COMMITTEE DATE: 14/10/2020

APPLICATION No. 20/01190/MJR APPLICATION DATE: 23/06/2020

ED: TROWBRIDGE

APP: TYPE: Full Planning Permission

APPLICANT: Cardiff Council

LOCATION: LAND AT WAKEHURST PLACE, TROWBRIDGE, CARDIFF PROPOSAL: PROPOSED RESIDENTIAL DEVELOPMENT OF 13 No. 2, 3

AND 4 BED HOUSES, ASSOCIATED CAR PARKING,

COMMUNAL GARDEN AND ACCESS ROAD

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

- 1. C01 Statutory Time Limit
- 2. The development shall be carried out in accordance with the following approved plans:
 - Landscape Strategy A112688_WP_100(K)
 - Tree Constraints Plan 200428 –WP-TCP-N
 - Tree Removal and Protection Plan 200515-WP-TRPP + PROPOSALS-Rev B-NB&AM
 - Tree Plan 200428-WP-TCP-NB
 - Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Retention and Protection Plan dated 3rd September 2020
 - 4 Bed Plans AL(01)03 RevB
 - 4 Bed Elevations AL(01)04 RevC
 - 3 Bed Plans and Elevations AL(01)05 RevD
 - 3 Bed Elevations AL(01)05 RevC
 - 2 Bed Plans AL(01)07 Rev B
 - 2 Bed Elevations AL(01)08 RevD
 - Site Plan AL(90)02 Rev O
 - Constraints and Opportunities AL(01)11
 - Proposed Drainage Strategy CC1969 00 00 GA 52 1101 RevP05
 - Location Plan AL(90)01

Reason: To avoid doubt and confusion as to the approved plans and supporting documents for this development.

3. No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include: Pollution Prevention-demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. The CEMP shall be implemented as approved during the site preparation and construction phases of the development. Reason: To ensure necessary management measures are agreed prior to commencement of development and implemented for to minimise the risk of pollution from construction and protect the Gwent Levels: Rumney and Peterstone Site of Special Scientific Interest.(LDP policies EN5, EN10 and EN11)

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a remediation scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall 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 shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority 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 neighbours and other offsite receptors (LDP EN13).

5. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced (LDP EN13).

6. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced (LDP EN13).

- 7. 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 (LDP EN13).
- 8. No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority (LPA). 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 (LDP policy KP5).

9. 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 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 9.

Reason: To maintain and improve the amenity and environmental value of the area (LDP Policy KP5).

- 10. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme of recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of highway safety and public amenity (LDP T5 and EN13)

- 11. Prior to the occupation of any of the dwellings on this site the access road serving them shall be finished to final wearing course and include surface water highway drainage in accordance with details to be submitted to and approved by the Local Planning Authority.

 Reason: In the interests of the future occupants of this site (LDP T5).
- 12. Prior to 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. The approved

details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles. (LDP Policy T1)

- 13. Prior to development commencing details of the junction of the proposed access road and Wakehurst Place shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation of any dwelling.

 Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility (LDP Policy T5)
- 14. Prior to the occupation of any dwelling 2 bat boxes and 2 nest boxes shall be installed within the development in accordance with details approved in writing by the Local Planning Authority.

 Reason: To enhance biodiversity (LDP Policy EN6).

RECOMMENDATION 2 Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

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

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

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application is for 13 affordable dwellings. The dwellings would comprise 3 pairs of semi-detached units and two terraces of 3 and 4 units. Two of the dwellings would be 4 bedroom in a 2.5 storey building with rear dormer. Seven of the dwellings would be 3 bedroom houses and four would be 2 bedroom houses, all two storey.
- 1.2 The dwellings would have grey synthetic slate roofs with walls of buff brick with feature panels of ibstock umbra sawtooth and contemporary matt black. Six dwellings will include flat roof gables to their fronts. Windows, doors and rainwater goods would be black. The materials will match that to be used nearby in the construction of older persons living accommodation granted on 23/12/2019 (ref 19/03320/MJR).
- 1.3 Eight of the dwellings would have 2 parking spaces and five would have 1 car parking space located in front of the dwelling they serve. Covered cycle parking would be provided in each rear garden to be DQR compliant. Mid terraced properties would be accessed by short rear gullies.
- 1.4 A communal garden is to be created in the north east corner of the site.
- 1.5 A 7m high Rowan tree C-classed and hedgerow will be removed to facilitate the development. The branches of a Birch overhanging the site would be removed.

- 18 new trees will be planted along with new hedging, shrubs, rain gardens and communal gardens.
- 1.6 Vehicular access is located in the same position as the original access close to 1 Wakehurst Place on the southern boundary of the site. A shared surface will serve the development.
- 1.7 The rear gardens of those dwellings close to Crickhowell Road and gardens adjoining public positions will be enclosed by 1.9m high brick walls.
- 1.8 The Design and Access statement states that the proposal will provide A requirement of 17% improvement over the requirements of Building Regulation Part L to be achieved with the adoption of 'fabric first' approach, renewable energy capture, use of natural ventilation and water/electricity saving fittings, alongside a sustainable building management strategy.

2. **DESCRIPTION OF SITE**

- 2.1 The site is Council owned land and is occupied by a single storey former workshop building, which will be demolished. The site is 0.42 ha in area and is irregular in shape. Vehicular access is from Wakehurst Place to the south.
- 2.2 The northern part of the site is crossed by a Welsh Water easement.
- 2.3 The site is generally level and is approximately 1.5m below the level of Crickhowell Road to the west. Adjoining the eastern boundary are residential properties and to the north a band of trees.
- 2.4 The site lies within a predominantly residential area with the St Mellons Hub to the west and a retail centre, places of worship and bus stops to the north west close to this site.
- 2.5 Faendre Reen is some 12m north of the application site boundary.

3. **SITE HISTORY**

- 3.1 13/2312 Creche Facilities allowed 20/12/2013 in approximately half the building.
- 3.2 16/01719/MJR Outline consent for 15 houses on this site –Approved 12/07/2017
- 3.3 18/02548/MNR Demolition Consent of the building on this site Approved 07/12/2018

4. **POLICY FRAMEWORK**

4.1 It is considered that the following LDP policies are relevant to this application:-

KP3 (B) Settlement Boundaries

KP5 Good Quality and Sustainable Design;

KP6 New Infrastructure

KP7 Planning Obligations

KP8 Sustainable Transport

KP13 Responding to Evidenced Social Needs

KP14 Healthy Living;

H3 Affordable Housing

H6 Change of use or redevelopment to residential use

EC3 Alternative Use of Employment Land and Premises

EN5 Designated Sites

EN8 Trees and Hedgerows

EN10 Water Sensitive Design

EN11 Protection of Water Resources

EN12 Renewable Energy and Low Carbon Technologies

EN13 Air, Noise, Light Pollution and Land Contamination

T1 Walking and Cycling

T5 Managing Transport Impacts

C3 Community Safety/Creating Safe Environments;

C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport

C6 (ii) Health

W2 Provision for Waste Management Facilities in Development.

4.2 It is considered that the following SPG policies are relevant to this application:-

Managing Transport Impacts
Residential Design Guide
Waste Collection and Storage Facilities
Green Infrastructure
Planning for Health

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Tree Officer states:

My reservations remain concerning the requirement to prune back the off-site birch tree 2 to accommodate the proposed dwelling, but otherwise, subject to development being implemented in accordance with the submitted AMS and TPP, unacceptable harm will not result to trees of amenity value.

In terms of soft landscaping, I recommend the following conditions if you are minded to take the application forward without such details upfront: -

Landscaping

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.

Landscaping Maintenance

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 *********, unless the Local Planning Authority gives written consent to any variation.

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

5.2 Contamination state:

I would like to provide comments in relation to potential contamination issues on behalf of SRS: Environment Team:

The following information was submitted as part of the application: Terra Firma (Wales) Ltd, July 2019; Geotechnical and Geoenvironmental Site Investigation Report Ref: 15388

The above report includes a contamination assessment of the proposed development, including site works. The assessment indicates there is no significant concern in relation to contamination for the proposed use. However the potential for contamination cannot be ruled out. I would therefore advise the use of the 'unforeseen contamination' condition.

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.

Shared Regulatory Services would request the inclusion of the following conditions and informative statements 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:

CONDITIONS

PC14D. CONTAMINATED LAND MEASURES - UNFORESEEN CONTAMINATION

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

Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

PC15A IMPORTED SOIL

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

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

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

PC15B IMPORTED AGGREGATES

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

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

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

PC15C USE OF SITE WON MATERIALS

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

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

ADVISORY/INFORMATIVE

R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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
- (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.

5.3 (a)The Waste Officer states:

The proposed storage areas for each property have been noted and are acceptable. Please ensure the storage areas at the front of the terraced houses are large enough to store the recommended bins.

Each house will require storage for the following bin provisions:

- 1 x 140 litre bin for general waste
- · 1 x 240 litre bin for garden waste
- · 1 x 25 litre caddy for food waste
- Green bags for recycling (equivalent to 140 litres)
- 1 x 30 litre bin for glass waste

Please advise the owner/applicant that since 27th July 2015, the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting Waste Management on 02920 717500.

Vehicle tracking for the site need to be submitted to ensure our largest vehicles (OLYMPUS-19N 6x2RS) can enter and exit in a forward gear. It has been noted that a turning heads has been provided, but tracking diagrams will need to be submitted to show that this is suitable for the collection vehicles.

Waste is not collected from private drives, therefore plots 1-4 will need to present their bins at the entrance to the private drive in view of the spine road on collection day.

Refuse storage, once implemented, must be retained for future use. Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

(b) And

Could the middle terraced properties not use the rear access that has been included on the latest plan so that they can store the waste at the rear?

How far is it from their rear gate to the kerbside? Is it in excess of 30m?

I am doubtful that all the bins will fit in the small storage areas at the front of the mid terraced properties as we go down the road of kerbside separation sorting and our preference would be for waste to be stored at the rear of properties where possible.

(The size of bin areas has been flagged up with the applicant. Bin stores in the front of terraced houses have been incorporated into the design of the terraces).

5.4 The Transport Officer states:

- Happy with the principle of the junction as drawn. Detailed matters would be dealt with via the s38/278 process (to be a Recommendation), and would also seek an appropriate planning condition (see below). Whilst the access road starts at 6m width still, it does then narrow to 5m beyond the bend, and this helps to ensure that appropriate refuse swept path access can be achieved.
- It is noted that the steps/ramp to the west linking with Crickhowell Rd are not being put up for adoption, but these will still be useful connections for site residents.
- It is good to see that rear cycle stores/gullies are now proposed in order that
 the mid-terrace properties can have adequate cycle access. All cycle stores
 will need to have a suitable paved access connection between them and the
 public highway, and sheds will need to be of adequate size. It would be
 desirable if the shed for Plot 12 is moved to the east side of the plot. It is
 considered these items can be conditioned (see below).

Access Junction

Prior to development commencing details of the junction of the proposed access road and Wakehurst Place shall be submitted to and approved in writing by the Local Planning Authority. Those details shall be implemented prior to beneficial occupation.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility.

Cycle Parking

Prior to 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. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

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

5.5 The Parks Officer states:

Design Comments

Nothing to add to Tree Officer's comments.

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 30.9. This generates an open space requirement of 0.075 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £32,060. I enclose a copy of the calculation

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of

recreational open space are Caerleon Park, Coleford Drive Open Space, Cath Cobb Rec and Cath Cobb Woods, St Mellons Linear Park, Hendre Lake Park

6. **EXTERNAL CONSULTATIONS**

6.1 NRW state:

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1:Designated sites -Construction Environmental Management Plan; Condition 2:Land contamination -Unsuspected contamination. Further details in relation to these conditions is provided below.

Designated Sites

Faendre Reen runs along the northern boundary of the proposed development site and flows into the Gwent Levels: Rumney and Peterstone Site of Special Scientific Interest (SSSI). Provided suitable measures are put in place during construction to prevent pollution entering the Faendre Reen, we are of the opinion the special interest of the Gwent Levels: Rumney and Peterstone SSSI could be safeguarded.

We would recommend planning permission should only be granted if the following condition is attached to any permission the Local Planning Authority is minded to grant.

Condition 1:No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include: Pollution Prevention-demonstrate how relevant Guidelinesfor Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason:To ensure necessary management measures are agreed prior to commencement of development and implemented for to minimise the risk of pollution from construction and protect the Gwent Levels: Rumney and Peterstone Site of Special Scientific Interest.

Pollution Prevention Guidelines are available from NetRegs. Land Contamination

We consider the proposed development site is environmentally sensitive, as it borders Faendre Reen and overlies a secondary bedrock aquifer. Secondary bedrock aquifers are permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. Therefore, surface waters next to, and groundwater below the site may be vulnerable to the proposed development.

The site is referred to as brownfield land, however it is unclear from the information provided whether any historical land use may have resulted in gross contamination. Therefore, the proposed development would be acceptable if the following measure is implemented and secured as a planning condition on any permission the Local Planning Authority is minded to grant.

Condition 2:If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason:To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to bothfuture users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

European Protected Species -Bats

We have reviewed the following report submitted in support of this application:-Bat Survey Report, St Mellons Community Centre, Wakehurst Place, Cardiff, prepared by Ethos Environmental Planning, dated October 2018. The report states there is negligible potential for roosting bats and that surveys of external and internal structures found no evidence of bats. It concludes that no further surveys were required. We therefore have no comments to make on the application as submitted in respect of European Protected Species –Bats.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics(September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

6.2 South Wales Police have no objection to the proposed development and have been engaged in pre –application discussions. South Wales Police welcome the proposed layout and general design which they believe will create active surveillance and assist with creating a safer and more sustainable neighbourhood and community.

South Wales Police welcome reference made in the design and access to adopting the principles of secured by design but would argue these need to be detailed and included within the Design and Access statement submission.

For this reason South Wales Police make a number of specific recommendations listed below:

- All rear gardens are made secure by 1.8m min walling, fencing and gating (2.1m min where property boundary adjoins public open space) this would apply to boundary along Fendra Raen reason to prevent burglary and theft.
- 2 All main external entrance doors are PAS24 2012 compliant reason to prevent burglary.
- All ground floor windows are PAS24 2012 compliant reason to prevent burglary.
- 4 All service meters are located to front elevations of properties and are externally readable reason to prevent distraction type crime.
- All parking areas are overlooked by properties reason to prevent vehicle related crime.
- A scheme of work in relation to lighting is submitted to the local authority for approval prior to completion reason to enhance personal safety.
- 7 The estate is built to Secured by Design standards reason to reduce crime.

South Wales Police would be happy to work with developers to achieve Secured by Design Standards which has been shown to reduce crime risk by up to 75%.

South Wales Police would ask that items 1-6 be considered by way of condition in line with Authorities obligations to prevent crime under Crime and Disorder Act.

6.3 Welsh Water states:

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

ASSET PROTECTION

Having had an opportunity to review the application submission package, we advise that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to drawing number: CC1969 CAM 00 00 GAC 52 1101 Rev P04, it appears the proposed storage sheds located in plots 8 & 13 would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss and consider possible solutions. Alternatively, we recommend the proposed development is repositioned to accommodate for the required protection zone.

SEWERAGE

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Surface Water Drainage

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Advisory Notes

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our 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 Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the

Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

6.4 GGAT states:

You may recall our letter dated 25th August 2016 (Our ref: A52475/RD) in response to earlier application 16/01719/MJR, in which we did not have any archaeological objections. Our understanding of the archaeological resource of the area remains the same and consequently, our response remains unchanged and is reiterated below.

The Historic Environment Record, curated by this Trust, indicates that no designated archaeological sites are located within, or in the immediate vicinity of, the proposed development. Similarly, a review of historic mapping of the area indicates no archaeologically significant structures or features.

enclosure well associated features and Α Roman as as а possible building been excavated Crickhowell Road. has at However current application is located approximately 650m to the north, and the excavation concluded that the features lay on the periphery of a settlement, the focus of which was likely to be located further to the south of the excavation area. In any case, such features are unlikely to extend into the current application area. Furthermore, the construction of the current structures in the application area, along with associated landscaping is likely to have an adverse effect on any archaeological remains that may be present.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of this Trust.

7. REPRESENTATIONS

- 7.1 Local Members have been consulted. No representations have been received to date but will be reported to the Planning Committee if received prior to the meeting.
- 7.2 The proposal was advertised in the press and by site notice as a major application.

7.3 Neighbouring occupiers were consulted by letter. No representations have been received to date.

8. ANALYSIS

- 8.1 The application site falls within the settlement boundary as defined by the Adopted Local Development Plan but has no specific land use allocation and is not identified in Policy EC1 as existing employment land to be protected for B Use Class employment generating uses.
- 8.2 The former St Mellons Local Training and Enterprise Centre site is therefore afforded no policy protection in relation to land use policy. The principle of residential use on this site has already been established through planning application 16/01717/MJR.
- 8.3 Policy H6: Change of Use or Redevelopment to Residential Use provides the policy framework against which the proposal should be assessed.

Policy H6 permits the change of use of redundant premises where:

- There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;
- ii. The resulting residential accommodation and amenity will be satisfactory;
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.
- 8.4 Assessed against the above policy framework, the application site is not protected employment land, and the premise are vacant. Therefore there is no need to retain the land and premises for their existing use. The application site is in a sustainable location, well served by public transport; and within very close proximity to local services and facilities in St Mellons District Centre. The surrounding area is predominantly residential and the proposal is considered compatible with surrounding land uses.
- 8.5 In summary, the application raises no land use policy concerns.
- 8.6 this scheme was referred to the Design Commission for Wales before submission. The DCfW welcomed the ambition of the scheme and recognised that the site strategy was developed in a logical way, which should be reflected in the DAS for the site, identifying strengths and weaknesses of the options considered.
- 8.7 The DCFW report recommended the following amendments be considered:
 - The buildings should be used to define usable and significant spaces

- Reducing the width of the road should be explored and may result in the potential for more meaningful landscaping:
- A new footpath should be introduced on the northern side of the road connected to the ramped access.
- To maximise a fabric first approach greater use of terraced housing should be explored.
- Electric vehicle charging point should also be given early consideration.
- Replace 'glazed' brick with a matt finish for the dark bricks.
- Boundary treatments onto public areas should be walled to provide appropriate enclosure and security.
- The boundary between Crickhowell Road and the adjacent dwelling requires further work as there are potential overlooking and security issues.
- 8.8 The DAS states that "Following the advice of the DcfW, the following key elements were sought to be integrated within the scheme:
 - The entrance to the site was revised, creating a straightened access and a more overlooked 'entrance square'
 - A new footpath introduced on the northern side of the road connected to the ramped access.
 - To maximise a fabric first approach greater use of terraced housing was included
 - Electric vehicle charging point were consideration.
 - 'Glazed' brick replaced with a matt finish for the dark bricks.
 - Boundary treatments onto public areas has been walled to provide appropriate enclosure and security.
 - Introducing windows into the habitable rooms in the gable ends of the two houses adjoining the highway overlooking this area."
- 8.9 The number and size of dwellings proposed and their layout raises no fundamental planning issues and are generally regarded as complying with the Residential Design Guide SPG and the provision of adequate screening for privacy purposes. There is one exception in that the terrace of four units has gardens 10m long instead of the 10.5m identified in the Guidelines. It is considered that a relatively modest relaxation is acceptable in facilitating the development of the two bedroom units proposed in this part of the site.
- 8.10 Consultees' comments have been incorporated as conditions within Recommendation 1 with NRW's second condition being incorporated into the fourth condition recommended above. Welsh Water's comments have been forwarded to the applicant.
- 8.11 Amended plans have been submitted to address the Waste Officer's comments.
- 8.12 The applicant has agreed with the Parks Officer's financial contribution towards POS provision.
- 8.13 The applicant has submitted amendments in light of the Transport Officer's comments. A dropped footway type junction is to be provided. The carriageway

has been reduced to 5m in width but the 2m wide footpath kept. A pedestrian link adjacent to Plot 6, could not be included as it would reduce a rain garden which the applicant states is critical for the drainage strategy for the scheme. Swept path analysis demonstrating that a refuse vehicle and car can pass on the site access road has been provided. The retention of the ramp, and introduction of a new stepped are to remain as Cardiff Housing paths and not be adopted. Rear gullies have been introduced to allow access to mid terrace properties. The sheds for cycle storage are designed to be DQR compliant. Routes between the sheds and the public highway via gullies are to be 1m wide.

- 8.14 The vehicular access is in the same position as the existing vehicular access serving the enterprise centre. It is not considered that the development would raise any new highway issues having regard to the amendments to the scheme described above.
- 8.15 An ecological study submitted with the application recommended 2 bat boxes and 2 nest boxes. No evidence of existing bats or nesting birds was identified in the study. The study concludes that "Overall, it is assessed that the redevelopment of the site will benefit bats by greening the site with new garden habitats associated with the proposed dwellings and additional landscape planting along the southern and western boundaries."
- 8.16 The off-site Birch tree identified by the Tree Officer overhangs part of the application site. The tree is not afforded any special protection and the overhanging branches and even the tree can be removed without the consent of the Local Planning Authority. The tree is some 6m high, in the rear garden of 1 Wakehurst Place and is not considered to be in a particularly prominent position. The proposed removal of some of the overhanging branches enables scaffolding to be erected to construct part of the side wall of this affordable dwelling. It should be noted that 18 new trees are to be planted as part of the landscaping scheme.
- 8.17 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. The provision of affordable housing in a sustainable location is a positive measure.
- 8.18 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.

8.19 The DAS says amongst other things to do with security that:

The site is adjacent to a busy highway, adjacent to existing commercial facilities, which provides good natural surveillance from Crickhowell Road. The scheme has been designed with habitable windows positioned to afford natural surveillance of the building entrances and private parking areas.

The proposed development will be defined by new site boundaries, where:

- all rear or side boundaries adjoining public spaces should be full height 2m brick walls;
- all rear fencing for the back to back gardens should be 1.8m fence.
- a 2m railing with lockable gate provides a secure boundary to the communal garden (allowing visibility into the garden and offering a suitable boundary treatment crossing the foul sewer and easement).
- Planting and landscaping is used elsewhere to help define boundaries to the public realm.

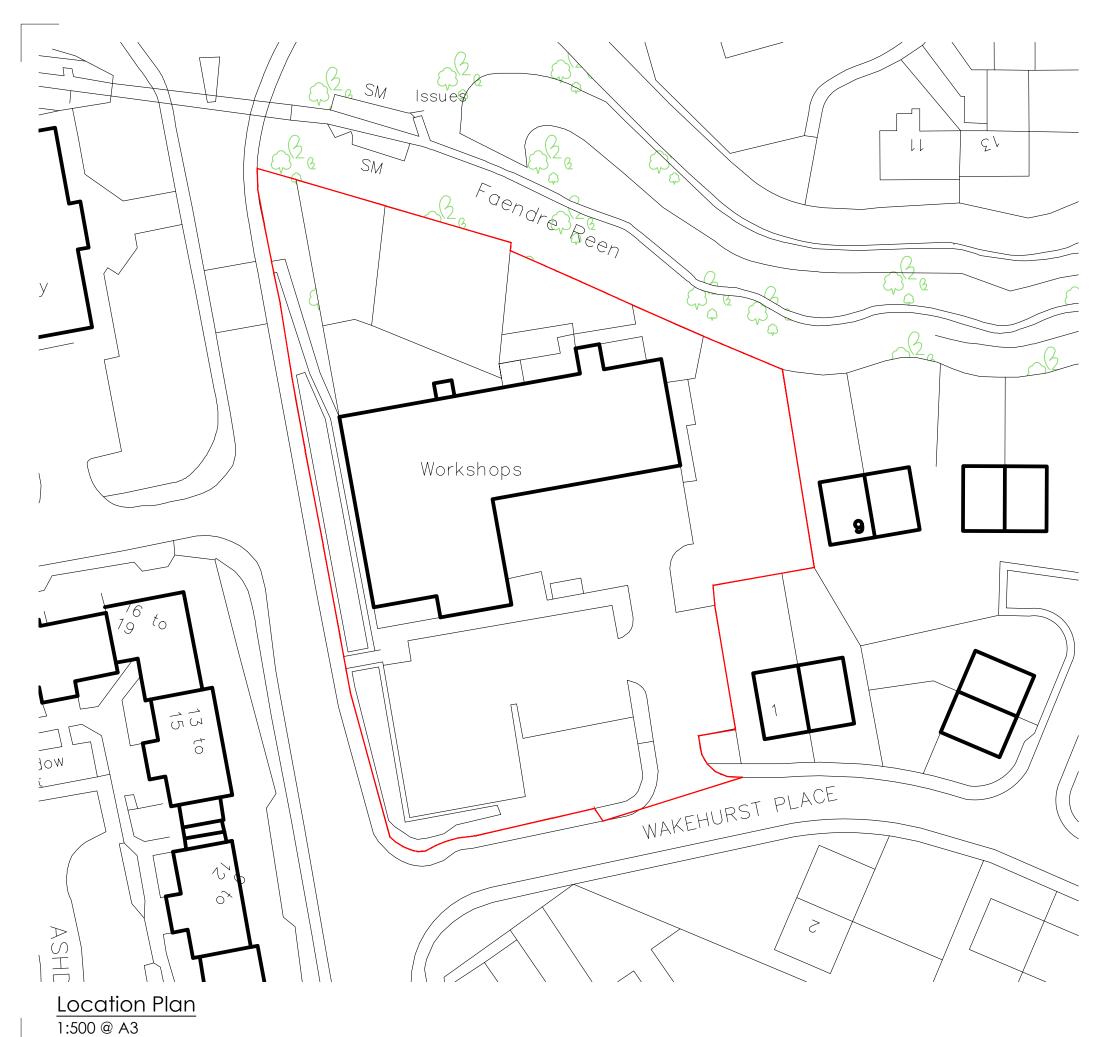
The development seeks to comply with the principles set out by Secured By Design, in designing out crime and the incorporation of crime prevention ideas at the design stage.

- 8.20 Whilst the Police are generally pleased with the layout they have made two comments regarding a public access route and some of the parking spaces.
- 8.21 The reason that the pedestrian link is proposed is that it offers a convenient access to the local amenities for residents, in this case across the road. This promotes active travel and healthy choices. The relevant path is directly overlooked by the neighbouring properties, and so a necessary degree of surveillance is provided to create a sense of security. It is in no way dangerous. If the steps were to be occasionally sat on it is not in itself an illegal thing to do. It does not appear to be a space that young people might "loiter" as again it is overlooked. The intimacy of the scheme will allow it to be self-managed by residents as normally occurs in neighbourhoods.
- 8.22 The parking is all in front of people's homes and directly overlooked from the front of their homes.
- 8.23 The Police make an unusual reference to changing the material of the actual highway to highlight defensible space. This does not demonstrate an understanding of what defensible space actually is. The highway or landscape does not have to be altered in the manner suggested for reasons of security or even policing.
- 8.24 Equality Act 2010 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

8.25 In conclusion it is considered that the proposed residential development on this brownfield site in a sustainable location providing much needed affordable dwellings that conforms to LDP policies can be granted permission subject to a Unilateral Undertaking and conditions.

9. UNILATERAL SECTION 106 UNDERTAKING

9.1 The Parks Officer has identified a S106 requirement of £32,060 for use in Caerleon Park, Coleford Drive Open Space, Cath Cobb Rec and Cath Cobb Woods, St Mellons Linear Park, Hendre Lake Park.







Location Plan 1:1250 @ A3

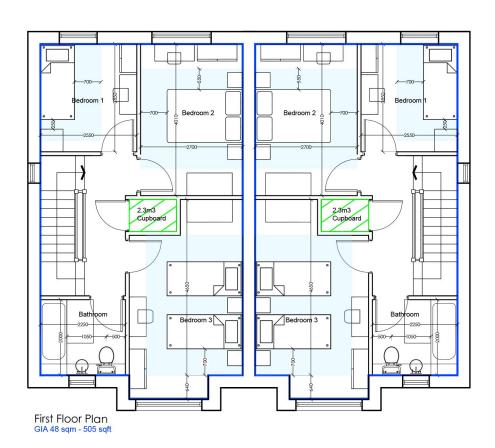


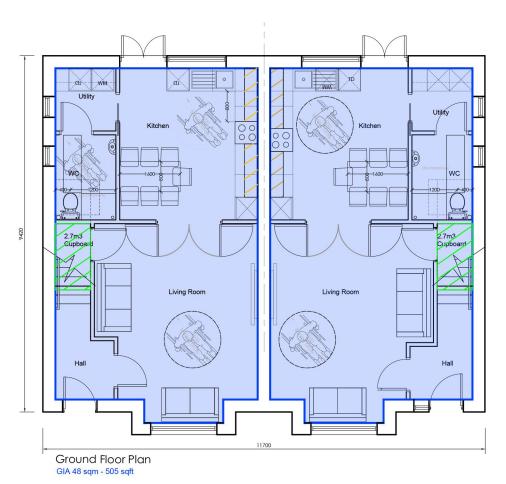
Residential Development at Wakehurst Place, St Mellons		Job No. 18.059	
		Dwg No. Rev.	
		AL(90)01	
Title			
Location Plan			
Date	Drawn	Scale	
November 2019	***	1:500 & 1:1250 @ A3	
		· Town planners I & Urban design	
Unit 1A, Compass Business P Pacific Road, Cardiff. CF24 5		www.c jarchitects.co.uk tel: 029 20452100	



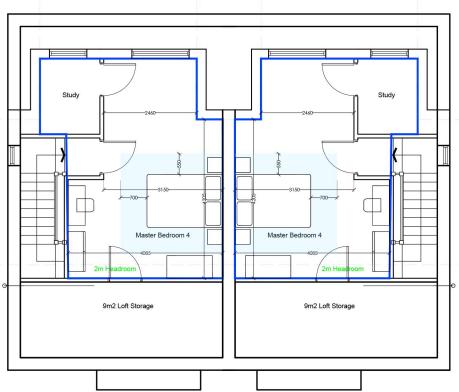


Drawn Check Description
see general updates
ensuite bathrooms changed to study on 2nd (loft) floor





4 Bed House Type



Second Floor Plan GIA 24 sqm - 260 sqft









Rear Elevation

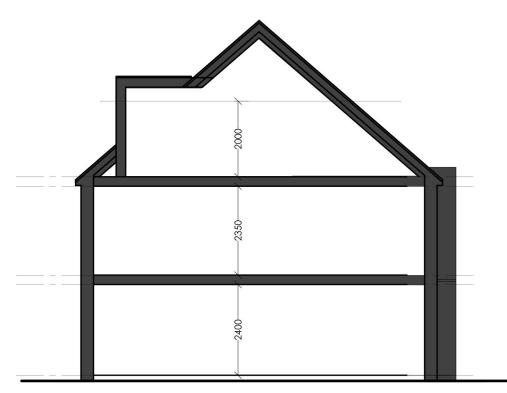


Section Milton Buff 'London'

lbstock 'Umbra Sawtooth'

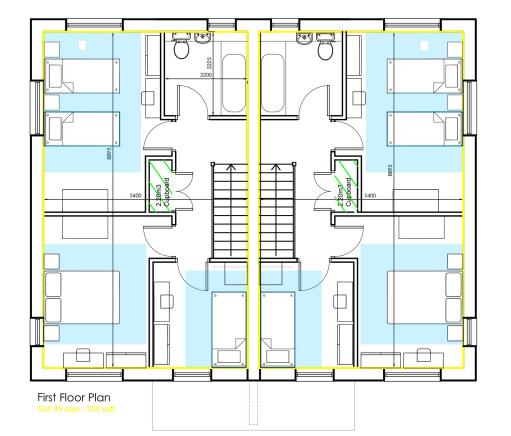


Side Elevation



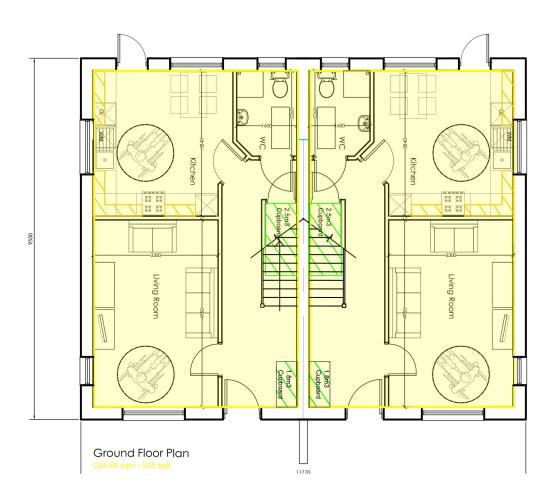


4 Bed House Type





Front Elevation



3 Bed House Type



Rear Elevation



Side Elevation

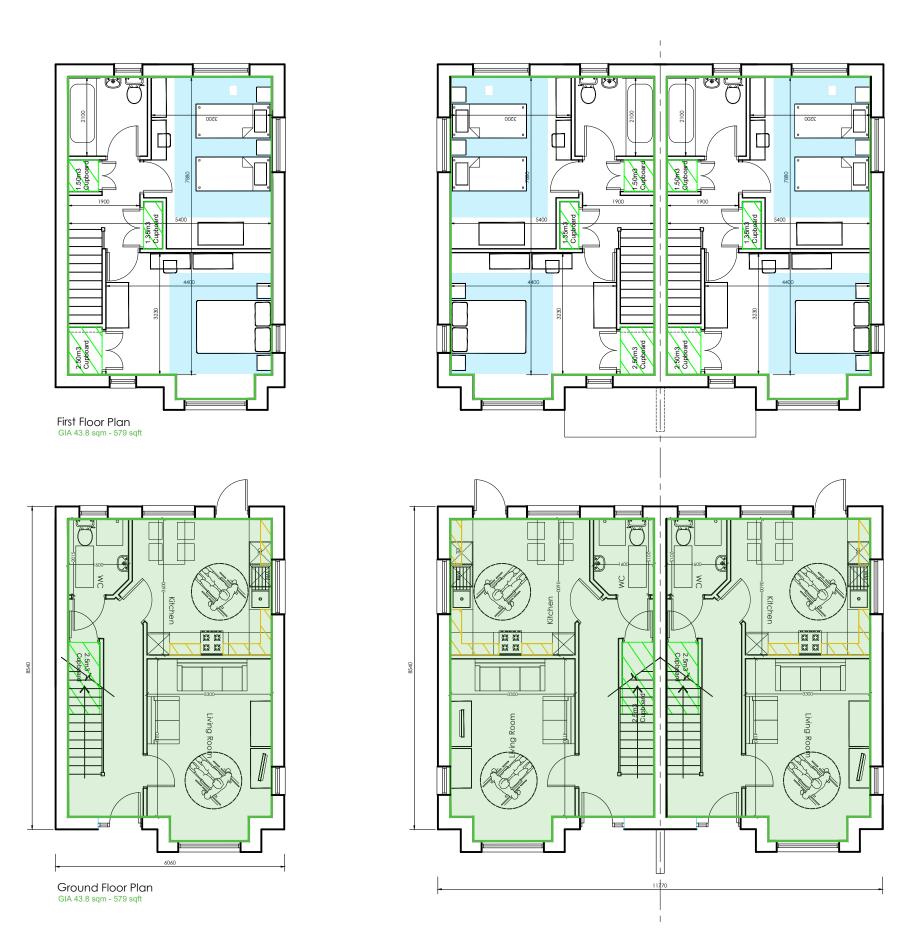






Residential Development at Wakehurst Place, St Mellons		Job No. 18 059 Dwg No. AL(01)05	Rev.		
Title					
3 Bed House Plans & Elevations					
Date	Drawn	Scale			
0ct 18	WS	1:100 @ A3 1:5	0 @ A1		
Architects · Town planners Environmental & Urban design					
Unit 1A, Compass Business P Pacific Road, Cardiff. CF24 5	www.c≥jarchi tel: 02	tects.co.uk 9 20452100			

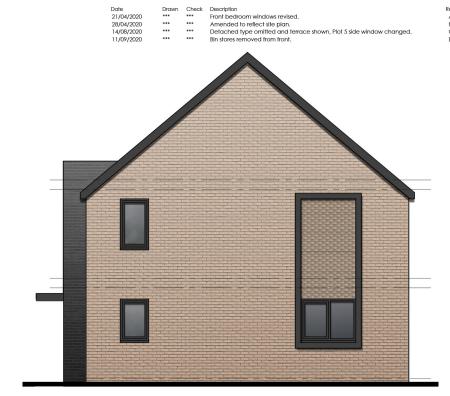
28/04/2020 *** *** Amended to reflect site plan
11/09/2020 *** *** Bin stores removed from front



2 Bed House Type

Residential Development at Wakehurst Place, St Mellons		Job No. 18 059			
		Dwg No. AL(01)07	Rev. B		
Title 2 Bed House Plans					
Date	Drawn	Scale			
Oct 19	kp	1:100 @ A3 1:50 @ A1			
	Architects Environmental	· Town pl & Urban			
Unit 1A, Compass Business P Pacific Road, Cardiff. CF24 5			chitects.co.uk 029 20452100		





Side Elevation (Plot 5)





Side Elevation (Plot 8)



Rear Elevation







Residential Development at Wakehurst Place, St Mellons		Job No. 18 059 Dwg No. AL(01)08	Rev.	
Title				
2 Bed House Elevations				
Date	Drawn	Scale		
0ct 19	kp	1:100 @ A3 1:50 @ A1		
Architects · Town planners Environmental & Urban design				
Unit 1A, Compass Business F Pacific Road, Cardiff. CF24 5		rchitects.co.uk : 029 20452100		



