

COMMITTEE DATE: 11/01/2017

APPLICATION No. **16/01817/MJR** APPLICATION DATE: 26/07/2016

ED: **RIVERSIDE**

APP: TYPE: Full Planning Permission

APPLICANT: The Representative Body of the Church in Wales
LOCATION: 37-39A CATHEDRAL ROAD, RIVERSIDE, CARDIFF, CF11
9XF

PROPOSAL: PROPOSED DEMOLITION OF 39A CATHEDRAL ROAD (THE
OLD VICARAGE) AND CONSTRUCTION OF A NEW
PURPOSE BUILT OFFICE BUILDING, THE CONVERSION OF
EXISTING OFFICES AT 37 - 39 CATHEDRAL ROAD TO
RESIDENTIAL USE AND ASSOCIATED HIGHWAY AND
ANCILLARY WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development , and shall display a site notice and plan on, or near the site.
Reason : In accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.
Reason :
3. The development approved is that indicated on approved drawing references:

CiW_ASL_00_00_DR_A_GA(10)001	Ground Floor Plan	Rev P01.2
CiW_ASL_00_00_DR_A_GA(10)002	First Floor Plan	Rev P01.3
CiW_ASL_00_00_DR_A_GA(10)003	Second Floor Plan	Rev P01.3
CiW_ASL_00_00_DR_A_GA(10)004	Roof Floor Plan	Rev P01.3

CiW_ASL_00_XX_DR_A_L(10)011	Site Sections	Rev P01.2
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CiW_ASL_00_XX_DR_A_L(20)011	Cathedral Road and Talbot Street Elevations	Rev P01.4
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CiW_ASL_00_XX_DR_A_L(20)012		Rev P01.3
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Proposed West and South Elevations

CiW_ASL_00_XX_DR_A_L(20)021 Rev P01.2
Cathedral Road Elevation

CiW_ASL_00_XX_DR_A_L(20)022 Rev P01.2
Proposed Talbot Street Elevation

CiW_ASL_00_ZZ_DR_A_L(90)101 Rev P01.5
Proposed Site Plan

CiW_ASL_00_ZZ_DR_A_L(90)102 RevP01.2
Proposed Block Plan

CiW_ASL_00_ZZ_DR_A_L(91)011 RevP01.1
Proposed Bike and Bin Store

CiW_ASL_00_XX_DR_A_Vis 01 Rev P01.2
Perspectives/Axonometrics

L(00)500	Flat Layouts	Rev C
L(00)610	Proposed Elevations 37-39	-
L(00)801	Temporary Reception	Rev A
L(00)10	External Works GA	Rev B
L(90)11	External Works Planting Plan	Rev C

Reason: For the avoidance of doubt

4. Other than at designated times of collection, all domestic and commercial wastes shall be stored out of site and not within garden areas fronting Talbot Street or Cathedral Road.
Reason: To ensure that there will be no adverse impact on the character and appearance of the Cathedral Road conservation Area.
5. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature

of contamination which may be present, if identified as required by the desk top study;

- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)

- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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 / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

- 6. Prior to the commencement of the development 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 / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), 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 Cardiff Local Development Plan.

7. The remediation scheme approved by condition 6 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 / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), 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 Cardiff Local Development Plan.

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

the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

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

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

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

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

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

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

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

target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

12. No development shall commence until a comprehensive drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means.

Reason: To ensure that adequate efforts are undertaken to secure a sustainable drainage arrangement which will not adversely impact on the existing sewerage network.

13. Prior to the beneficial use of the properties for the purposes hereby approved, both the residential and commercial elements of the scheme shall be provided with appropriate weatherproof and secure cycle parking facilities in accordance with a scheme of detail which shall first have been submitted to and approved by the local planning authority in writing. The facilities shall thereafter be retained and maintained for the secure storage of cycles only.

Reason: To allow appropriate facilities for travel by sustainable modes.

14. Notwithstanding approved plan L(00)10 External Works GA Rev B, prior to the first beneficial use of the offices or first occupancy of the flats hereby approved, the development shall be provided with a comprehensive parking scheme which shall first have been submitted to and approved by the local planning authority in writing. The scheme shall include for the visual/physical segregation and allocation of the residential parking spaces as part of the residential curtilage of the flatted developments; and for details of the construction, surfacing and layout of the whole parking area, inclusive of vehicle tracking details to confirm that all vehicles will be able to exit the site in a forward gear in a safe and reasonable manner. Thereafter the car park(s) shall be maintained and shall not be used for any purpose other than the parking of vehicles related to the developments as allocated.

Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.

15. No demolition, site preparation or development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the

development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

- A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.

16. Notwithstanding the submitted details shown on approved plan reference L(00)10 External Works GA RevB, prior to commencement of development, a finalised hard and soft landscaping scheme comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan views, planting methodology and aftercare methodology; detailed means of enclosure; hard landscape materials and loose finishes; shall be agreed with the local planning authority and thereafter submitted to and approved by the Local Planning Authority in writing and shall thereafter be implemented prior to the beneficial occupation of the accommodation for the purposes hereby approved, (or in accordance with any alternative timeframe as may be agreed in writing by the local planning authority). The aftercare methodology should include details of long-term management and the landscaping specification should be informed by a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Code.

Reason: To ensure for an appropriate landscaping specification and planting in a timely manner and in a manner which will best serve the longevity of the scheme.

17. The landscaping shall be carried out in accordance with the approved design and implementation programme submitted in discharge of condition 16. Any trees, plants, or hedgerows which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, 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 amenity of the area.

18. Prior to their provision, details/specification for all new windows and doors in both the new build office development and within 37 and 39 Cathedral Road shall be submitted to and approved in writing by the

local planning authority, and thereafter the windows and doors provided shall accord with the approved details.

Reason: To ensure a satisfactory finished appearance to the development.

19. The external walls, roofs, window reveals, and any soffits / fascias and barge boards of the new build office building shall be constructed and finished in accordance with a palette of materials, samples of which having first been submitted to (or made available to the Local Planning Authority on Site) and approved by the Local Planning Authority in writing.

Reason : To ensure for an appropriate quality of finish consistent with the character and appearance of the conservation area.

20. Prior to the commencement of development (Including any works of demolition) the Local Planning Authority shall be provided with a copy of a licence issued to the Applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/ development to go ahead, or a copy of a statement from Natural Resources Wales confirming that they have informed the applicant in writing, that such a licence is not required.

Reason: To ensure for the favourable conservation status of protected species.

21. Unless otherwise agreed in writing by the Local Planning Authority, the development permitted by this planning permission shall provide for adequate mitigation measures to ensure for the favourable conservation status of bats, and where such measures include for the provision of architectural adaptations or additional structures to the approved scheme, full details of the same shall be submitted to and approved by the local planning authority in writing prior to their provision.

Reason: To ensure for the aesthetic appropriateness of such devices.

22. The development permitted by this planning permission shall be carried out in accordance with the Flood Consequences Assessment (FCA) prepared by Waterman Infrastructure & Environment Ltd, dated August 2015, and the following mitigation measure detailed within the FCA: finished floor levels for the proposed development should be set at 7.77 metres Above Ordnance Datum (AOD).

Reason: To minimise flood risk to the proposed development.

23. Prior to the beneficial use/occupation of the development hereby permitted a scheme of environmental improvements to the footway on Cathedral Road, Talbot Street, and to the service lane to the rear of the site for a distance equating to the perimeter of the site, shall be provided in accordance with a scheme of detail which shall first have been submitted to and agreed in writing by the local planning authority, The scheme shall address, but not be limited to, matters of site access, footway repairs, resurfacing of the service lane, including as required the

renewal or resetting of sunken or damaged paving, kerbs, channels and edging, lighting, and signing as may be required.

Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development;

RECOMMENDATION 2 : That the applicant be advised that:

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

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

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 3 : That the applicant be advised that:

To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by

construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMENDATION 4 : Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

RECOMENDATION 5 : The highway works condition and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

1. **DESCRIPTION OF DEVELOPMENT**

1.1 This proposal involves the demolition of 39A Cathedral Road (the old vicarage) and construction of a new purpose built office building for the Church in Wales, together with the reversion of existing offices at 37 – 39 Cathedral Road to residential use and associated highway and ancillary works.

2. **DESCRIPTION OF THE SITE**

2.1 The site is located on the corner of Cathedral Road and Talbot Street, which forms the north western boundary of the site. The site is a rectangular parcel of land which is currently occupied by 3 buildings (37,39 and 39A), associated car parking (accessed from a rear service lane), and a number of mature trees. All buildings on the site are currently offices, and all properties are owned by the Church in Wales. Numbers 37 and 39, are fine semi-detached Victorian town houses built during the early phases of the development of the area. 39 has substantial extensions to the rear. The properties have also been linked with connecting extensions. Number 39A is a two storey brick built house constructed in the early twentieth century as a Rectory. In the later part of the twentieth century it was also converted to office use and a two storey reception area and ramped corridor were added to link 39A to number 39.

2.2 35 Cathedral Road is a modern 5 storey office building of Circa 196/70s construction and a similar but taller development occupies 33 Cathedral Road which also has a frontage to Hamilton Street.

3. **SITE HISTORY**

3.1 13/02351/DCI Replacement of full height boundary wall with half height wall and railings, and forming new vehicle access to existing car park. Granted Jan 2014

4. **POLICY FRAMEWORK**

Planning Policy Wales Edition 9, November 2016

Chapter 6 - Conserving the Historic Environment

Chapter 8 - Transport

Chapter 9 - Housing

WG Technical Advice Notes

TAN 1: Joint Housing Land Availability Studies (2006)

TAN 2: Planning And Affordable Housing (2006)

TAN 11: Noise (1997)

TAN 12: Design (2009)

TAN 15: Development and Flood Risk (2004)

Welsh Office Circular

11/99: Environmental Impact Assessment 30/06/99

1/98: Planning and the Historic Environment: Directions by the Secretary of State for Wales 02/02/98

61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas 05/12/96

Cardiff Local Development Plan 2006-2026 (Adopted January 2016)

KEY POLICIES

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP17: BUILT HERITAGE

H2: CONVERSION TO RESIDENTIAL USE

H3: AFFORDABLE HOUSING

H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE

EN8: TREES, WOODLANDS AND HEDGEROWS

EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT

EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION

EN14: FLOOD RISK

T1: WALKING AND CYCLING

W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Other Material Considerations

Section 149 Equality Act 2010

Cathedral Road Conservation Area Appraisal

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Housing

In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 12 units (2 units) is sought on this brown-field site.

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the unknown proposed future tenure of the units, and the likely service charges for this type of residential development, all of which could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, we would be prepared to accept financial contribution in lieu of on-site affordable housing provision

On that basis of the above, we would seek a financial contribution of **£125,280** (in lieu of 2 units) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).

5.3 Pollution Control (Ground Gas/Contamination)

In reviewing available records and the application for the proposed development, the site has been identified as having former uses including – offices with associated vehicle parking areas, religious establishment and residential. Activities associated with this may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services requests the inclusion of the following conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

- Contaminated land measures – assessment;
- Contaminated land measures – remediation & verification plan;
- Contaminated land measures - remediation & verification;
- Contaminated land measures – unforeseen contamination;
- Imported soil;
- Imported aggregates;
- Use of site won materials;

Together with a contamination and unstable land advisory notice

5.4 **Pollution Control (Noise and Air)**

Request the following Advisory Notification

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

5.5 **Trees**

Notes the Submitted General Arrangement /Landscaping Plan. But suggests that the retention of trees T2, T4, T5 and T6 is not appropriate. All have defects in terms of their form and health, with all except T5 achieving only 'C' (low quality and value) categorisation. In arboricultural terms, and in the context of the proposed residential development, it would make far more sense to remove them all and provide x3 new trees – I suggest continuing the line of *Tilia cordata* 'Greenspire', which is an upright form of the native small leaved lime, that will sit comfortably close to the dwellings and make a significant long-term contribution to the street-scape. I also fear it will be practically difficult to protect these trees during development, and landscaping, which proposes a new *Ilex crenata* hedge and shade tolerant grass seeding within their Root Protection Areas (hedge planting will require a substantial (probably minimum 300mm) planting trench likely to cause significant root damage and loss, whilst grass seeding may require cultivation and fertilising, both of which can be harmful to tree roots. In summary, the development offers the opportunity to replace these relatively poor frontage trees with new tree stock which can be properly planted and managed and which will better serve the character and appearance of the conservation area in the longer term.

5.6 **Ecology**

Bats have been detected at this site and are likely to be affected by the proposed development. In considering NRW's consultation response, we should come to a view on whether we consider they would be likely to grant a European Protected Species licence, taking into account the likely impact upon the Favourable Conservation Status (FCS) of bats, and any mitigation that is proposed with the planning application.

5.7 **Transportation**

There is no objection to this proposal which is Policy Compliant, subject to the following conditions and recommendations:

C3S [residential to be under cover and secure]

E3D Provision and maintenance of Car parking and manoeuvring space

Construction Management Plan

Demarcation / Allocation of the Residential Parking.

Second recommendation:

Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

5.8 Parks

No objection to the development proposed, but note the increase in residential units and population in the locality.

In line with the Council's adopted SPG on Public Open Space, the accommodation proposed would generate a requirement for on site provision of Public Open Space or a financial contribution in lieu of such provision to be used for specific projects in the locality provided it is used in accord with guidelines appertaining to the Community Infrastructure Levy.

As no Public Open Space is provided with the scheme, this development would generate the need for a financial contribution of £, 17,135 to be used for specific projects (to be advised) in the locality.

6. EXTERNAL CONSULTEE RESPONSES

Natural Resources Wales

6.1 We recommend you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns we have identified and we would not object provided you attach them to the planning permission.

6.2 Summary of Conditions

Condition 1: Flood risk management - finished floor levels;

Condition 2: European protected species - protected species licence.

Flood Risk Management

6.3 The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) fluvial flood event outlines of the River Taff, a

designated main river. Our records also show the application site has previously flooded from the River Taff.

The submitted FCA prepared by Waterman Infrastructure & Environment Ltd, dated August 2015, shows, based on a proposed finished floor level of 7.7m AOD:

- 6.4 The proposed development is predicted to be flood free during the 1% (1 in 100 year) plus 20% for climate change fluvial flood event. This is compliant with A1.14 of TAN15;
- 6.5 The proposed development is predicted to flood to a maximum depth of 1000mm, at a maximum velocity of 0.53m/s, during a 0.1% (1 in 1000 year) fluvial flood event. This exceeds the tolerable limits of A1.15 of TAN15.
- 6.6 The FCA has proposed management of this risk by recommending:
- An evacuation route;
 - Future occupants sign up to our free Floodline Warnings Direct service;
 - The production of a Flood Plan;
 - Flood resilience measures are incorporated into the building.
- 6.7 In consideration of the above, we have no adverse comments to make from a flood risk perspective provided the following measure is implemented and secured by way of planning condition on any permission your Authority is minded to grant:

Condition 1:

The development permitted by this planning permission shall be carried out in accordance with the Flood Consequences Assessment (FCA) prepared by Waterman Infrastructure & Environment Ltd, dated August 2015, and the following mitigation measure detailed within the FCA: finished floor levels for the proposed development should be set at 7.77 metres Above Ordnance Datum (AOD).

Reason: To minimise flood risk to the proposed development.

- 6.8 We advise you no information has been provided on the rate of rise or speed of inundation as per A1.15 of TAN15 and the Welsh Government's CPO letter (Planning Policy on Flood Risk and Insurance Industry Changes) on 9 January 2014. If you are minded to request the Applicant provides this information, we would be happy to provide further advice.

Further Advice

- 6.9 In areas at risk of flooding, we recommend consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. Additional guidance can be found on the gov.uk website. The developer can

also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website.

- 6.10 As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise you on such as emergency plans, procedures and measures to address structural damage that may result from flooding. We refer you to the above information and the FCA to aid these considerations.
- 6.11 Please note, we do not normally comment on or approve the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

European Protected Species

- 6.12 The submitted *Survey for Bats* prepared by David Clements Ecology Ltd, dated October 2015, identifies bats are present at the application site.
- 6.13 Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:
- i. The development works to be authorised are for the purpose of preserving public health or 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;
 - ii. There is no satisfactory alternative; and,
 - iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.
- 6.14 Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.
- 6.15 On the basis of the above report, we do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned

at a favourable conservation status in its natural range, provided the following measure is implemented and secured by way of planning condition on any permission your Authority is minded to grant:

6.16 Condition 2:

Inclusion of a planning condition that prevents the commencement of development works until your Authority has been provided with a licence issued to the Applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/ development to ahead, or Natural Resources Wales has informed the applicant in writing, that such a licence is not required.

Please note, any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Other Matters

- 6.17 Our comments above only relate specifically to matters included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development.

Welsh Water

- 6.18 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means.

7. REPRESENTATIONS

- 7.1 The application has been advertised in accordance with statutory requirements.

Neighbours

- 7.2 **Mr C Jones of Archbishops House 41/43 Cathedral Road** has written via the internet as a complainant, in support of the application, as follows

'My concern is in respect to the car parking and traffic flow down Talbot Street, increased congestion and blockages to movement through the street. Everything should be done to speed up and ease the traffic flow to prevent it becoming a bottleneck, including restricted parking if necessary'.

And separately,

'As this is a conservation area the quality of the architecture is very important. For that reason I suggest that it is commented on by the Design Commission for Wales'.

7.3 The Occupier of 40 Ryder Street

1. As neighbours of the proposed development we feel it will have an adverse effect on our residential amenity by reason of a) Noise, due to the inevitable increase in both office and residential traffic.

b) Disturbance, due to the inevitable increase in both office and residential traffic. c) Overlooking, having seen the amended plans we feel it unacceptable that a whole wing of the building will be overlooking our garden and will result in an inevitable loss of privacy.

2. We feel that the proposal is of a high density, given that you are proposing to build office and residential spaces, and it will lead to the overdevelopment of the site as it involves loss of garden land at the rear of the current property.

3. We live at the rear of the proposed development, in Ryder Street and so will have the full impact of this imposing and brutal monolithic structure feeling the full force of the visual impact of the development.

4. It will also have a detrimental effect on the character of this quiet family friendly neighbourhood and it is also next to a conservation area.

5. Given the proposed design, a three storey red brick building isn't in keeping with the surrounding area.

6. To reinforce the point above a three storey red brick building is going to lead to the loss of existing views from our property adversely affecting the residential amenity of Ryder St owners.

7. Though the development is on the fringes of a Conservation Area, there will be an inevitable effect on the character of the adjacent neighbourhood.

8. The development would adversely affect highway safety and the convenience of current road users. a) Traffic volume will increase given the amount of dwellings that are proposed but also the inevitable overflow of other vehicles seeking parking in the immediate area. b) The increase in traffic will have a detrimental effect on the safety of the children in the area. c) The lane at the rear of the development will become a highway and given its current size and state will not be able to cope with the increase in traffic. Coupled with the one-way system change to Talbot St and Hamilton St there will be traffic on both sides of our property. Finally we'd like to make a note of the timing for objections. We can only assume that the Boxing Day deadline for raising concerns is deliberate on the part of the planning committee. Due to the timing of your letter we urge you to allow residents further time to raise objections.

Ryder St residents are a close community and we are aware that many of the affected residents are away over the holiday period.

Cardiff Civic Society

- 7.4 Cardiff Civic Society objects to the proposed demolition of the former vicarage on Cathedral Road, Cardiff applied for by the Representative Body of the Church in Wales.
- 7.5 Demolishing the current building will result in a dangerous precedent being set in a Conservation Area placing historic buildings in this, and other city conservation areas at risk.
- 7.6 The building, although not a Victorian villa, is still broadly in keeping with the historic buildings in the vicinity, and does not jar with the Conservation Area's style and character - as the unsympathetic modern office blocks that already exist do. Mistakes were made in allowing these to be built, which should not be repeated in a more enlightened age. Furthermore, the proposal is in breach of Cardiff Council's own commitment to protecting Cardiff's built heritage. Key Policy 17 says Cardiff's distinctive heritage assets will be protected, managed and enhanced, in particular the character and setting of its Scheduled Ancient Monuments, Listed Buildings, Registered Historic Landscapes, Parks, Gardens, Conservation Areas, Locally Listed Buildings and other features of local interest that positively contribute to the distinctiveness of the city.
- 7.7 Preserving the former vicarage will help maintain the character of the Cathedral Rd Conservation Area, as it is a distinctive building in its own right. A modern replacement will further detract from the integrity of the Conservation Area.

8. ANALYSIS

Environmental Impact Assessment

- 8.1 The works are not a Schedule 2 development for the purposes of assessment under the Environmental Impact Assessment regulations and are not considered to have any significant environmental effects warranting the submission of an Environmental Statement.

Land Use

- 8.2 The site is located close to the City Centre, and within the Cathedral Road Conservation Area. There is a broad mix of uses within the surrounding area, including offices, residential, hotels, bars and restaurants.
- 8.3 The application is for the demolition of 39a Cathedral Road and the redevelopment of the site for new offices and the conversion of 37-39 Cathedral Road from offices to residential.
- 8.4 The site falls in the settlement boundary as defined by the LDP proposals map and not in an existing employment area. Therefore the existing offices have no protection in land use policy terms and the application should be assessed

against Policy H6. Policy H6 permits the change of use of redundant premises or redevelopment of redundant previously developed land to residential use where there is no need to retain the existing use, subject to consideration of a number of criteria, including, residential amenity and the accessibility of community and transportation facilities. Assessed against this policy framework, the conversion of 37-39 Cathedral raises no land use policy concerns.

- 8.5 In relation to demolition of 39a Cathedral Road and its replacement with offices, it is recognised that this section of Cathedral Road is characterised by a mix of commercial uses, including offices (largely because of its previous designation as existing employment land). It is also noted that 39a is currently in use as offices. As the proposal is for employment uses on land not identified for employment use on the LDP proposal map, it should be assessed against Policy EC7.
- 8.6 Policy EC7 provides for employment proposals on unallocated sites provided that, the offices cannot be located in the Central Enterprise Zone and the Central and Bay Business Areas. Whilst the application premises fall outside of these designated areas, it would be difficult to sustain an objection given the current office use on site. In relation to the other criteria of Policy EC7; the site falls within the settlement boundary and has no specific policy designation; is well related to the primary highway network and accessible to sustainable modes of transport given its close proximity to the city centre and; given the mixed commercial character of the area is considered compatible with surrounding land uses.
- 8.7 Taking all factors into account, the application raises no land use policy concerns.

Affordable Housing

- 8.8 Given the nature of the proposed conversion, the Housing Manager has asked for a financial contribution toward the provision of off site affordable housing in the order of **£125,280** This is supported by the planning officer as being fair and reasonably related to the development in hand, in accordance with the most extant SPG and necessary to achieve planning policy objectives.

The Natural Environment

- 8.9 The likelihood of any impact on protected species is essentially related to the potential for bats. The comments of NRW and the Council's ecologist are noted, and the planning officer is content that such mitigating measures as will be necessary to ensure for the favourable conservation status of projected species can be appropriately controlled by means statutory licence and by means of planning condition.

The Historic Environment

- 8.10 None of the buildings proposed for development are statutory listed buildings.

They are however located within the Cathedral Road Conservation Area where there is a general presumption to preserve the character and appearance of the area.

37-39 Cathedral Road

- 8.11 37-39 Cathedral Road has been subject to a number of unsympathetic extensions which have altered their appearance – mainly at the rear. These extensions are two storey in height and of a flat roofed construction. In addition structures have been built between the three properties to link them together and create a large commercial office space.
- 8.12 The more historic houses at 37-39 are to be retained, with the low quality modern rear extensions being removed. This is entirely welcomed.
- 8.13 Each existing house has a central staircase with hallway and landings, which effectively divides the habitable space in each house in half. This natural divide within the properties has been used to dictate the divide between the proposed flats. resulting in two flats on each floor of each property, giving a total of twelve flats.
- 8.14 This provides for a generous arrangement and is fully supported. The return of the properties to residential use, albeit flatted accommodation as opposed to a single dwelling house, is considered beneficial and appropriate, and likely to increase the longevity of the properties concerned.

39A Cathedral Road

- 8.15 Justification has been put forward for the demolition of 39A Cathedral Road.
- 8.16 Circular 61:96 and Chapter 6 of Planning Policy Wales (recently updated) requires that where development involves the demolition of unlisted buildings which make a positive contribution to the character of a conservation area, that such proposals should be considered against the same criteria as proposals to demolish listed buildings.
- 8.17 As with Listed Buildings, there is a presumption in favour of retaining buildings which make a positive contribution to the character and appearance of an area, however unlike listed buildings, (where there is a statutory duty to attempt to preserve the building, i.e. the actual building fabric); in the case of unlisted buildings, the circular does allow for the possibility, that there may be circumstances where retention may not necessarily be a prerequisite of preserving the character or appearance of an area.
- 8.18 The circular provides the criteria which should be considered in respect of proposals for the demolition of Listed Buildings. Namely:
 - (i) the condition of the building, and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use...

- (ii) the adequacy of efforts made to retain the building in use. The Circular suggests that this should include the offer of the unrestricted freehold of the building on the open market at a price reflecting the building's condition ...; and
- (iii) the merits of alternative proposals for the site; but caveats this by stating that whilst this is a material consideration, the Secretary of State takes the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building...

- 8.19 It is evident that the Circular advice presupposes that requests to demolish Listed Buildings are likely be based on some economic disadvantage, either as a result of their condition or cost of repair, or by undermining the potential development value of the site; which the planning officer suggests is not always the case, and even if a contributory factor, is often not the whole case.
- 8.20 In respect of the condition of this particular building, (The first criteria) the Planning Officer accepts that The building does suffer from damp issues, and that it is, by virtue of its construction, an inefficient building by modern standards in terms of thermal and acoustic insulation, and that it has suffered subsidence damage; which are all contributing arguments put forward for its replacement.
- 8.21 However the planning officer is also of a view that it is equally evident from the structural report which has been submitted with the application that the structural condition of the building is generally sound. i.e. that although it has notable failings, it could be repaired at a cost, and could, if necessary, be underpinned to stay any potential future movement.
- 8.22 The simple question then is whether it is justifiable to require the retention of the building based on the contribution it makes to the character of the area, or whether that contribution could be provided by an alternative new build structure which may better serve the needs of the Church, and the community benefit that body provides, as well as maintaining the character and appearance of the area..
- 8.23 The second criteria relating to efforts to keep the building in use are not really applicable in this situation as the building is in use and has formed part of the Church in Wales Headquarters in Cathedral Road for many years. Again, what is more relevant here is whether the building is of sufficient merit to consider that preserving it, potentially, as the Circular suggests, under new ownership, would better serve the character and appearance of the area than allowing a new building which might allow the Church in Wales to remain in the locality.
- 8.24 Given that it would appear that No 39A, and Numbers 37 and 39 Cathedral Road are no longer adequate for the Church's needs. There would certainly appear vulnerability in a potential situation where the Church might relocate to purpose built offices elsewhere, and place the unrestricted freehold of the

buildings on the open market at a price reflecting the condition of the buildings, as is the Circular advice.

- 8.25 The Circular does accept that development which would bring substantial benefit to the community might outweigh the physical loss resulting from demolition, and also confirms that the architectural merit of redevelopment proposals are a material consideration.
- 8.26 The planning officer disagrees with the view expressed in the design and access statement that the form and design of 39A does not positively contribute to the character of the conservation area. The building is of a different period to the Victorian and Edwardian buildings lining the road, but that is not considered to make it an 'anomalous' structure, rather more part of the diversity of styles that make up the area. It is accepted however that it would not be possible to alter / extend the building into a new development, as suggested in the Circular in respect of proposals relating to Listed Buildings. As it is agreed that the compartmental nature of the construction and historical nature and layout would preclude this.
- 8.27 The design of the proposed development, although a larger scale building than that which it would replace, is considered a respectful structure, taking key references of scale, mass and proportion from other buildings along Cathedral Road and nearby.
- 8.28 The new building is sympathetic to the adjacent buildings in terms of height of eaves and ridge, includes for a number of design features such as a bay and gable frontage, and makes efficient use of the site in respect of providing an appropriate rear projection set off the boundary, and still allows for a generous space between the building and the rear boundary of the site. Materials too are sympathetic, with brickwork detailed in a Flemish bond rather than modern stretcher work, and with window proportions of more domestic, than commercial scale.
- 8.29 Overall the proposed development is considered to represent an appropriately sympathetic insertion into the conservation area and not to look out of place in the given context. It makes good use of this existing site to the benefit of the wider community, is well designed, environmentally sound, and makes an appropriate contribution to the character of the area, equal to, if not more empathic with surrounding street scape than the former Vicarage .
- 8.30 The Vicarage provides a comforting, pretty, country garden form of architecture within the context of Victorian and Edwardian Villas, but although pleasant, is not exceptional, unique or essential to the character of the area.
- 8.31 On balance, the loss of the former Vicarage is accepted, and although the new building will result in a change to the existing area, its proposed replacement is a thoughtfully designed building which maintain the character of the area.

Pollution

- 8.32 The land may be subject to ground gases/contamination but likely of an order which can be adequately controlled / managed by modern construction techniques and which can be overseen by means of planning condition.

It is not considered likely that the proposed uses will result in, or be affected by any adverse impacts from noise, air or light pollution.

Flood Risk

- 8.33 The site is within 230m of the River Taff, and it is accepted that the site would flood in an extreme 1 in 1000 year flooding event. However the applicant has provided a Flood Consequences assessment which proposes to manage such an event by formulating and making available an evacuation/flood plan; subscribing to the Floodline Warnings Direct service; and incorporating Flood resilience measures into the building including finished floor levels of 7.7m to mitigate against a lesser event. The planning officer is therefore satisfied that the applicant accepts the risk of flooding, that occupiers of the offices and residential properties will be made appropriately aware of that risk, and that the consequences of flooding, for people, and building fabric can be adequately managed.

Transport

- 8.34 The site is located within a highly sustainable location – in close proximity to a number of local facilities and services as well as the town centre. The City Centre is only some 10-15 minute easy walking from the site.
- 8.35 In terms of public transport provision, the nearest bus stop is located directly opposite the site on the south bound side of Cathedral Road with a north bound bus stop located just beyond the junction with Talbot Street. The bus stops provide regular service into the Cardiff City Centre and into the wider suburbs of the City. It is also noted that the National Express coach interchange has been re-located to Sophia Gardens from the main central bus station. only a few minutes from the site.
- 8.36 Cardiff Central Railway Station is located approximately 20 minutes walk from the site and provides access to a range of local and national destinations.
- 8.37 A large 38 space car parking area would also be retained to the rear of the site, (12 x domestic spaces – 26 Office) including for two disabled spaces; additional motor cycle parking; and 24 cycle spaces are also proposed.
- 8.38 The development is therefore considered to provide facilities for a wide variety of transport modes, and also to provide easy access to a variety of public transport modes.

Waste Management

- 3.39 The site has more than adequate capacity for commercial and domestic waste storage.

Design

8.40 New Offices

The proposal includes 1671m² (gross) of new office building on the site of the demolished vicarage no. 39A. The office will provide a three storey building in line with the adjacent existing buildings.

8.41 Layout

The building footprint has been carefully considered, and revised on more than one occasion to ensure it sits comfortably within the context of the site and in comparison with the massing of other buildings along the west side of Cathedral Road.

- 8.42 The front elevation of the new office building, and also its bay window projections, line through with the adjacent historic houses. This ensures that the front garden depth and established elevation line along the street is respected and continued.

- 8.43 The proposed car park to the rear of the site allows a good distance (20m) to the rear boundary of the site, and some 35m between the rear elevation of the office and the residential buildings in Ryder St. behind, which also have the added privacy screening of the large copper beech tree at the rear of the site, rear curtilage enclosures and an intervening garage building and service lane. The side elevation along Talbot Street is proposed to be set back far enough to allow retention of the historic pennant stone perimeter wall, which is proposed to be lowered to a dwarf wall in line with others on the Cathedral Road area (and as previously approved).

- 8.44 The new office building steps back substantially half way along its length, allowing for a landscaped area along Talbot Street. This is welcomed.

Scale, Mass and Proportion

- 8.45 The new build office accommodation has been through a long process of adaptation and change, following several consultation sessions and email exchanges with Cardiff Planning department. The current proposal has given careful consideration to the appearance requirements of the Cathedral Road conservation area through scale, proportion and materials that are in line with the historic streetscape.

- 8.46 The scale and proportions of the Cathedral Road elevation are in line with the adjacent historic properties. The fenestration has been designed with the proportions of historic domestic windows in mind; the roofline proposed is in

keeping with other properties on Cathedral Road in respect of its eaves and ridge heights.

- 8.47 The proposed building is also bay fronted, and utilises gable presentations in a traditional way, but with less adornment, being a more modern/minimalist take on the appearance of its Victorian Neighbours, but significantly more respectfully than the modernist towers to the south of the application site.

Aesthetic

- 8.48 Use of traditional materials are proposed, in line with those historically used on Cathedral Road including slate roofs, red brick, bath stone bays and window surrounds. The existing vicarage proposed for demolition is red brick, which will also be the principal material used in the new building.
- 8.49 Original proposals for the facades of the building adopted a very minimalist approach, and the architect justified this approach as an attempt not to create a pastiche of surrounding architecture; however the planning officer was of the opinion that these original renditions were so disparate from the character and appearance of the area that they should not be supported.
- 8.50 The current proposals, although favouring a much cleaner and simple geometry retain a number of references to the more finely detailed facades in the area. Reinstating a red brick building on the site of 39a, rather than using a pennant stone as on adjacent houses is agreed to avoid the effect of creating a replica period scheme, and if appropriately executed in a more historic Flemish bond, is an appropriate material for the area, and an appropriate historic reference that a small number of other examples along the road provide.
- 8.51 The planning officer is now satisfied that the new construction adequately balances the aspirations of the architect for a statement building, and for an evidently new building, with appropriate reference and respect to that which provides the character of the old.
- 8.52 Proposals to remove the interconnecting links and more recent two storey extension from Nos 37 and 39 will return the buildings to something more sympathetic to their earlier original concept, and this is welcomed.
- 8.53 Proposed rear elevations suggest that the made good elevations would have windows of varying proportion; and the Planning Officer considers that these might be improved upon to give a more traditional size and ratio. It is also considered however that this is a matter which can be controlled by condition.
- 8.54 The smallest one bed flat would have a floorspace of 47m² and the smallest two beds flat of 59m³, but with other units being substantially larger. This is considered a generous form of accommodation and refreshing in not attempting to overly cram development into the buildings. This is welcomed.

Equalities

- 8.55 Section 149 Equality Act 2010 requires that due regard be given to any actual or potential differential impact of the development on the needs of those with protected characteristics. The office scheme includes for level access and lift and would not appear to result in any abnormal differential impact.

Amenity and Landscaping

- 8.56 In respect of landscaping and tree works, a tree survey has been submitted with the application which confirms the existence of 11 principal specimens on site, comprising 1x Cat U tree, 7 Cat 'C' low quality trees; and 3x Cat 'B' moderate quality trees; submitted plans suggest the loss of loss of 4 No trees, comprising the U Category Tree, one C category tree, one B category tree and a small Group Category 'C' of moderate quality. However the proposals also include for the provision of 5 replacement trees to offset these losses, which is accepted as an overall benefit to the long term tree provision and future tree health on site.
- 8.57 Notwithstanding the above, a landscaping condition is recommended to finalise the detail of the proposals and position of new planting to ensure for maximum potential health and wellbeing of the trees. The comments of the Council's tree officer are also noted, and the potential for the replacement of the existing poor quality 'C' class trees to the frontage of the site with new tree stock, properly planted and future managed can also be progressed by means of this condition.
- 8.58 An enclosed private amenity area of approximately 85m² usable amenity space is proposed to be shared by the flatted development. This would be laid out as patio and lawn and include for tree planting, Given the proximity of the residential accommodation to Sophia Gardens and to Bute park to the east, and also to Plasturton Gardens to the West, this is considered sufficient to service the development.
- 8.59 Public Open Space
The observations of the arks Officer are noted and concurred with. The development will provide for 12 new residential units which will place an increased demand on existing POS facilities and enjoyment of features in the public realm which will require new provision or maintenance. The requested figure of £17,135 is considered reasonable and proportionate, related to planning objectives and necessary in terms of providing a policy compliant development.

Monies can be secured by means of S106 agreement.

Other Matters Raised in Representations

- 8.60 Parking and Traffic Congestion.
These are covered adequately in the report
- 8.61 Referral to the Design Commission for Wales.
The Design Commission for Wales was established by the National Assembly for Wales to promote good design, and supports local planning authorities, developers, and clients to capture the value of high quality design. However there is statutory requirement for developers to seek advice from DCFW or for Local Planning Authorities to refer planning applications to them.
- 8.62 Critique of previous Office Development in Cathedral Road.
This is not considered relevant to the merit of the proposed scheme.
- 8.63 The demolition of the building would set a dangerous precedent.
Proposals for demolition, as well as for development, are considered on their individual merit, as each will have a unique impact. It is considered that issues of precedent rarely have any direct impact on the determination of alternative development proposals, which in any event should be determined on the basis of a robust and rational analysis with due regard to planning policy, government advice, and other material considerations.

Time for Objection

- 8.64 Neighbours were first notified of the proposals on the 15th August 2016, this is considered more than sufficient time to allow representations to be made.
- 8.65 Increased Traffic. It should be noted that the three buildings on the site have previously been in use as offices and accommodated some 1800m² of floorspace. The offices benefitted from a very large car parking area to the rear of the site. The proposed development is for 4x 2 bed, 7x 1 bed flats and one bedsitting room (Total 12 units) , and a new building of 1670m² of office floorspace. The capacity of the rear car park accommodates a maximum of 24 Office spaces, and 12 residential spaces, which is policy compliant, and will necessitate office workers and residents to use alternative more sustainable transport modes. As the capacity of the car park is finite, this should result in an overall reduction of car movements, and greater reliance on walking, cycling and use of public transport.

High Density. This is not concurred with.

- 8.66 Brutal monolithic structure having an adverse impact on residents of Ryder Street / also resulting in loss of view. As stated the new build office is some 35m away from the rear of properties in Ryder Street, residents of which will also benefit from the reduction of the length of existing extensions at 39 and 37 Cathedral Road which will also be removed. Existing views of the site from Ryder Street would be from the rear onto the existing car park area, boundary enclosures, existing garage and copper beach tree. For the most part, such views will not be materially different.

8.67 Increased traffic volume, adverse impact on the safety of children. For the reasons stated at 8.63 i.e. the absolute capacity of the car park and side streets which also benefit from restricted 'resident only' traffic orders, It is not considered that the development will result in any undue increase in traffic movement in the area, and consequently no additional danger to children.

8.68 The Service Lane will become a Highway/One way proposals for Hamilton Street and Talbot Street will result in traffic on both sides of 40 Ryder Street. The service lane to the rear of Cathedral Road and Ryder Street is currently an adopted highway and offers unrestricted access to traffic. A one way system should not impact in absolute numbers of vehicle movements to the site.

9. **SECTION 106 MATTERS**

9.1 For clarity it is considered necessary for the applicant to provide a payment of **£ 125,280** toward the provision of off-site affordable housing; and **£ 17,135** toward the provision/maintenance of Public Open Space in the area, at the time of implementation of the planning Permission in order that the development can be considered policy compliant.

9.2 For the avoidance of doubt, an appropriate level of highway repairs need only be subject to planning condition

10. **RECOMMENDATION**

10.1 That Planning Permission be Granted subject to conditions.

16/01817



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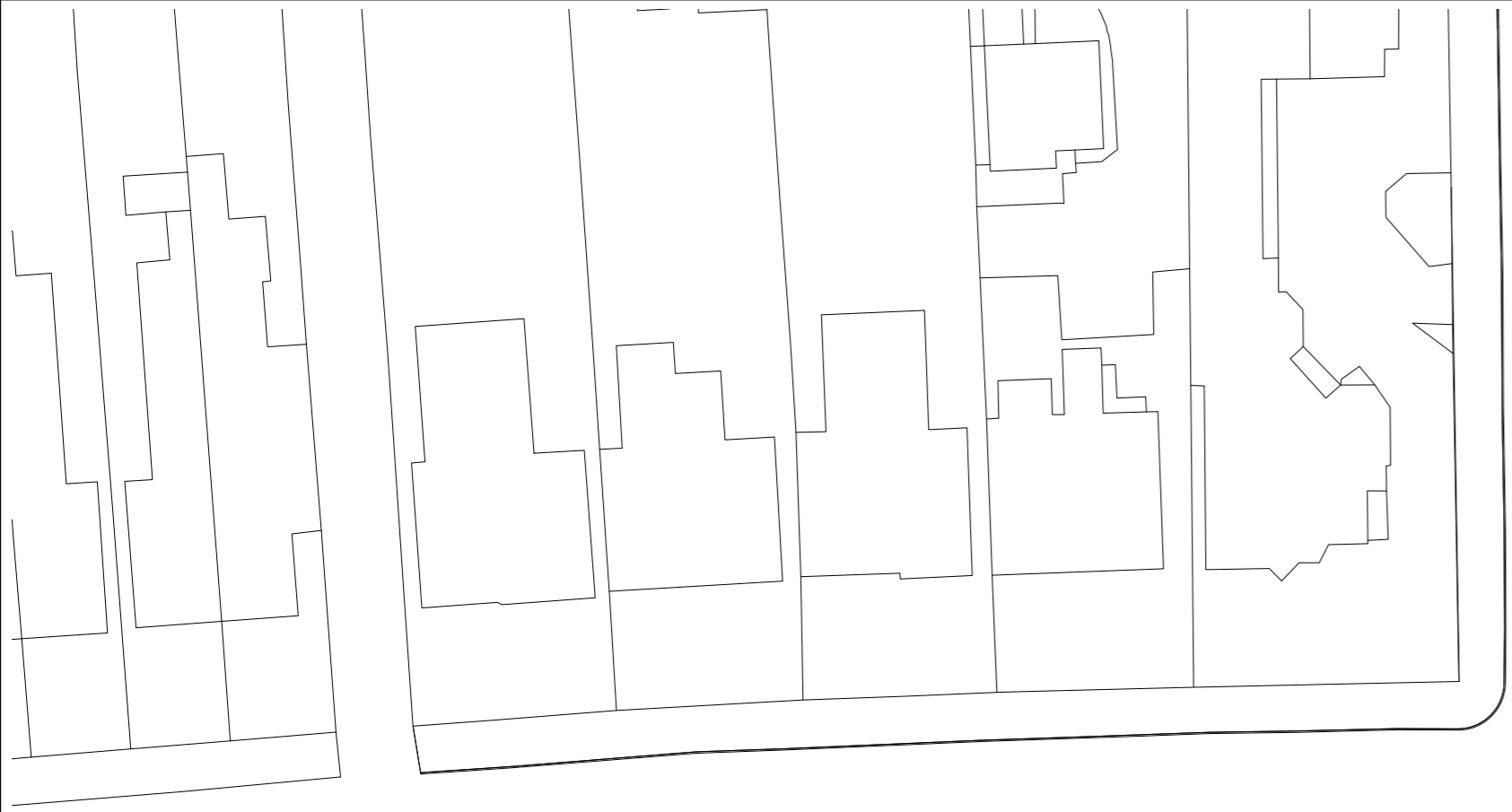
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Project Church in Wales Cathedral Road

Description	Location Plan
Job No.	315116
Drawing No.	CIW_ASL_00_ZZ_DR_A_L(91)001
Revision	P01

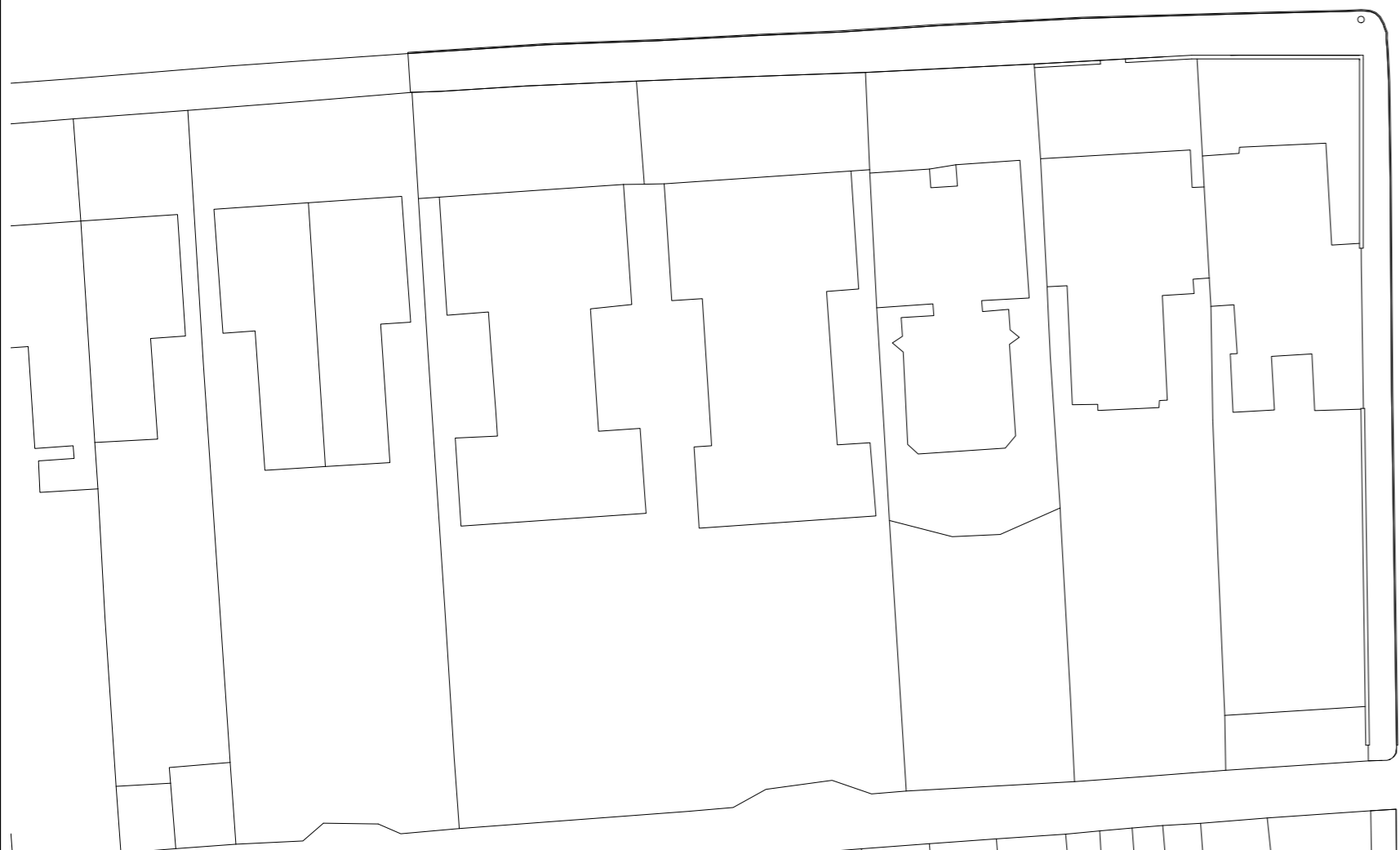


Cathedral Road

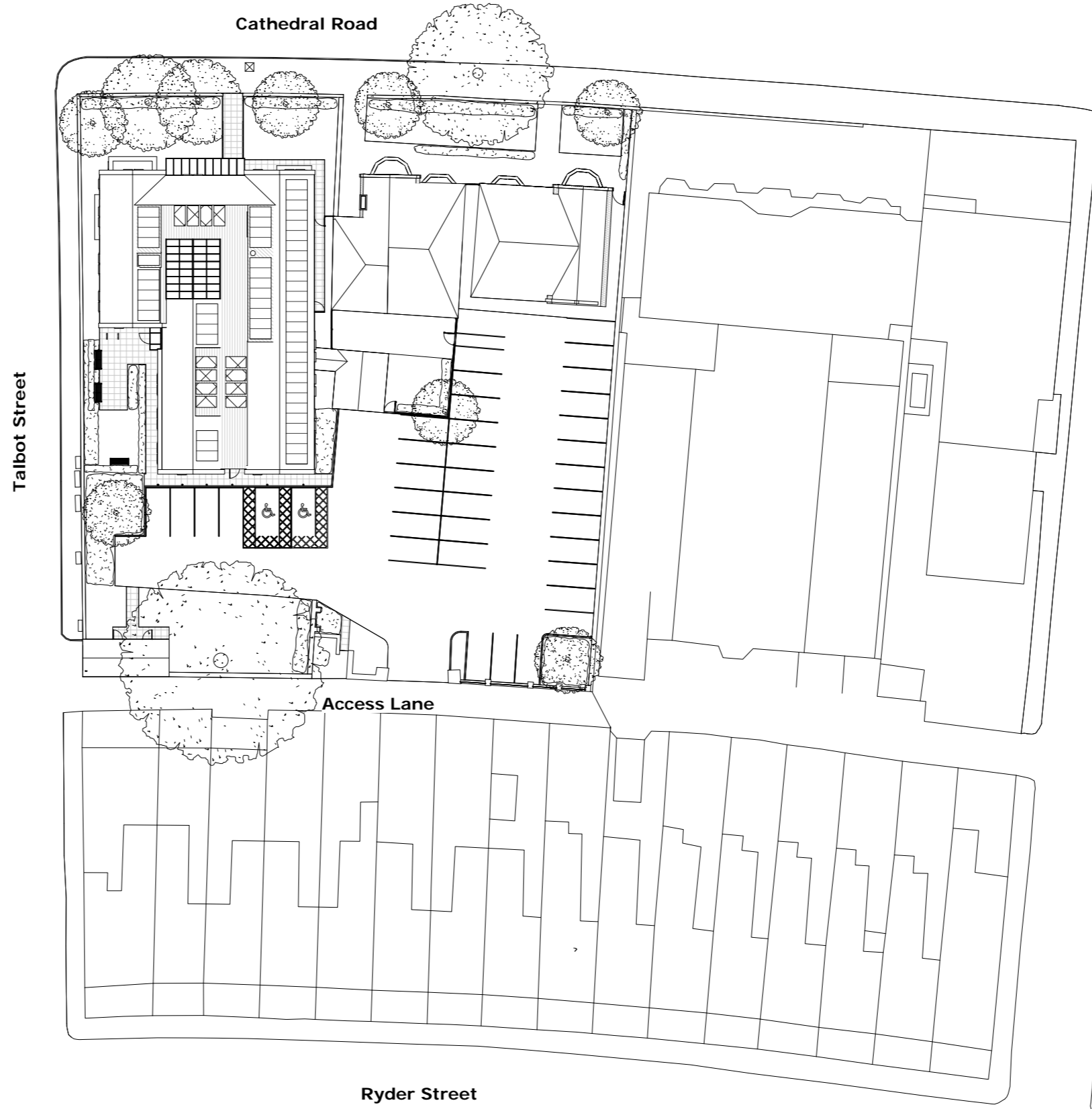


Sophia Close

Cathedral Road



Ryder Street



Talbot Street

Access Lane

Ryder Street

Hamilton Street

Cathedral Road



Rev	Description	Drawn / Checked	Date Issued
P01.1	Planning Issue	THD / KLT	21.07.16

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 Project Church in Wales Cathedral Road

Description Proposed Block Plan

Job No. 315116 Drawing No. CIW_AS_L00_ZZ_DR_AL(90)102 Revision P01.1

