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**Penarth Heights, off Harbour View Road, Penarth**

To demolish the existing flats and construct 377 residential units and associated highway infrastructure and open space

**SITE DESCRIPTION**

The site extends to approximately 7 hectares of land currently occupied by residential development in the form of flats arranged into three main areas of development. A total of 329 units currently exist on site although these are mostly vacant and unused. Two areas of development are located to the eastern end of the site and the remainder to the far western end.

The northern boundary of the site is landscaped. This is comprised of a part wooded area that forms the 'cliff' and embankment to the former Penarth Docks area, now re-developed into a marina, associated commercial and employment areas and residential development. Tesco retail store is located to the north east of and below the site.

The remainder of the site constitutes the access road, parking areas and landscaping. A community centre exists on the part of the site adjacent to allotments, which themselves lie outside the application site. A footpath connection exists from the site down to the location of Penarth Marina.

The site is located in a predominantly residential area.

### DESCRIPTION OF DEVELOPMENT

The application seeks consent to demolish the existing residential blocks and to erect 377 residential units. These will be comprised in a mix of terraced units, detached and semi-detached houses, apartments and bungalows. The development height will range from single storey to an 8 storey apartment block at the far western end of the site.

75 units have been identified for affordable housing and are made up of groups of ten units (including 2,3 and 4 bed units) typically pepper potted through the site, but with one complete apartment block of 12 units, and two bungalows. The mix will therefore include 8 No. 1 bed flats, 4 No. 2 bed flats, 2 No. 2 bed bungalows, 24 No. 2 bed houses, 30 No. 3 bed houses and 7 No. 4 bed houses.

Overall the housing breakdown will be 60 No. 1 bed flats, 78 No. 2 bed flats, 4 No. 3 bed flats, 54 No. 2 bed houses, 84 No. 3 bed houses, 77 No. 4 bed houses and 20 No. 5 bed houses.

Vehicular access to the site will require alterations to the current road layout but will provide two main entrance points in generally the same location as currently provided by Highview Road and Royal Close. 579 parking spaces are indicated as being provided.

The overall architectural philosophy has sought to draw from the historic character of development in Penarth but applied in a contemporary manner with render (coloured – including lemon, ochre, sky blue, ocean blue, apple green, sage green and white), red brickwork and horizontal timber cladding (including stained black). Whilst coloured render will be used the predominant colour will be white render with colour used to define key points e.g. at the corners of the squares to be created, to facilitate orientation and a sense of place within the site and provide identity to the street. The roofing materials will include interlocking roof tiles and standing seam roof.

Roof terraces, balconies and garden areas will be used to provide private amenity space for the units whilst other areas of incidental open space will be provided around the site as well as off the site. Adjoining areas of open space and space internal within the development will be landscaped or upgraded.

The density of the scheme (approx 7 hectares with 377 units) equates to 54 units per hectare (21 per acre).

Documents submitted in support of the application include:

- Transportation Assessment
- Design Statement

- Drainage Strategy
- Geotechnical Remediation Statement
- Asbestos material Survey
- Utility Services Report
- Planning Support Statement
- Demolition (Noise and Dust) Mitigation Statement
- Public Art Strategy
- Statement of Community Engagement
- Refuse Collection Strategy
- Bat Report
- Ecology Report
- Japanese Knotweed Report
- Tree Report
- Woodland Management Report
- Landscape Appraisal Report
- Highways Statement
- Archaeology
- Air Quality

### PLANNING HISTORY

None directly relevant however a 'Planning and Design Guidelines' document was produced by consultants on behalf of and adopted by the Council, to assist developers in the preparing of schemes for consideration by the Local Planning Authority.

The guidelines identified that the site could accommodate in the region of 450 units on a site that currently accommodates 329 units. Any scheme should aim to provide a more sustainable pattern of development and include alternative modes of transport to the private car. Access to the site did not envisage any new roads with High View and Harbour Road remaining as the principal streets.

The western end of the site was considered appropriate for a landmark building and indicated that development between 5 and 7 storeys could be accommodated with proposals judged on their merits. Development generally would take the form of urban blocks and terraces rather than freestanding houses.

In relation to sustainable development the scheme was identified as being required to achieve a minimum of 'good' standard under the Building Research Council Echo Homes Standards.

The Council identified two primary areas of open space within the control of the authority, namely the Bowl and Plassey Square. Any scheme for the site should propose improvements to these two areas. Reference was also made to enhancement of the Arcot Street Triangle.

Management obligations would also be required for the long term management of the wooded areas around the site.

### CONSULTATIONS

Penarth Town Council broadly supports the application but has raised concerns with regard to the townscape, affordable housing, transport assessment, public transport links, air quality assessment, trees and ecology, demolition timing, lack of play areas, and the contributions under Section 106 of the Act. The full response is included in detail at Appendix A.

Environment Agency Wales does not object but seeks the use of conditions. A further letter has been received clarifying what conditions would be required. See Appendices B and C.

The Head of Visible Services (Highway Development) confirms that in terms of layout the development is acceptable but there remains serious highway objections in respect of the lack of adequate off-street parking. See Appendix D.

In addition, and from a transport assessment perspective, Atkins were commissioned to provide an analysis of Cole Easdon Consultants' Transport Assessment Report (TA) in relation to Penarth Heights. The original TA Report provided by Atkins in 2003 effectively acted as a scoping document for Cole Easdon.

Atkins are satisfied with the Cole Easdon TA which was a comprehensive, robust document covering all the main points expected from a TA for such a size of development and no concerns were raised apart from some minor cosmetic changes required.

The development was subsequently reduced in unit numbers from 450 and it was confirmed to Cole Easdon that no amendment was required to the TA due to the initial robust analysis carried out initially.

Atkins then produced a final report April 2007 on the Prioritisation of Transport Infrastructure Improvements based on the accepted TA, which identified highway/transport schemes to be included in the Section 106 Agreement. The submitted by Cole Easdon has therefore been considered and accepted as a competent report.

The Head of Economic Development and Leisure (Public Rights of Way Officer). No comments have been received to date.

Cardiff County Council has no objections to the scheme, and detailed comments make reference to the need to consider the impact of the proposals on the Cogan Spur, Ferry Road and P.D.R. links. It is also suggested that there should be a proposed contribution to the bridge that would link the area to the Sports Village.

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The Head of Visible Services (Engineering Design and Procurement) has responded raising drainage issues related to the adoption of services by Dwr Cymru/Welsh Water. See Appendix E.

The Director of Legal and Regulatory Services (Environmental Health) has responded with required conditions to deal with possible contamination and noise issues.

Countryside Council for Wales have been consulted and no response has been received to date.

Glamorgan Gwent Archaeological Trust have responded stating that there is unlikely to be any significant archaeological features surviving at the site and therefore no objections are raised.

Dwr Cymru/ Welsh Water has no objections subject to relevant standard conditions.

The Head of Economic Development and Leisure (Ecology) has noted that protected species have been identified on site and therefore it will be necessary for the developer to apply for a licence from the Welsh Assembly Government to allow a derogation. It is also required that conditions are applied to deal with reptiles and slow worms on the site. See Appendix K.

South Wales Police Architectural Liaison Officer has responded raising issues regarding the design of the scheme (see Appendix F). The Traffic Management and Casualty Reduction Officer has responded raising concerns about the proposed road layout, any required Traffic Orders and parking provision (see Appendix G).

Cardiff Harbour Authority. No comments have been received to date.

Sewta Regional Travel Plan Co-ordinator has raised issues with regard to the need for a transport assessment and additional safe pedestrian and public transport links need to be identified. It also raises the need for a travel plan. See Appendix H.

Design Commission for Wales has responded with strong support for the scheme, but has requested that permeability through the site be improved. In summary the Design Commission for Wales considered that the scheme had the potential to be an exemplary project. The Commission was strongly supportive of the imaginative 'Home Zone' approach, the distribution of affordable housing and the public art strategy. The Commission also confirmed that various attractions could ensue that the project achieved Eco Homes excellent status. See Appendix I.

The Director of Learning and Development; Outdoor Parks Manager; Waste Management; Public Art Officer; Landscape Section; Housing and Community Safety; Community Services; Social Services and Learning and Development were all consulted and where received their comments have been incorporated into the Section 106 report attached as Appendix J.



## REPRESENTATIONS

A significant number of properties were consulted and the application was advertised on site and in the press. Consultation included properties in Birch Lane, Plassey Square, Highview Road, Chichester Road, Robert Street, Plassey Street, Church Place South, Stanwell Road, Salop Street, Harbour View Road, Queens Street, High Street, Paget Road, Northcliffe Lane, Glebe Street, St. Augustine's Place and the Marina Area.

45 individual letters were received and 2 petitions. The petitions were signed by 266 and 40 signatories respectively. The petitions state:

"We the undersigned object to the Penarth Heights development on the grounds that the 2005 Transport Assessment for the project does little to alleviate the traffic impact in and out of Penarth. The best way to reduce the traffic impact would be to use money from the sale of our land and Section 106 money to make a significant financial contribution to the construction of an Ely River Bridge. We believe the bridge offers the residents of Penarth a safe and sustainable route to and from the International Sports Village, Cardiff Bay and the city centre i.e. a real alternative to the car. We urge the Council to commit funds to the project as a matter of urgency."

Comments received include the following areas of concern:

- Traffic impacts on the highway network in the area and in and out of Penarth.
- That no more flats be built and that the site be landscaped instead.
- Site should provide a GP surgery to cater for people moving into the area.
- Residents still living on the site have not agreed that their homes be demolished.
- Cycling and pedestrian links are currently poorly maintained and inadequate as is secure cycle parking.
- Parking is a problem in the area and the development will exacerbate this.
- More bungalows should be incorporated to provide greater housing choice.
- Disruption and pollution from construction to traffic and demolition works to residents, possible damage to property and site security issues.
- Services in the area e.g. Libraries, train, buses, medical, community services, do not have the capacity to cater for this development.
- Is there capacity in the schools to take new development?
- Can retail facilities in Penarth cope with the development?
- Is the development carbon neutral?

- Upgrading of Plassey Square should be a priority.
- Parts of the development are too high and are considered to overlook existing dwellings e.g. Paget Road and Queens Road.
- Inadequate provision of sports and recreation facilities and loss of existing green spaces and dog walking areas.
- The Design of the scheme was welcomed.
- Concern regarding the location of the affordable housing units across the site.
- Rodent control.

Copies of 6 letters received are attached as Appendix L including comments from Barry and Vale Friends of the Earth, McCann and Partners (offices on the Marina). All correspondence received is retained on file should Members wish to inspect it.

## REPORT

This application lies within the designated settlement boundary for Penarth as defined by the Unitary Development Plan and as such must be assessed in accordance with the criteria set out in the policies of the Plan, which contains strategic policies as well as topic specific policies. In addition national policy and guidance is produced by the Welsh Assembly Government, which policy and guidance is also material to the consideration of this application.

### Planning Policies

Particular attention must be paid to the advice given in the Welsh Assembly Government's Planning Policy Wales (2002) – And Technical Advice Notes TAN12 – Design And TAN18 – Transport.

### National and Regional Policy Context

Planning Policy Wales (2002) contains policy on the location and principles associated with the siting of new developments in order to promote the re-use of previously developed land and the siting of development in areas with good accessibility to a range of modes of transport and communications.

TAN 12 states '3.1 At the heart of the design process is the requirement to contribute to the objectives of sustainable development and to achieve a more holistic design response. All those involved in the design process should assess how design choices can pursue the objectives of social progress which recognises the needs of everyone; effective protection of the environment; prudent use of resources and maintenance of high and stable levels of economic growth.' Further more at para 5.18 it is stated 'It is particularly important that proposals to amend or create new landscape are not considered as an afterthought and that the long-term impact of development on the landscape is fully understood.'

With regard to TAN18 it is stated at paragraph 3.3:

*"It should be a key aim of development plans to identify residential sites that are accessible to jobs, shops and services by modes other than the car and where public transport services have the existing or planned capacity to absorb further development."*

#### UDP Policies

Locally, the strategic and specific policies of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 are relevant, as follows:

#### **Strategic Policies**

**Policy 1** The Vale of Glamorgan's distinctive rural, urban and coastal character will be protected and enhanced. Particular emphasis will be given to conserving areas of importance for landscape, ecology and wildlife, the best and most versatile agricultural land and important features of the built heritage. Proposals which enhance these areas will be favoured.

**Policy 2** Proposals which encourage sustainable practices will be favoured including:

- (i) proposals which contribute to energy conservation or efficiency, waste reduction or recycling; pollution control; biodiversity and the conservation of natural resources;
- (ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport;
- (iii) the reclamation of derelict or degraded land for appropriate beneficial use; and
- (iv) proposals which improve the quality of the environment through the utilisation of high standards of design.



- Policy 3** Land will be made available for an additional 6079 dwellings between 1998 - 2011. This provision will be met by:
- (i) the provision of infrastructure and services for the development of sites with planning permission for housing;
  - (ii) the redevelopment of suitable sites in the urban areas of Barry, Penarth and Rhooose;
  - (iii) the replacement of unfit and substandard housing;
  - (iv) the development of a range of sites in the south eastern part of the Vale of Glamorgan within and adjoining Barry, Penarth and Rhooose, to be identified in part ii;
  - (v) the development of minor sites identified in part ii;
  - (vi) the maintenance rehabilitation and improvement of existing housing stock, the conversion of suitable existing dwellings and the change of use of suitable structures to provide additional modern household units; and
  - (viii) affordable housing favoured at appropriate locations and in addition, the provision of affordable housing on appropriate small sites outside of the general housing allocation.

Specific Unitary Development Plan Policies:

ENV11 - PROTECTION OF LANDSCAPE FEATURES

ENV12 - WOODLAND MANAGEMENT

ENV16 - PROTECTED SPECIES

ENV24 - CONSERVATION AND ENHANCEMENT OF OPEN SPACE

ENV25 - REGENERATION OF URBAN AREAS

ENV26 - CONTAMINATED LAND AND UNSTABLE LAND

ENV27 - DESIGN OF NEW DEVELOPMENTS

ENV28 - ACCESS FOR DISABLED PEOPLE

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS11- RESIDENTIAL PRIVACY AND SPACE

HOUS12 - AFFORDABLE HOUSING

TRAN9 - CYCLING DEVELOPMENT

TRAN10 - PARKING

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS

REC4 - PROVISION FOR THE DISABLED AND ELDERLY

REC6 - CHILDREN'S PLAYING FACILITIES

REC12 - PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

COMM5 - RETENTION OF COMMUNITY FACILITIES

## Issues

The site is currently occupied by an established residential scheme comprising blocks of flatted type development split into two main areas with a total of 329 properties currently occupying the site, although 4 of these remain occupied. The application proposes the complete demolition of the existing buildings, including the former community centre, and their replacement with a wholly residential scheme of mixed housing types.

The scheme has been designed by the applicants based on the original design concept submitted when the company was selected as the preferred developer by the Council.

In addition the Council drew up Planning and Design Guidelines to set the broad parameters against which any scheme should be assessed, having regard to all other material planning considerations.

## Design

The scheme has sought in its design concept to draw on elements of the scale and form of the traditional Victorian and Edwardian character of Penarth whilst interpreting this in a more contemporary form. The scheme was presented to the Design Commission for Wales (DcFW). The Commission generally expressed positive support for the proposal and their full comments are attached as Appendix I.

The development is located in a very prominent location when viewed from the Penarth Marina and the wider Bay area and from the north. The inclusion of a landmark building at its western end will sit on the skyline and will comprise a crescent area of development rising from three storeys to the eight storey block at the western extreme and creates the tallest building on the site. The development in the 'home zone' area, other than the crescent, is generally laid out in a grid pattern. Currently St. Augustine's Church presents the landmark building to the skyline of Penarth Head to the east of the site, however it is considered that the addition of a further landmark to this skyline, will not detract from the setting of the church or Headland (given its distance from this listed building).

The development will remove the existing grey blocks of residential development and replace them with units which are broken up into smaller blocks and these are themselves broken up visually by the use of coloured renders. In the 'home zone' areas, the corner developments on the Ridgeway Road through the area, are defined by taller blocks of four storeys reducing to the three storey terraced development between them.

A further crescent of buildings is proposed at the eastern end of the site where generally the development is of housing rather than apartments, combined with small units over garages creating a mews type development between housing crescents.

It is considered that the scheme will provide a good standard of design subject to conditions regarding samples and detailing.

### Sustainability

In preparing the brief for the site the Council required that a good Eco Homes standard be achieved. The scheme is noted by the developer to achieve a Very Good rating based on their Sustainability Statement. The scheme as presented was considered and in line with the discussions at the DcFW presentation the developers were requested to examine how they could achieve an excellent rating, including the use of alternative materials to the Upvc proposed in the fenestration. The DcFW felt that at that time the sustainability strategy lacked the necessary ambition and commitment to deliver genuine low carbon development. The full comments of the Design Commission for Wales are attached at Appendix I.

Subject to the development being carried out in accordance with the principles and details of the Sustainability Statement and the amended details received the scheme presents a sustainable form of development on this Brownfield site. With regard to the Design Commission for Wales' comments are made on the topic of sustainability and Eco Homes rating, discussions with the applicant indicates that there is a willingness to achieve Eco Homes excellent standards. In this regard the applicant has been requested to provide alternative to Upvc doors and fenestration, to provide timber frame construction and increase solar gain and efficiency. The applicant has previously indicated verbally that this is achievable and acceptable.

### Transport Impacts

As will be seen from the report at Appendix J the issues of impacts from traffic generation and pedestrian and cycling requirements from the scheme have been assessed. It is considered that the development will generate a need for upgrading of existing services for buses, trains, access for pedestrians and cyclists and this has been addressed in the financial contributions identified in the Section 106 report, following consultations, if the scheme is approved. Similarly off-site highway works have been identified following consideration of the traffic generation identified in the Traffic Impact Assessment submitted. Issues of off-site highway impacts have been fully examined by the Traffic Section of the Council. and they advise that subject to the Section 106 requirements being met, the development will have no significant adverse impacts on the wider highway network.

### Access and Parking

The comments of the highway development section, received after extensive discussion between that office, the Emergency Services and the developers, indicate a general satisfaction with the layout and the creation of Home Zones. There remains however 'serious highway objections' in relation to the level of provision of parking on site for both occupiers and visitors. In assessing the comments received on parking, advice is contained in Planning Policy Wales regarding the promotion of alternative forms of transport to the car.

Paragraph 8.4.2 advises that Local Planning Authority's should ensure that new developments provide lower levels of parking than have previously been required. Minimum parking standards, they advise, are no longer appropriate. In this regard it is notable that whilst maximum parking standards have now been adopted for non residential developments, minimum standards shall apply to residential developments.

Any strategy for parking should be integrated with overall transport and locational policies. Members should also note that in the less dense parts of the site where housing is proposed, the development would meet the adopted standards and it is only in respect of the home zones and the flatted development that less parking has been provided. In this regard 579 spaces are provided for a total of 377 units of accommodation. The Highway Development Officer comments that in this instance, due to the home zone approach, which is supported in urban design terms and by the Design Commission for Wales, a reduction of standards by the non provision of visitor spaces cannot be applied. There is also no reduction allowed for this being an urban location close to public transport (both bus and rail) links. In determining the application, it is clear that a balance needs to be struck between rigidly applying the car parking standards or the provision of a potentially exemplar urban design solution as acknowledged by the Design Commission for Wales. To increase the number of spaces (both off and on street) would understandably diminish the quality of the scheme in urban design terms and it is the view of your officers that it is far more appropriate to channel improvements off-site to public transport than to impose a reduction in the quality of the proposal. In addition, Members need to consider that by controlling the level of on-site car parking. This is a particularly valuable mechanism in reducing traffic generation from the site and therefore reducing the impact of the development on the adjoining highway network; a concern of local representatives.

In reaching their decision Committee are, therefore, requested to consider the urban location of the site and the improvements via contributions in any Section 106 Legal Agreement which would seek to enhance and encourage alternative transport modes for this site. Appendix D contains the highway development officer's comments and Appendix J, page 2 details the possible improvements to pedestrian, cycle, rail and bus services/facilities if the scheme is approved. Scope for on-street parking exists in the area including on roads where there is either single frontage development or no development.

It is considered therefore that the overall package of parking, enhanced public transport, encouragement, by improvement of provision, of pedestrian and cycling movements and the site's location in relation to services and the Town Centre that the development is acceptable in highway and transportation terms.



## Open Space

The scheme has identified areas of open space to be enhanced e.g. Plassey Square, Arcot Triangle, Paget Road play area, Woodland Areas, and The Bowl. The enhancement does include some tree removal by way of example. The woodland areas, the Bowl, other areas within the site and the Arcot Triangle. A woodland management plan is also proposed. The level of tree clearance is considered to be un-necessary in certain areas and should be subject to control by condition. Alterations to the Arcot Triangle area have been the subject of public consultation and monies for the final scheme would be payable to the local authority for implementation, if the scheme is approved.

In terms of the provision of private amenity space the level of provision for each individual unit does not meet the full requirements of the Supplementary Planning Guidance 'Amenity Standards'. It should be noted however that there are significant areas of open amenity space and play areas in the immediate vicinity. These areas are intended to be enhanced, to result in a level of amenity for all occupiers of the development and occupiers of existing residential units thus enabling easy access to a satisfactory level of open and amenity space.

## Ecology

The bat survey conducted in respect of this application found evidence of bats. Due to the potential disturbance to this bat roosting site it would be necessary for the developer to apply for a development licence from the National Assembly. Before a licence can be granted the "three tests" specified in the Habitats Directive (given below) have to be met, and where a European Protected Species is found to be present on site, the local authority should consult with the Countryside Council for Wales to seek their advice on whether test (ii) is met before the granting of a consent.

The "three tests" are outlined below:

- (iv) There is "no satisfactory alternative" to the derogation.
- (v) The derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".
- (vi) The derogation is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".



Local Planning Authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied. In this case, having regard to the sites existing lawful use for residential purposes (albeit that only 4 residents now remain on the site in total), it is clear that in respect of part (i) there is no satisfactory alternative to derogation. In the case of question (iii) the development is clearly in the interests of public health and safety and would be of overriding public interest as it has already been established that the re-development of this land is a key part of the regeneration of this part of Penarth.

With regard to part (ii) any development of the site, including site clearance, should be undertaken in accordance with the findings of the studies and this will ensure that there is no derogation and harm to the wildlife in the area. The enhancement of the woodland areas as required by the management plan for the woodlands will seek to enhance the ecological value of the area and this is welcomed. No badgers or reptiles have been found on the site. Other protected wildlife, such as nesting birds would be required to be protected and the developer is aware of the duty to accord with the Wildlife and Countryside Act. An informative will also be added to any consent granted.

#### Community Facilities

The scheme will see the demolition of the community centre which existed on the site. It is noted that an improved facility is proposed in that money be allocated through the Section 106 Agreement for the enhancement and use of St. Paul's as a 'community hub'; thus integrating the old, established community with the new by providing a facility which in terms of location is well placed for access for all.

#### Education

The needs of future school aged occupiers has been assessed. Appendix J, page 8 identifies the predicted demand from the scheme and an identified contribution to provide for this demand is detailed within that report.

#### Demolition, Site Clearance, Construction Issues

The development has been submitted with a noise and dust mitigation statement detailing the relevant legal requirements under other legislation e.g. Building Regulations, Hazardous Waste Regulations, Health and Safety Regulations, which they are required to meet. The comments of the Environmental Health Officer refer to other legal requirements regarding contamination. The hours of working for the construction and demolition works is a matter which should be subject to conditions. The mitigation reports and appropriate conditions should ensure that, whilst there will inevitably be some disruption during construction, that this is kept to a minimum and adverse impact are mitigated.

Other issues relating to drainage and archaeology have been fully considered. No archaeological restraint has been identified for the development. In terms of the drainage, subject to conditions where appropriate, there are no restrictions to the development in this respect.

#### Existing Occupiers of the Site

In terms of remaining occupiers at the site, 4 separate units remain occupied, consideration has to be given to the residents' human rights. In this regard the re-development of this virtually derelict site, which has caused problems of anti social behaviour and currently presents a visual eyesore is of great public benefit. The re-development will also enable the provision of high quality, fit for purpose affordable housing of a good standard. A total of 75 units of affordable housing will be provided which is of significant public interest. In addition, the other benefits are the improved visual impact of the site, tangible off site benefits and a range and choice of new residential units.

As land owner, clearly the Council has to have regard to the rights of occupiers of the remaining 4 units of accommodation, both through the determination of the planning application but also in its continued negotiations with the occupiers outside of the determination of this application in order for the Council to secure full vacant possession to enable the regeneration of the site.

Members should note that a report on seeking the approval of a Compulsory Purchase Order in respect of the 4 units of accommodation will be presented to Cabinet. This is being presented generally and relates to the Council's position as land owner. However the matters are somewhat linked, however as stated above, the balance lies firmly with the need to regenerate the site and secure a new range and choice of housing including affordable housing, particularly given that the Council has obligations to the remaining occupiers which obligations go beyond the scope of this planning determination.

#### CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to policies strategic Policies 1, 2 and 3; ENV11 - Protection of Landscape Features; ENV12 - Woodland Management; ENV16 - Protected Species; ENV24 - Conservation and Enhancement of Open Space; ENV25 - Regeneration of Urban Areas; ENV26 - Contaminated Land and Unstable Land; ENV27 - Design of New Developments; ENV28 - Access for Disabled People; ENV29 - Protection of Environmental Quality; HOUS2 - Additional Residential Development; HOUS8 - Residential Development Criteria; HOUS11 - Residential Privacy and Space; HOUS12 - Affordable Housing; TRAN9 - Cycling Development; TRAN10 - Parking; REC3 - Provision of Open Space Within New Residential Developments; REC4 - Provision for the Disabled and Elderly; REC6 - Children's Playing Facilities; REC12 - Public Rights of Way and Recreational Routes; COMM5 - Retention of Community Facilities and all other material planning considerations the scale, form and design of the development is considered to present an enhanced form of development which contributes to the visual amenities of the area. The development is considered to have an acceptable access and level of on-site parking to the extent that highway safety is not considered to be compromised and the development, subject to the conditions listed will not detract from the level of privacy and amenity currently experienced by occupiers of the area in general. The development is considered to provide enhanced public open space provision and sufficient private amenity space for the proposed occupiers.

### RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations.

(Members should note that the following figures may be subject to variation between topic headings):

- The developer shall pay the following financial contributions in respect of off-site transport improvements:
 

• Cogan Hill & Terra Nova Way Junction Contribution	£165,000
• Windsor Road & Plassey Street Junction Contribution	£95,000
• Dingle Road Station Footbridge Contribution	£700,000
• Cogan Station Improvements Contribution	£85,000
• Bus Stop Contribution	£40,000
• Cycle Storage Contribution	£20,000
• Pedestrian / Cycle Link Contribution	£435,700
• Travel Plan	£20,000

- 75 units of affordable housing shall be provided on site, being the equivalent of 20% of the total number of residential units.
- The sum of £700,000 shall be set aside for the provision of Public Art including the provision of facilities which enable the creation of art.
- The sum of £800,000 shall be payable to the Council as a contribution to provide or enhance community facilities in the vicinity of the site.
- A sum of £783,160 will be payable to the Council to provide and enhance education facilities required as a result of the development.
- A sum of £578,450 shall be payable to the Council to upgrade existing areas of public open space including the provision of play and recreational equipment.
- A sum of £546,700 shall be paid as a commuted sum to provide for the future maintenance of the public open space and play and recreational equipment referred to above.
- The sum of £738 shall be paid to the Council to be used to monitor the ambient air quality within the proximity of the site.
- Subject to the applicants also entering into a Legal Agreement under Section 278/38 with the Highways Authority for the relevant highway works.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£8,112.00 in this case).

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This consent shall only relate to the following plans as detailed on the schedule below and the development shall be carried out strictly in accordance with these details.

Nicholas Pearson Associates Drawings:

NPA 10050 201; 202, 203 Rev C, 204, 205 Rev A, 206 Rev A, Figure M, Figure F, Figure A Rev A.

Gary Gabriel Associates Drawings:

18280 SK 101 Rev P11, SK102 Rev P11, SK103 Rev P11, SK 104 Rev P1, SK105 Rev P1, SK106 Rev P1.

Edward Cullinan Architects Ltd. Drawings:

P01 Rev B, P02 Rev A, P03, P04, P05, P06, P07, P08 Rev A, P09, P10, P11, P12.1 Rev A, P12.2 Rev A, P21, P22, P23, P24, P25, P26, P27, P31 Rev A, P32, P33, P34, P35, P36, P37, P40.1, P40.2, P41.1, P42.1, P42.2, P43.1, P44.1, P45.1, P45.2, P46.1 Rev A, P47.1, P47.2, P48.1, P48.2, P49.1, P49.2, P50.1, P50.2, P51.1, P51.2, P52.1, P52.2, P52.3, P53.1, P53.2, P54.1, P54.2, P55.1, P56.1, P57.1, P58.1, P58.2, P59.1, P60.1.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Prior to the commencement of demolition on site details of the provision of parking for construction traffic and the routes for heavy construction vehicles, and means of defining and controlling such traffic routes, shall be submitted to and approved in writing by the Local Planning Authority and the demolition and development of the site shall be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policies TRAN10 and ENV27 of the Unitary Development Plan.

4. Prior to the construction of any roads or paths on the site full details, including sections, details of drainage and materials for the surface finish and samples of such, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure the provision of an acceptable and safe highway layout and to meet the requirements of Policies HOUS8 and ENV27 of the Unitary Development Plan.



5. Prior to their installation on site details of all means of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority and the approved means of lighting shall be fully implemented on site prior to the first beneficial occupation of that part of the development which it serves unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of safety, visual amenity and ecology in the area and to meet the requirements of Policies ENV16, ENV27 and HOUS8 of the Unitary Development Plan.

6. Notwithstanding the submitted plans and prior to their construction on site full details, including cross sections, of all retaining walls and samples of the materials for their external finish, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

7. Notwithstanding the submitted details this consent shall not relate to fencing on the boundaries of the development with the public open spaces and amended details shall be submitted and implemented in accordance with Condition No. 8 below.

Reason:

To ensure that an acceptable means of enclosure is provided in the interests of the visual amenities of the area and the privacy and amenities of occupiers and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

8. Notwithstanding the submitted details full details, including sections to a scale of 1:, 1:10, 1:20 of all fences, walls (other than as required by condition 6 above), railings and balconies shall be submitted to and approved in writing by the Local Planning Authority prior to their erection, construction or placement on site and the approved means of enclosure shall be carried out prior to the first beneficial occupation of the development to which it relates unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of the privacy of occupiers of the site and the visual amenities of the area in general to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

9. Notwithstanding the submitted details and prior to their use on site samples of the bricks, roofing materials, timber cladding and window and door materials and details, to a scale of 1:1, 1:10 and 1:20 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the visual amenities of the area are enhanced and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

10. The landscaping of the site shall generally be in accordance with the layout as detailed on drawing Nicholas Pearson NPA10050 203 REV. C and full details of plant species, density and size at planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure landscaping of the site in order to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

12. Prior to any demolition works or development on the site details showing a scheme of tree and watercourse protection shall be submitted to and approved in writing by the Local Planning Authority and the scheme of protection shall be fully implemented for the phase of development to which it relates prior to the commencement of demolition or work on that phase.

Reason:

To ensure that trees are protected in the interests of the visual amenities of the area and the watercourses on the site are not adversely affected and to meet the requirements of Policies ENV12 and ENV29 of the Unitary Development Plan.

13. Notwithstanding the submitted details of tree felling no trees shall be felled on site until a schedule of all trees on the site and those to be retained and those to be felled have been submitted to and agreed in writing by the Local Planning Authority and only those trees as agreed shall be felled unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policies ENV12, ENV27 and HOUS8 of the Unitary Development Plan.

14. No phase of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas associated with that part of the development, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies HOUS8, TRAN10 and ENV27 of the Unitary Development Plan.

15. Full details of secure parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the phase of development, as identified in Condition No. 14 below, to which it relates.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policies ENV27, HOUS8 and TRAN9 of the Unitary Development Plan.

16. The demolition and development on site shall be carried out in accordance with the approved phasing scheme as shown on drawing Edward Cullinan Architects Ltd., Ref: P07 unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure a satisfactory form of development in the interests of the amenities of occupiers in the vicinity of the site and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

17. Prior to the commencement of demolition works, details of noise levels at the boundaries of the site with the nearest noise sensitive areas, with details of mitigation measures for the control of noise and dust during demolition and construction works and details of wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority and the demolition and construction works shall be undertaken in full accordance with the approved mitigation measures unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the amenities of occupiers in the vicinity of the site are safeguarded and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

18. The development shall be carried out in accordance with the findings of the ecology reports submitted with the application and all appropriate mitigation measures as detailed in the surveys shall be undertaken at the time of the development to safeguard and enhance the habitat and species of any protected species on the site.

Reason:

To ensure that protected species and their habitats are not adversely affected by the development and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

19. The demolition and development of the site shall be undertaken in accordance with the method statements for the removal of contamination and waste and a verification report, including post-remedial sampling and analysis shall be submitted to the Local Planning Authority at the completion of the development.

Reason:

To ensure a safe environment for existing and future occupiers and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

20. Operational hours of work for demolition and construction shall be Monday to Friday 08.00 -18.00 hours, Saturday 08.00 - 13.00 hours and there shall be no working on Sundays and Bank Holidays unless the Local Planning Authority give prior written approval to any variation.



Reason:

To safeguard the amenities of nearby occupiers and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

21. Details of the method of gas protection for residential units on the site as identified in the Geotechnical Remediation Statement submitted with the application shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site and the residential units shall thereafter be constructed with the gas mitigation measures as approved.

Reason:

To safeguard the health and amenities of the occupiers of the units and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

22. Prior to the first beneficial use of any phase of the site as approved under Condition No.14 above, oil interceptors shall be installed on each phase of the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent contamination and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

23. The development shall be undertaken in accordance with the details, aims and principles of the Sustainability Statement submitted with the application and as amended by the details required to be agreed by this consent.

Reason:

To meet the aims of the Council's Sustainability Supplementary Planning Guidance and Strategic Policy 2 of the Unitary Development Plan.

**NOTE:**

1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
2. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.



3. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
4. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
5. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
6. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.
7. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
8. The applicants are advised that all necessary consents/ licences must be obtained from the Environment Agency prior to commencing any site works.
9. The Environment Agency has stated that provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.