

## PETITION AND AM OBJECTION

COMMITTEE DATE: 11/11/2015

APPLICATION No. **15/01753/MJR** APPLICATION DATE: 20/07/2015

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Wales & West Housing Association

LOCATION: PHOENIX INDUSTRIAL & ENGINEERING SUPPLIES,  
CLARENCE ROAD, BUTETOWN, CARDIFF, CF10 5FA

PROPOSAL: DEMOLITION OF EXISTING BUILDING, CONSTRUCTION OF  
17 DWELLINGS AND ASSOCIATED WORKS

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**RECOMMENDATION:** That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure a satisfactory finished appearance to the development.
3. No development shall take place until a scheme showing the architectural detailing of the principal elevations has been submitted to and approved in writing by the LPA and the development shall not be brought into beneficial use until the approved scheme is implemented.  
Reason: To ensure a satisfactory finished appearance to the building.
4. C5A Construction of Site Enclosure
5. No development shall take place until details showing the provision of 17 no. cycle parking spaces for the apartments (residents) have been submitted to and approved in writing by the LPA. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.  
Reason: To ensure that adequate provision is made for the secure parking of cycles.

6. No development shall take place until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.  
Reason: In the interests of highway safety and public amenity.
7. Doors and ground floor window adjacent to the highway or footway are to be constructed and installed in such a way as not to open outward.  
Reason: To prevent doors and windows being opened into the path of oncoming vehicles and pedestrians in the interest of highway and pedestrian safety.
8. No part of the development hereby permitted shall be occupied until a scheme of environmental highway improvements to Clarence Road, Pomeroy Street and the rear lane adjacent to the site, in accordance with indicative Plan 1: Proposed Public Realm Enhancements for Application 15/01753/MJR, has been submitted to and approved in writing by the LPA. The scheme shall include the resurfacing of footways and carriageway, the renewal or resetting or replacement of sunken or damaged kerbs, channels and edging, and the provision/renewal of street lighting and street furniture as may be required as a consequence of the development. The agreed scheme shall be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.  
Reason: To ensure the comprehensive enhancement/improvement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.
9. No equipment, plant or materials shall be brought on to the site for the purpose of development until a scheme for the protection of the street trees adjacent to the site has been submitted and approved in writing by the LPA. Unless otherwise agreed in writing by the LPA protection shall be maintained until all site operations are complete.  
Reason: To protect street trees adjacent to the site that might be damaged by building works or related operations.
10. G7G Plant Noise
11. *Road Traffic Noise*: Prior to commencement of development a scheme of sound insulation measures shall be submitted to and approved in writing by the Local Planning Authority to ensure 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] 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 –

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

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

12. *Land Contamination Risk Assessment:* Excluding demolition and site preparation no other development shall commence until an assessment of the nature and extent of contamination is submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and an appraisal of remedial options and justification for the preferred remedial option(s).

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

13. *Submission of Remediation Scheme and Verification Plan:* Excluding demolition and site preparation no other development shall commence until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, is submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and

to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

14. *Undertaking of Remediation and Issue of Verification Report:* The remediation scheme as approved by the LPA must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan.
  
15. *Identification of Unsuspected Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.  
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan.
  
16. *Ground Gas Assessment:* Excluding demolition and site preparation and unless otherwise agreed in writing by the LPA no other development shall commence until a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, is submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme and prior to

commencement of any development works, the proposed details of any appropriate gas protection measures which may be required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. All required gas protection measures shall be installed in accordance with the approved details and appropriately verified before occupation of any part of the development which has been permitted, and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

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

17. *Importation of Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials 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 2.63 of the Cardiff Unitary Development Plan

18. *Importation of Topsoil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

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

19. *Use of Site Won Material:* Any site won recycled aggregate materials 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 reuse. Only material approved by the Local Planning Authority shall be reused.

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

20. C2N Drainage details

21. The development hereby permitted shall be carried out in accordance with the recommendations in Section 9 (Recommendations) of the Ecological Survey titled 'Pomeroy Street, Butetown, Cardiff CF10 5FA - An Ecological Survey Report' prepared by Just Mammals Consultancy, dated July 2015.

Reason: To ensure no detriment to the maintenance of favourable conservation status of the bat species present.

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

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

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 5: It is advised that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

RECOMMENDATION 6: The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available 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.

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

- 1.1 The application was deferred for a site visit at 14<sup>th</sup> October Planning Committee. The site visit is scheduled to take place on 4<sup>th</sup> November.**
- 1.2 A full application seeking approval for the demolition of the existing 2 storey hardware store and construction of a 5 storey apartment block comprising 17 single bedroom affordable dwellings.
- 1.3 The main entrance to the apartments is from Pomeroy Street. The single bedroom apartments range in size from 46qsm to 54sqm. Four of the 17 apartments are single aspect with views to the north-west over Pomeroy Street and Clarence Road.
- 1.4 A small area of external amenity space is provided to the rear with access to the rear lane. It is located next to a similar area serving the Avondale Court residential development and benefits from afternoon sunshine.
- 1.5 There is no on-site car parking provided. A ground floor bike store accommodating 18 bikes is accessed from the rear lane.
- 1.6 The top storey of the building is set back approximately 4m from the Pomeroy Street and Clarence Road frontages. At ground level an element of defensible space is provided by narrow front gardens and railings fronting the street. The roof is flat and materials are brick in two colours. Windows are full height with deep reveals and a strong vertical emphasis.

1.7 The application is accompanied by a planning statement, a design and access statement, a drainage strategy report, an ecological survey report, and a flood consequences assessment report.

1.8 Amended plans have been received addressing overlooking concerns.

## 2. **DESCRIPTION OF SITE**

2.1 The application site is a hardware store specialising in industrial and safety supplies located on the corner of Pomeroy Street and Clarence Road in Butetown. Immediately to the east is Avondale Court, a 4 storey pitched roof residential building completed about 10 years ago. To the south-west is a rear lane linking Pomeroy Street and Hunter Street

2.2 The building to be demolished is an early 20<sup>th</sup> century 2 storey red brick building with stone banding and pitched roofs and is significantly smaller than its immediate neighbours on Clarence Road.

2.3 Pomeroy Street is a cul-de-sac and cannot be accessed directly from Clarence Road. There is a bus stop and some tree planting on a small area of paving at the head of Pomeroy Street.

2.4 The area is predominantly residential characterised by brick-built 2 storey Victorian terraces to the south of Clarence Road, a changing mix of uses on Clarence Road itself, and Century Wharf apartments to the north.

## 3. **PLANNING HISTORY**

3.1 There is no planning history on the site.

### Related planning history

- 11/1168/DCI PP granted in March 2013 for demolition of the existing industrial/ warehouse building and the former Bethel Baptist church, and the construction of a four storey residential block comprising 19no. apartments.
- 98/377/C PP granted in 1999 for demolition of existing building (Avondale Works) and erection of 25no. flats (Avondale Court)

## 4. **POLICY FRAMEWORK**

### 4.1 Adopted City of Cardiff Local Plan

Policy 11 Design and Aesthetic Quality

Policy 17 Parking and Servicing Facilities

Policy 31 Residential Open Space Requirements

Policy 36 Alternative Use of Business, Industrial and Warehousing Land

### 4.2 Deposit Cardiff Unitary Development Plan (2003)

Policy 2.20 Good Design

Policy 2.21 Change of Use or Redevelopment to Residential Use

Policy 2.24 Residential Amenity



- 4.3 Supplementary Planning Guidance  
Open Space Supplementary Planning Guidance (March 2008)  
Access, Circulation & Parking Standards (January 2010)  
Safeguarding Land for Business and Industry (June 06)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Transportation: The Council's Transportation Officer comments as follows: I refer to the above application and would confirm that the submission has been assessed and is considered to be acceptable in principle, subject to the following comments, conditions and S106 contribution request.
- 5.2 The Access, Circulation and Parking Standards SPG identifies a car parking requirement of zero to one space per unit for residential dwellings in the Central and Bay area, along with a minimum cycle parking requirement of one space per unit. In accordance with the SPG the proposed development should therefore provide between zero and 17 car parking spaces and a minimum of 17 cycle parking spaces, and as such is considered to be policy compliant as submitted.
- 5.3 It is also noted that the existing distribution/commercial use attracts a number and frequency of vans and other commercial vehicles, along with private cars, whereas the proposed use will only routinely attract private cars; notwithstanding that the peak parking demand is likely to occur at a different time of the day. It may therefore be considered that the local daily impact of visits to the site will be reduced and generally be of a less intrusive nature due to smaller quieter vehicles, more in keeping with the domestic nature of the surrounding residential dwellings.
- 5.4 As identified in the application supporting documents, I must also take into account that the site is within easy walking distance of shops/ services/ employment/ school/ entertainment etc. opportunities in the adjacent district centre and city centre; along with good access to high frequency bus public transport services, rail services and Cardiff's cycle network. The site is therefore considered to be in a very sustainable location in transport terms, reducing the reliance on private car ownership and use of the same for everyday trips.
- 5.5 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 existing bays. Therefore, while acknowledging that parking demand and timing will change as a result of the proposed development and may add to evening/weekend demand, a positive determination of this application will not itself add to pressure on existing resident permit bays.
- 5.6 Standard cycle parking, environmental highway improvement works, no outward opening doors, and construction management plan conditions are required in order to manage the impact of the development and reinstate the adjacent lane following construction, along with a S106 contribution of £2,160 towards the cost of installing cycle parking and bollards in Clarence Road

footway in the vicinity of the site. Reason: The provision of external visitor cycle parking and protection of the adjacent footway from overrun and inappropriate parking that currently occurs, and could increase as a consequence of the proposed development .It is considered that the combined S106 contribution request is in accordance with the requirements of the CIL regulations.

- 5.7 In conclusion, it is considered that the proposed residential use accords with parking policy, will generate little or no additional parking demand over the day, is likely to result in fewer less intrusive vehicle trips than the former commercial use and given its nature (smaller units) likely to attract residents who are more likely not to own/use a car than otherwise might be the case. I would therefore conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge.
- 5.8 Parks Services: The Parks Officer comments as follows: Under current policy the proposed development is subject to Policy 31 of the Local Plan (Provision of open space on new residential developments), which requires the provision of open space for recreational activity.
- 5.9 The Council's Supplementary Planning Guidance - Open Space requires provision of a satisfactory level and standard of open space on all new housing developments (2.43 hectares per 1000 projected population), or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.10 As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality.
- 5.11 Based on the information given, allowing for a projected population of 24.31, the contribution will be £26,393. Contributions towards open space provision are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.
- 5.12 If the applicant can provide evidence that the single bed apartments will be for adults only and no children will be allowed to reside there, then the calculation may be adjusted accordingly to remove the element relating to provision of children's play. The request for an offsite contribution is applied consistently across private and affordable house developments.
- 5.13 Demand for usage of the existing open spaces would increase in the locality as a result of the development and therefore the Council considers it appropriate that an off-site contribution is made, calculated in accordance with the guidelines set out in the SPG.

- 5.14 The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest recreational open spaces are Hamadryad Park and Canal Park.
- 5.15 Based on the 2009 Cardiff Council Open Space Survey the Butetown Ward, in which the development is situated, is deficient in opens space provision by 3.96 hectares (measured by the Fields in Trust recommended standard of 2.43 hectares per 1000 population). The quality and facilities of existing open spaces also require improvement, with additional capacity to take into account the increased residential population resulting from the development.
- 5.16 The final decision on expenditure of the contribution at the time of receipt would be determined by the requirements for improving any individual open space in the locality at that time. This would involve local consultation with various parties and be subject to Member approval.
- 5.17 The Parks Officer makes the following additional design comments: The proximity of the proposed block of 1 bed apartments to the adjacent street tree at the junction of Clarence road and Pomeroy street and street trees along Pomeroy Street causes some concern over the impact of the development on these trees. Whilst the application boundary excludes the trees they will be close to site operations and potentially at risk from service connections and construction vehicles.
- 5.18 An assessment of the impact of the development on these trees should be carried out and any identified tree works necessary to facilitate the construction agreed with the Parks arboricultural team and carried out by them prior to commencement of the development. Suitable protection measures will be required to prevent physical damage to the trees during the construction phase.
- 5.19 Ecology: The Ecology Officer observes that the proposed mitigation measures are adequate and should be secured by a condition requiring that the development is implemented in accordance with the recommendations of the Ecological Survey Report submitted with the application.
- 5.20 Housing Strategy: Housing Strategy note that Cardiff has an identified high housing need for affordable housing in this area of the City. The Housing Development Enabling team development will be working with Wales & West to successfully and sustainably deliver this site for affordable housing, given the high levels of housing need in the area. The development will comprise of 17 units of new affordable housing for singles and couples, which are in high demand. All social rented units will meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).
- 5.21 Drainage Management: No comments received.
- 5.22 Waste Management: The Waste Strategy Officer notes that the bin storage area is acceptable.

- 5.23 Pollution Control (Contaminated Land): The Contaminated Land Officer notes that the site has been identified as formerly commercial/industrial. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.
- 5.24 In addition former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.
- 5.25 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 the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 5.26 The Officer requests the inclusion of standard ground gas protection, contaminated land assessment, contaminated land remediation and verification plan, contaminated land remediation and verification, unforeseen contamination, imported soil, imported aggregates, and use of site-won materials conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.
- 5.27 Pollution Control (Noise & Air): The Pollution Control Officer makes the following comments: An acoustic report is required in order to establish the potential impacts of existing noise sources upon the development site. The acoustic report should consider the following:
- The existing daytime and night time noise levels from the nearby roads at each storey of the proposed building;
  - An assessment of the expected impact the noise upon the future occupiers of the proposed building;
  - Details of any mitigation measures that may be required as a result of the impact assessment.
- 5.28 Given that the proposal involves the placing of residential units close to transportation noise sources and that noise is a material consideration by paragraph 13.15.1 (Edition 7) of Planning Policy Wales, the Officer would expect the acoustic report to be submitted for consideration and approval by the Pollution Control team **prior** to the determining of the application.
- 5.29 The PC Officer requests a plant noise condition and an additional construction site noise recommendation.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 DCWW: No objection subject to standard conditions on separation of foul and surface water, and discharge of surface and land drainage run-off to the public sewer.
- 6.2 Natural Resources Wales: NRW note from the ecological survey that a common pipistrelle pre-maternity roost of at least 37 individuals was confirmed within the building to be demolished.
- 6.3 All species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2010 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.
- 6.4 Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.
- 6.5 These requirements are translated into planning policy through Planning Policy Wales (PPW) July 2014, section 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.
- 6.6 In this instance, we do not consider it likely that the proposed development will result in a detriment to the maintenance of Favourable Conservation Status of bat species, provided that a suitably worded condition addressing the following is added to any permission your authority may be minded to grant:
- 6.7 Suggested condition: Works will be carried out in accordance with the recommendations in Section 9 (Recommendations) of the Ecological Survey titled 'Pomeroy Street, Butetown, Cardiff CF10 5FA - An Ecological Survey Report' prepared by Just Mammals Consultancy, dated July 2015. Reason: To ensure no detriment to the maintenance of favourable conservation status of the bat species present.
- 6.8 European Protected Species Licence: We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species Regulations 2010 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.
- 6.9 In conclusion the NRW do not object to the development as submitted, providing an appropriately worded condition requiring the implementation of

suitable mitigation measures is attached to any planning permission your authority is minded to grant. This is to ensure no detriment to the maintenance of favourable conservation status of the bat species present.

- 6.10 Wales & West Utilities: W&WU have provided a plan of their apparatus in the vicinity and a list of general conditions for prospective developers. This has been forwarded to the applicant.

## 7. **REPRESENTATIONS**

- 7.1 The application was advertised on site and in the press as a major application. Neighbours and local members were consulted. A valid petition of objection has been received. Letters of objection have been received from an Assembly Member and from 9 local residents. Local residents have also requested a committee site visit.

- 7.2 A valid petition dated 7.8.15 and signed by 152 local residents objects on the following grounds:

- Overdevelopment of the area
- Inadequate room for a construction site and for construction vehicles
- Potential for damage to neighbouring properties as a result of pile driving

- 7.3 Assembly Member Eluned Parrott objects to the application on the following grounds:

- Increased level of traffic and congestion;
- Inadequate parking provision;
- Height of the building not in keeping with other properties in the area
- Disruption during demolition and construction

- 7.4 The objections from local residents are:

- Inadequate parking provision
- Increased level of traffic and congestion
- Height of the building in relation to adjacent housing
- Overlooking of Pomeroy Street houses and play area
- Adverse impact on amenity of no. 1 Pomeroy Street
- Loss of sunlight to Century Wharf flats
- Presence of bats
- Noise and disruption during construction process
- Damage to neighbouring properties as a result of pile driving
- Oversupply of apartments in the area
- Inadequate consultation

- 7.5 In summary, the main grounds for objection relate to inadequate on-site parking provision and increased level of traffic and congestion, excessive height in relation to neighbouring housing, overdevelopment of the area, the

potential for damage to neighbouring properties as a result of pile driving, and noise and disruption during the demolition/ construction process.

## 8. **ANALYSIS**

- 8.1 The main issues to assess are proposed use, parking provision, design, and impact on neighbours' amenity.
- 8.2 Land Use: The proposed site is located on land identified for business and industrial use in the Local Plan, and is therefore subject to Policy 36 of the City of Cardiff Local Plan. Policy 36 of the Local Plan identifies a range of criteria against which applications for the alternative use of business and industrial land will be assessed.
- 8.3 The key consideration is criterion (i) of the policy which requires such proposals to be assessed against the demand for, and the need to preserve a range, choice and quality of sites available for business, industrial and warehousing development.
- 8.4 In terms of need to preserve the site for business, industry and warehouse development, the site is not in a strategic location and it is surrounded by residential accommodation. Consequently it would be difficult to argue that the application would reduce the quality of sites available for business, industrial and warehousing development.
- 8.5 In addition it is considered that there is unlikely to be demand for business and industrial uses due to the scale and constraints of the site. Therefore there is no need to preserve the site for business and industrial use.
- 8.6 The application site is within an area where consent for residential uses has been granted and there is existing housing to the west, south, and east. In addition Planning Policy Wales encourages the use of previously developed land, in preference to greenfield sites, for new residential development.
- 8.7 Therefore the principle of residential use, on previously developed land, in addition to the lack of need to preserve the site for business and industrial use, does not raise any land use policy concerns.
- 8.8 Design: The top storey of the five storey building is set back 4m from the Pomeroy Street and Clarence Road facades which significantly reduces the bulk of the building. The building of a similar height to Avondale Court and to the new block of flats over the road. The height and massing of the corner building and its relationship to its neighbours and to Clarence Road and Pomeroy Street is acceptable.
- 8.9 Window openings are full storey height with a strong vertical emphasis, and materials are brickwork with a dark red brick to the lower floors and a dark blue-black brick to the upper floors. The composition of the principal facades and the choice of materials is simple and designed to sit comfortably

alongside Avondale Court and the recently completed flats on the other side of Pomeroy Street.

- 8.10 The design has a proper regard to the scale and character of the surrounding environment and is acceptable. Materials samples and architectural detailing conditions are attached.
- 8.11 Public realm: The application site is bordered to the south by a rear lane that provides pedestrian/ vehicle access between Pomeroy Street/ Hunter Street and will be used to access/ service the proposed development. The existing carriageway is of a poor quality and there is a need to resurface the lane in order to provide a more attractive and accessible pedestrian environment than that which serves the site at present, particularly due to the nature of the proposal as a residential development where movements to and from the building will take place later into the day and at night.
- 8.12 Should the application be considered acceptable in all other respects, it is recommended that the applicant undertake public realm improvement works (as identified in Plan 1) in order to improve the quality of the pedestrian environment. It is requested that these works include: The resurfacing of the lane to the rear of the application site; Reinstatement/ making good of footway crossovers at Pomeroy Street and Hunter Street; Resurfacing of sections of footway at Clarence Road and Pomeroy Street; Replacement of existing lighting column at Pomeroy Street.
- 8.13 Parking provision: The adopted Access, Circulation and Parking Standards SPG identifies a parking requirement of zero to one car space per residential unit (zero visitor) for the City Centre and Bay; which equates to zero to 17 for the level of development proposed in the outline application. Zero car parking provision is therefore policy compliant.
- 8.14 It is considered that the proposed residential use accords with parking policy, will generate little or no additional parking demand over the day, is likely to result in fewer less intrusive vehicle trips than the former commercial use, and given its nature (smaller units) likely to attract residents who are more likely not to own/use a car than otherwise might be the case. An objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge.
- 8.15 For information parking provision on the neighbouring Avondale Court is zero. Permission was granted in 1999, prior to the introduction of the current parking standards, and the reduced parking provision was justified on the grounds that the residential use is restricted to the elderly and retired persons. Parking provision on the neighbouring Sterling Works site (granted 2013) is for 6 on-site parking spaces serving 19 affordable 1B and 2B flats. It was originally resolved to grant planning permission subject to a legal agreement for 19 market flats with 7 parking spaces in 2012. This was subsequently amended to 100% affordable housing with 6 parking spaces.



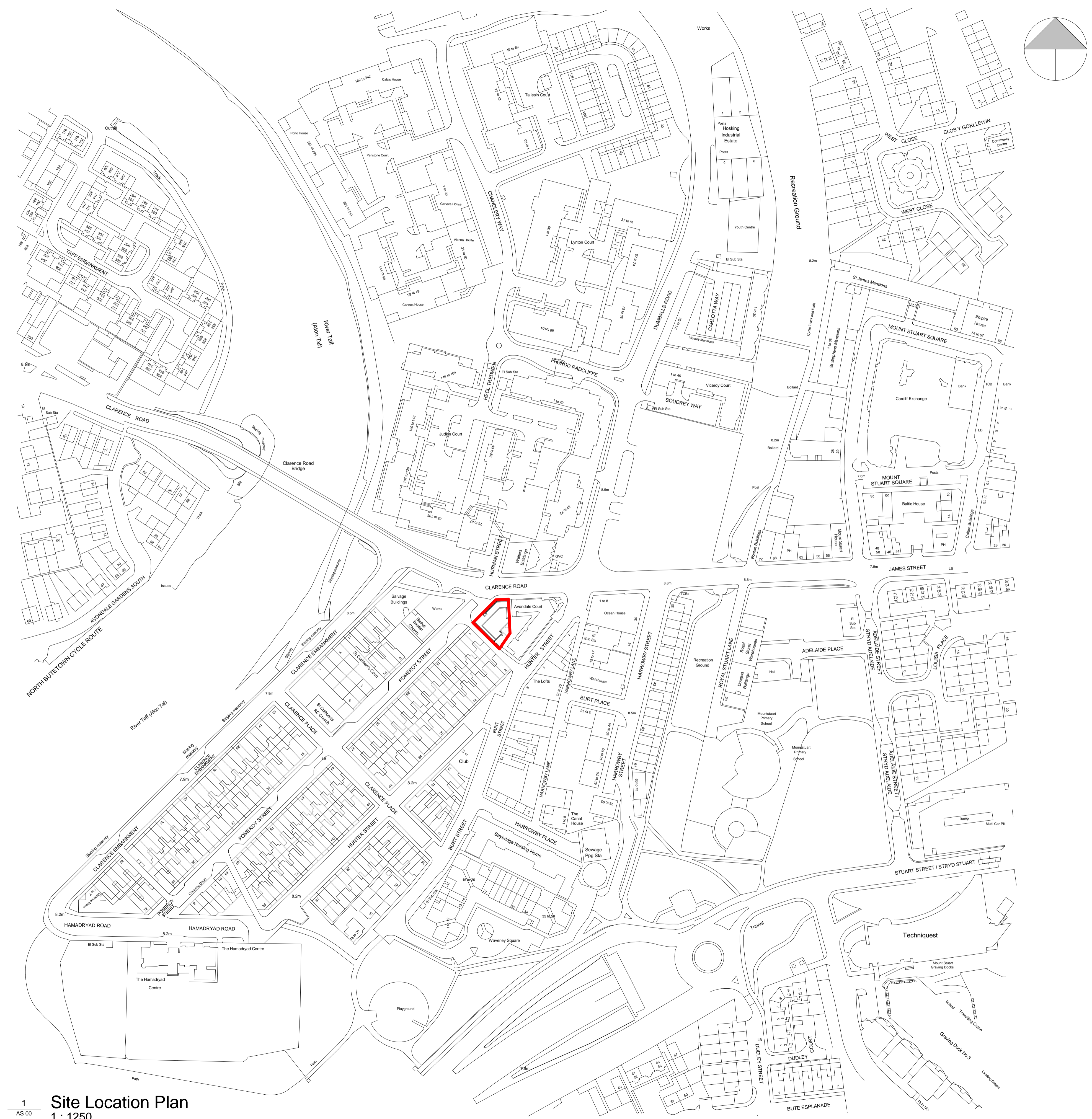
- 8.16 The number of cycle spaces proposed is 18, located in a secure covered store with easy access. Cycle storage provision is acceptable.
- 8.17 External amenity space: The development has limited external amenity space in the form of a rear courtyard area with good access from the common area of the flats and access to the rear lane. The courtyard will receive sunlight during the afternoon, and although small will benefit from being located next to the Avondale Court external amenity area, which is well used. Given the nature of the affordable housing proposed (single bedroom) and the fact that the site is within easy reach of Hamadryad Park and Canal Park, external amenity space provision is acceptable.
- 8.18 A financial contribution towards improvements to public open space in the vicinity will be secured through a legal agreement.
- 8.19 Overlooking and overbearing impact: The separation distance between the Pomeroy Street façade windows and the windows of the houses on the opposite side of the street is approximately 12m. The distance between the opposing windows of the terraced houses further along the street is approximately 15.5m which is typical of the older established terraced housing in the area.
- 8.20 The Council's SPG recommends minimum separation distance of 21m between opposing windows of habitable rooms. However the guidance recognises that in the case of infill schemes in established urban areas a reduction of this distance to respect existing street patterns and building lines is acceptable.
- 8.21 The separation distance from the Avondale Court corridor windows at the rear of the development varies between 7.5m and 9.0m. The amended plans have repositioned the only habitable room windows in the proposed block to avoid any direct overlooking.
- 8.22 Amended plans have addressed any potential overlooking of the rear yard area of 1 Pomeroy Street by relocating the dining room windows of apartments 4, 8, & 12.
- 8.23 In relation to potential overbearing impact of the new development on 1 Pomeroy Street the eaves height of the building is approximately 4.5m higher than the existing building however the footprint along the rear lane is significantly reduced and on balance the overall impact is likely to be similar.
- 8.24 Road Traffic Noise: The applicant has agreed to commission a noise survey but the survey has yet to be undertaken. In the event the survey report is completed prior to determination the conclusions will be reported to committee as a late rep. A standard road traffic noise condition has been added.

## Representations:

- 8.25 The Councillors' and residents' objections on the grounds of inadequate parking and traffic congestion, overlooking and overbearing impact, and building height are addressed above.
- 8.26 Other matters: In relation to objections on the grounds of overdevelopment of the area the site falls within a predominantly residential area, and is similar in density and scale to recently consented schemes in the immediate area. It should also be noted that overdevelopment of an area (as opposed to a site) is not strictly speaking a material planning consideration. The cumulative impact of this development and other recently consented/ implemented flatted residential developments in the immediate area is not considered harmful to the character or amenity of the area.
- 8.27 Objections on the grounds of oversupply of apartments are not a material consideration. The site falls within a predominantly residential area and the proposed residential use is therefore acceptable in planning terms.
- 8.28 In relation to noise and disruption arising from demolition and construction a recommendation on construction site noise is attached and excessive noise and disruption, or working during hours outside those specified, would be a matter for Pollution Control.
- 8.29 The potential for physical damage to neighbouring properties as a result of pile driving is not a material planning consideration.

## 9. **CONCLUSION**

- 9.1 In conclusion the proposals provide additional affordable housing that has proper regard for the scale and character of its neighbours. The loss of industrial land in this location is acceptable. Parking provision is policy compliant and is considered unlikely to result in an adverse impact on on-street parking and traffic movement.
- 9.2 The granting of planning permission is recommended subject to conditions being imposed and a legal agreement (Section 106) being signed to ensure the delivery of 100% affordable housing on the site, and secure financial contributions, as follows:
- £26,393 towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest recreational open spaces are Hamadryad Park and Canal Park.
  - £2,160 towards the cost of installing cycle parking and bollards in Clarence Road footway in the vicinity of the site.



1 AS 00 Site Location Plan  
1 : 1250

Wales & West Housing Association  
Phoenix Saxon Residential Development

Site Location Plan

Project number	0267
Date	15/06/5
Drawn by	FL
Checked by	HJ

AS 00  
Scale 1 : 1250



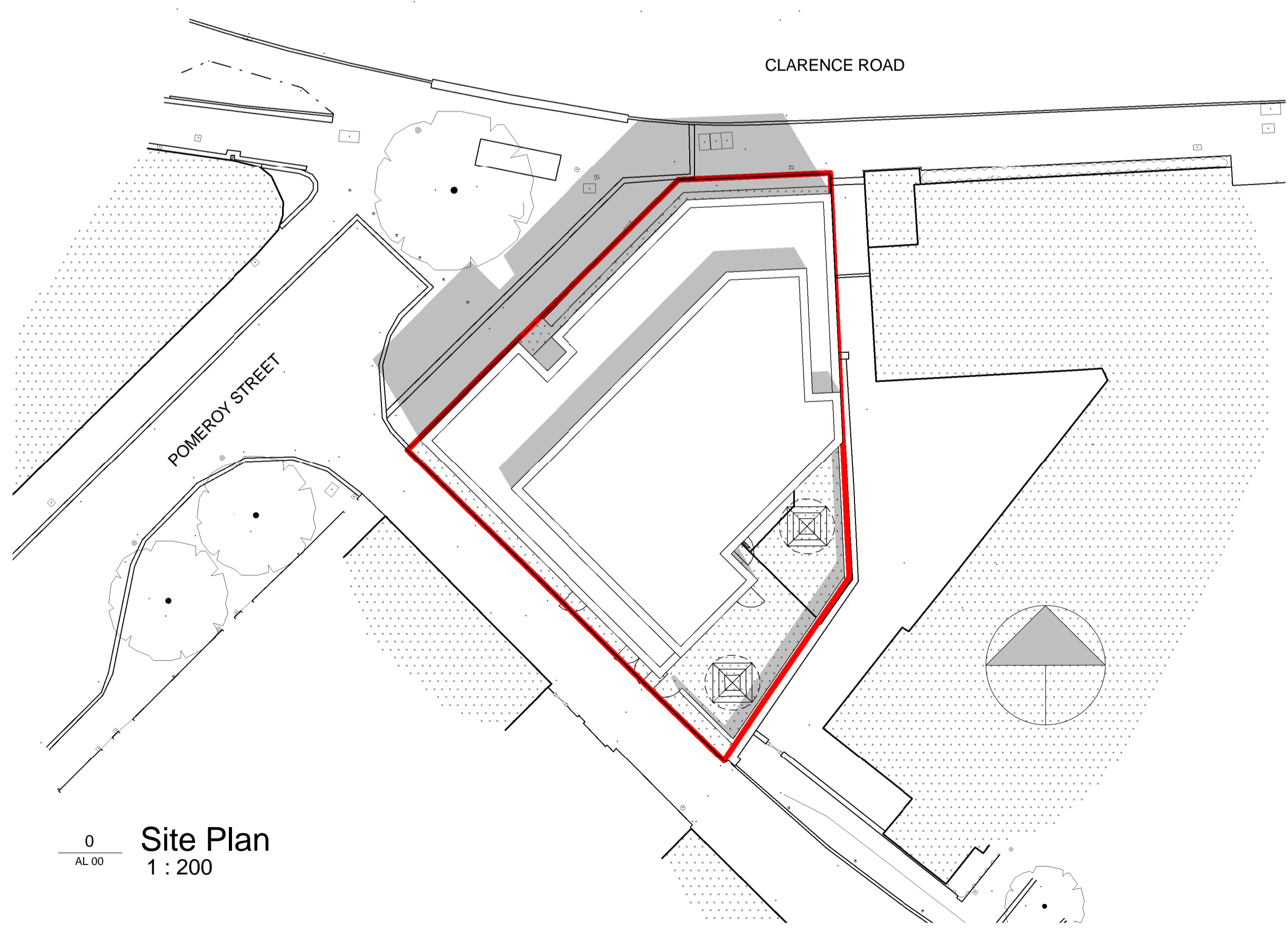
1 Ground Floor Plan  
1 : 100



2 First, Second + Third Floor  
1 : 100



3 Fourth Floor  
1 : 100



0 Site Plan  
1 : 200

A Window positions moved in Apartments 4/8/12. 15/09/2015

Wales & West Housing Association  
Phoenix Saxon Residential Development

Proposed Floor Plans

Project number	0267
Date	15/06/5
Drawn by	FL
Checked by	HJ

AL 00 Rev A

Scale As indicated