission
- rev f - sept '13 amendments
- rev g - jul '15 amendments

PLANNING SET

client:
Mr M A Rees

project:
Residential Development
16 The Avenue
Llandaff
Cardiff CF5 3LQ

description:
existing and proposed plans
block plan and site location plan



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drawn: jw **scale:** as noted @A1

date: feb '12 **sheet:** of: 1

job dwg. no.: JW305-101 **rev:** G

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PAGE NO. 32	APPLICATION NO. 15/000787/MJR
	Porth 'L'
FROM:	Transpiration Officer
SUMMARY:	Confirms the Officer Analysis in respect of access arrangements and philosophy, and in respect of compliance with Parking Policies and standards .
REMARKS:	Noted.

PAGE NO. 53	APPLICATION NO. 15/00956/MJR
ADDRESS:	HAMADRYAD CENTRE, HAMADRYAD ROAD, BUTETOWN
FROM:	Waste Management
SUMMARY:	<p>Consultation response dated 15.7.15:</p> <p><i>'I have just had a look at the plans again and do believe I missed the second bin store. So in terms of the points I raised:</i></p> <ul style="list-style-type: none"> <i>Bin provision- there seems to be adequate amount of storage, however I see that 'eurobins' are proposed for the bottom right bin store. These are not compatible with our collection vehicles, all bins should meet council spec (steel bodied). Please could you confirm this?</i> <p><i>As an internal bin store is proposed, surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided- natural or artificial, and good natural ventilation is required</i></p> <ul style="list-style-type: none"> <i>Collection Point- as you stated a condition would be recommended stating CCHA to contact Waste Management prior to occupational use to arrange a collection point. A collection area closer to the site entrance may be required due to the distance from the road to the furthest away bin store.</i> <p><i>From the information provided I can therefore remove my objection, Lawrence would you be able to impose a suitable condition to ensure a collection point is agreed upon prior to residents moving in please?'</i></p>
REMARKS:	The response removes their earlier objection subject to a collection point condition. Accordingly an amended waste storage and collection condition is recommended – see late rep from 'Head of Planning'.

PAGE NO. 53	APPLICATION NO. 15/00956/MJR
ADDRESS:	HAMADRYAD CENTRE, HAMADRYAD ROAD, BUTETOWN
FROM:	Pollution Control
SUMMARY:	<p>Consultation response from Pollution Control dated 14.7.15:</p> <p>PC1 ROAD TRAFFIC NOISE</p> <p>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 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 –</p> <ol style="list-style-type: none"> 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. <p>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].</p> <p>Reason: To ensure that the amenities of future occupiers are protected.</p> <p>R1 CONSTRUCTION SITE NOISE</p> <p>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</p>

	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.
REMARKS:	A standard Road Traffic Noise condition is recommended – see late rep from ‘Head of Planning’.

PAGE NO. 53	APPLICATION NO. 15/00956/MJR
ADDRESS:	HAMADRYAD CENTRE, HAMADRYAD ROAD, BUTETOWN
FROM:	Transportation
SUMMARY:	<p>Consultation response from Transportation dated 15.7.15:</p> <p><i>'I refer to the above and would confirm that the submission has been assessed and is considered to be acceptable in principle, subject to the following comments and conditions:-</i></p> <p><i>Conditions:</i></p> <p><i>C3S – Cycle Parking;</i></p> <p><i>E3D – Retain Parking Within Site;</i></p> <p><i>C3F – Details of Access Road Junction (to be constructed as a cross-over, rather than the kerbed entrance shown);</i></p> <p><i>Construction Management Plan condition – No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required details of site/compound, hoardings and site access/egress. 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.</i></p> <p><i>S106:</i></p> <p><i>A combined financial contribution of £15,000 is sought towards a scheme of highway improvements on Hamadryad Road (£12k) to include footway widening, resurfacing and re-lining of the carriageway adjacent to the site; and Traffic Regulation Order amendments (£3k) towards resident parking, corner protection and such other Orders as may be required locally as a consequence of the proposed development. Subject to timing, these contributions (or part thereof) will be combined with further contributions that (in principle) will be applied to any forthcoming application for the eastern portion of the wider site. The contribution sought in relation to this application has been calculated on a pro-rata/unit rate based on the extant permission</i></p>

for the wider site, 14 02077/DCI (circa £267/unit).

Second recommendation:

Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing public transport services in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

Comments:

The Access, Circulation and Parking Standards SPG identifies a car parking requirement of zero to one space per flat/apartment and a minimum cycle parking requirement of one space per flat/apartment. The proposed development is therefore considered to be car parking policy compliant with the proposed 15 off-street parking spaces and subject to provision of the cycle parking identified in the requested condition.

As there was for the site wide application, 14/02077/DCI, there are a number of objections to this application which mention traffic and car parking as a concern. However as noted above the proposals are considered to be parking policy compliant and I must also take 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 apartments) is likely to attract residents who economically or consciously choose not to own a car.

I must therefore conclude that an objection on parking grounds would be unsustainable and that any reason for refusal on this basis would not withstand challenge.

I would further confirm that incoming residents of the development would not be eligible for resident parking permits and as such will not add to parking pressure on the existing bays. Therefore while acknowledging that parking demand may well exceed existing uncontrolled on-street provision at certain times of the day/week, as is the case in the majority of areas where traditional terraced housing is adjacent to a district centre or area of employment, a positive determination of this application will not in itself add to pressure on existing resident permit bays.

For information, the Council's Parking Strategy is currently being reviewed and in due course will be subject to consultation with Local Members and the public. Among proposals included in the new strategy is an options based approach to managing local parking pressures; which would allow the impact of changing parking arrangements across an identified area to be considered, rather than the current 'street by street' approach which can have a knock-on effect on adjacent streets. Key to the process will be

	<p><i>consultation with local residents, particularly in helping to decide the best solution for their area. It should however be emphasised that the Council cannot control the level of car ownership and oversubscription of available parking, as a result of high car ownership by residents will impact on the potential success of any parking scheme.</i></p> <p><i>Surveys undertaken earlier this year revealed is that non-resident, uncontrolled parking areas are heavily, and occasionally inappropriately parked, including corner parking and obstruction of the park access for example. The above sought S106 financial contribution therefore allows for new/amended Traffic Regulation Orders and other modifications to be implemented to help address these issues.</i></p> <p><i>In conclusion and while acknowledging that there will be times when parking demand exceeds supply in the area, the site is considered to be policy compliant, is in a sustainable location in transport terms and given its nature (affordable with majority one bed units) is likely to attract residents who economically or consciously choose not to own a car. I must therefore reiterate that I consider an objection on traffic or parking grounds would be unsustainable and that any reason for refusal on this basis would not withstand challenge.'</i></p>
REMARKS:	<p>Requested conditions have been imposed and the recommendation is subject to a 106 contribution of £15,000 for transport and highway-related improvements, including public realm improvements adjacent to the site.</p>

PAGE NO. 53	APPLICATION NO. 15/00956/MJR
ADDRESS:	HAMADRYAD CENTRE, HAMADRYAD ROAD, BUTETOWN
FROM:	Applicant
SUMMARY:	<p>Letter from CCHA dated 17.7.15 addressing concerns over replacement tree planting:</p> <p>I can confirm that Cardiff Community Housing Association (CCHA) currently own the application site and the area indicated in blue on the Site Location Plan (drawing number: L(90)001 Rev. A) submitted in support of planning application ref: 15/956/MJR. As you are aware, CCHA are currently in negotiation with Cardiff Council in relation to the sale of the land outlined in blue. I understand Cardiff Council are considering the site for a potential Primary School. The negotiations of this land deal are far advanced and it is likely this sale will be finalised shortly.</p> <p>Despite this, CCHA are aware of their obligation under planning application ref: 14/2077/DCI and Tree Preservation Order application ref: BUTE/TP/15/00038 to provide sufficient replacement tree planting to mitigate for the loss of the protected trees and it is a priority for the organisation to secure the replacement planting required on the whole site as previously agreed.</p> <p>Due to the imminent land sale to Cardiff Council it is not possible for CCHA to deliver all the replacement planting and they can only implement the planting on site subject to planning application ref: 15/956/DCI.</p> <p>In order to secure the landscaping scheme on the land being sold to Cardiff Council, a clause will be included in the land contract so that Cardiff Council are legally obliged to provide an equivalent or enhanced landscaping scheme to that agreed under application ref: 14/2077/DCI and TPO application ref: BUTE/TP/15/00038 on the land they purchase. As such, any development progressed on this site will be required by in law to implement a sufficient landscaping scheme to mitigate for the loss of the TPO trees. Furthermore, should the school proposals come forward, the planning application for this development would be assessed via the planning process and a suitable landscaping scheme can be secured through that process.</p> <p>CCHA are aware and accept the pre-commencement condition proposed in respect of planning application ref: 15/956/MJR requiring an indicative planting scheme for the potential school site to demonstrate that an equivalent or enhanced landscaping scheme is capable of being delivered should the school development come forward.</p> <p>In summary, CCHA have worked closely with Cardiff Council in relation to the sale of part of the Hamadryad Site to potentially facilitate the delivery of a school whilst also ensuring the planting proposed under application ref: 14/2077/DCI and TPO application ref: BUTE/TP/15/00038 is secured.</p> <p>I trust the above clarifies the position and provides you with sufficient comfort that recommending planning application ref: 15/956/MJR for approval will not impede an equivalent or enhanced landscaping scheme to that agreed in planning application ref: ref: 14/2077/DCI and TPO application ref: BUTE/TP/15/00038 being secured at the wider site.</p> <p>If you require any further information please do not hesitate to contact me.</p>
REMARKS:	<p>The letter confirms ownership of the wider site and the inclusion of a clause in the land contract obliging CCC to provide an equivalent or enhanced landscaping scheme, and accepts a pre-commencement condition requiring an indicative planting scheme for the school site demonstrating that such a scheme is capable of being delivered should the school development come forward.</p> <p>In the event that the site is sold to the Council for education purposes this mechanism ensures that granting planning</p>

	permission does not prevent an equivalent or enhanced landscaping scheme to that agreed in planning application ref 14/2077/DCI and TPO application ref BUTE/TP/15/00038 being secured for the wider site.
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PAGE NO. 53	APPLICATION NO. 15/00956/MJR
ADDRESS:	HAMADRYAD CENTRE, HAMADRYAD ROAD, BUTETOWN
FROM:	Tree Officer
SUMMARY:	<p>Further consultation response from Tree Officer dated 20.7.15 responding to CCHA letter dated 17.7.15:</p> <p><i>'I reiterate the following concerns as per my original observations:</i></p> <p><i>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.</i></p> <p><i>I have no in principle objections to a proposed legal agreement and planning condition as a means to secure new tree planting of equivalent or enhanced quality to that agreed under the '14 planning permission and TPO consent affecting the red and blue line land should the land sale and school development be progressed. However my understanding is that the land sale is yet to be finalised, no legal agreement has been signed or scrutinised in terms of its wording in relation to the requirement for new tree planting and no plan, indicative or otherwise has been submitted in relation to landscaping of the blue line land. Thus as things stand what we have is an outstanding requirement to plant x1 Pinus pinea within the red line site and a further x15 trees within the blue line site in accordance with the conditions of TPO consent. The requirement is that these be planted before the end of March 2017. Should we decide to enforce against a failure to comply we would have until the end of 2021 to serve a Tree Replacement Notice, but as we would not enforce against ourselves, this power only applies in relation to the blue line land until such time it is sold. Since the proposed development secures none of the new tree planting as required by TPO consent and may result in harm to retained TPO trees I must maintain my objection to the proposed development on the grounds that there is insufficient evidence to demonstrate that unacceptable harm won't result to trees of amenity value'.</i></p>
REMARKS:	The Tree Officer maintains his objection because of the lack of a landscaping plan for the wider site that demonstrates replacement tree planting that is equivalent or better than the approved plan.

	<p>To address this a planning condition has been imposed that requires that such a plan be submitted by the applicant prior to implementation, and the Council has agreed to the purchase of the land for educational purposes being made conditional on a clause requiring the implementation of such a scheme.</p> <p>Notwithstanding the Tree Officer's objection this approach to secure the necessary replacement tree planting is considered both appropriate and acceptable in the circumstances.</p>
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PAGE NO. 53	APPLICATION NO. 15/00956/MJR
ADDRESS:	HAMADRYAD CENTRE, HAMADRYAD ROAD, BUTETOWN
FROM:	Head of Planning
SUMMARY:	<p>Amend condition 19 (details of Refuse Storage) to read:</p> <p>No development shall take place until details of facilities for the storage of refuse containers and point of collection have been submitted to</p> <p>Add the following conditions:</p> <p>No development shall take place until an indicative landscaping scheme for a 2FE primary school with associated access and parking on the adjacent site outlined in blue on Location Plan L(90)001A has been submitted to and approved in writing by the LPA.</p> <p>Reason: To ensure that landscaping proposals for the Royal Hamadryad Hospital site are equivalent to or better than the Planting Plan 312.01revB by Catherine Etchell Associates submitted in support of an application to remove trees covered by a TPO on the site (BUTE/TP/15/00038 approved 18.3.15).</p> <p><i>Road traffic Noise:</i> 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 ventilation units.</p>

	<p>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 –</p> <ol style="list-style-type: none"> 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. <p>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].</p> <p>Reason: To ensure that the amenities of future occupiers are protected.</p>
<p>REMARKS:</p>	<p>Amended waste storage condition is required by waste management (see late rep). Road Traffic Noise condition is required by Pollution Control (see late rep). The landscaping condition is required to demonstrate that acceptable replacement tree planting can be secured on the adjacent site in the event that it is sold to the Council for education purposes (see late rep).</p>