

COMMITTEE DATE: 8.12.2022

APPLICATION No. 22/01718/MJR APPLICATION DATE: 15.08.2022

ED: SPLOTT

APP: TYPE: FULL PLANNING PERMISSION

APPLICANT: HOUSING DEVELOPMENT TEAM, CARDIFF COUNCIL

LOCATION: MOORLAND ROAD DAY CENTRE, MOORLAND ROAD, SPLOTT, CARDIFF, CF24 2LG

PROPOSAL: DEMOLITION OF THE EXISTING MOORLAND COMMUNITY CENTRE AND THE PROPOSED DEVELOPMENT OF 13 INDEPENDENT LIVING FLATS FOR OLDER PERSONS, COMMUNITY FACILITY AND ASSOCIATED WORKS

RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the applicant entering a Unilateral Undertaking to (i) contribute **£9,738.00** towards Open Space within the locality of the site, (ii) contribute **£25,000.00** to secure the provision of a new raised zebra crossing outside the application site, and (iii) retain 20% of the flats as affordable in accordance with Chapter 2 of the adopted *Cardiff Planning Obligations SPG* (July 2017), within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in section 9 of this report, and the conditions listed below in section 12

RECOMMENDATION 2:

That delegated authority is given to the Head of Planning & Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

1. BACKGROUND INFORMATION

1.1 This application is reported to Committee because the applicant, Cardiff Council, is proposing a scheme which 'is not of a 'minor' nature' and therefore must be determined by the Planning Committee.

2. DESCRIPTION OF THE SITE AND AREA

2.1 The application site is located within the Splott area of Cardiff, approximately 1 kilometre from Cardiff City Centre and comprises a square-shaped parcel of land on a corner plot between Moorland Road and North Park Road.

- 2.2 It is accessed from the western boundary along Moorland Road and currently comprises a brownfield site with a single storey, vaulted brown brick building surrounded by hardstanding. The site benefits from a small parking area to the south and has a managed area of grass and trees along the northern boundary.



Figure 1: Site Location Plan

- 2.3 The existing building is used as a community centre providing a lunch club and pre-Covid, provided a range of physical activities, hobby activities and facilitated outings.
- 2.4 The site is located within an established residential area with predominantly terraced properties of the late 19th Century positioned to the north, south and west. The site is bounded to the east by the Railway Line.
- 2.5 Properties within the vicinity of the site are mostly two and two-and-a-half-storey terraced dwellings which have a consistent architectural style and pallet of materials, mostly finished with pennant or ashlar stone and brick detailing.
- 2.6 The site is relatively flat in nature and benefits from a pedestrian access point off Moorland Road.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The development proposes the demolition of the existing single storey building and the erection of a three-four storey building comprising a replacement community centre at ground floor level with 13 older persons' apartments above.

- 3.2 The building proposed is split into three elements, each with a pitched roof gable fronting Moorland Road. The central, four storey element of the proposal will reach a height of 25.25 metres, whilst the other three storey elements positioned to the north and south of the central element will reach a height of 21.34 metres and 21.63 metres respectively.



Figure 2: Illustrative Drawing

- 3.3 The building will comprise a community centre at ground floor level, with a core area for community use with kitchen, staff facilities and office, and a separate access point to the residential access point at ground floor level. A courtyard is also provided to the rear of the building which is accessed directly from the community centre and residential core.
- 3.4 The remainder of the ground floor comprises a plant room, residential core access point which forms an entranceway through a corridor to a central lift and staircase area, cycle store and bin store separated for residents and community centre.
- 3.5 The first and second floors introduce four one bedroom and one two bedroom flats accessed off the core area, and each comprising a hallway, kitchen/dining area, bathroom, storage cupboard and balcony, as shown on figure 3 below:



Figure 3: Proposed First and Second Floor Plan

- 3.6 The third floor comprises three one bedroom units which also include a hallway, kitchen/dining area, bathroom, storage cupboard and balcony. Each residential unit proposed will be accessed from a central corridor which is accessible from a centrally located staircase and lift area at ground floor level.
- 3.7 In addition to the residential units and community centre, two separate bin stores are proposed at ground floor level; one to serve the residents and one to serve the community centre.
- 3.8 An internal cycle storage area accommodating five Sheffield stands (totalling 10 cycle spaces) is provided for residents at ground floor level, which includes for the provision of electric bike charging points. This storage area will be accessible via the community garden area to the rear of the building.
- 3.9 A total of six Sheffield stands (twelve cycle parking spaces) will be provided for the community centre visitors. Four of these stands (eight spaces) will be provided to the rear of the building under a canopy in the communal garden area with secure and gated access. One stand (two spaces) is to be provided internally at ground floor level adjacent to the staff facilities area/reception, and one stand (two spaces) will be located to the north of the building, adjacent to the junction between Moorlands Road and North Park Road.
- 3.10 All documentation relating to the application, including plans, can be viewed on the Council's website using the following link: [22/01718/MJR](https://www.sheffield.gov.uk/22/01718/MJR)

4. PLANNING HISTORY

4.1 The site has no relevant planning history.

5. POLICY FRAMEWORK

National Policy

5.1 The **Well-being of Future Generations (Wales) Act 2015** (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.

5.2 'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

5.3 'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

5.4 Well-being goals identified in the Act are:

- A Prosperous Wales
- A Resilient Wales
- A Healthier Wales
- A More Equal Wales
- A Wales of Cohesive Communities
- A Wales of Vibrant Culture and thriving Welsh Language
- A Globally Responsible Wales

5.5 The **Environment (Wales) Act 2016** has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities must also seek to "promote the resilience of ecosystems".

National Planning Policy

5.6 [Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.

5.7 The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

- 5.8 PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

Technical Advice Notes

- 5.9 PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -
- TAN 2: Planning and Affordable Housing (2006)
 - TAN 5: Nature Conservation and Planning (2009);
Noting also the Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement;
 - TAN 11: Noise (1997)
 - TAN 12: Design (2016)
 - TAN 18: Transport (March 2007)
 - TAN 21: Waste (February 2017)
 - TAN 23: Economic development (2014)
- 5.10 On 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19. The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.
- 5.11 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

The Development Plan

- 5.12 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 5.13 [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate- resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.
- 5.14 The Local Development Plan is the [Cardiff Local Development Plan 2006-2026](#) which was adopted in January 2016, and within which the following policies are of relevance:

KEY POLICIES

- KP4 Master Planning Approach
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transportation
- KP10 Central and Bay Business Area
- KP15 Climate Change
- KP16 Green Infrastructure

DETAILED POLICIES

Housing

- H3 Affordable housing
- H6 Change of use or redevelopment to residential use

Environment

- EN6 Ecological Networks and Features of Importance for Biodiversity
- EN7 Priority Habitats and Species
- EN8 Trees, Woodlands and Hedgerows
- EN13 Air, Noise, Light Pollution and Land Contamination

Transport

- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services

Community

- C1 Community Facilities
- C2 Protection of Existing Community Facilities
- C3 Community Safety/Creating Safe Environments

Waste

- W2 Provision for Waste Management Facilities in Development

Supplementary Planning Guidance:

5.15 The following [Supplementary Planning Guidance](#) (SPG) is of relevance to this application: -

- Food, Drink and Leisure Uses (November 2017)
- Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning for Health and Wellbeing (November 2017)
- Planning Obligations (January 2017)
- Residential Design Guide (January 2017)
- Residential Extensions and Alterations (2017)
- Waste Collection & Storage Facilities (October 2016).

6. INTERNAL CONSULTEE RESPONSES

- 6.1 The **Operational Manager (Traffic and Transportation)** raises no objection to the proposed development in a consultation response dated 3 November 2022, subject to the imposition of the recommended planning condition which requires the submission of details, prior to the above-ground development commencing, of cycle parking provision and access.
- 6.2 In a consultation response dated 5 September 2022, **Shared Regulatory Services (SRS) Environment Team** recommend the inclusion of planning conditions and informative notes which relate to land quality, in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan.
- 6.3 **Parks Services** require an off-site contribution of £9,783.00 towards Open Space Provision, to be secured through a Section 106 Agreement, entered into by the applicant and the Council.
- 6.4 The Council's **Tree Officer** welcomes the retention of the dominant cherry tree (T5) although acknowledges that the loss of the well-formed snowy mespil (T4) tree is unfortunate due to its down-grading to a 'C' category. The primary concern in respect of the tree loss is that there is sufficient mitigation and a landscape design which is well-integrated with the development and affords space for a significant tree. Therefore, the Tree Officer has recommended the inclusion of planning conditions which require a revised Arboricultural Method Statement and full details of a soft landscaping scheme prior to the commencement of development. The inclusion of a condition which requires the

replacement of any newly planted trees, plants or hedgerows which are defective within a period of 5 years from the completion of the development is also recommended.

- 6.5 No objection is raised by the **Affordable Housing** team; the scheme is a new build scheme that will provide 100% affordable housing for older person/s.
- 6.6 In a consultation response dated 27 October 2022, **Shared Regulatory Services (SRS) Noise Team** recommend the inclusion of planning conditions which:
- (1) secure the submission of a post-build Acoustic Report to demonstrate compliance with the noise mitigation measures proposed;
 - (2) ensure there is no unacceptable arrival, departure, loading or unloading of delivery vehicles between set hours in the interests of protecting the amenities of neighbouring occupiers
 - (3) ensure that any extraction equipment to be installed in association with the permitted use at ground floor level is assessed and mitigated;
 - (4) specify the rating level of noise to be emitted to protect the amenities of future and neighbouring occupiers
 - (5) restrict the construction hours or demolition and construction works
 - (6) submit a scheme of sound insulation works to ensure that both future and neighbouring occupiers are not adversely affected by noise disturbance from the Community Centre.

Subject to the imposition of the recommended planning conditions, no objection is raised.

7. EXTERNAL CONSULTEE RESPONSES

- 7.1 **Dŵr Cymru Welsh Water** have confirmed in a consultation response dated 16 September 2022 that the foul only flows from the proposed development can be accommodated within the public sewerage system, and encourage the applicant to use the existing on site drainage system.
- 7.2 In respect of surface water, it is noted that the applicant is proposing to dispose via sustainable drainage, which is acceptable subject to the imposition of the recommended conditions and informative notes.
- 7.3 **Dŵr Cymru Welsh Water** raise no objection to the proposal subject to the inclusion of a condition which requires the submission of a drainage scheme, providing details of foul, surface and land water disposal and an assessment of the potential to dispose of surface and land water by sustainable means, prior to the commencement of development.
- 7.4 **Network Rail** raise no objection to the proposed development.

8. REPRESENTATIONS

- 8.1 The application was advertised on the Council Website and by way of neighbour notification letters dated 01 September 2022. Site notices were placed on lampposts immediately adjacent to the application site on 07 September 2022.
- 8.2 In total, three letters of representations have been received to date, on the following summarised grounds:

Scale

Concerns are raised that the scale of the building proposed is disproportionate within this location and would be an overbearing feature which would 'dwarf' properties within Moorland Road. The building is not in keeping with the residential area, is too high and imposing and is not of appropriate context within the streetscene.

Health and Well-being Impact

An objection is raised on grounds that an assessment which reviews the health and well-being impacts of the proposed development upon neighbouring residential properties has not been submitted as part of the planning application documentation.

Off-street Parking Provision

There is no off-street parking provided for future residents or visitors which will result in more on-street parking to the detriment of existing residents.

Overlooking

The introduction of balconies will overlook the street and cause loss of privacy for neighbouring properties.

Construction Hours

The construction phase of development will be disruptive for local residents.

Devaluation of Property

The existing properties within the vicinity of the site will devalue if this scheme were approved and implemented.

Sewerage and Drainage System

Concerns are raised that the development will overwhelm the existing sewage and drainage system.

- 8.3 All public representations made on the application are available to view in full on the Council's website at: [22/01718/MJR](https://www.miltonkeynes.gov.uk/22/01718/MJR)

9. ANALYSIS

- 9.1 The key material considerations in the determination of this application are the principle of development, the impact of the development on the visual amenities of the area and on the occupiers of neighbouring properties.

Land Use / Principle of Development

- 9.2 The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015, and as stated in paragraph 1.2 of Planning Policy Wales (Edition 11, February 2021) (PPW11).
- 9.3 The application site lies within the settlement boundary as defined by the adopted Local Development Plan (2016) (LDP) and has no specific land use allocation or designation within the Plan.
- 9.4 The development proposes a mixed-use scheme comprising 13 older persons' independent living accommodation with a replacement ground floor community centre. As such the principle of such mixed use development is considered to be acceptable, subject to an assessment of its impacts below.
- 9.5 Policy C2 (Protection of Existing Community Facilities) is relevant, because it seeks to ensure that existing community facilities are maintained. It states the following:

Proposals involving the loss or change of use of buildings currently or last used for community facilities will only be permitted if:

- i. An alternative facility of at least equal quality and scale to meet community needs is available or will be provided within the vicinity or;
 - ii. It can be demonstrated that the existing provision is surplus to the needs of the community.
- 9.6 In this case, the ground floor of the building will be retained as a community centre, offering 270 square metres of community space with dedicated staff facilities, including a main hall, kitchen, medical suite, and office space. The community centre will also benefit from a visual and physical link to the shared communal garden area to the rear of the building.
- 9.7 The proposed development seeks to ensure, through direct consultation with the managers of the community centre, that the scheme is fit for purpose and that the updated, modern facility will result in a betterment of the existing community centre, benefiting the wider community.
- 9.8 Given the above, the proposal is considered to be compliant with Policy C2 of the adopted LDP and is therefore an acceptable in principle.

Impact on the Character of the Area

- 9.9 As noted earlier, the Welsh Government publication [*Building Better Places: The Planning System Delivering Resilient and Brighter Futures*](#) contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

- 9.10 It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities, and that WG will thus play its role in supporting the vibrancy of places and helping a people-focussed and placemaking-led recovery.
- 9.11 PPW11 also embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.
- 9.12 The application site is currently occupied by Moorland Community Centre, which comprises a vaulted single storey brown brick building, surrounded by hardstanding and soft landscaping to the north:



Figure 4: Existing Community Centre

- 9.13 In general terms, the redevelopment of the site as a mixed-use scheme proposing 13 older persons' accommodation with an updated community centre in an already established residential area is welcomed, and is generally considered as an appropriate and complementary form of development in this location.
- 9.14 The intention to replace a poor and partially dilapidated building is a significant development for the City and community, retaining a community use and providing much needed homes for elderly persons' which are well designed, spacious and have an excellent design.
- 9.15 The building itself is a striking and attractive feature on this corner plot which is complementary to the surrounding context and of its time. The proposed scale of the building, whilst of a more significant height than nearby residential properties, is designed to integrate with the existing context of the streetscene

and is orientated to create a feature-point sat on the corner plot between Moorland Road and North Park Road.



Figure 5: Proposed Elevations



Figure 6: Illustrative Street View

- 9.16 Any form of development proposed at this location will affect the visual setting of the area. This building, being four storeys, is a large addition but its richness allows its overall massing to be moderated, while the separation of the building into three elements of varying height and depth reflect the architectural rhythms and widths of the neighbouring properties. This combination helps to mitigate the massing of the scheme and allow it to blend within the streetscene to an acceptable degree.
- 9.17 It is noted that the intended materials to be used on the external elevations of the building take reference from and generally reflect the character and appearance of the surrounding area. Brick of a light-coloured finish (grey/beige/light-grey colour) will form the primary facing materials with masonry and coated metal with projecting and recessing elements to complement, creating a distinctive but relevant addition to the streetscene. The bricks will use a colour matched mortar to provide a homogenous finish. The main communal entrance to the residential units and community centre will be finished in a coloured glazed brick (likely to be in green/blue) to complement

the dominant brickwork and differentiate the entrances for users. The use of this pallet and intended finish is considered to be respectful of the general appearance of the wider area surrounding the application site, and is considered to be acceptable in this case.

- 9.18 In respect of the proposed site layout, the community centre has a prominent and exclusive entrance from the street which is separate to the residential access point. The bike and bin store are well located to the south of the main building and are separated for users of the community centre and residents.
- 9.19 Whilst the objections received relating to scale are noted, it is considered that the overall design and intended finish of the scheme seeks to enhance the appearance of the general area, and introduce a modern building to serve the needs of the users of the community centre and provide affordable housing for older persons', whilst reflecting the existing and established character. On balance, it is not considered that the proposal will have a significantly adverse impact upon the visual amenities of the area, due to its design, architectural features and intended finish. When considering the context of the site and the wider area, the development is considered to be appropriate in respect of its scale and therefore accords with criterion (i) of Policy KP5 of the adopted LDP.

Impact on Residential Amenity

- 9.20 PPW11 states at paragraph 2.7 that *“placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people”*.
- 9.21 The building has been designed as a landmark building on this corner plot and whilst no concerns are raised in respect of its impact upon the streetscene or character and appearance of the residential area, regard must be given to its impact upon neighbouring residential properties.
- 9.22 The building is large, and centrally, extends to four storeys in height, reaching 25.25 metres at its maximum. Having particular regard to this height, an assessment of its impact upon residential amenity must be undertaken to ascertain whether the development is compliant with criterion (x) of Policy KP5 of the adopted LDP, which requires that development proposals should ensure that *“no undue effect on the amenity of neighbouring occupiers”* occurs.

Overlooking

- 9.23 Given the position of the site on a corner plot between Moorland Road and North Park Road, the proposed building will be separated from residential properties located to the north, north west and west by highway infrastructure. Therefore, no concerns are raised in respect of overlooking into nearby residential properties, owing to the separation distance provided by the adjoining highway network.

9.24 To provide further context, the application site is bordered to the south by a residential property known as 71 Moorland Road, Splott. This property is split into five individual flats, with four of these being located within the original building, and one in an annex built to the rear. As a visual aide, each unit is shown in a different colour below, with the shared amenity space shown in purple, adjacent to the development site shown in red:

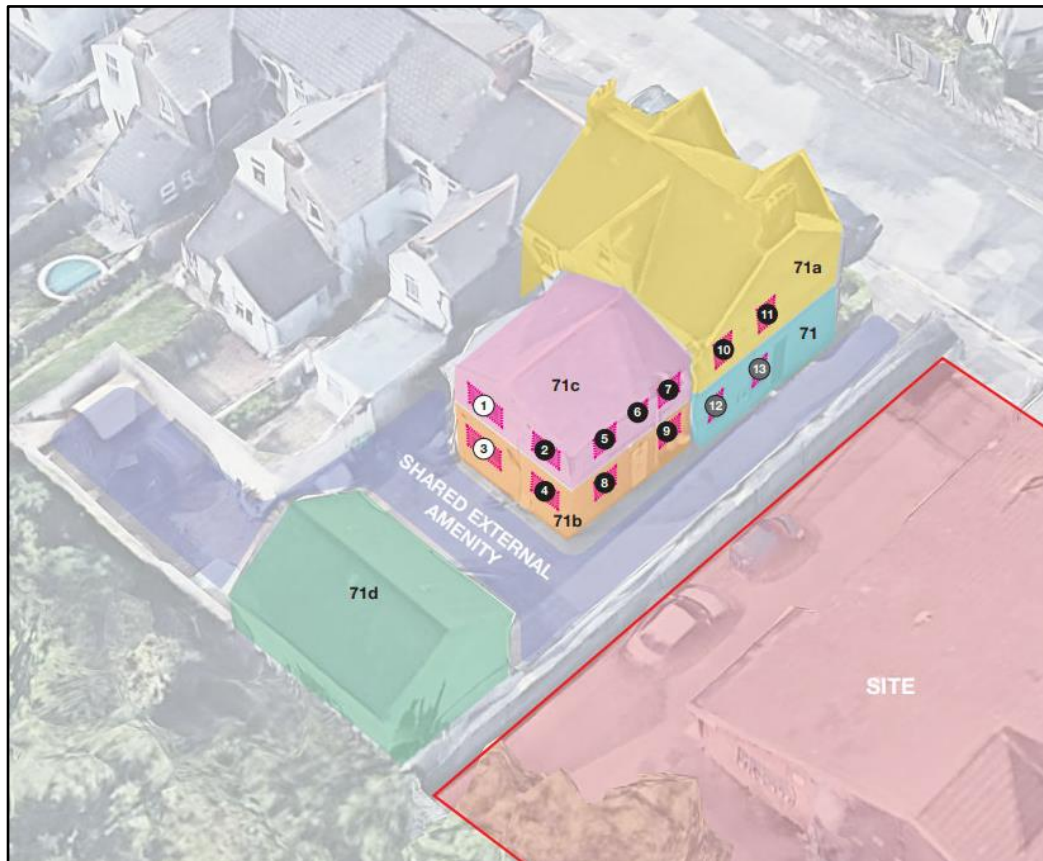


Figure 7: Adjacent Property (Five Residential Units)

9.25 The Design and Access Statement submitted in support of the application confirms that there are no known habitable rooms with a primary aspect facing the application site. The shared external amenity space is of a poor quality and looks somewhat unused.

9.26 To assess the impact of the development on the occupiers of the neighbouring property, guidance contained within Supplementary Planning Guidance *Cardiff Residential Extensions & Alterations* (2017) (SPG CREA) is relevant here. Paragraph 7.25 of SPG CREA states that to ensure a development does not result in a loss of privacy by means of overlooking, a minimum distance of 10.5 metres must be provided between the wall of the property and its boundary. In this case, the distance provided between the southern elevation of the proposed building and the shared boundary with the neighbouring property known as 71 Moorland Road, Splott is 10.5 metres, as demonstrated below:

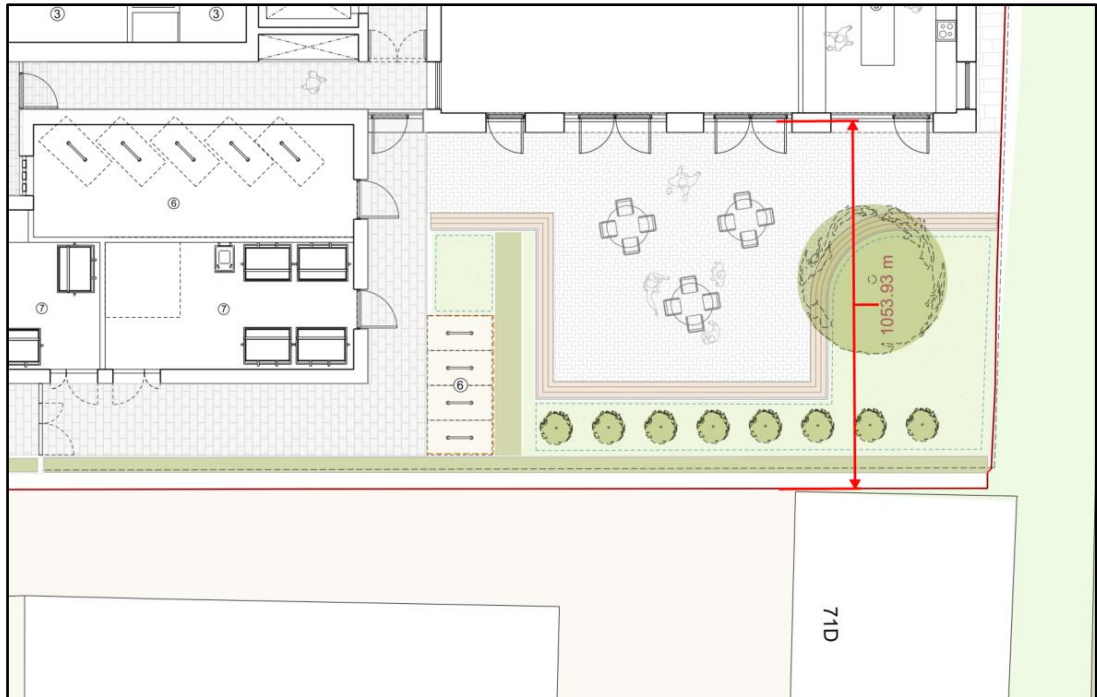


Figure 8: Distance between proposed southern elevation of building and shared boundary

- 9.27 Whilst acknowledging that the development only achieves a 10.5 metre distance between the southern elevation of the proposed building and the shared boundary with the neighbouring property, and the rear wing looking south (see Fig. 9 below) has three floors of upper residential accommodation, on balance it is deemed that the distance provided to the rear remains sufficient, given the constraints of the site and especially having regard to the nature of the shared amenity area serving the units to the south.
- 9.28 The developer is proposing to plant trees along the southern boundary of the application site to satisfy the requirements for sustainable drainage approval from the SAB. This will also provide a further buffer for adjoining residents and introduce additional screening.
- 9.29 Thus, in acknowledging that any form of development at this location would inevitably result in an impact upon the occupiers of the neighbouring property to the south, it is considered that the developer has designed the scheme to minimise any form of overlooking to the greatest extent possible, and as a distance of 10.5 metres has been provided, it would be remiss to argue that the levels of overlooking would be harmful for the occupiers of the neighbouring property, particularly when having regard to the fact that the property is split into five separate units with no known Habitable room windows facing the proposed building, and has a poor quality shared amenity space to the rear.
- 9.30 On balance, and in consideration of the site constraints, developer requirements and distance provided, the development is not considered to cause overlooking into the neighbouring property to the south to an extent that would warrant a refusal of planning permission on such grounds, and therefore the development is considered to be acceptable in this regard.

Overbearing

- 9.31 It is noted that few rear gardens are entirely private and the existing relationship between the property known as 71 Moorland Road, Splott and the existing community centre is arguably relatively intimate. Any form of development should be appropriate and should not have a significant detrimental impact upon the level amenity currently enjoyed by neighbouring occupiers.
- 9.32 In respect of this application, a degree of concern is raised in respect of a potential overbearing impact of the four storey element of the scheme on the property to the immediate south. The proposed elevation is reproduced below:



Figure 9: Elevation facing 71 Moorland Road

- 9.33 Whilst the four storey element of the scheme is set 10.5 metres away from the shared boundary, it's height will certainly significantly increase the impact on the property to the south, and arguably could be considered to be an overbearing feature, particularly when using the shared amenity space to the rear of the neighbouring property.
- 9.34 Owing to the positioning of the adjacent property, it is not considered that the development will unreasonably dominate the outlook of the adjoining property, but the height of the proposed building may have an overbearing impact on the rear garden areas.
- 9.35 In consideration of these concerns, negotiations have been undertaken with the developer to ascertain whether the rear element of the building could be reduced in height to minimise as far as possible any impact from the building. However, given the requirements of the developer to replace the existing community centre and introduce 13 older person's affordable residential units, they have advised that any requirement to reduce the number of residential units would mean that the overall scheme would be inviable and could not deliver the identified benefits in terms of housing and enhanced community provision.

9.36 Further consideration of this impact is assessed at paragraphs 9.86-9.98 as part of the 'planning balance' section of the report.

Transportation / Highway Impacts

9.37 Chapter 4 of PPW 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that *"new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions."* It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.

9.38 By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:

- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and
- Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure;

9.39 Policy T5 of the adopted LDP relates to managing the transport impacts of development proposals, to ensure that all new developments properly address the demand for travel and its impacts, contribute to reducing reliance on the private car, making satisfactory provision for access, parking and circulation with particular regards for pedestrians, cyclists and public transport users as well as to avoid unacceptable harm to the safe and efficient use and operation of the road, public transport and other movement networks.

9.40 The explanatory text which supports Policy T5 of the adopted LDP states at paragraph 5.233 that *"in assessing the transport and access aspects of proposals the Council will be more likely to give favourable consideration to development which through their design and layout, give priority to movements by sustainable travel modes and reflect the user hierarchy in Department for Transport Manual for Streets"*. This specifies a hierarchy whereby pedestrians, cyclists, public transport and special service vehicles (emergency services, waste) are considered above the use of other motorised traffic.

9.41 In respect of car parking, the existing building has a small car parking area to the south which supports up to three vehicles. This would not be provided as part of the current proposal. The objections received raise concern with the loss of off-street parking provision, stating that there will be additional pressure on the existing on-street provision, to the detriment of neighbouring residents.

- 9.42 As specified within Supplementary Planning Guidance *Managing Transportation Impacts (Incorporating Parking Standards)* (2018) (SPG MTI), the maximum car parking spaces per residential unit required for this development equate to 1 space per residential dwelling, and nil spaces for the community centre (operating within a D1 Use Class (Non-residential Institution)). Given the hierarchy mentioned in the supporting text to Policy T5, and the specifications outlined within SPG MTI, the removal of the existing three off-street car parking spaces raises no concern, as the car parking standards are maximum requirements, and the decision to remove the existing spaces supports the aim of the Council to encourage a modal shift towards the use of sustainable transport modes over the use of the private vehicle.
- 9.43 Whilst the concerns raised regarding parking provision are noted, the car parking standards are maximum requirements to encourage a modal shift to more sustainable transport modes. Thus, whilst the comments received are noted, no concern is raised with the loss of the three spaces from a highway safety perspective, and the scheme is considered to be compliant with the aforementioned policy guidance.
- 9.44 In respect of cycle parking however, SPG MTI requires a minimum provision. In this case, the cycle parking quantum (for 'elderly person dwellings') equates to a minimum number of 1 cycle space per 10 residential units (two spaces), and 5 cycle spaces plus 1 per 50 square metres for the community centre (seven spaces).
- 9.45 An internal storage area accommodating five Sheffield stands (totalling 10 cycle spaces) is provided for residents at ground floor level, which includes for the provision of electric bike charging points. This storage area will be accessible via the community garden area to the rear of the building.
- 9.46 A total of six Sheffield stands (twelve cycle parking spaces) will be provided for the community centre visitors. Four of these stands (eight spaces) will be provided to the rear of the building under a canopy in the communal garden area with secure and gated access. One stand (two spaces) is to be provided internally at ground floor level adjacent to the staff facilities area/reception, and one stand (two spaces) will be located to the north of the building, adjacent to the junction between Moorlands Road and North Park Road.
- 9.47 As per the extract below, the internal residential secure storage (ten spaces) is annotated light purple and the internal cycle storage for the community centre is shown in dark purple (two spaces). The external cycle storage area (eight spaces) lies to the immediate west of the communal garden area to the south of the building whilst one additional stand (two spaces) is positioned to the north of the proposed building:



Figure 10: Cycle Parking Provision

9.48 It is noted that the applicant has provided more cycle parking than the minimum requirements which is welcomed and encouraged (also making the accommodation adaptable). Whilst this is noted, further detail is required in respect of visitor access to the cycle storage area to the south of the building, to the immediate west of the communal garden area. Concerns are raised that the spaces may be compromised if staff members are unavailable to provide access and therefore it is requested that a condition is imposed which requires the submission of further detail showing the provision of cycle parking spaces and appropriate access to them, prior to the above-ground development commencing. Subject to the inclusion of the recommended planning condition, the scheme is considered to be acceptable in this regard.

Impact on Trees / Landscaping

9.49 Future Wales Policy 9 Resilient Ecological Networks and Green Infrastructure requires developers to ensure the enhancement of biodiversity, the resilience of ecosystems and provision of green infrastructure. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net-benefit), the resilience of ecosystems and green infrastructure should be demonstrated as part of development proposals.

9.50 LDP Policy EN8 states that “*development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change*”.

9.51 In this case, a total of seven trees have been identified as part of the arboricultural analysis within and surrounding the site:

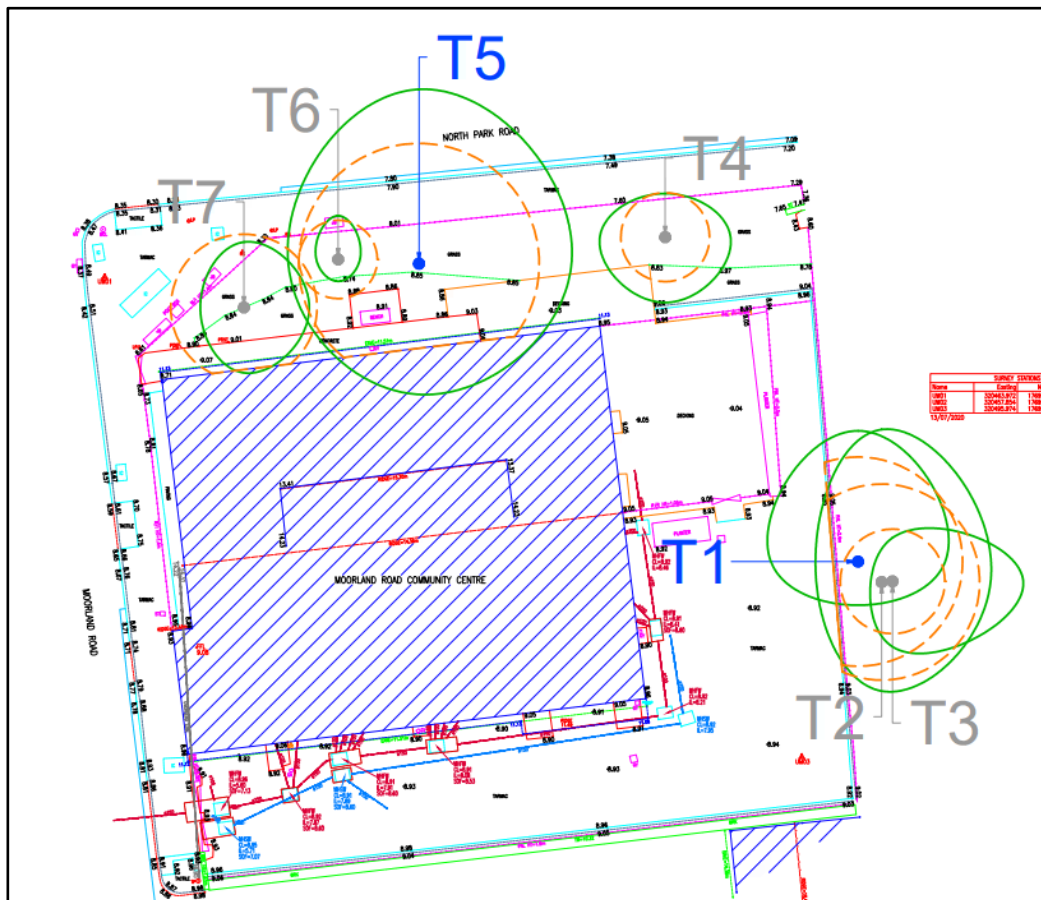


Figure 11: Tree Constraints Plan

9.52 Trees annotated as T1, T2 and T3 lie outside of the application site and are positioned on land within separate ownership and as such, could not be fully assessed or accurately measured. And, as they lie within separate ownership, cannot form part of the assessment of this application.

9.53 The dominant Cherry tree (tree T5 refers) which lies to the north of the existing building is proposed to be retained, along with T6 and T7, whilst the remaining tree to the north east (T4 refers) is to be removed, resulting, in the opinion of the Tree Officer, with a relatively significant loss of 'canopy cover'.

9.54 In order to mitigate this, the developer has proposed to plant a Golder Alder tree (*Alnus incana* 'Aurea') within the rear communal garden area, as shown in figure 12 below:



Figure 12: Landscape Proposals

9.55 This mitigation planting to the rear of the building is welcomed in principle, subject to the inclusion of a planning condition which requires full landscaping details prior to the commencement of development.

9.56 In addition, the Tree Officer has recommended the inclusion of a condition which requires the submission of a revised Arboricultural Method Statement (AMS) prior to the commencement of development, to ensure that details are provided to demonstrate how landscape works within the Root Protection Area of retained trees are to be implemented to protect the tree roots and ensure the works do not cause significant damage and/or loss.

9.57 Therefore, subject to the imposition of the recommended planning conditions, the development is considered on balance, to be acceptable in this regard, given the introduction of a tree to the rear of the building within the communal garden area. The scheme complies with Policy EN8 of the LDP.

Sustainability / Energy

9.58 Future Wales Policy 16 emphasises that large scale mixed-use development should, where feasible, have a heat network with a renewable / low carbon or waste heat energy source. Planning applications for such development should

prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.

- 9.59 Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure outlines support for developing renewable and low carbon energy at all scales.
- 9.60 *PPW* (para 5.8.1) states that 'the planning system should support new development that achieves high energy performance, supports decarbonisation, tackles the causes of the climate emergency and adapts to the current and future effects of climate change through the incorporation of effective mitigation and adaptation measures.
- 9.61 LDP Policy EN12 Renewable Energy and Low Carbon Technologies requires major development to maximise the potential for renewable energy. The council will encourage developers to incorporate schemes which generate energy from renewable and low Carbon technologies.
- 9.62 The Design and Access Statement submitted in support of the application states the following:

In respect of renewable energy, the scheme will be expected to achieve Welsh Government's 2025 energy performance standards and will reflect an energy strategy that will achieve a Standard Assessment Procedure (SAP) rating of 'A' using a high standard of fabric efficiency and low carbon heating, minimising environmental impact and reduce ongoing running costs for tenants. A communal heating system is being considered, utilising ground source heating alongside renewable technology such as solar photovoltaics with batteries as appropriate.

- 9.63 This scheme reflects the Council's Fabric First approach towards renewable energy and low-carbon development and is therefore consistent with the approach of Policy EN12 of the adopted LDP.

Drainage and Flooding

- 9.64 Surface water drainage will be controlled through the requirement for sustainable drainage approval from the SAB.
- 9.65 Subject to the imposition of the recommended drainage condition, which requires the submission of a drainage scheme, providing details of foul, surface and land water disposal and an assessment of the potential to dispose of surface and land water by sustainable means, in line with the advice received from Dŵr Cymru Welsh Water, the application is considered to be acceptable in land drainage terms and is therefore compliant with Policy EN10 of the adopted LDP.
- 9.66 It is noted that one letter of objection raised concern that the development will overwhelm the existing sewage and drainage system. Whilst these concerns are noted, Dŵr Cymru Welsh Water have confirmed that foul flows from the

proposed development can be accommodated within the public sewerage system. This matter is therefore considered to be addressed through the imposition of the recommended planning condition.

Public Protection: Contamination

- 9.67 Policy EN13 of the adopted LDP states that *“development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination”*.
- 9.68 In support of the application, the applicant has submitted a Geotechnical and Geo-environmental Report, written by Terra Firma and dated July 2021, together with a Supplementary Investigation dated December 2021.
- 9.69 The report has not identified any significant concerns but the site investigation was limited to the periphery of the building and the potential for contamination cannot be ruled out. Therefore, 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, Shared Regulatory Services recommend the inclusion of the ‘unforeseen contamination’ condition. This will ensure the development can be carried out safely without unacceptable risk.
- 9.70 Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 9.71 Subject to the inclusion of the recommended planning conditions, the proposed development is considered to be compliant with Policy EN13 of the adopted LDP.

Section 106 Matters

- 9.72 Policy KP7 (Planning Obligations) states that *“planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”*.
- 9.73 The supporting text emphasises that new development often generates additional demands upon existing services, facilities, infrastructure and the environment, with planning obligations being a means of seeking contributions from developers towards these demands, as well as negotiating benefits that improve the standard of development proposals by providing necessary infrastructure and community benefits.

- 9.74 The Planning Obligations SPG sets out the Council's approach to planning obligations when considering applications for development in Cardiff, providing further guidance on how the policies set out in the LDP are to be implemented.
- 9.75 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers), and state that a planning obligation may only legally constitute a reason for granting planning permission if it is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
- 9.76 In view of the type and form of development proposed, having regard to local circumstances and needs arising from the development, the need for planning obligations which are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations relate specifically to the provision of Open Space, Affordable Housing and Transport Infrastructure Provision.
- 9.77 In respect of **Open Space**, the adopted LDP requires provision of a satisfactory level and standard of open space on all new housing/student development, or an off-site contribution towards existing open space for smaller scale development where new on-site provision is not applicable.
- 9.78 Although the scheme does provide some amenity space for future residents on site, no public open space is being provided, and therefore the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement or maintenance of existing open space within the locality.
- 9.79 Based on the information provided (and the Council's formula), the additional population generated by the development will be 17.9, which generates an off-site contribution of **£9,783.00**.
- 9.80 If the Council are minded to approve the application, and the applicant enters into a S106 Agreement with the Council to secure the payment of the contribution, consultation will take place with Ward Members to agree the use of the contribution. Eligible parks and green spaces within the distance threshold include Splott Park, Moorland Park and Tremorfa Park.
- 9.81 In respect of **Affordable Housing**, it is noted that the scheme proposes 100% affordable units for older persons. Chapter 2 of Supplementary Planning Guidance *Cardiff Planning Obligations SPG* (July 2017) refers specifically to Affordable Housing and stipulates at paragraph 2.2 that a 20% Affordable Housing contribution will be sought on brownfield sites if the development meets any of the following criteria:
- i. Contain 5 or more dwellings; or
 - ii. Sites of or exceeding 0.1 hectares in gross site area; or
 - iii. Where adjacent and relates residential proposals result in combined

numbers or site size areas exceeding the above thresholds, the Council will seek affordable housing based on the affordable housing target percentages set out opposite.

- 9.82 Whilst it is acknowledged that in this instance, the proposal comprises the introduction of 13 affordable residential units, the Authority will seek an obligation to ensure that 20% of the units are retained as affordable in perpetuity.
- 9.83 In addition to the above, Traffic and Transportation request a **£25,000.00** contribution towards a new raised zebra crossing outside the application site on Moorland Road. This is to maximise the pedestrian accessibility of the site, especially considering the potential mobility needs of future residents and users of the community centre. This provision will allow the bus stops on Habershon Street and shops on Splott Road to be reached without the use of uncontrolled crossings.
- 9.84 The proposed broad Heads of Terms for the required section 106 agreement are as follows (in line with the Planning obligations SPG):-
- Financial contribution of £9,783 towards Open Space
 - Affordable Housing (20% - i.e. 3 units) to be provided and retained in line with Chapter 2 of the adopted *Cardiff Planning Obligations SPG* (July 2017).
 - Financial contribution of £25,000 towards the provision of a new raised zebra crossing outside the site on Moorland Road.
- 9.85 Having regard to the legal and policy test outlined above, it is clear that the requested monies are necessary and reasonable to mitigate the impacts of the proposed development and thus ensure that the proposal accords with planning policy.

Overall Assessment – ‘The Planning Balance’

- 9.86 PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.
- 9.87 There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

9.88 Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community;
- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.

9.89 At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.

9.90 Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.

9.91 The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.

9.92 In this case, regard must be given to the concerns raised regarding the potential overbearing impact of the development upon the occupiers of the neighbouring property to the south known as 71 Moorland Road, Splott. As noted above, the four storey element of the scheme upon the occupiers of the neighbouring property to the south could be considered as detrimental in amenity terms.

9.93 Having attempted to negotiate with the developer to reduce the height of the building to the rear, questions regarding the viability of the scheme were raised; however the number of residential units proposed is non-negotiable owing to the cost of the overall scheme. If the scheme were reduced in size to address the concerns raised, it would not be delivered.

9.94 The recently published [*Building Better Places: The Planning System Delivering Resilient and Brighter Futures*](#) document states that planners are uniquely

places to think systematically and work strategically to shape the vision for better places and lead positive change in a post-Covid world. With this in mind, it is important to place weight on the fact that the introduction of a brand-new community centre will bring economic, cultural, social, environmental and health benefits to the people and the community of Splott, creating a better place for residents and visitors to live, work and socialise.

- 9.95 In addition, the introduction of 13 affordable housing units is vital in the Council's aims to deliver housing in accordance with the evidenced need, and will also help to provide a range and mix of house types in accordance with Policy KP13 of the adopted LDP.
- 9.96 Given its height and relative proximity to the site boundary, there will clearly be an impact on the property to the south, albeit restricted to the shared amenity space between the buildings on that plot. However, there is also no doubt that the implementation of this development will bring great benefit by way of introducing additional affordable housing and a replacement community centre.
- 9.97 Given this, and on balance, the benefits of delivering 13 affordable units which are dedicated to older persons' independent living apartments together with the replacement of a dilapidated and poor community centre with a brand-new facility to serve the current needs of the facility are considered to outweigh the potential impact of the development on the occupiers of neighbouring properties.
- 9.98 On balance, and in consideration of the scheme as a whole, it is considered that the weight given to the benefits of the scheme outweigh the potential overbearing impact of the development on neighbouring occupiers of the property to the south, and therefore the development is recommended for approval.

Other Matters Not Assessed Above

- 9.99 As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

Construction Hours

A condition which restricts the construction hours of operation can be imposed upon planning permission to ensure that the amenities of neighbouring occupiers are protected, and to address the concerns raised.

Devaluation of Property

This is not a material consideration in the determination of this planning application and will not be addressed further.

10. CONCLUSION

- 10.1 The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cardiff Local Development Plan (2011–2026) adopted January 2016.
- 10.2 Having regard to the above and notwithstanding the objections raised, in this case, it is clear that the development proposed development will make an important contribution to the overall housing supply within Splott, and will provide 13 older persons' affordable residential units on brownfield land providing much needed accommodation and reducing the need to develop on greenfield sites, in accordance with Policies H3 and KP13 of the Local Development Plan (2013).
- 10.3 In addition, the proposed development will provide a replacement community centre, in accordance with the criterion of Policy C2 of the adopted LDP.
- 10.4 The building itself is considered, in general terms, to be in keeping with the mix of land uses within the vicinity of the site and, whilst it will be visible, the building will not be so excessive in terms of its size or scale that it would be detrimental of harmful to the general character and appearance of the area. Its introduction is considered to be in keeping with the general architectural character of the area and the pallet of materials proposed takes reference from buildings within the immediate vicinity of the site. On balance, whilst the building is modern in nature, it is considered that it will not detract from the overall character of the streetscene and is considered to be acceptable in this regard.
- 10.5 No concerns are raised in respect of highway safety, landscaping, contaminated land or land drainage, and the development is therefore considered to be compliant with Policies EN8, EN13 and T5 of the LDP.
- 10.6 While concern is raised that the height of the building to the rear will impact the occupiers of the immediate neighbouring property to the south greater weight is given that the scheme is providing 13 affordable units for older persons', and is replacing a dilapidated, poor community facility with a brand-new facility, and it is considered on balance, that the wider benefits of the scheme as a whole outweigh the impact upon the neighbours of the residential property.
- 10.7 In conclusion, on balance, the development is considered to be acceptable in principle and is recommended for approval.

11. OTHER MATTERS RELEVANT TO THE CONSIDERATION OF THIS APPLICATION

- 11.1 Crime and Disorder Act 1998. Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the

need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

- 11.2 Equality Act 2010. The Act identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.
- 11.3 Well-Being of Future Generations Act 2016. Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision. It is also noted that section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the 1990 Act, in that the Well-being of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications.
- 11.4 Section 6 of Environment (Wales) Act 2016 subsection (1) imposes a duty that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects:
- (a) Diversity between and within ecosystems;
 - (b) The connections between and within ecosystems;
 - (c) The scale of ecosystems;
 - (d) The condition of ecosystems (including their structure and functioning);
 - (e) The adaptability of ecosystems.

It is considered that the LPA has considered its duty under this Act and has met its objectives for the reasons outlined above.

12. RECOMMENDATION

12.1 RECOMMENDATION 1:

That planning permission be **GRANTED** subject to the applicant entering a Unilateral Undertaking to (i) contribute **£9,738.00** towards Open Space within the locality of the site, (ii) contribute **£25,000.00** to secure the provision of a new raised zebra crossing outside the application site, and (iii) retain 20% of the flats as affordable in accordance with Chapter 2 of the adopted *Cardiff Planning Obligations SPG* (July 2017), within 6 months of the date of this Resolution, unless otherwise agreed by the Council in writing, in respect of matters detailed in section 9 of this report, and the conditions listed below in section 12

12.2 RECOMMENDATION 2:

That delegated authority is given to the Head of Planning & Operational Manager: Strategic Development & Placemaking, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and planning permission issued.

12.3 CONDITIONS

Time Limits

1. The development permitted shall be begun before the expiration of five 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.

Approved Plans

2. The development, unless otherwise required by the ensuing conditions, shall be carried out in accordance with the following approved plans and documents:
 - Existing Location Plan (20017 M A (00_001) Rev P11) received on 27 October 2022
 - Proposed Site Plan (20017 M A (00)_001 Rev P11) received on 27 October 2022
 - Proposed Ground Floor Plan (20017 M A (00)_110 Rev P11) received on 27 October 2022
 - Proposed First & Second Floor Plan (20017 M A (00)_111 P12) received on 27 October 2022
 - Proposed Third Floor Plan (20017 M A (00)_112 Rev P12) received on 27 October 2022
 - Proposed Roof Plan (20017 M A (00)_113 Rev P11) received on 27 October 2022

- Proposed Elevation 1 (20017 M A (00)_210 Rev P10) received on 15 August 2022
- Proposed Elevation 2 (20017 M A (00)_211 Rev P10) received on 15 August 2022
- Proposed Elevation 3 (20017 M A (00)_212 Rev P10) received on 15 August 2022
- Proposed Elevation 4 (20017 M A (00)_213 Rev P10) received on 15 August 2022
- Proposed Street Elevations (20017 M A (00)_201 Rev P10) received on 15 August 2022
- Proposed Section AA (20017 M A (00)_310 Rev P10) received on 15 August 2022
- External Wall Bay Detail (20017 M A (00)-401 Rev P10) received on 15 August 2022
- Tree Constraints Plan received on 15 August 2022
- Tree Protection Plan received on 15 August 2022
- Arboricultural Impact Assessment received on 15 August 2022
- Landscape Proposals MoorLL.401 (TC22050_112688-1_MoorLL400-401[B] 18 October 2022) received on 27 October 2022
- Landscape General Arrangement MoorLL.400 (TC22050_112688-1_MoorLL400-401[B] 18 October 2022) received on 27 October 2022
- Drainage Strategy Plan (9850-GRY-01-00-DR-C-008 Rev P1) received on 15 August 2022
- Topographical Survey (ACAD-MOORLAND-COMMUNITY-CENTER Rev R2 13.07.2020) received on 15 August 2022
- PAS128 Utility Survey (ACAD-MOORLAND-COMMUNITY-CENTRE Rev R1 10.11.2020) received on 15 August 2022
- Design and Access Statement Version P02 (14 April 2022) received on 15 August 2022
- Planning Statement prepared by LRM Planning Limited (April 2022)
- Party Wall Assessment (19131_R01_0 – V0, 19 July 2021) received on 18 August 2022
- Arboricultural Impact Assessment and Arboricultural Method Statement (25 August 2022) received on 30 August 2022
- Geotechnical and Geo-environmental Report (July 2021)
- Supplementary Investigation (December 2021)
- Tree Survey (September 2020)
- Transport Statement (December 2021)
- Noise and Vibration Assessment Report (January 2022)
- Ecological Assessment (September 2022)

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

Pre-Commencement Conditions

3. No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- A soft landscaping implementation programme.
 - Scaled planting plans prepared by a qualified landscape architect.
 - Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
 - Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
 - Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
 - Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
 - Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

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

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

4. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution or detriment to the environment.

Action Conditions

5. Prior to their use in the development hereby permitted, samples of the external finishing materials for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance of the development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

6. Prior to first beneficial use, the site shall be enclosed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary, and all means of enclosure shall thereafter be retained as approved.

Reason: To ensure the amenities of the area are protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

7. Prior to the commencement of development, a revised Arboricultural Impact Assessment and Arboricultural Method Statement shall be submitted to the Local Planning Authority which shall include details as to how landscape works within the Root Protection Area of retained trees are to be implemented, to ensure tree roots are not subject to significant damage/loss. The submitted details shall be consistent with other plans submitted in support of the application and revised methodology shall be carried out in accordance with the approved details.

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

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

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

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

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

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

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

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

11. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

12. Prior to the beneficial occupation of the units, a post-build Acoustic Report shall be conducted in order to demonstrate compliance with the noise mitigation measures detailed within the Acoustics Report reference CA12079/0001 (dated January 2022, written by Wardell Armstrong). The report, with a validated certificate of compliance by an approved acoustic assessor, shall have been

submitted to and approved in writing by the Local Planning Authority to demonstrate that this has been achieved.

Reason: To protect the amenity of future occupiers, in accordance with Policies EN13 and KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

13. The development shall not be brought into beneficial use until such time as a scheme of sound insulation works to the ground floor Community Centre and first floor residential properties above has been implemented on site, in accordance with a scheme which shall first have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure reference is made to the specific use, acoustic qualities, support from a competent person and relevant British Standards.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

14. Prior to above-ground development commencing details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of practical management arrangements so that all visitor centre users will have suitable access to/egress from the covered cycle parking. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

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

Regulatory Conditions

15. The ground floor of the development hereby approved shall only be used as a community centre, and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and 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: Permission is granted based upon an assessment of the particular characteristics of the proposal and other uses may be contrary to the Policies of the Cardiff Local Development Plan 2006-2026.

16. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition C4P, unless the Local Planning Authority gives written consent to any variation.

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

17. There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 18:00 – 08:00am Monday to Friday and 13:00 – 08:00 on Saturday's, no deliveries on Sunday or public holidays.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

18. The rating level of the noise emitted from any fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997(or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

19. 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.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

INFORMATIVE NOTES

1. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
 - (i) determining the extent and effects of such constraints;
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

- 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.

2. The applicant may need to apply to Dŵr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on Dŵr Cymru / Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dŵr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times.

3. Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway.

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on

approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way.