LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 14/10/2020

APPLICATION No. 20/01255/MJR APPLICATION DATE: 14/07/2020

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: Wales and West Housing Association and Jehu Group LOCATION: FORMER COLCHESTER MOTOR COMPANY AND THE

THREE BREWERS, COLCHESTER AVENUE, PENYLAN,

CARDIFF

PROPOSAL: DEVELOPMENT OF 50NO. APARTMENTS AND 1NO. RETAIL

UNIT (USE CLASS A1), AND ASSOCIATED WORKS, INCLUDING SUSTAINABLE DRAINAGE, LANDSCAPING,

AMENITY SPACE AND OTHER WORKS

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

1. C01 Statutory Time Limit

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title	Drawing Reference
Site Location Plan	3830-0001-P2
Proposed Site Plan	3830-0003-P18
Proposed Site Plan - Colour	3830-0004-P12
Ground Floor	3830-1000-P10
First Floor	3830-1001-P8
Second Floor	3830-1002-P8
Third Floor	3830-1003-P8
Fourth Floor	3830-1004-P8
Elevations A & B	3830-2000-P7
Elevations C & D	3830-2001-P4
Elevations E & F	3830-2002-P4
Schedule of Accommodation	3830-5000-P5
Artists Impression	3830-6000-P2

Detailed Soft Landscape Plan, page 1 of 2 edp6202_d001h (05/10/2020) Detailed Soft Landscape Plan, page 2 of 2 edp6202_d001h (05/10/2020)

Arboricultural Report including: Arboricultural Method Statement and

Tree Protection Plan (dated: 23/09/2020, prepared by ArbTS)

Wildwood Ecology Letter, dated: 16/07/2020

Reason: For the avoidance of doubt.

3. Material Samples:

Notwithstanding condition 2, prior to their application on site, samples of the external finishing materials shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

4. Architectural Detailing:

Prior to commencement of any elevation construction work, a scheme showing the architectural detailing of the depths of the reveals of the building shall be submitted to and approved in writing by the Local Planning Authority 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 development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

5. Cycle Parking:

Prior to the occupation of the development hereby permitted, 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, Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

6. Car Parking Management.

Prior to the occupation of the development hereby permitted, a Car Parking Strategy and Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of residential car parking allocation, the addition of disabled parking, and further details on the potential relocation of the Lady Margaret Court parking.

Reason: To ensure the proposed car parking does not result in operational concerns, in accordance with Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).

7. Access Junction:

No above groundworks shall take place until details of the proposed accesses shall be submitted to and approved in writing by the Local Planning Authority, to include details of footways and dropped kerbs. 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, in accordance with Policy T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

8. Redundant Crossover:

The existing vehicle access at the north-western end of the site's frontage with Colchester Avenue shall not be used and shall be permanently closed, and full height kerb re-instated, before the development is brought into beneficial use.

Reason: To ensure that the use of the proposed development does not result in any safety concerns, in accordance with Policy T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

9. Topsoil and Subsoil Specification:

No above groundworks shall take place until details of a topsoil and subsoil specification for all planting types has been submitted to and approved in writing by the Local Planning Authority. The details shall include the planting soils, filter mediums and drainage layers including profile depths, composition, chemistry, storage and handling, remediation, amelioration and placement. The specification shall be drawn up by a soil scientist familiar with the planting plans and specifications.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

10. Landscaping Implementation:

All planting, seeding, turf-laying and paving shown on approved plan drawing no. edp6202_d001h (05/10/2020) shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policies KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

11. Ground Gas Protection:

Prior to the commencement of any development works, other than demolition, the proposed details of appropriate gas protection measures 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 Local Planning Authority.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026

12. Contaminated Land Measures (Remediation & Verification Plan):
Prior to the commencement of the development, other than demolition, 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 shall be 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. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation. 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 adopted City of Cardiff Local Development Plan (2006-2026).

13. Contaminated Land Measures (Remediation & Verification):
The remediation scheme approved by condition 14 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.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation. 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 adopted City of Cardiff Local Development Plan (2006-2026).

14. 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 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 workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

15. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

16. 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 Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

17. 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 adopted City of Cardiff Local Development Plan (2006-2026).

18. Sound Insulation Scheme:

A scheme of sound insulation works to the party wall structure between the lift/risers plant machinery and associated functions and the residential units and for the floor/ceiling between the A1 commercial unit and residential units shall be submitted to and agreed by the Local Planning Authority in writing and the approved details shall be implemented prior to occupation.

Reason: To ensure that the amenities of occupiers of other premises in

the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

19. Plant Noise: Prior to the operational use of any plant machinery and equipment approved on drawing no's. 3830-0003-P18 and 3830-0004-P12, a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from the plant machinery and equipment on the site achieves a rating noise level of background - 5dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

20. Opening Hours (Commercial Unit):

No member of the public shall be admitted to or allowed to remain on the premises between the hours of 23:00 hours and 06:00 hours on any day. Reason: To ensure that the amenities of future occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

21. Servicing Hours (Commercial Unit):

There shall be no arrival, departure, loading or unloading of delivery or waste vehicles between the hours of 20:00 and 08:00 on any day. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

22. Bat and Bird Boxes:

Prior to the occupation of the development, bat and bird boxes, as outlined in the submitted 'Wildwood Ecology Letter, dated: 16/07/2020', shall be installed in the locations shown on the plan contained therein. Reason: To enhance the green infrastructure on site and ensure the protection of bats and birds, in accordance with Policy KP16 of the adopted City of Cardiff Local Development Plan (2006-2026).

23. Construction Environmental Management Plan:

No development shall commence, other than demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and should include details of:

- (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 on constructing the development;
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- (v) Details of highways/footway closures;
- (vi) Wheel washing facilities;
- (vii) A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction;
- (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity, Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

24. Air Quality:

No above groundworks shall take place until an Air Quality Scope of Works has been submitted to and approved in writing by the Local Planning Authority. The scope of works and the methodology of the assessment of the air quality and shall accord with the Local Air Quality Management (LAQM) Technical Guidance TG16, February 2018. The assessment shall be undertaken in accordance with the approved scopes of works and methodology and submitted and approved in writing with the Local Planning Authority before above ground works commence on site.

Reason: To ensure that the development does not generate an unacceptable level of air pollution and is appropriately controlled, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

25. Foul Drainage System:

No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policy EN10 of the adopted City of Cardiff Local Development Plan (2006-2026).

RECOMMENDATION 2: 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.

RECOMMENDATION 3: A commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department on c.services@cardiff.gov.uk
Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) for further relevant information.

www.cardiff.gov.uk/wasteplanning

RECOMMENDATION 4: 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.

RECOMMENDATION 5: The applicant is advised that Advertisement Consent is required prior to the display of any signage on site.

RECOMMENDATION 6: A statutory duty as set out in section 6 of the Environment (Wales) Act 2016 has been introduced which requires public bodies such as Cardiff Council to seek to maintain and enhance biodiversity, and in doing so to promote the resilience of ecosystems, in the exercise of their functions.

Furthermore, section 5.2.8 of Planning Policy Wales states that:- 'The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.'

In his letter to Heads of Planning of 23/10/19, the Chief Planner emphasised this point with the following:-

'Planning Policy Wales (PPW) 10 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers).' Any application should demonstrate how this will be the case.

RECOMMENDATION 7: If the social housing is grant funded by Welsh Government, then the social housing would require to achieve the Secured by Design Gold Award to comply with the Welsh Government's Development Quality Requirements (DQR). The applicant would therefore be advised to liaise with South Wales Police and contact Michael Harvey; Michael.Harvey2@southwales.pnn.police.uk.

RECOMMENDATION 8: 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 Cardiff names). Cardiff Council's Bilingual team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

RECOMMENDATION 9: Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or

more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

1. <u>DESCRIPTION OF PROPOSED DEVELOPMENT</u>

- 1.1 The application seeks full planning permission for a five storey mixed-use development, comprising 50 apartments and one retail store (Use Class A1). The residential units will be 100% affordable housing.
- 1.2 The development will be primarily four storeys, with a centrally located fifth storey. The scale will gradually reduce to the south-east to two storeys. The apartments will comprise 10x two-bedroom units and 40x one-bedroom units. The units have been split into two blocks; Block A to the west and Block B to the east (above the retail store), separated at ground floor level by an underpass. The underpass will lead to 6 residential car parking spaces to the rear, 2 residential cycle parking stores (60 spaces) and an outdoor communal amenity space measuring approximately 450sqm. 22 residential car parking spaces will be provided to the front. The residential refuse store is located adjacent to the underpass.
- 1.3 The commercial unit will measure 384.3sqm and will be used as a supermarket (Use Class A1). This will be located to the east of the site and will include a front of house and back of house unit. Along Colchester Avenue to the front will be a parking area comprising 11 car parking spaces, 10 commercial cycle parking spaces, commercial refuse and an external plant area.
- 1.4 Landscaping in the form of rain gardens and 4 replacement trees are proposed, replacing the previously felled trees. This includes an Acer grandidentatum tree on the northern corner of the site adjacent to Colchester Avenue. Additional planting is proposed to the southern boundary. The boundary treatment will be a dwarf wall with railings and hedgerows will also be included. The front car parking spaces and pedestrian crossings will be block paved.

Access

1.5 The existing pedestrian access routes will be maintained. A new footway will adjoin the site along Colchester Avenue to the north which will extend into the

site and the footpath to Melrose Avenue will be improved. The existing access from Lady Margaret Court will remain. There will be two vehicle access points; one from Colchester Avenue and the other via Lady Margaret Court. A raised pedestrian crossing is proposed to the vehicular entrance on Colchester Avenue to give pedestrians priority and slow vehicles turning in and out.

2. <u>DESCRIPTION OF SITE</u>

- 2.1 The application site comprises a vacant rectangular shaped plot of brownfield land situated on the southern side of Colchester Avenue. The site features two buildings; a disused car sales garage to the north-east fronting Colchester Avenue, which was formerly a fuelling station and the former 'Three Brewers' public house to the rear, which closed in July 2019. The site measures 0.36ha in area.
- 2.2 Surrounding the site to the north-west is Lady Margaret Court, a three storey mixed-use parade elevated above ground level. This features four commercial units at ground floor level (Use Classes A1, A3 and D1) and two storeys of residential units above, with associated parking to the front and rear. To the north and north-east is Colchester Avenue with predominantly two storey semi-detached and detached dwellings beyond. To the south-west is a three storey apartment block with an underpass leading to a parking court to the rear. Further to the west is another three storey apartment block with residential streets beyond, mainly comprising two storey semi-detached dwellings. Directly to the south on Doe Close is a development of three storey dwellings.
- 2.3 The application site falls within the settlement boundary as defined by the Adopted Local Development Plan proposals map and has no specific land use allocation or designation. The closest District Centre is Albany Road/Wellfield Road, which is an approximate 950 metre walking distance away to the south-west. Newport Road which features a number of large scale commercial units is located approximately 400 metres away to the east.
- 2.4 There are two schools in close proximity; Howardian Primary School is located 300 metres to the north-east and Marlborough Primary School is approximately 850 metres to the south-west. In terms of recreational facilities, Roath Recreation Ground is an approximate 800 metre walking distance to the west. Hammond Way open space is located 250 metres to the north and Howardian Local Nature Reserve is located 600 metres to the north.
- 2.5 Whilst the site is currently enclosed by security fencing and hoarding, it was previously accessed by road to the north-east along Colchester Avenue. Two sewer easements cross the site diagonally; one to the north and the other to the south.
- 2.6 The car sales garage part of the site benefits from two applications that were resolved to grant but the Section 106 legal agreements were not signed. The first was recommended for approval by Committee on 12th April 2017 (ref: 16/02882/MJR) and proposed a four storey entirely residential scheme providing 19 apartments. The second was recommended for approval by officers on 5th July 2018 (18/00386/MJR) under delegated powers and proposed a four storey building

comprising a retail store at ground floor level and 10 residential units above.

3. SITE HISTORY

- 04/00756/R Demolition of existing car sales, forecourt and canopy structures to create 17 no. one- and two-bedroom apartments, car parking and amenity space. Withdrawn
- 04/01961/E Demolition of existing car sales, forecourt and canopy structures to create 17 no. one- and two-bedroom apartments, car parking and amenity space. Permitted: 04/04/2006
- 16/02882/MJR Proposed demolition of existing building and construction of residential development of 19 self-contained apartments, new access, parking, cycle, refuse storage and amenity facilities. Resolved to grant subject to S106 Legal Agreement (not completed)
- 18/00386/MJR Proposed demolition of existing building and construction of ground floor retail unit with 10 self-contained apartments for a dedicated RSL, access, parking, cycle, and refuse facilities. Resolved to grant subject to S106 Legal Agreement (not completed)
- PRNO/20/00002/MNR Demolition of former public house, car showroom and any associated structures. Permitted: 06/08/2020

4. POLICY FRAMEWORK

- 4.1 The following national planning policy and guidance is considered to be of particular relevance:
- 4.2 Planning Policy Wales (PPW) (Edition 10, December 2018)
- 4.3 The following Technical Advice Notes (TANs) are relevant:
 - TAN 4: Retail and Commercial Development (November 2016)
 - TAN 11: Noise (October 1997)
 - TAN 12: Design (March 2016)
 - TAN 18: Transport (March 2007)
- 4.4 The following local planning policy and guidance is considered to be of particular relevance:
- 4.5 <u>Cardiff Local Development Plan 2006-2026:</u>
 - KP5 Good Quality and Sustainable Design
 - KP7 Planning Obligations
 - KP8 Sustainable Transport
 - KP9 Responding to Evidenced Economic Needs
 - KP12 Waste
 - KP13 Responding to Evidenced Social Needs

- KP15 Climate Change
- H3 Affordable Housing
- H6 Change of use or Redevelopment to Residential Use
- EN8 Trees, Woodlands and Hedgerows
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution & Land Contamination
- T1 Walking & Cycling
- T5 Managing Transport Impacts
- R1 Retail Hierarchy
- R6 Retail Development (Out of Centre)
- C2 Protection of Existing Community Facilities
- C3 Community Safety/ Creating Safe Environments
- C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
- C7 Planning for Schools
- W2 Provision for Waste Management Facilities in Development

4.6 Supplementary Planning Guidance:

The following Supplementary Planning Guidance (SPG) is of relevance:

- Green Infrastructure Consultation Draft (2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning Obligations (2017)
- Waste Collection and Storage Facilities (2016)
- Infill Sites (November 2017)

5. INTERNAL CONSULTEE RESPONSES

5.1 **Transportation**:

Cycle Parking:

5.2 Whilst the number of cycle spaces is supported (60x residential and 8x commercial spaces), officers seek an alternative to the two-tier residential spaces. Given that there is sufficient space on site, a cycle parking condition has been recommended.

Car Parking:

5.3 Officers have expressed concerns with the amount of commercial car parking that is being proposed. The total of 11 commercial car parking spaces are proposed in the area fronting Colchester Avenue, which is in excess of the numbers allowed in Cardiff Councils parking standards. The applicant states that the overall amount of parking spaces is within the SPG amounts. Whilst this is true, in order to be a valid point, this will require the commercial parking to be available to residents. Officers note that as a result of the proposal, 5 spaces associated within Lady Margaret Court are lost (effectively re-allocated to residents) and these could theoretically park in the new commercial parking

instead (whether they would is another matter). Subject to the commercial spaces being made available to residents, officers consider that the amount of car parking spaces is acceptable. However, it is necessary for this to be confirmed/considered in detail via a car park strategy condition.

Highway and Pedestrian Access:

- 5.4 To ensure that there is no inconvenience for pedestrians at the expense of cars and commercial vehicles, a condition has been recommended for further details to be submitted in relation to the proposed accesses, including details of footways and dropped kerbs.
- Trees: The applicant has provided amended landscaping plans to address the Tree Officers concerns. The officer requests that the development is undertaken in full accordance with the approved Arboricultural Method Statement and Tree Protection Plan and requests a topsoil and subsoil specification condition. The replacement trees are welcomed. Subject to these conditions, the Tree Officer raises no objection.
- Ecology: The proposed landscaping scheme and the Bat Activity Survey Report have been assessed. It is noted that the three Crack Willows across the centre of the site have been felled. The supporting Wildwood Ecology letter (dated: 16/07/2020) confirm that on the 12th September 2019 one weeping willow tree was confirmed as having no suitability to support roosting bats and that two had low potential to support roosting bats (one had a visible knothole at ground level and the other had dense ivy around the trunk). The accessible feature (knothole at ground level) was endoscoped during the preliminary survey in September and no signs of bats or bats themselves were found. As per the BCT survey guidelines no further surveys on low potential trees are therefore required. The locations of potential bat and bird boxes have been shown on aforementioned Ecology letter and are supported by the Ecology Officer.
- 5.7 The applicant has introduced bulb and woodland planting to the southern boundary as part of the landscape strategy, in order to maintain the ecological connectivity and the bat flight corridor. The 4 replacement trees are welcomed as they replace the previous 3 trees felled. As such, no objection is raised.
- 5.8 <u>Affordable Housing:</u> This planning application has been submitted by one of the Councils partner Registered Social Landlords (RSL) (Wales & West Housing Association). The Housing Development team has confirmed that they will work with Wales & West Housing Association to ensure the successful delivery of the scheme.
- 5.9 The development will comprise of 50 units of new affordable housing for general needs accommodation and the planning permission should not restrict the age of the residents eligible to live there.
- 5.10 Regeneration: Officers note that the Cardiff Planning Obligations SPG 2017 (Section 8 Community Facilities) states that 'Growth in population arising from

new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

- The provision of new facilities,
- The extension to, or upgrading of existing facilities'.
- 5.11 If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.
- 5.12 The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

No. of bedrooms	Number of Dwellings	Contribution per dwelling	Totals
1	40	£720.51	£28,820.48
2	10	£997.63	£9,976.32
TOTALS:			£38,796.80

- 5.13 In summary, a contribution of £38,796.80 is sought from the developer. The developer has accepted this figure.
- 5.14 Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards one of these facilities.
- 5.15 Parks: These comments relate to the current Local Development Plan (LDP) Policies 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.
- 5.16 Given that no formal public open space is being provided on-site, officers have requested a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality. This is to address the demand for usage of the existing open spaces, which would increase in the locality as a result of the development.
- 5.17 The figure has been based on the information provided on the number and type of units. Officers have calculated the additional population generated by the development to be 70. This generates an open space requirement of 0.17 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £72,628. This will be secured by way of a Section 106 Legal Agreement. The applicant has accepted this figure.
- 5.18 Consultation will take place with Ward Members to agree use of the

contribution, and this will be confirmed at S106 stage. The closest area of recreational open space is Hammond Way open space, with Waterloo Gardens, Roath Mill Gardens and Roath Brook Gardens also accessible. On the previous application the proposed use was for design provision improvement and/or maintenance of Hammond Way open space, including play area, and the adjacent Scholars Gate open space.

- 5.19 <u>Contamination</u>: The applicant has provided a Geotechnical and Geoenvironmental Site Investigation Report (dated: August 2019). This includes a detailed assessment of the risk to human health and the environment from potential contamination and ground gases, based on desk studies and data from several phases of site investigation works.
- 5.20 The ground gas risk assessment indicates the ground gas regime can be classified as 'Characteristic Situation 2', requiring ground gas protection measures as part of the development. The contamination assessment identifies contaminants of concern within shallow soils which will require remediation to ensure the development is suitable for use.
- 5.21 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.
- 5.22 Therefore conditions and informative statements in accordance with CIEH best practice have been recommended to ensure that the safety of future users is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan. The following standard conditions have been recommended; ground gas protection, contamination land measures (assessment, remediation and verification plan and unforeseen contamination), imported soil, imported aggregates and use of site won materials.
- 5.23 <u>Waste Management</u>: Officers raise no objection to waste storage areas for the commercial and residential units. A separate bulky waste area has been provided in the residential refuse store.

5.24 **Pollution Control (Noise)**:

Residential:

5.25 The Officer notes that there are a number of flats that have a party wall adjacent to the elevator shafts. Such shafts and lifts are known to create spikes in airborne and structure borne noise, sporadically, which if not correctly managed can cause significant impact on the use and enjoyment of the proposed home. As such, a condition has been recommended to protect the amenity of future residents, focusing efforts on the building design at tender stage for proposed lifts.

Commercial:

- 5.26 The Noise Officer has requested a number of conditions. The conditions shall restrict opening hours to 06:00 to 23:00 on any day and servicing times to 08:00 to 20:00 on any day. Given that the proposed A1 unit shares a party floor/ceiling with residential units above, a sound insulation condition has been recommended, to ensure no harm is caused to the amenity of the residents. A condition has been recommended for a Noise Assessment to be provided for the external plant machinery.
- 5.27 **Pollution Control (Air)**: Due to the nature of the development the applicant must potentially consider two phases in accordance with impacts derived by air quality; Construction and Operational phase.

Construction Phase:

5.28 Due to the close proximity of residential dwellings to the proposed development it is considered best practise to adopt the principles stipulated in IAQM "Guidance on the assessment of dust from demolition and construction." A Construction Environmental Management Plan has therefore been recommended as a condition (see Condition 23 above).

Operational Phase

- 5.29 The applicant is required to provide an assessment for the proposal's usage and what is the expected amount of vehicle trips generated as a result of the development in place.
- 5.30 Should the assessment indicate that existing nearby residents, and future made will be vulnerable to poor quality occupants air appropriate mitigation measures must be proposed and approved by the Local Planning Authority. The applicant will be expected to adopt an appropriate approach to building an evidence package that supports the implementation of mitigation measures (Defra's Damage Cost Appraisal). If agreed, these mitigation measures shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.
- 5.31 An Air Quality Scope of Works condition has been recommended (see Condition 24 above).
- 5.32 <u>Education</u>: The Officer notes that the yield of pupils from such a small development will have a very little impact on the capacity of local schools. The calculated gross yield of pupils, based on 40 x 1 bedroom and 10 x 2 bedroom flats, will be significantly below 1 child per year group. In accordance with the Council's adopted Supplementary Planning Guidance, no obligation would be sought.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 <u>Welsh Water:</u> No objection is raised in principle however conditions and advisory notes have been recommended.
- 6.2 <u>Police:</u> South Wales Police notes that if the social housing is grant funded by Welsh Government, then the applicant is advised to get in contact, as the social housing would require to achieve the Secured by Design Gold Award to comply with the Welsh Government's Development Quality Requirements (DQR).

7. REPRESENTATIONS

- 7.1 The application was subject to a 21-day consultation period, being advertised by press and site notices as a major application and neighbours and local members were notified.
- 7.2 A petition of objection has been submitted by Councillor Berman and Councillor Boyle with 451 signatures. The petition was submitted on grounds of the proposal being an over-development, lacking design merit and leading to traffic chaos at a busy junction on a route to a school.
- 7.2 55 letters of objection have been received from residents, summarised as follows:
 - Additional housing not needed in the area, due to lack of amenities
 - The loss of the public house is a loss to the community
 - The size, scale, massing and design will appear out of character and is considered overdevelopment
 - No communal amenity space, which is especially important during Coronavirus pandemic; substandard housing
 - Overlooking / loss of privacy, loss of light
 - First floor coach house at Doe Close has no ground floor windows; the BRE 25 degree rule doesn't comply
 - Potential increased noise
 - Affordable housing results in crime and antisocial behaviour, having a negative impact on neighbouring residents and house prices
 - Difficult for community engagement during pandemic
 - Concerns with lack of transport assessment
 - Concerns regarding existing traffic problems in locality which has resulted in serious accidents and an unsafe environment for school children, which will only get worse
 - Additional traffic results in more pollution, contrary to Welsh Government 2015 Future Generations Act
 - Concerns regarding lack of existing and proposed parking spaces
 - Lady Margaret Court crossing needs upgrading; dangerous for school children
 - A supermarket is unnecessary and would affect the viability of the local newsagents
 - Public transport would be further delayed. The area has poor public transport no trains, only 2x bus routes (neither go into city centre)

- Buses are infrequent and the digital display is often wrong
- The proposal will bring more pressure to already stretched refuse and collection resources in the area
- Concerns with assessment of Bat Report with potential impact to other wildlife
- The cladding might be flammable
- Objections not addressed in Pre-App Consultation report
- The local primary school is close to capacity and likely to become oversubscribed
- Local amenities will be overcrowded at a time social distancing is so important.
- The Design and Access Statement fails to show all the houses in close proximity
- Lack of trees/screening and 4x trees already removed. No provision to replace any of them.
- Colchester Avenue and Waterloo Road are major emerging response routes for Fire, Paramedic and Police services. This development would reduce response times
- 7.3 Councillor Berman and Councillor Boyle submitted a further detailed objection. For the benefit of members this has been summarised below:
 - The application does not address the objections raised at the pre-application consultation phase
 - Footprint, scale, massing and height is out of character with the surrounding area.
 - The proposal does not comply with the 25 degree rule, resulting in the building being overbearing to the properties on Doe Close.
 - Poor quality design that lacks innovative contemporary architecture and is outof-character with surrounding area
 - Inadequate amount of amenity space and lack of balconies is a concern, especially following the current Coronavirus outbreak
 - Detrimental impact on neighbours in terms of overlooking and overshadowing
 - 50 new units will bring pressure on local schools, which are already near capacity
 - Insufficient space on plot for the amount of flats, car parking and a retail unit
 - Insufficient amount of car parking spaces, which will create additional pressures on local parking
 - Concerns with increased traffic which is already excessive due to the opening of Howardian Primary School. The situation will be considerably worsened by the addition of a new retail unit. The increased traffic will also have a detrimental impact on pedestrian conditions, not least for school children
 - There is no justification for a new retail unit, given the number of supermarkets in close proximity
 - Failure to carry out rigorous traffic assessment. The Traffic Technical Note lacks information on analysis of traffic flow, journey frequency, pedestrian usage and there is no reference to the safe routes to school efforts at Howardian Primary School
 - The car-dominated frontage is contrary to the Residential Design Guide SPG
 - Design and Access Statement is misleading in terms of local context, choosing

- unremarkable buildings to justify the drab design
- Failure to address environmental sustainability and TAN 12 and the environmental requirements of a city that has declared a climate emergency

8. ANALYSIS

- 8.1 The main issues to be assessed are:
 - a. Proposed land use
 - b. Design
 - c. Impact on residential amenity
 - d. Transport and accessibility
 - e. Other considerations

a. Proposed land use

- 8.2 The application site falls within the settlement boundary as defined by the adopted Cardiff Local Development Plan (LDP). The site has no specific land use allocation or designation. As such, the loss of a Class A3 (public house) use does not raise any land use policy issues.
- 8.3 The surrounding area is predominantly residential. Policy H6 of the LDP permits the change of use of redundant premises or redevelopment of redundant previously developed land for residential use where:
 - i. 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 LDP Policy H6 (Change of Use or Redevelopment to Residential Use), the principle of the development of the front part of the site is considered to have been established by two applications that were resolved to grant but the Section 106 Legal Agreements were not signed (refs: 16/02882/MJR and 18/00386/MJR). The site comprises brownfield land, within the settlement boundary and in a highly sustainable location, within close proximity to a number of local services and amenities and easily accessible by sustainable modes of transport.
- 8.5 In relation to the proposed retail unit, the application site is not located within a designated centre as defined by LDP Policies R2, R4 and R5, and is out of centre in terms of retail policy. The proposed retail unit should therefore be assessed against Policy R6 (Retail Development (Out of Centre)). Policy R6 only allows for retail development outside the Central Shopping Area, District

and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:-

- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
- (ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District of Local Centre;
- (iii) The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
- (iv) The site is accessible by a choice of means of transport; and
- (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.
- 8.6 In respect of Policy R6, the retail floorspace measures 384.3sqm and it is considered that a formal retail impact assessment is not required. Paragraph 5.282 of the LDP states that in addition to local centres identified on the proposals map, there are numerous smaller groups of shops and individual corner shops across the county that provide valuable shopping facilities to surrounding communities. In this instance the application site adjoins a local parade of shops and given the modest amount of retail floorspace proposed, it is considered to be of an appropriate scale to provide a complementary convenience goods top-up function to meet the day to day shopping needs of local residents. It is acknowledged that expenditure will be localised and will not cause unacceptable harm to the vitality or viability of established District or Local Centres. As such, this element of the proposal raises no retail policy concerns.
- 8.7 Further, paragraph 1.18 of Planning Policy Wales (Edition 10, December 2018) states "it is not the function of the planning system to interfere with or inhibit competition between users of and investors in land". Given this advice, the objection on competition grounds with the convenience store located at Lady Margaret Court is not a material consideration in the assessment of this application.
- 8.8 In light of the above, taking into account the context and setting of the surrounding area, within the settlement boundary, in a sustainable location and well served by public transport, the proposal raises no land use policy concerns.

b. Design

8.9 Cardiff Local Development Plan (LDP) Policy KP5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces.

Layout:

- 8.10 The layout responds to the site context by being set back from the plot frontage along Colchester Avenue, but continuing the established building line along Melrose Avenue to the south-west. The block helps to form a clear distinction between the public front of the development and the private areas to the rear, which is considered good urban design. Car parking to the front of the retail store is located along the Colchester Avenue street frontage, allowing a street facing entrance to the shop. The plot coverage leaves a considerable amount of amenity space to the rear and so the plot is not considered excessive. The resulting street profile for both Colchester Avenue and Melrose Avenue is also acceptable, creating well-defined streets with a strong frontage and a reasonable height to width street section. The Melrose path connection is also a welcomed addition as it directly connects the dwellings fronting Melrose Avenue with Colchester Avenue. The new building is set back behind an acceptable defensible space in relevant areas to afford a degree of privacy to ground floor residents where the paths and pedestrian areas pass.
- 8.11 The location of the retail store on the most prominent corner delivers an active commercial frontage which will help animate the street, and promotes a mix of uses in the area within close walking distance to many homes. This key aspect of the scheme's design helps to enhance the sustainability of the wider neighbourhood, allowing people to walk to a store for convenience goods.

Scale and Massing:

8.12 The proposal is predominantly four storeys with a partial fifth storey element. Whilst officers note there are no buildings in the locality that are this tall, the fifth storey is sited in the most prominent location and in a good space, facing the corner onto Colchester Avenue. This will create a building that will create a local focus within the community. This enhances the legibility of the area in a way officers find acceptable. This will help to establish, in combination with the convenience store use, a stronger sense of place in the area. The building then steps down to four storeys to the west, matching the number of storeys to the adjacent apartment block along Melrose Avenue. Whilst it will be marginally higher, it will match the existing stepping-up relationship between the two existing apartment blocks along the street. The height will also be similar to Lady Margaret Court, which is elevated above ground level. To the south the scale is staggered, stepping down gradually from four to two storeys, leaving a separation gap of 14 metres to the south-east boundary along Colchester Avenue. The closest buildings to the south are along Doe Close and are predominantly three storeys high. As such, the proposed scale will not appear to be out of character within the surrounding context.

Architectural Design:

8.13 The proposed architectural design is considered suitable in this context. The facades are well composed with large windows resulting in a more pleasant living environment, providing more light to the apartments, but also a positive open aspect to the street frontage. It also allows good surveillance of the street

as well as the parking and garden to the rear. The scheme results in a well-designed contemporary building using materials common to the area, with three varied tones of brickwork breaking up the facades to provide visual interest. Overall, officers believe that it will be a positive and attractive addition to the streetscape.

Landscape Design:

8.14 The scheme will introduce a significant improvement to the streetscape in the area. The pedestrian access to the new homes introduces block paved pedestrian crossings and paths leading to the entrances. The dwarf wall with railings to the front boundary is attractive, and clearly demarcates the extent of the public space, and privately managed and maintained areas. The use of rain gardens, the introduction of a street tree on the prominent corner and the use of hedgerows will soften the frontage further. Officers consider that the tree will be a significant feature of the townscape in the future. The front parking spaces and paths are block paved and will improve the appearance of these areas of hard landscape.

Amenity of Future Occupiers:

8.15 Adequate amenity space is provided through the provision of communal amenity space of approximately 450sqm located to the rear of the site, which can be accessed by all residents. Whilst officers note the residential units do not provide private balconies, the units are a reasonable size and the use of Juliette balconies provides good outlook. The amenity space will be landscaped and have good access to sunlight, making it a desirable space.

c. Impact on residential amenity

8.16 The scheme has been carefully assessed against the Council's SPG guidance on both ambient light and privacy, and early submissions have been adjusted to bring the development in line with the required standards. This is reflected in the drop in scale of the building as its gets closer to affected properties on Doe Close.

Overlooking and Privacy:

- 8.17 Paragraph 4.9 of the Infill Sites SPG (2017) states that a minimum of 21 metres should be maintained between principal windows to habitable rooms. The distance of the subject developments facing windows at first, second and third floor level to the windows at No's 5-10 Doe Close will be 31 metres, complying substantially with the SPG guidance.
- 8.18 Para. 4.9 follows on to state that the minimum overlooking distance from a habitable room window to a garden area of a separate dwelling should be 10.5 metres. The closest gardens to the site are at No's 5-10 Doe Close to the south. The windows that will face these gardens will have a separation distance of 19 metres, exceeding the distance in the above guidance. Notwithstanding this, any scope for overlooking will be further reduced by the trees and planting on

the boundary which will obscure views. Whilst it is noted that Unit 20 will have a bedroom window at a distance of 8.3 metres from the boundary, this window will be facing a car parking area and the view will be at an angle.

8.19 There will be no loss of privacy to the apartments to the west, as the windows on the facing elevation of this building are obscurely glazed. Lady Margaret Court which lies to the north, does not having any residential windows facing the site and does not feature any private amenity space. The living conditions of the occupiers to the dwellings on the opposite side of Colchester Avenue will not be detrimentally affected, as the separation distance will be approximately 30 metres.

Outlook and Sense of Enclosure:

8.20 The proposed development has considerable separation distances from the neighbouring buildings and private amenity spaces and the scale has been considerably reduced to the south-east. Further, the southern boundary has a number of trees that act as screening. As such, it is considered that there will be no undue sense of enclosure or loss of outlook to the neighbouring occupiers' living conditions.

Sunlight and Daylight:

- 8.21 The assessment of sunlight and daylight is based on the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' by P J Littlefair 2011.
- 8.22 The massing of the proposed building is staggered towards the south-east, where the scale is reduced gradually from four storeys down to two storeys. The proposal complies with the 25 degree rule, whereby the building does not encroach on the 25 degree angle from the centre of the lowest facing windows on the properties at Doe Close. As such, the windows to these buildings will continue to have adequate levels of daylight. Officers note the objection regarding the coach house which faces the site on Doe Close and features front garages at ground floor level rather than windows. Whilst officers agree that the 25 degree rule does not apply here, given that the dwellings main habitable windows are at first floor level, the dwelling will continue to have good levels of daylight. The siting and aspect of the proposal means that there will be no adverse overshadowing of the neighbouring buildings. In light of the above, it is considered that the proposal will not adversely harm the living conditions of the neighbouring occupiers.
- 8.23 Further, given the considerable set-backs from the boundary, it is highly likely that the development at Doe Close was designed to ensure that future development on the subject site would not be prejudiced.
 - Other matters impacting upon amenity:
- 8.24 The hours of operation proposed to the commercial unit is 06:00 to 23:00 hours on any given day. Servicing will be restricted to 08:00 to 20:00 hours. These

operation hours are not considered to be unreasonable and will not result in an unacceptable level of noise disturbance in this location. To ensure the external plant equipment doesn't harm neighbour's amenity, a noise assessment has been requested by condition.

d. Transport and accessibility

- 8.25 The proposed development provides 33 car parking spaces in total, comprising 22 spaces for residents and 11 spaces for the commercial use. The commercial spaces will exceed the maximum amount of spaces within the Managing Transportation Impacts (Incorporating Parking Standards) (2018) SPG. The applicant argues that the total amount of spaces (when combining the residential and commercial spaces) will accord with the SPG requirements. The Planning Officer refutes this assertion, and has recommended a condition to require the commercial parking to be available to residents. Subject to the commercial spaces being made available to residents, the amount of car parking is therefore acceptable. This will be confirmed and considered in detail via a car park strategy condition (Condition 6) and shall include disabled parking.
- 8.26 Officers note the objections raised regarding the insufficient amount of car parking spaces within the development, which the objectors suggest will create additional pressures on local parking. Policy T5 of the adopted LDP require development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved 'Managing Transportation Impacts' SPG states that 'the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes'. The aforementioned SPG uses maximum parking standards (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided. As the proposed parking meets the Council's parking standards (subject to the condition), and there is no objection from the council's Transportation Manager on highway safety grounds, it is considered that the proposal accords with national and local transport planning policy.
- 8.27 Objections have been raised regarding the amount of traffic that may be created. Transportation Officers have assessed the submitted information and plans in the context of the area and conclude that they do not consider that the overall number of additional trips will be significant. Given the relatively small size of the commercial unit, it will likely serve the immediate neighbourhood. This accords with policy, and it is considered that the proposal will support the Council's policy of seeking to encourage a modal shift from private car use.
- 8.28 With regard to concerns with pedestrian safety, Transport Officers do not consider that the highway access information put forward will result in safety issues. Further, the Lady Margaret Court parking area / fourth arm of the traffic signals is currently not well defined and will be improved (especially for pedestrians) as a result of the proposals. As works are proposed to the public

- highway a separate technical approval will be required from the Council's Highways Department.
- 8.29 No objections from Transportation Officers have been raised with regard to the potential servicing of the retail unit. A servicing operation hours condition has been applied.
- 8.30 The proposed Transport Technical Note from the applicant (dated: 16/09//2020) is considered to sufficiently address the potential transport impacts. The Transportation Officer concurs with the amended transport evidence submitted and raises no objections to the development, subject to the relevant conditions.

e. Other considerations

- 8.31 Officers note the objection raised regarding the potential pressure that that the development will have on local schools, which are already near capacity. The Education Officer was consulted and confirmed that the yield of pupils from the development will have a very little impact on local schools. The calculated gross yield of pupils, based on 40 x 1 bedroom and 10 x 2 bedroom flats, will be significantly below 1 child per year group. Officers consider that any potential pressure on local schools can be already be absorbed by the existing arrangements.
- 8.32 Concerns have been raised that the proposal is not a sustainable form of development. Both PPW and LDP Policy KP5 requires brownfield sites to be selected above greenfield at an efficient density. The site has reused a brownfield site with a mixed-use development of retail and residential above. The proposed number of residential units is considered an appropriate density and the planting of trees and soft landscaping helps meet sustainability objectives outlined in policy. It is noted that the proposal will be built to modern energy efficient standards which will aid to heat and water uses. Further, the site is in a sustainable location close to amenities and bus links. As such, the proposal is considered to meet the Councils objectives on sustainability.
- 8.33 Officers note that there were objections raised regarding previous objections not being addressed at the Pre-Application Consultation (PAC) phase. The objections were outlined in the PAC report and the applicant provided a response to each objection within the report.
- 8.34 There is no independent evidence to suggest that affordable housing results in increased crime and anti-social behaviour. There is similarly no evidence to suggest that the proposed development will reduce the response times for the Fire, Paramedic and Police services along Colchester Avenue.
- 8.35 Objections regarding the potential reduction in house prices and the broken digital bus displays are not material planning considerations.

9. SECTION 106 LEGAL AGREEMENT

- 9.1 The following planning obligations have been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations):
 - (i) £38,796.80 for community facilities
 - (ii) £72,628.00 for open space
- 9.2 These requests amount to a total sum of £111,424.80.
- 9.3 The applicant has confirmed their acceptance of the following obligations.

10. **LEGAL CONSIDERATIONS**

- 10.1 Crime and Disorder Act 1998: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 10.2 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.
- 10.3 Wellbeing of Future Generations (Wales) 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.
- 10.4 Statutory pre-application public consultation: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

11. CONCLUSION

11.1 The proposal delivers a significant number of affordable housing units within a sustainable brownfield location. It will introduce a significant improvement to the streetscape in the area and it is not considered that it will harm the neighbouring

occupiers living conditions.

11.2 It is therefore recommended that planning permission be approved subject to the completion of a legal agreement to secure the measures identified in Section 9, and relevant conditions.



P2	Issued for approval	HJ	DT	14.05.20
P1	First Issue	MR	DT	16.10.19
Rev.	Description	Drawn	Check	Date

FOR APPROVAL

pentan

22 Cathedral Road Cardiff CF11 9LJ

t. 029 2030 9010 info@pentan.co.uk

Project

Colchester Avenue

Client

Wales & West Housing Association

Drawing Title

Site Location Plan

Job no.	Org.	Zone	Level	Туре	Role	Description	Status	Rev.
3830 -	PEN -	ZZ -	00 -	DR -	Α -	0001	S4	P2
Scale							Da	te
1 : 125	60 @ A4						0	ct '19

Denotes Application Boundary

Site Area: 0.36ha

Note: All site & ownership boundaries to be confirmed by client.



General Key

Site Boundary
To be confirmed by Client.

Rain Gardens

L _ _ _ _ _ All in accordance with Landscape Architect's proposals.

Bike Store Two Tiered Store 60 no. capacity

Site Constraints



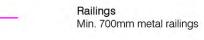
Existing Trees/ Root protection zone

Existing surface water

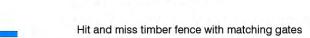


Boundary Key

Dwarf wall with railings 500mm high brick wall with 700mm metal railings on top



Railings Min. 1800mm metal railings



1800mm high

Landscaping Key

Block Paving

Fine grade tarmac

Post Box

Drawing produced using detailed topographical survey provided by Healer Surveys Land Surveyors.

All services and utilities information & constraints based on detailed survey prepared by PHG Consulting Engineers, Ref: Constraints Plan - 1950 (Sept 2019)

Tree constraints based on detailed survey prepared by ArbTS (Arboricultural Technician Services, Ref: Tree Constraints Plan - 761.1

Read in conjunction with all other relevant project drawings and schedules. Drawings must not be scaled and any discrepancies must be reported

Drawings must be printed in colour to ensure all elements are clearly identified.

Ensure this document is only used for its intended purpose, the suitability is defined by the status code below. Pentan accepts no liability if used for any purpose other then that specifically stated.

P12	Bin Store amended. Tree added near Colchester Ave. Block paving shown to parking spaces and pedestrian crossings/ footpaths.	HJ	DT	05.10.20
P11	Amendments to bike stores, pedestrian crossing, bollard added and communal garden amended.	HJ	DT	16.09.20
P10	Scale bar/ north arrow added.	HJ	DT	15.07.20
P9	Area added	HJ	DT	29.06.20
P8	Landscaping amended. Issued for approval.	HJ	DT	19.06.20
P7	Issued for approval	HJ	DT	20.05.20
P6	Communal garden added	HJ	DT	19.05.20
P5	Issued for approval	HJ	DT	15.05.20
P4	Issued for approval	HJ	DT	14.05.20
РЗ	Adjustments to site plan	HJ	DT	07.05.20
P2	Omitted parking spaces 30 and 31. Extended footpath and raingarden.	HJ	DT	05.05.20
P1	Issued for comment	HJ	DT	16.03.20
Day	Description	Duarre	Charle	Data

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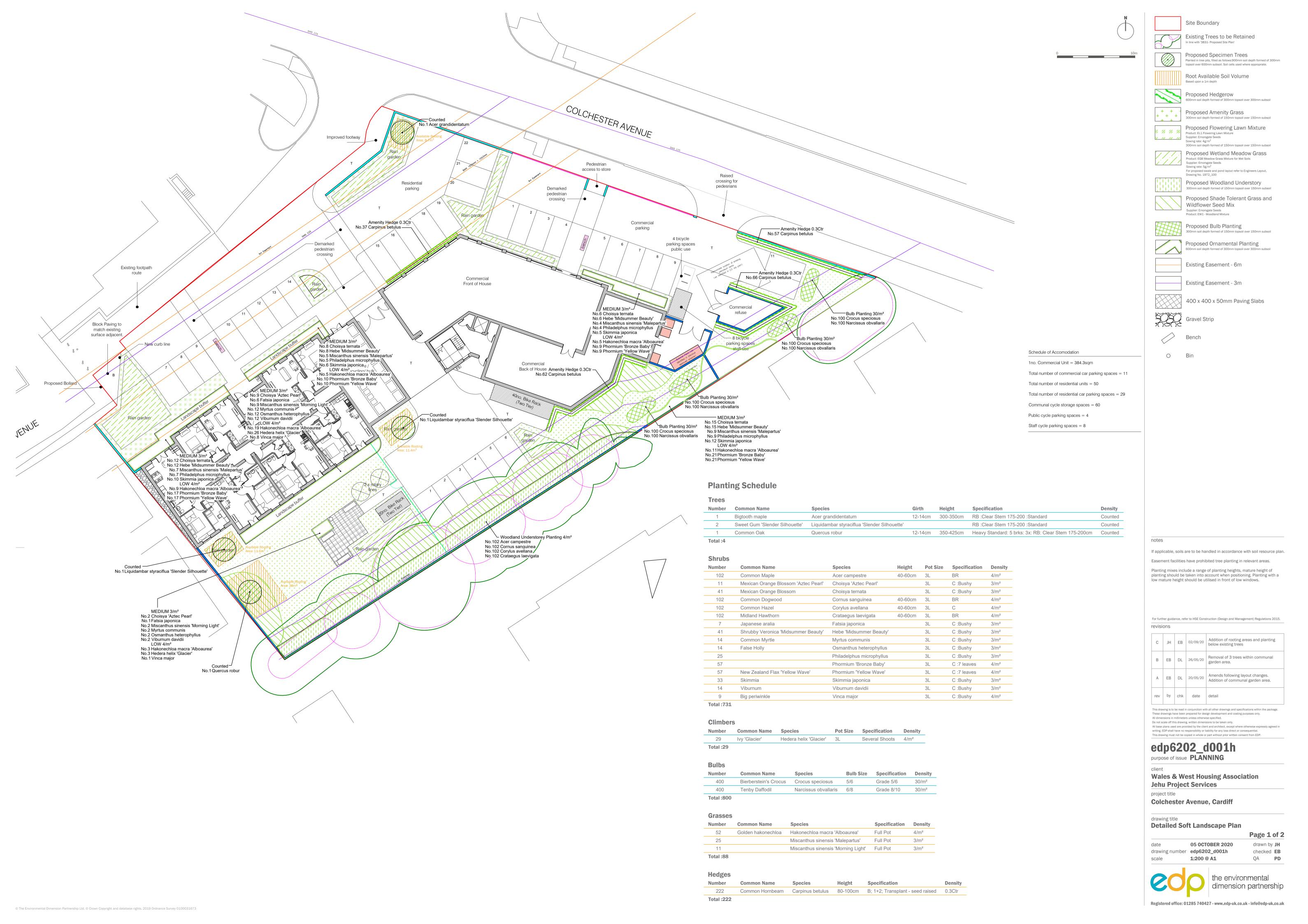
Colchester Avenue

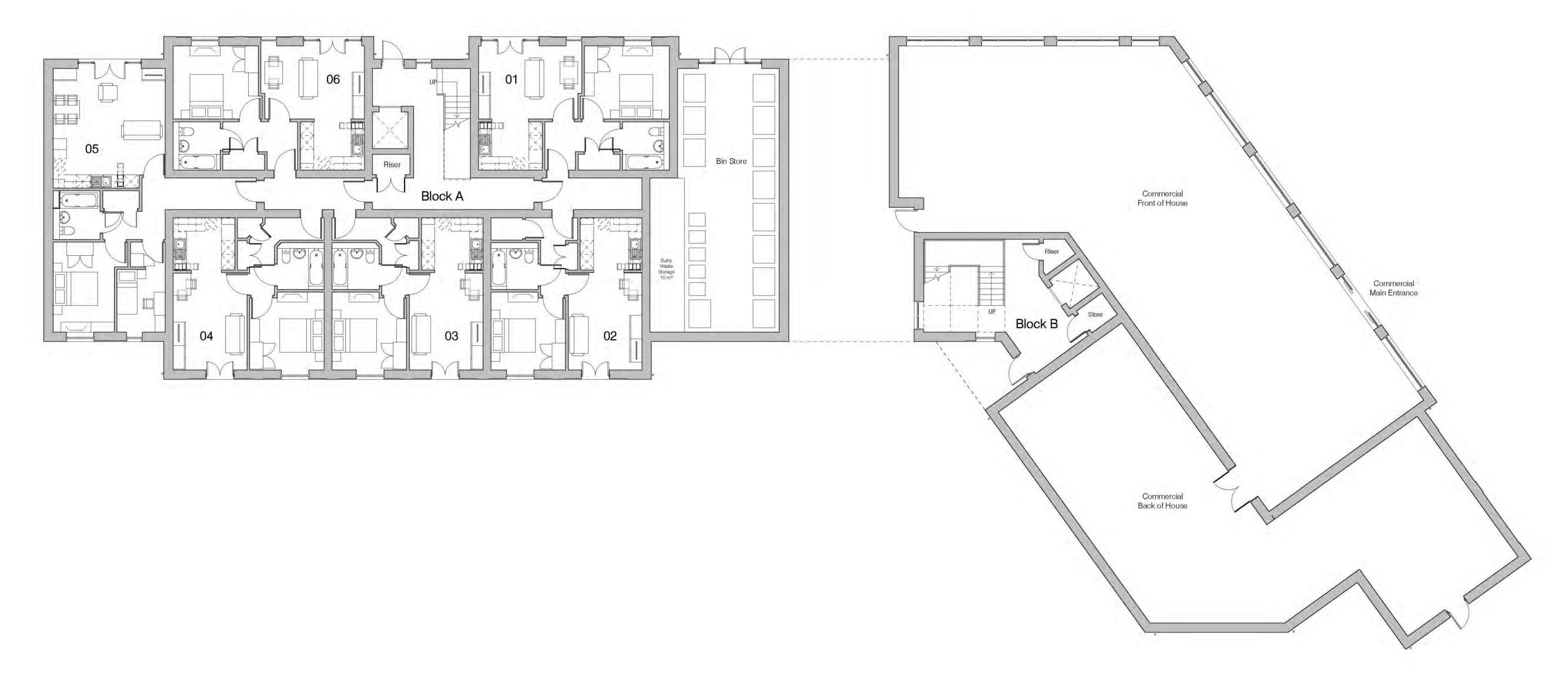
Wales & West Housing Association

Proposed Site Plan- Colour

3830 - PEN - ZZ - ZZ - DR - A - 0004

1:200@A1 Oct' 20





Rev.	Description	Drawn	Check	Date
P1	First Issue	MR	DT	23.09.19
P2	Floor Plans Updated	MR	DT	27.09.19
P3	Updated Plans and Elevations	MR	AWR	16.01.20
P4	Updated Floor plans and Schedule	HJ	DT	26.02.20
P5	Updated commercial unit and schedule	HJ	DT	03.03.20
P6	Balconies Added.	HJ	DT	13.03.20
P7	Issued for approval	HJ	DT	14.05.20
P8	Issued for approval.	HJ	DT	22.05.20
P9	Scale bar and north arrow added.	HJ	DT	15.07.20
P10	Bulky Waste Storage added.	HJ	DT	02.10.20

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Project

Colchester Avenue Three Brewers

Wales & West Housing Association

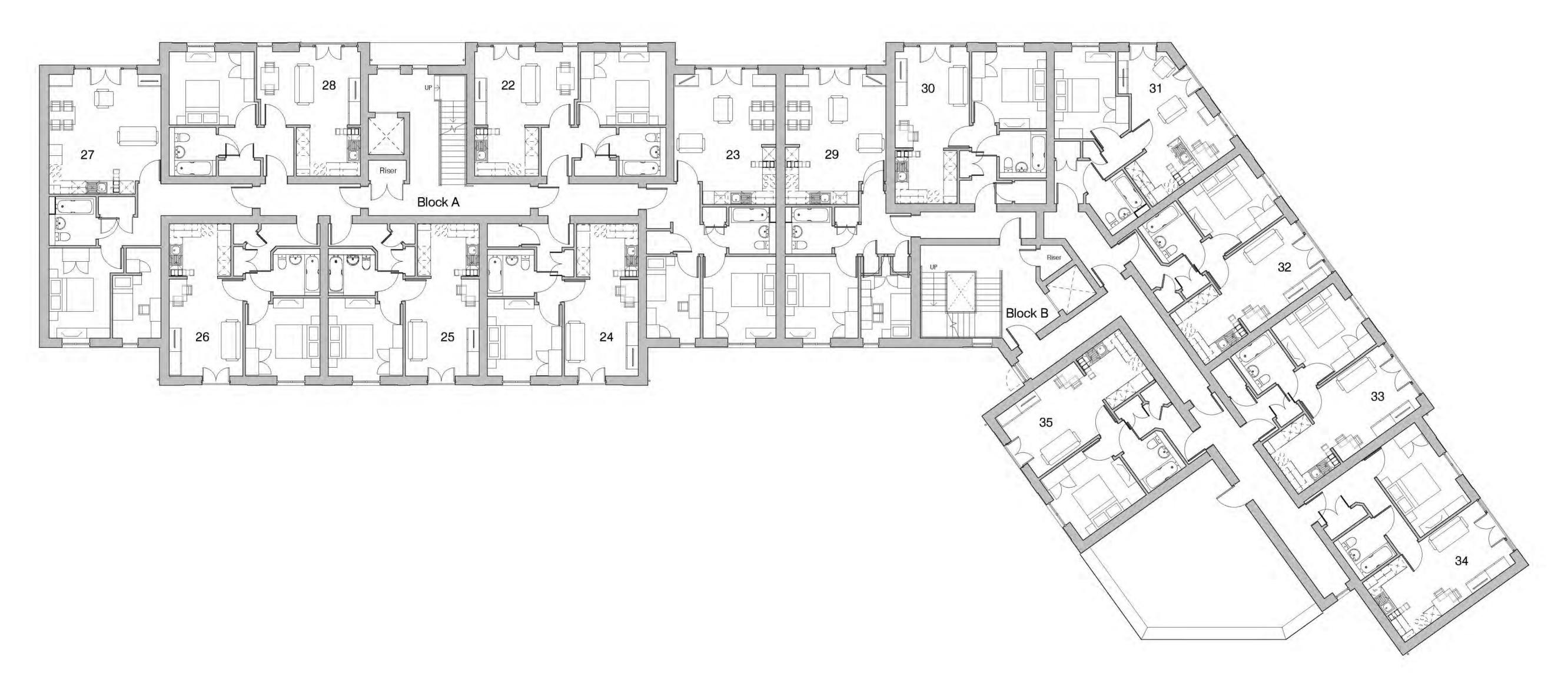
Ground Floor

Job no. Org. Zone Level Type Role Description Status Rev.

3830 - PEN - ZZ - 00 - DR - A - 1000 S4 P1

Scale Date
1:100 @ A1 Sep





Rev.	Description	Drawn	Check	Date
P1	First Issue	MR	DT	23.09.19
P2	Floor Plans Updated	MR	DT	27.09.19
P3	Updated Plans and Elevations	MR	AWR	16.01.20
P4	Updated Floor plans and Schedule	HJ	DT	26.02.20
P5	Updated Floor plans and Elevations	HJ	DT	06.03.20
P6	Balconies Added.	HJ	DT	13.03.20
P7	Issued for approval	HJ	DT	14.05.20
P8	Issued for approval.	HJ	DT	22.05.20

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Second Floor

Job no.	Org.	Zone	Level	Туре	Role	Description	Status	Re
3830 -	PEN -	ZZ -	02 -	DR -	A -	1002	S4	P

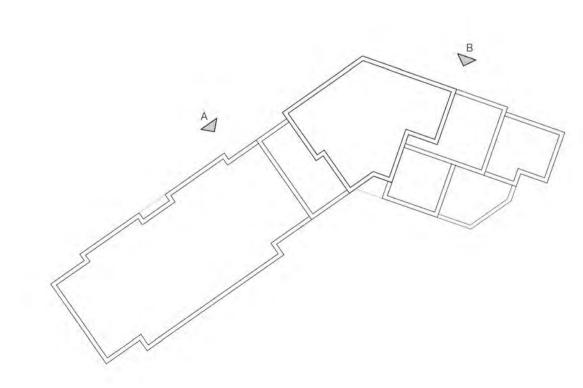
1:100@A1



Elevation A



Elevation B



Materials Key

Brick: Generally stock facing brickwork in stretcher bond with natural mortar.

3 courses of soldier coursed bricks above window heads and where indicated.

Recessed brick panels as indicated.

⊟ Brick type 1: (TBC)⊟ Brick type 2: (TBC)□ Brick type 3: (TBC)

Sills: 65mm deep, through-coloured cast-stone sills with no stools.

Roofs: Flat Roof: (TBC)

Parapet: 65mm deep, stepped profile, through-coloured cast-stone.

Hoppers and Downpipes: Aluminium flush-joint circular downpipes and aluminium hoppers. Colour RAL (TBC). Downpipes to terminate in ground (not shoe to gully). All RWP locations to be checked and approved by supplier.

Windows and Doors:
Windows: uPVC units with fenestration patterns as indicated. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements. All glazing to be toughened/laminated. Colour RAL (TBC). Doors: uPVC units with fenestration patterns as indicated. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements. All glazing to be toughened/laminated. Colour RAL (TBC).

Service penetrations: Service extract terminals and flues are to be rectangular, flush and colour matched to surrounding brick. All locations are to be confirmed by M&E consultant, architect and approved by LPA.

Balustrades and rails: PPC galvanised steel. Colour RAL (TBC).

P7	Issued for approval.	HJ	DT	22.05.20
P6	Issued for approval	HJ	DT	14.05.20
P5	Balconies Added. Key Updated.	HJ	DT	13.03.20
P4	Updated Floor plans and Elevations	HJ	DT	06.03.20
P3	Updated Elevations	HJ	DT	02.03.20
P2	Updated Plans and Elevations	MR	AWR	16.01.20
P1	First Issue	MR	DT	27.09.19
Rev.	Description	Drawn	Check	Date

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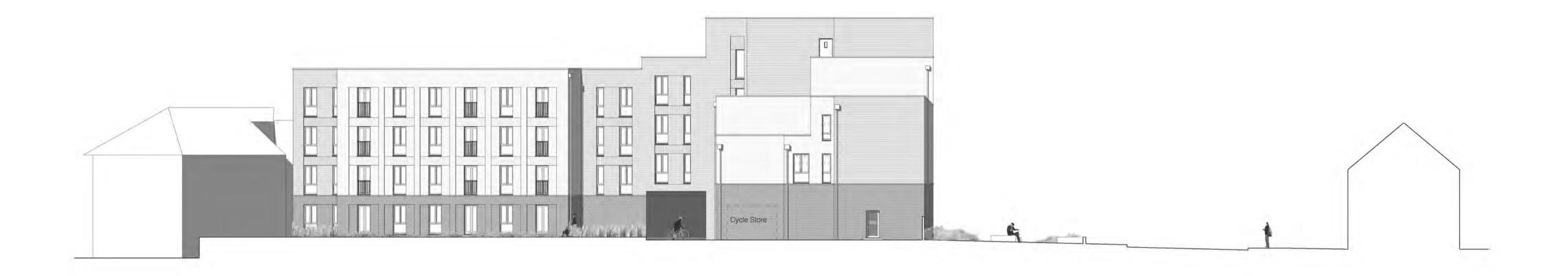
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Mar '19

Colchester Avenue Three Brewers Wales & West Housing Association

Drawing Title Elevations A & B

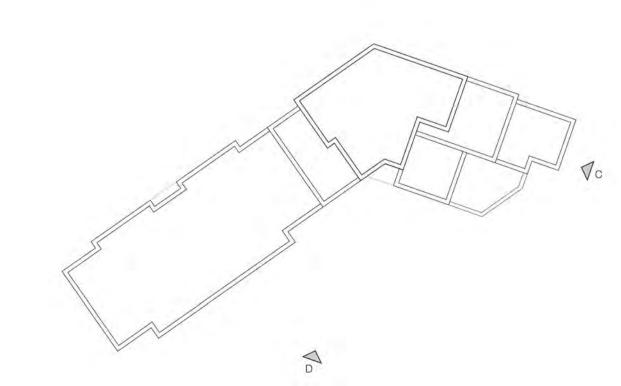
Job no. Org. Zone Level Type Role Description Status Rev. 3830 - PEN - ZZ - ZZ - DR - A - 2000



Elevation C



Elevation D



Materials Key

Brick: Generally stock facing brickwork in stretcher bond with natural mortar.

3 courses of soldier coursed bricks above window heads and where indicated.

Recessed brick panels as indicated.

⊟ Brick type 1: (TBC)⊟ Brick type 2: (TBC)□ Brick type 3: (TBC)

Sills: 65mm deep, through-coloured cast-stone sills with no stools.

Roofs: Flat Roof: (TBC)

Parapet: 65mm deep, stepped profile, through-coloured cast-stone.

Hoppers and Downpipes: Aluminium flush-joint circular downpipes and aluminium hoppers. Colour RAL (TBC). Downpipes to terminate in ground (not shoe to gully). All RWP locations to be checked and approved by supplier.

Windows and Doors:
Windows: uPVC units with fenestration patterns as indicated. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements. All glazing to be toughened/laminated. Colour RAL (TBC).

Doors: uPVC units with fenestration patterns as indicated. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements, All glazing to be toughened/laminated. Colour RAL (TBC).

Other:
Service penetrations: Service extract terminals and flues are to be rectangular, flush and colour matched to surrounding brick, All locations are to be confirmed by M&E consultant, architect and approved by LPA.

Balustrades and rails: PPC galvanised steel. Colour RAL (TBC).

P4	Issued for approval.	HJ	DT	22.05.2
P3	Issued for approval	HJ	DT	14.05.2
P2	Balconies Added. Key Updated.	HJ	DT	13.03.2
P1	First Issue	HJ	DT	06.03.2
Rev.	Description	Drawn	Check	Date

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Mar'20

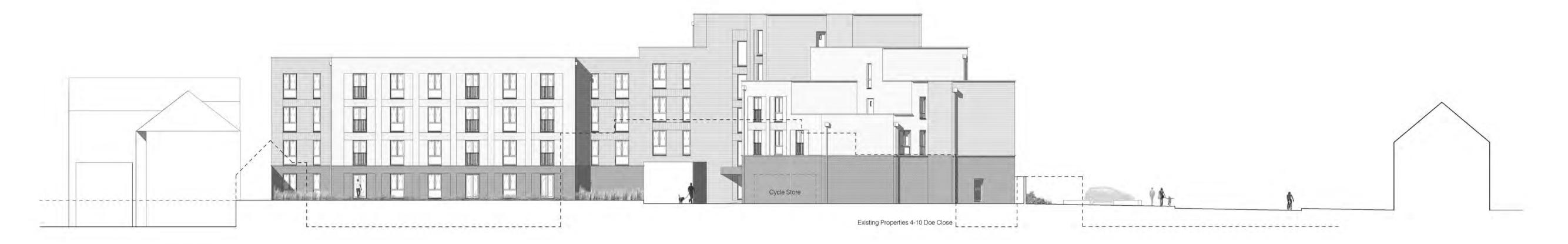
Colchester Avenue Three Brewers

Wales & West Housing Association Drawing Title

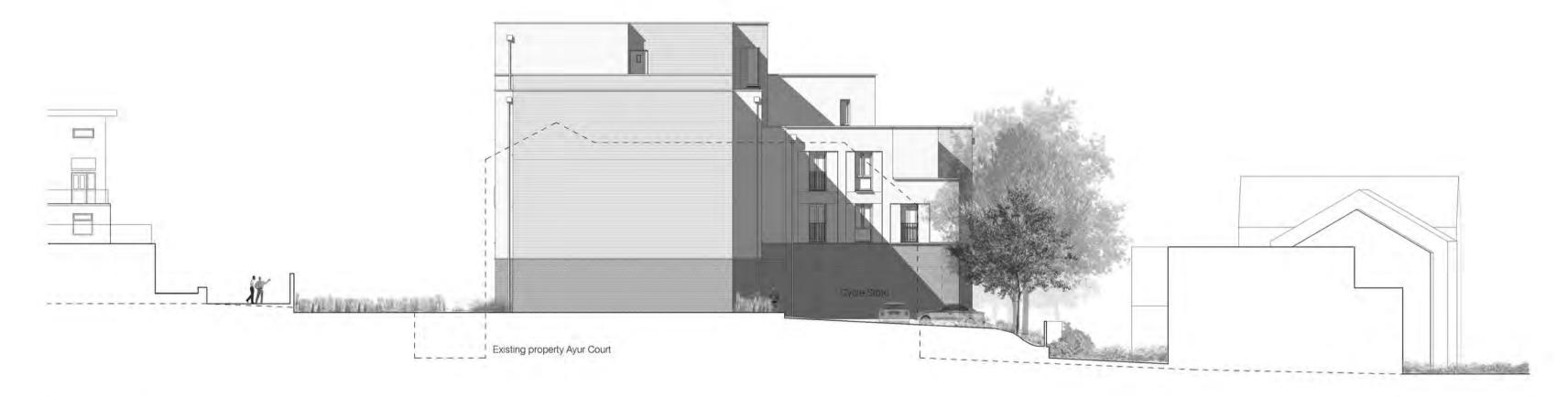
Elevations C & D

Job no. Org. Zone Level Type Role Description Status Rev. 3830 - PEN - ZZ - ZZ - DR - A - 2001

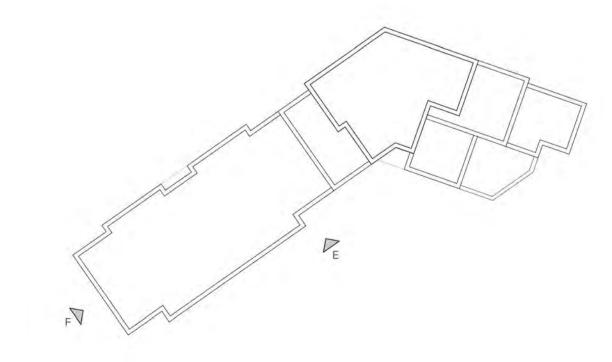
As indicated @ A1



Elevation E



Elevation F



Materials Key

Brick: Generally stock facing brickwork in stretcher bond with natural mortar.

3 courses of soldier coursed bricks above window heads and where indicated.

Recessed brick panels as indicated.

⊟ Brick type 1: (TBC)⊟ Brick type 2: (TBC)□ Brick type 3: (TBC)

Sills: 65mm deep, through-coloured cast-stone sills with no stools.

Roofs: Flat Roof: (TBC)

Parapet: 65mm deep, stepped profile, through-coloured cast-stone. Hoppers and Downpipes: Aluminium flush-joint circular downpipes and aluminium hoppers. Colour RAL (TBC). Downpipes to terminate in ground (not shoe to gully). All RWP locations to be checked and approved by supplier.

Windows and Doors:
Windows: uPVC units with fenestration patterns as indicated. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements. All glazing to be toughened/laminated. Colour RAL (TBC).

Doors: uPVC units with fenestration patterns as indicated. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements. All glazing to be toughened/laminated. Colour RAL (TBC).

Service penetrations: Service extract terminals and flues are to be rectangular, flush and colour matched to surrounding brick. All locations are to be confirmed by M&E consultant, architect and approved by LPA.

Balustrades and rails: PPC galvanised steel. Colour RAL (TBC).

P4	Issued for approval.	HJ	DT	22.05.2
P3	Issued for approval	HJ	DT	14.05.2
P2	Balconies Added. Key Updated.	HJ	DT	13.03.2
P1	First Issue	HJ	DT	06.03.2
Rev.	Description	Drawn	Check	Date

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Elevations E & F

Job no. Org. Zone Level Type Role Description Status Rev. 3830 - PEN - ZZ - ZZ - DR - A - 2002



P2	Issued for approval.	HJ	DT	22.05.20
P1	Issued for approval.	HJ	DR	17.03.20
Rev.	Description	Drawn	Check	Date

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Drawing Title

Artist's Impression

Job no.	Org.	Zone	Level	Туре	Role	Description	Status	Rev.
3830 -	PEN ·	· ZZ -	ZZ -	DR ·	· A -	6000	S4	P2
Scale							Date	
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