

PETITION, COUNCILLOR CONCERNS, MP CONCERNS, AM CONCERNS

COMMITTEE DATE: 21/06/2017

APPLICATION No. **16/02752/MJR** APPLICATION DATE: 02/12/2016

ED: **LISVANE**

APP: TYPE: Full Planning Permission

APPLICANT: PHG CAPITAL

LOCATION: LOZELLES, CHURCH ROAD, LISVANE, CARDIFF, CF14 0SJ

PROPOSAL: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 2 HOUSES AND 11 SELF CONTAINED APARTMENTS WITH NEW ACCESS ROAD, PARKING, CYCLE, REFUSE STORAGE AND AMENITY FACILITIES

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 9.0 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
 - AL(00)01 Existing plans elevations,
 - AL(00)02 Proposed plot A Rev B,
 - AL(00)03 Proposed plot C,
 - AL(00)04 Proposed Plot D Floor Plans ,
 - AL(00)05 Proposed Plot B,
 - AL(00)10 Plot A Elevations Rev D,
 - AL(00)11 Proposed plot C elevation,
 - AL(00)12 Proposed plot D,
 - AL(90)01 Proposed Block Plan Rev H,
 - AL(90)03 Vehicle tracking plan Rev C,
 - AL(90)100 Existing site plan,
 - 2907 Arboricultural Method Statement (September 2016),
 - 2907 Lozelles Soil Resources Report (September 2016),
 - 2907-001 TPP Rev C,
 - 2907-002 Landscaping plan Rev C,
 - Traffic Assessment by Jubb (December, 2016),
 - Ecology Assessment (October 2016)

Reason: To ensure satisfactory completion of the development and for

the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. E1B Samples of Materials
4. No development shall be undertaken until details of the construction of the internal roads, including a sample of the finish surface, shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall implemented before occupation of any of the residential units hereby approved and shall thereafter be retained.
Reason: To ensure an acceptable finish and surface water is controlled from the site. In accordance with Policy KP5 and EN10 of the adopted Cardiff Local Development Plan (2006-2026).
5. The upper floor windows on the west elevation of plot B shall be sited a minimum of 10.5 metres from the western boundary.
Reason: For the avoidance of doubt.
6. No development shall take place until a scheme for the drainage of the site, including an investigation on using SUDS, and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.
Reason: To ensure an orderly form of development. In accordance with Policy KP5 and EN10, of the adopted Cardiff Local Development Plan (2006-2026).
7. The proposed car/cycle parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.
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. In accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).
8. No residential property hereby approved shall be occupied until engineering, including sectional, drawings of the proposed new public footway have been submitted to and approved in writing with the Local Planning Authority The submitted details shall include but not limited to a 'no-dig' construction as shown dwg no. 2907-001 Rev C and shall be informed by a Arboricultural method statement.
Reason: To ensure an acceptable footpath to adoptable standards is built. In accordance with Policy T1 of the adopted Cardiff Local Development Plan (2006-2026).
9. No development shall take place until details of the proposed access onto Church Road have been submitted to and approved in writing with the Local Planning Authority. These details shall ensure that the access point onto Church Road is a minimum width of 5.5 metres.

Reason: To ensure a satisfactory means of access onto the adopted highway. In accordance with Policy T6 of the council's Adopted Cardiff Local Development Plan (2006-2026).

10. No construction activity in relation to this approval shall be undertaken until a construction management plan, which shall include but not limited to the proposed routes construction vehicles will enter the site, has been submitted and approved in writing with the Local Planning Authority.

Reason: To ensure the impact on the adjoin roads is acceptable In accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

11. All planting, seeding, turf-laying and paving shown on the approved plans number 2907-002 Rev C shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is sooner.

Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced in the first available planting season and to the specification shown on approved plans and in supporting documents, unless the LPA gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area. In accordance with Policy KP5 & EN8 of the adopted Cardiff Local Development Plan (2016-2026).

12. During construction the trees shall be protected as shown on approved plan 2709-001 Rev C.

Reason: To ensure amenity and environmental value of the area. In accordance with Policy EN8 of the adopted Cardiff Local Development Plan (2016-2026).

13. The development hereby approved shall be undertaken in accordance with the recommendations outlined in chapter 8 of the Ecology Assessment dated 2016 from Ethos Environment Planning.

Reason: To ensure protected species are no affected by this development in accordance with conservation of Habitats and Species Regulations 2010 (as amended).

14. No development shall be undertaken until details of a lighting strategy has been submitted and approved in writing with the Local Planning Authority. The approved details shall be implemented on site before the occupation of the units hereby approved and shall thereafter be retained.

Reason: To ensure protected species are not affected by this development in accordance with conservation of Habitats and Species Regulations 2010 (as amended).

15. The development hereby approved shall not in any circumstances commence unless the local planning authority has been provided with either:
- (a) a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead; or
 - (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- Reason : To ensure protected species are not affected by this development in accordance with conservation of Habitats and Species Regulations 2010 (as amended).
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no structure, or extension shall be placed within the curtilage of any dwelling or alteration to any roof.
Reason: To maintain and improve the amenity and environmental value of the area. In accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2016-2026).
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway without the prior written consent of the local planning authority.
Reason: The comprehensive design and layout of the development would be adversely affected by the erection of means of enclosure, particularly of different types, in front of dwellings. In accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2016-2026).

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3 : The applicant is advised no works shall be undertaken that affects the public highway until a S. 278 Agreement has been signed by the Council's Highways Section.

RECOMMENDATION 4 : Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development , and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management procedure) (Wales) (Amendment) Order 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full Planning permission is sought for redevelopment of the site from one house to a mixture of 2 houses and 11 flats.
- 1.2 The site is configured with two blocks of flats (plots A & B) located towards the southern boundary, and plot C, being the extended existing house, located towards the northern boundary. Blocks A, B and C would be accessed from the new Church Road junction, with a further plot D (new 5-bedroom house) sited towards the northern boundary and accessed from Heol-y-Delyn.
- 1.3 The proposal also seeks a new footpath to connect Heol-y-Delyn to the shops along Church Road. The applicant is willing for this footpath to be formally adopted by the Council (see site plan AL (90)01 Rev G).
- 1.4 The application has been subject to the statutory 28-day pre-application consultation (PAC) which has informed both the PAC Report and Design and Access Statements.
- 1.5 The application has been amended by removing three flats from the proposal, providing a no-dig along part of the proposed footpath, change in materials to the buildings, parking spaces and internal road.

2. **DESCRIPTION OF SITE**

- 2.1 The site is a 0.38 ha corner plot located on the Church Road/ Heol-y-Delyn Junction. The site contains a Victorian house and outbuildings which are positioned to the north of the site with the remaining area being garden to serve the house. The site is generally flat and enclosed by a mature hedgerow. Along the Church Road boundary are two mature purple beech trees that are protected by Tree Preservation Orders (City and County of Cardiff (Plas-y-Delyn Area, Lisvane) TPO 2009)
- 2.2 The property has a vehicular access onto both Church Road and Heol-Y-Delyn.
- 2.3 The eastern boundary of the site adjoins Church Road which is a single carriageway highway approximately 5 metres wide with street lighting but no footways. There are double yellow lines on both sides of the road but no white lining. A 20 mph speed limit has recently been introduced together with speed tables at the junctions with Heol y Delyn and Cefn Mably Road.
- 2.4 Heol y Delyn is lit and, except for a short distance between Church Road and the access to Lozelles, there are footways on both sides.

2.5 The western boundary of the application site adjoins the side boundary of an extended semi-detached house known as Helfa which fronts onto Heol-y-Delyn. To the north of the application site, on the opposite side of Heol-y-Delyn, lies Lisvane Library/Community Centre.

2.6 The site is not located within a Conservation area or a defined flood risk zone.

3. **SITE HISTORY**

3.1 15/02618/MNR- outline permission for 1 detached house- approved;

3.2 15/0583/MNR outline permission for two detached houses- approved.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales Ed. 9 (2016);

4.2 Technical Advice Note (TAN): 5 (Nature Conservation and Planning), 12 (Design), 18(Transportation);

4.3 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP5: Good Quality and Sustainable Design;

KP6: New Infrastructure;

KP7: Planning Obligations;

KP8: Sustainable Transport;

KP14: Healthy Living;

KP15: Climate Change;

H3: Affordable Housing;

T1: Walking and Cycling

T5: Managing Transport Impacts;

T6: Impact on Transport Networks and services;

EN7: Priority Habitats and Species;

EN 8: Trees, Woodlands and Hedgerows;

EN10: Water Sensitive Design;

EN13: Air, Noise, Light Pollution and Land Contamination.

C1: Community Safety and Creating Safe Environment

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

W2 Provision of Waste Management Facilities in Development

4.4 Further advice is provided in the following adopted Supplementary Planning Guidance documents:

Planning Obligations (January 2017);

Cardiff Residential Design Guide (January 2017);

4.5 The documents below were approved as supplementary guidance to the City of Cardiff Local Plan which was superseded by the Cardiff Local Development

Plan on 28th January, 2016. The Council will shortly be embarking on a programme of updating and revising previously approved SPG. Notwithstanding this position, the advice contained within the SPG is consistent with the aims of relevant LDP policies and therefore remains pertinent to the consideration of the current application, assisting in informing the assessment of relevant matters.

Access, Circulation and Parking (January, 2010);
Trees and Development (March, 2007);
Biodiversity (part 1&2) (June 2011);

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Operational Manager (Transportation): No objections subject to conditions on parking provision construction management plan and details plans of the proposed footpath. A number of design considerations would be considered under S.278 of the Highways Act.
- 5.2 Operational Manager (Drainage) has been consulted and no comments have been received
- 5.3 The Housing Strategy Manager states that, given the scale and nature of development proposed, it is considered that a financial contribution of £232,290 shall be sought in lieu of on-site affordable housing.
- 5.4 Parks Officer: No objection subject to a financial contribution of £23,137 for public open in lieu of on-site requirements;
- 5.5 Waste management seek financial contribution of £1,760.00 for the appropriate refuse containers.
- 5.6 Trees Officer: No objection subject to conditions relating to retaining landscaping, and for a 'no-dig' including materials to be submitted for approval
- 5.6 Pollution Control: No objection subject to plant and lighting scheme conditions
- 5.7 Ecology Officer: No objection subject to conditions

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Natural Resources Wales: No objection subject to conditions on the developer gaining an EPS license and for a lighting strategy;
- 6.2 South Wales Fire and Rescue Service: No objection, but make a number of observations that are controlled through Building Regulations;
- 6.3 South Wales Police: No objections to the scheme;
- 6.4 CADW: Have no comments to make on the application

7. **REPRESENTATIONS**

7.1 Neighbouring properties have been notified with additional publicity undertaken by site and local press notices. A total of 20 letters of representation have been received. All object on the following grounds:

- i) The proposal is out of character with the village area with the three storey element looking like an office block (example given is that of the former Morgan Cole Solicitors office on the corner of Park Place and Stuttgarter Strasse);
- ii) The development is visually overbearing upon the character of the area;
- iii) Given its siting and design, the development would be overbearing and un-neighbourly upon the surrounding houses;
- iv) The development will result in the loss of privacy and amenity of the surrounding houses
- v) There is insufficient parking provision which will overspill onto the adjoining roads, which are already at capacity (circa 6000 vehicle movements per day);
- vi) The footpath will not connect with the shops as there is a wall blocking the route which is outside the ownership of the applicant;
- vii) During construction, given the narrowness of Church Road, it will make it difficult for construction vehicles to access and egress the site safely without affecting the existing traffic that currently uses this road;
- viii) How will the proposal ensure the path will be adopted and linked to land outside the ownership of the developer?
- ix) The scheme is allegedly marked as retirement housing but nothing in the plans would indicate that the scheme is for that market e.g lifts.
- x) The impact of the development on house values
- xi) The development will impact upon the ability of adjoining properties to access their own properties.
- xii) The impact upon protected species, such as dormice.

7.2 A petition of 111 signatures has been submitted in objection to the scheme on the following grounds:

Overdevelopment of the site;
Out of keeping with the area;
Unacceptable impact upon the existing roads due to insufficient parking provision

- 7.3 Councillor Walker: Wishes to address the committee and request a site visit;
- 7.3 Craig Williams Member of Parliament for Cardiff North raises concerns over traffic impact upon the narrow Church Road. It is also requested that the impact upon the listed church is taken into consideration
- 7.4 Julie Morgan, Assembly Member for Cardiff North: Objects on the grounds that the proposal is an overdevelopment of the site, insufficient parking provision, unacceptable impact upon the existing road network and believes the proposal would be un-neighbourly upon the properties at Plas-y-Delyn.
- 7.5 Lisvane Community Council: provides a comprehensive objection which can be summarised as follows:
1. The development would be unsympathetic, incongruous and cramped. It would fail to respect the essentially rural nature of the immediately surrounding area. Although the response to the pre-application consultation makes much of the plans to retain trees and hedgerow, that does not alter the fact that development on the proposed scale in the historic heart of Lisvane village would be entirely inappropriate.
 2. Business 'rush hour' and school start and finish times already generate high traffic volumes on Church Road, the narrow country lane adjacent to the proposed site, which is barely wide enough for two vehicles to pass.
 3. The road safety problem would be exacerbated by the wholly unsuitable locations of the access points. The one on Church Road would be dangerously close to the parking area outside the shops and the junction with Cefn Mably Road, while that on Heol-y-Delyn would be very close to the junction with Llwyn-y-Pia Road. Church Road, Heol-y-Delyn and Llwyn-y-Pia Road are part of a popular 'rat run' to and from Thornhill Road and are already very busy at peak times.
 4. The Transport Statement indicates that TRICS, the national trip-rate database, has been used to calculate the number of peak hour trips, but many of the sites chosen to provide the average trip rate per dwelling have a significantly higher number of buses than Lozelles. Because of this the overall trip rate is low (around 0.5 per dwelling). A more representative figure would be one per dwelling during a peak hour. During the AM peak hour this will be 0.7 per dwelling leaving and 0.3 per dwelling entering the site and during the PM peak hour this movement will be reversed. On this basis the development will generate around 16 two-way flows during peak hours.
 5. The use of Church Road by HGVs entering and leaving the proposed development will require the whole width of the road at its junction with Cefn Mably. The number of HGV's generated by the site will be

significantly higher than those generated by the approved development, which will increase the risk of hazards in Church Road.

6. On the question of on-site parking, it would appear that the developers are not providing the maximum allowed under Cardiff's standards. The proposal shows 30 parking spaces. The maximum under the guidelines would be 37, including visitor spaces, which is reasonable since there is no on-street parking nearby, no evening or Sunday bus service and the distance from the railway station (1 mile) is unlikely to encourage walking. The Cardiff SPG which includes parking takes a number of factors into consideration when considering proposed parking provision. One factor is... '*v. accessibility to and availability of high frequency public transport and public transport facilities*'. The local bus service cannot be described as 'high frequency' so the proposed development should provide the maximum number of parking spaces.

8. **ANALYSIS**

- 8.1 The key issues are: loss of green field site, overdevelopment, out of character with the area, Parking provision and highway safety, impact upon neighbouring properties impact upon the protected trees and protected species.

8.2 **Loss of Greenfield Site**

Planning Policy Wales seeks efficient use of land (para 4.11.5) with preference to the redevelopment of previously development land 'brownfield' land over 'greenfield' (para 4.9.1). Figure 4.4 defines previously development land as:

"land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

Excluded from the definition are:

land and buildings currently in use for agricultural or forestry purposes;

land in built-up areas which has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;

land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;

previously developed land the nature conservation value of which could outweigh the re-use of the site; and previously developed land subsequently put to an amenity use.”

The site forms the curtilage of an existing dwelling and whilst green in nature is defined under national policy as previously development and is therefore in principle acceptable for redevelopment subject to meeting other policy objectives outlined below

8.3 **Overdevelopment**

Whilst the site is, in national policy terms, suitable for redevelopment Planning Policy Wales does caveat that in note 1 of Figure 4.4 which states:

“The curtilage is defined as the area of land attached to a building. All of the land within the curtilage of the site will also be defined as previously-developed. However this does not mean that the whole area of the curtilage should therefore be redeveloped. For example, where the footprint of a building only occupies a proportion of a site of which the remainder is open land (such as a hospital) the whole site should not normally be developed to the boundary of the curtilage. The local planning authority should make a judgement about site layout in this context, bearing in mind other planning considerations such as policies for the protection of open space, playing fields or development in the countryside. They should consider such factors as how the site relates to the surrounding area and requirements for on-site open space, buffer strips and landscaped areas.

Further advice within Planning Policy Wales (paras 4.11.6 & 9.3.4) seek good design to not adversely harm the amenities of an area. The Council's overarching design Policy KP5 seeks, inter alia, a similar approach.

Whilst the principle of development on this site has been established with recent outline applications for a three houses, it is acknowledged that this application proposes a significantly higher density than currently approved, Notwithstanding the above, it is considered that, given the proposed parking, and amenity space provided, and privacy distance between neighbouring properties, the proposal would not be considered an overdevelopment of the site and would allow an acceptable level of amenity for both the future occupiers and neighbours.

8.4 **Out of Character with the Area**

National Planning Policy seeks good design and this is reflected in the Council's adopted Local Development Plan, where Policy KP5 requires all new development to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces. For major developments (such as this application) further detailed guidance is provided within the approved Residential Design Guide SPG (January, 2017).

The character of the immediate area is formed by predominantly two-storey

detached and semi-detached housing with pitched roofs within relatively large plots; however some substantial 2.5 storey housing does exist within the vicinity. The site is within what is considered to be the traditional core of the village where varying building scales, positioning, height and uses create an area of mixed character. Significant protected trees and (unprotected) hedging contribute positively to the visual amenity of the area.

The proposal is for a mixture of two-storey housing and 3-storey flats, set well back from Church Road. Significant revisions have been made to the layout and scale of development since the initial submission. The scale of the apartment block element of the proposal has been reduced significantly, to the extent that the two blocks would now be sufficiently set apart to be considered appropriate to the local context in terms of layout, scale, form, massing and density. The design, detailing and materials are considered to be of sufficiently high quality and consistent with the character of the wider area, taking cues from the larger red brick gabled Edwardian properties fronting key roads within parts of Lisvane.

The proposal would introduce an internal road with parking off it. However, frontage parking is not uncommon in this area and it is considered that on balance would not harm the character of the area. To further reduce its impact, parking would be positioned primarily away from the direct frontages of the buildings, and would be set within high quality hard and soft landscaping.

The proposal would remove the existing hedging along the eastern boundary. However, that hedging could be removed without the need for permission and replaced with a means of enclosure that could be detrimental to the visual amenity of the area.

8.5 Parking/Highway safety

The application and the accompanying Transport Assessment have been considered by the Council's Transportation Officer who raises no objections on highway safety grounds, while the proposed parking provision for the scheme is in compliance with the requirements of the SPG (Access, Circulation & Parking). Whilst it is noted that the parking provision is not at the highest point of the upper level of the Council's parking standards advice in national policy (para 8.4 PPW) the proposed level of parking is considered policy compliant. Conditions are required with regards to provision and future retention of parking and cycle parking.

In terms of the proposed pedestrian path around the site frontage, officers are satisfied with the submitted details and that the Council's Highways Section would adopt the pathway in order to secure its future availability for public use. A further condition is required relating to the submission of full engineering details of the new access (es) and the frontage footway to the Council for approval prior to the commencement of the development, with the approved works to be implemented prior to beneficial occupation. A Construction Management Plan condition is also required, together with a condition stipulating that the new access off Church Road shall be a minimum of 5.5

metres in width. The applicant is also advised that the frontage footway works will be subject to an agreement under Sections 278 and 38 of the Highways Act 1980 and will require the developer to liaise with the Council's Operation Manager, Street Operations in this respect.

The Operational Manager (Transport) advises that the proposed access points are acceptable and would allow adequate visibility to a range of vehicles, including larger lorries/refuse vehicles. In terms of the associated trips from the development, officers note the concerns of residents regarding the use of Church Road as a 'rat run', and also the occasional on-street parking associated with services at the church. However, these are existing problems that would not be exacerbated to an unacceptable extent by the proposed development; which would on average generate 8 two way trips during peak times. This equates to approximately one additional trip on the road every 8 minutes, which is not considered sufficient to warrant a refusal of this scheme, especially in the context of the benefits that the proposed frontage footway would bring. Whilst residents dispute these findings, the methodology used (TRICS database) is a nationally recognised model, and is therefore reasonable for use as an indication of the impact the proposal may have. It is also noted that the calculations have not been modified to take into account the reduced number of units.

The scheme includes the creation of a pedestrian footway linking the 'village centre' of Lisvane to those areas to the north and would allow both new and existing residents to access these facilities safely by foot; thereby encouraging this mode of travel rather than by car in line with Council policy. It would also significantly improve the existing visibility at the Church Road/Heol y Delyn junction. These are seen as major positive attributes of the scheme which, on balance, is considered to provide an overall net benefit to highway safety.

8.6 Impact upon Neighbouring Properties

Both National Planning Policy and the Council's design policies and SPGs seek development not to adversely harm the amenity and privacy of neighbouring

To the west are the existing houses. "Helfa" is the closest property and has been extended by a two storey side extension and benefits from an out building. It is considered that given this context the proposed scheme would not result in the loss of amenity or result in an un-neighbourly form of development upon this property. Further along the western boundary are the semi-detached houses of Plas-y-Delyn, these properties are sited lower than the site but benefit from long gardens (approximately 30 metre from the back of the house to the rear boundary). The 3 storey flats would be sited approximately 10.5 metres away from this boundary with some element of screening. It is considered that this separation and proposed layout will ensure that the proposal will not result in a loss of amenity or privacy

8.7 Impact upon the Protected Trees/Landscaping

Along the eastern (Church Road) boundary are two protected Copper Beech

Trees, which are according to the Arboricultural Method Statement, are in good health. These trees will be retained within the scheme. To ensure that trees are not affected by the proposed pathway (that would be sited within the route protection area) a condition has been imposed for this section of the pathway to be of a 'no-dig' construction. It is also considered that the proposal as a whole would not undermine these protected trees.

A number of the trees and hedging along the Church Road Boundary are to be retained, as this will ensure that bats within the area have suitable resting areas.

In terms of the overall landscaping strategy it is considered that the proposal would retain those elements of the existing elements that are considered important. It will also remove a number of trees/hedges the western/southern boundaries, this will allow the amenity space to become useable and will allow sufficient growth for the remaining trees/hedge row.

8.8 **Protected Species**

The application has been accompanied by an Ecology Assessment, which indicate the presence of bats within the grounds and the roof of the existing house. Bats are a European Protected Species under Conservation of Habitats and Species Regulations 2010 (as amended). Cardiff Council has a duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of its functions. The requirements in this case being the strict protection afforded to bats. The advice of both the Council's Ecologist and Natural Resources Wales is that a bat license will be required. In line with guidance a condition has been imposed that no development shall take place until the license has been issued with a further condition imposed to comply with the requirements of the recommendations of the Ecology Assessment which will ensure that the bats are not affected by the proposal.

Dormice

Although dormice have been recorded in close proximity to the site, officers would not say that there is sufficient ecological connectivity to those records, nor that the habitats on site are particularly suitable for this species. Therefore, in line with the submitted Ecology Assessment, there is limited potential for dormice to be present, so while a survey for this species is not needed, officers support the proposed mitigation measures set out in section 8 of the report.

Nesting Birds

Nesting birds are likely to be affected by any removal of trees, shrubs, bushes etc., as well as be demolition of buildings, including outbuildings. However, it is not considered that a nesting bird survey is required and that the conditions set out in section 8 of the Ecology Assessment are sufficient.

8.9 **Other matters not assessed above**

The planning system regulates in the public interest. The planning system does not exist to protect the private interests of one person against the activities of another (para 3.1.4 PPW), therefore matters of loss of land value are not a material consideration.

9. **Planning obligations**

National Policy and CIL regulations outline the legal requirements for a valid Planning obligation. The Council's approved Planning Obligations SPG provides further guidance. The following financial contributions are required:

£232,290 towards affordable housing provision
£23,137 for public open space in lieu of on-site requirements;
£1,760.00 for waste management.

Having regard to policy and legal requirements outlined above it is considered that the requests meet the necessary tests and policy requirements. The agent has confirmed that his client is willing to enter into an agreement to secure these contributions

10. **Conclusion**

The proposal is a brownfield site and is located within close proximity to local amenities. The proposed scale, massing and design is considered to meet national and local policy objectives and have regard to the character of the area. For the reasons outlined above, planning permission is recommended for approval subject to conditions.

11. **Legal considerations**

11.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

11.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and

encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application.

It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

11.3 *Planning (Wales) Act 2015 (Welsh language)*

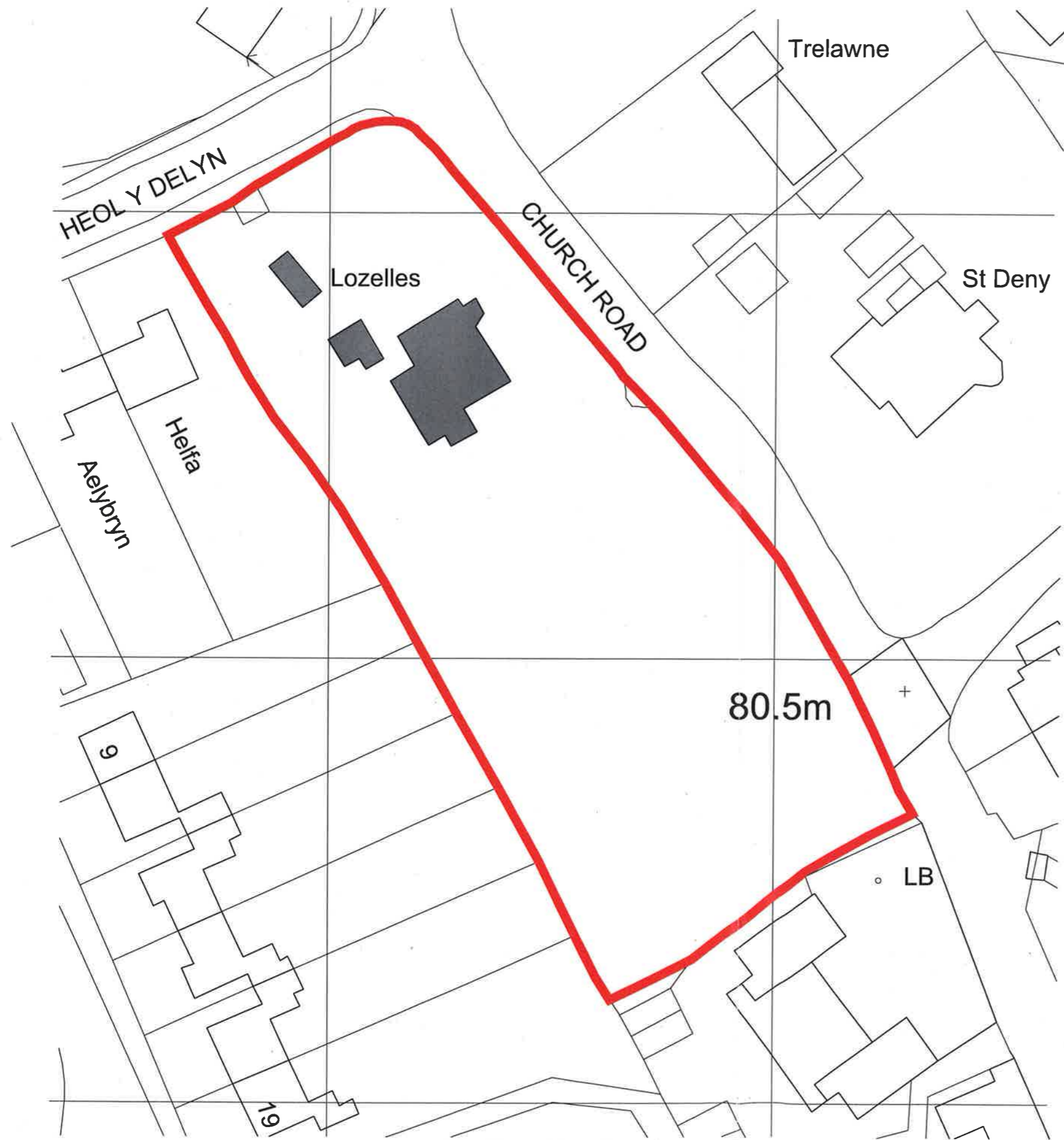
Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Cardiff as a result of the proposed decision.

11.4 *Wellbeing of Future Generations (Wales) Act 2015*

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

11.5 *Biodiversity and Resilience of Ecosystems Duty*

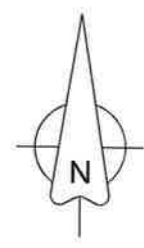
These comments contribute to this Authority's discharge of its duties under Section 6 of the Environment (Wales) Act 2016. This duty is that we must seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with this duty we will have to take account of the resilience of ecosystems, in particular the diversity between and within ecosystems; the connections between and within ecosystems; the scale of ecosystems; the condition of ecosystems and the adaptability of ecosystems.



LOCATION PLAN
1:500





LOCATION PLAN
1:1250

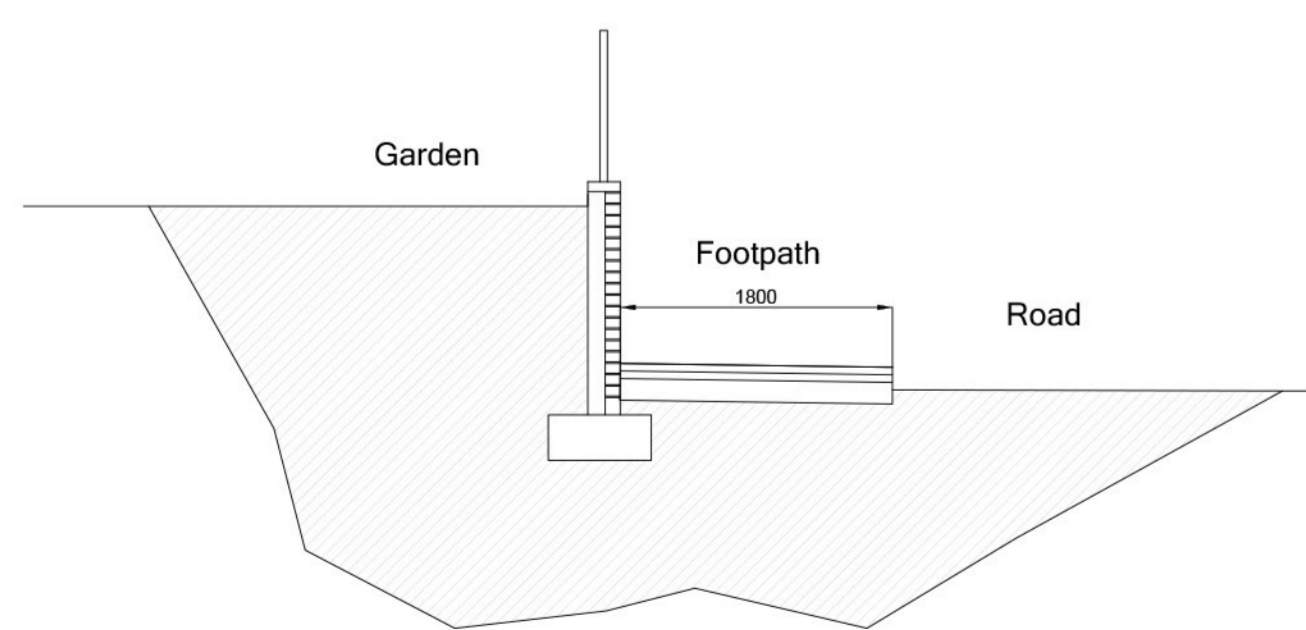


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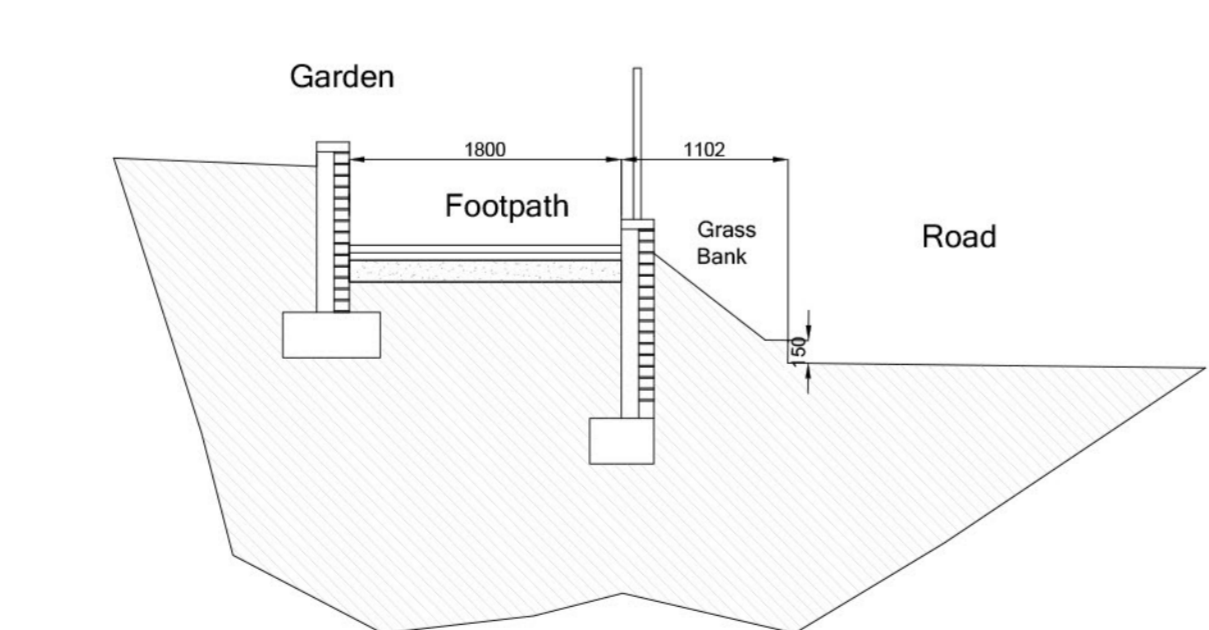
Residential Development Lozelles Site, Lisvane		Job No. 16_047
		Dwg No. Rev. AL(00)10
Title Location Plan		
Date 05/10/16	Drawn kp	Scale 1:500/1250 A3
 G2 Architects Environmental & Urban Design		Town planners Urban design
<small>Unit 1A, Compass Housing Park, Pacific Road, Cortholme, CF24 9HU</small>		<small>www.g2arch.co.uk 019 20452150</small>

Materials	
	Permeable Block Paving
	Tegula Permeable Block Paving

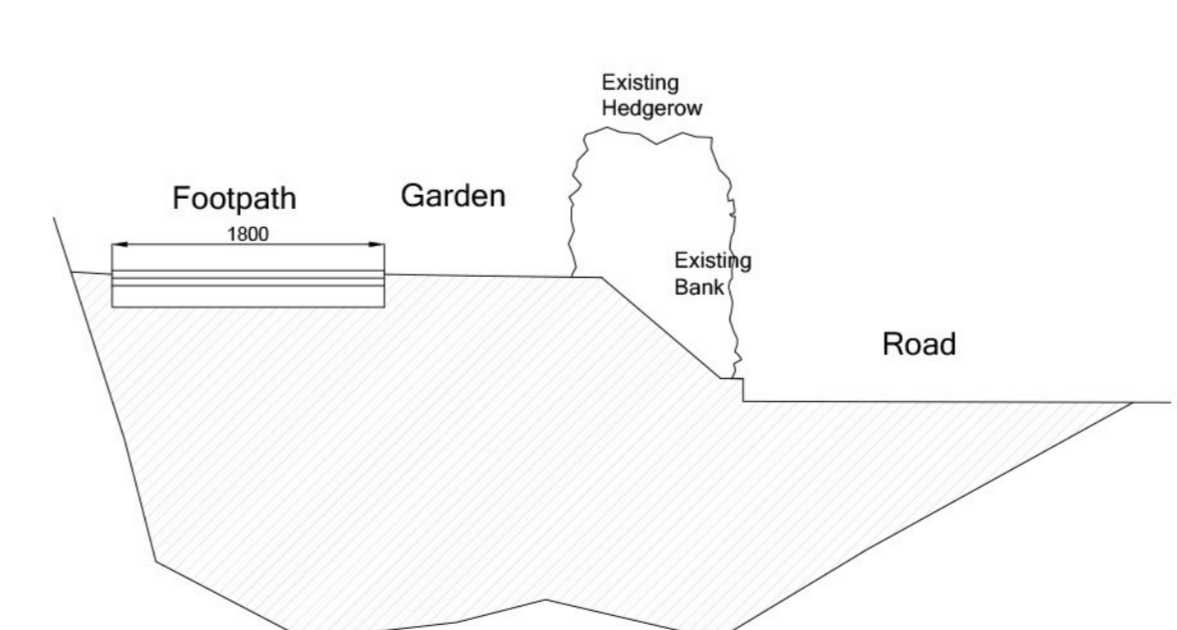
Date	Drawn	Check	Description	Rev.
02/12/16	***	***	Scales Revised	A
20/12/16	***	***	Entrance gates omitted	B
16/01/16	***	***	Main buildings moved to create more open space, buildings reduced in height pavement to entrance altered and access road widened to accord with highway comments	C
16/02/17	***	***	Refuse vehicle size confirmed, entrance crossing adjusted, car park spaces omitted under tree canopy, public footpath gradients confirmed, access to bin stores increased	D
15/03/17	***	***	Pedestrian foot path moved away from highway and Grass verge added	E
21/03/17	***	***	Block A changed to 2 separate blocks of apartments, Grass crete added to car park spaces	F
14/04/17	***	***	Redline boundary to shopping precinct adjusted to accord with land title boundary	G
06/06/17	***	***	Apartment block omitted in line with planners comments	I
			Boundary distances added	



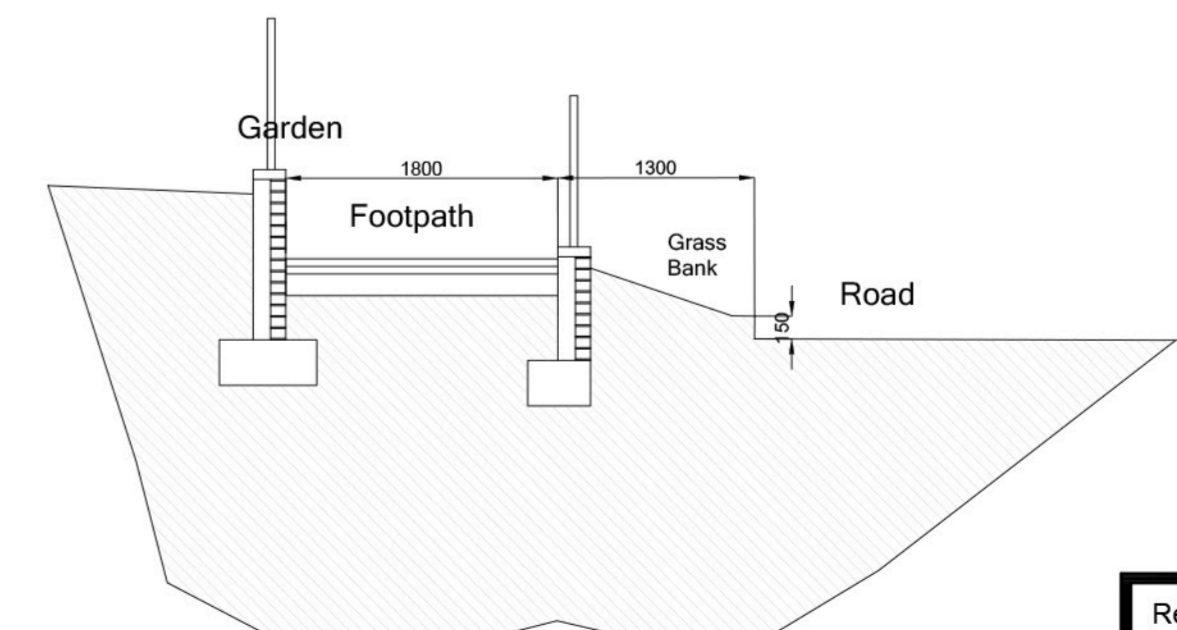
Section A - A



Section B - B



Section C - C



Section D - D

Foot Path Cross Sections

Residential Development Lozelles Site, Lisvane		Job No: 16_047	Rev. H
Title Proposed Site Plan		Dwg No: AL(90)01	
Date BK	Scale 1:250@A1 & 500@A3		

CJ Architects · Town planners
Environmental & Urban design

Unit 1A, Compass Business Park,
Pacific Road, Cardiff, CF24 5HL. www.cjarchitects.co.uk
tel: 071 20452101

Proposed Landscape Specification

1.0 WORKMANSHIP – GENERAL
All work must be to the satisfaction of the supervising Landscape Architect.

1.1 SITE CLEARANCE
Where the site has not been wholly cleared, the Contractor shall cut, rake up and remove from site all vegetation excepting those existing plants to be retained as shown on the drawings. Roots shall be grubbed up. All rubbish and hardcore shall be removed from site to tip at the Contractors expense. Reference should be made to the Tree Protection Plan.

1.2 HORTICULTURAL SOIL RESOURCE REPORT
This soft landscaping scheme should be read in conjunction with the Horticultural Soil Resource Report prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Refer to the report for details on available soil resource, soil analysis, soil suitability, and soil storage, placement and pre-planting.

1.3 EARTH FILL AND GRADING
When this is to form part of the works, the Contractor must firstly strip all site topsoil from the area to be filled or graded, making sure that all the existing vegetation and stones over 50mm have been removed and carted off site. Store the topsoil in uncompacted heaps not over 1.25m in height, taking care that it is not mixed with subsoil or deleterious material.

1.4 SUBSOILING AND TOPSOILING
All Topsoil to conform to BS3882:2015, all subsoil to conform to BS 8601:2013.

Soil profiles for areas of new planting:
- Grass: 150mm depth topsoil over 150mm depth subsoil
- Shrubs: 300mm depth topsoil over 300mm depth subsoil
- Trees: 300mm depth topsoil over 600mm depth subsoil

Any levels to be made up beneath topsoil depths shall be made up by using sub-soil fill. Topsoil and sub-soil shall each be deposited in separate spoil heaps and strict precautions are essential to prevent loss or admixture of topsoil with sub-soil. The Contractor is to take all due care in the course of the earth moving work, to ensure that all deposited material is evenly consolidated and especially that any lumps of soil are completely broken up in the course of the grading work. A suitable period is, if possible, to be permitted to elapse subsequent to soil being placed to allow for major settlement prior to finishing, grading, grassing and planting.

1.5 TREE SUPPLY, HANDLING AND PLANTING
Shall be accordance with BS8545:2014 (*Trees: from nursery to independence in the landscape - recommendations*). See Tree Pit Section for planting. All tree planting, including containerised stock, shall be carried out between November and March but not during periods of frost, drought or cold drying winds. At the time of planting and at such times as directed, all plants shall be thoroughly watered. Staking only required for standards.

1.6 PROTECTION OF SUPPLIED PLANTS
Plants shall be protected from root exposure and desiccation at all times, bare roots shall be heeled in properly and protected during the planting operation. Containerised plants shall be adequately watered whilst awaiting planting. Seeds shall be protected from harmful temperature/moisture fluctuations and vermin.

1.7 SHRUB CULTIVATION, PREPARATION AND PLANTING.
All shrub planting, including containerised stock, shall be carried out between November and March but not during periods of frost, drought or cold drying winds. At the time of planting and at such times as directed, all plants shall be thoroughly watered. Container grown plants should be thoroughly soaked prior to removing the container. Unsuitable plants and materials, rejected by the Landscape Architect, shall be cleared from site and replaced with satisfactory goods at the Contractors expense. The whole of the areas to be shrub planted, as shown on the drawings, are to be thoroughly cultivated to a fine tilth by hand or machine, where appropriate and broken up to not less than 300mm deep and thoroughly cleared of all extraneous matter. The Contractor is to allow for the removal from Site of all rubbish, stones and weed growth. Fill depressions in ground surface with topsoil and lightly compact in 150mm layers until surface is level with surface of surrounding ground. Prior to planting, fork in a 50mm layer of composted bark, composted garden waste or mushroom compost. Bring the soil to an even tilth and necessary firmness.

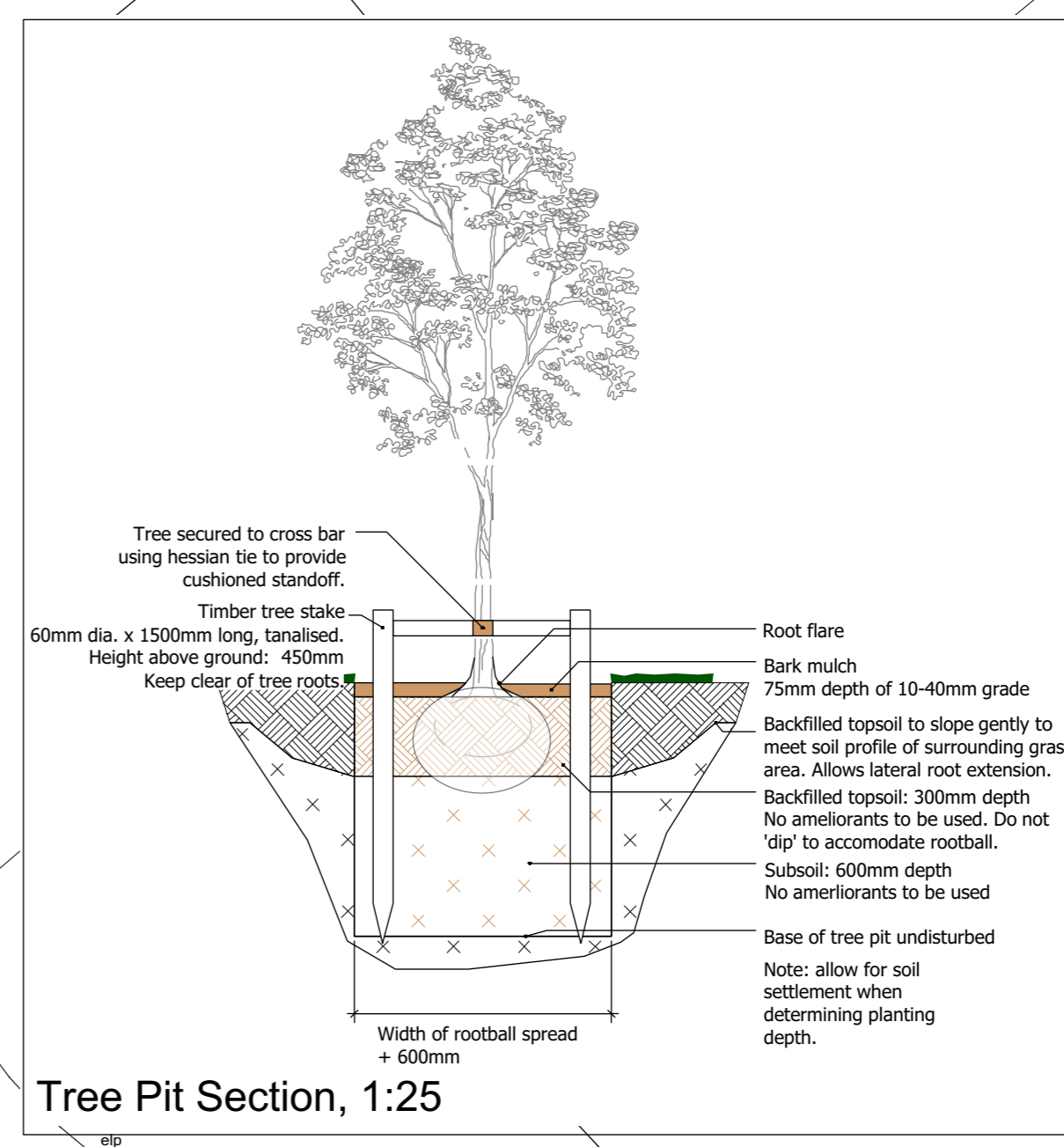
1.8 SHRUB PLANTING
Beech hedging to be notch planted, care taken to avoid damage to existing roots. All other shrub planting: dig holes to adequate size and depth to take rootball or root system. Make sure that the root system is not damaged in any way and that the plant is at the same depth as it was at the nursery. Backfill is to be well worked in around the roots and properly firmed in. Containerised plants shall be thoroughly soaked before removal from containers and planting. Individual planting positions, shown on the drawing, shall be prepared to the same standards as borders. Allow a pit not less than 450mm diameter increased as necessary to accommodate spread out root systems or rootballs so that the pit diameter exceeds the root spread by 300mm overall or 600mm for trees.

1.9 BARK MULCH After planting spread bark mulch to a depth of 75mm over all planted areas. Mulch shall be graded softwood bark flakes. Nominal particle size – as measured using BS sieving techniques – shall be 10-40mm with no more than 15% below 10mm. Material consisting largely of long thin particles will not be accepted. The bark shall have been removed from the parent timber and matured for a minimum of four months prior to application as mulch. Combined timber/sawdust/shaving content shall be no more than 5%. The pH shall be between 4 and 7. Available manganese content shall be no greater than 35 PPM. It shall be free flowing, pest, disease and weed free. The Contractor shall supply a small representative quantity to the Landscape Architect for approval. All mulch used must be of equal quality as the approved sample. The Contractor shall keep the initial load for comparison. The quality must be maintained throughout and any delivery below the standard of the approved sample will be rejected and must be carried away at the Contractors expense, as must any surplus mulch. When completed ensure that the mulch is not spread over paving or other hard surfaces.

1.10 LAWN SEEDING/TURFING The Contractor shall carry out seeding/turfing and maintenance of seeded areas in accordance with the seed/turf supplier's guidance. Areas for seeding/turfing should be on firmed but not compacted topsoil of minimum 150mm depth that has been broken up to full depth (except within in Root Protection Areas). The surface should be reduced to a fine tilth and areas to be seeded/turfed should be free of weeds. Surface stones exceeding 10mm should be removed prior to seeding/turfing.

1.11 ADDITIONAL NOTES
Formative pruning of young trees to accord with BS3998:2010 (*Tree works - Recommendations*). Tree ties and stakes: Ties and staking to be inspected quarterly and adjusted as required to avoid damage to tree. Ties and stakes to be completely removed after 12 months. Mulched areas: inspect and top-up mulch areas annually, as per 1.9. Watering during 2 years establishment period: as required to ensure thriving, notably during dry spells and in summer. Hedging: trim annually to batter during autumn and outside of breeding bird season (i.e outside February to August). Remove arisings.

N.B. No peat to used in the preparation or planting.



Plant Schedule		
Ornamental Shrub Mix		
Qty	Name	Size
81	Chaenomeles speciosa 'Geisha Girl'	3L
81	Pieris japonica 'Purity'	3L
81	Potentilla fruticosa 'Abbotswood'	3L
81	Spiraea x cinerea 'Grefsheim'	3L
Native Hedge Mix		
Qty	Name	Size
109	Corylus avellana	60-80cm, 1+1 transplant, bare root
158	Crataegus monogyna	60-80cm, 1+1 transplant, bare root
30	Ilex aquifolium	3L
14	Rosa canina	60-80cm, 1+1 transplant, bare root
Portuguese Laurel Hedge		
Qty	Name	Size
176	Prunus lusitanica	3L
Trees		
Qty	Name	Size
1	Acer buergerianum	Selected Standard
1	Acer pensylvanicum	Selected Standard
1	Cercidiphyllum japonicum	Selected Standard
1	Cotoneaster 'Cornubia'	Selected Standard
2	Metasequoia glyptostroboides 'Sheridan Spire'	300cm, C 30L
4	Robinia x slavonii 'Hillieri'	Selected Standard
Beech hedge		
Qty	Name	Size
297	Fagus sylvatica	60-80cm, 1+1 transplant, bare root

notes:

- All dimensions to be checked and confirmed onsite prior to any works.
- Do not scale off this drawing.
- Any errors, omissions or discrepancies are to be brought to the attention of Lingard Styles immediately.

key:

- Retained Trees
- Proposed Trees
- Native Hedge
- Ornamental Shrub Mix
- Groundcover planting where required
- Turf / Seeded Lawn where required
- Turf: Rowlan Medallion or similar approved
- Seed: Germinal Seed Houses A19
- All-Purpose Landscaping Mix sown at 50g/m2
- Shade tolerant grass: Germinal Seed Houses A6(Supreme Shade) at 40g/m2
- Block Paving
- Fence
1.8m closeboard fence, timber posts in post spikes.



rev:	date:	description:
-	21/09/16	first issue
A	26/01/17	site layout updated, planning comments
B	03/02/17	NRW comments
C	10/05/17	Layout updated

tel: 0333 4561132 fax: 01743 243602
email: info@lingardstyles.co.uk

9 College Hill, Shrewsbury Shropshire, SY1 1LZ
The Studio, Farm Lodge, Leighton, Welshpool, Powys. SY21 8HJ

client / project:
**Proposed Development
Lozelles Site, Lisvane
Cardiff**

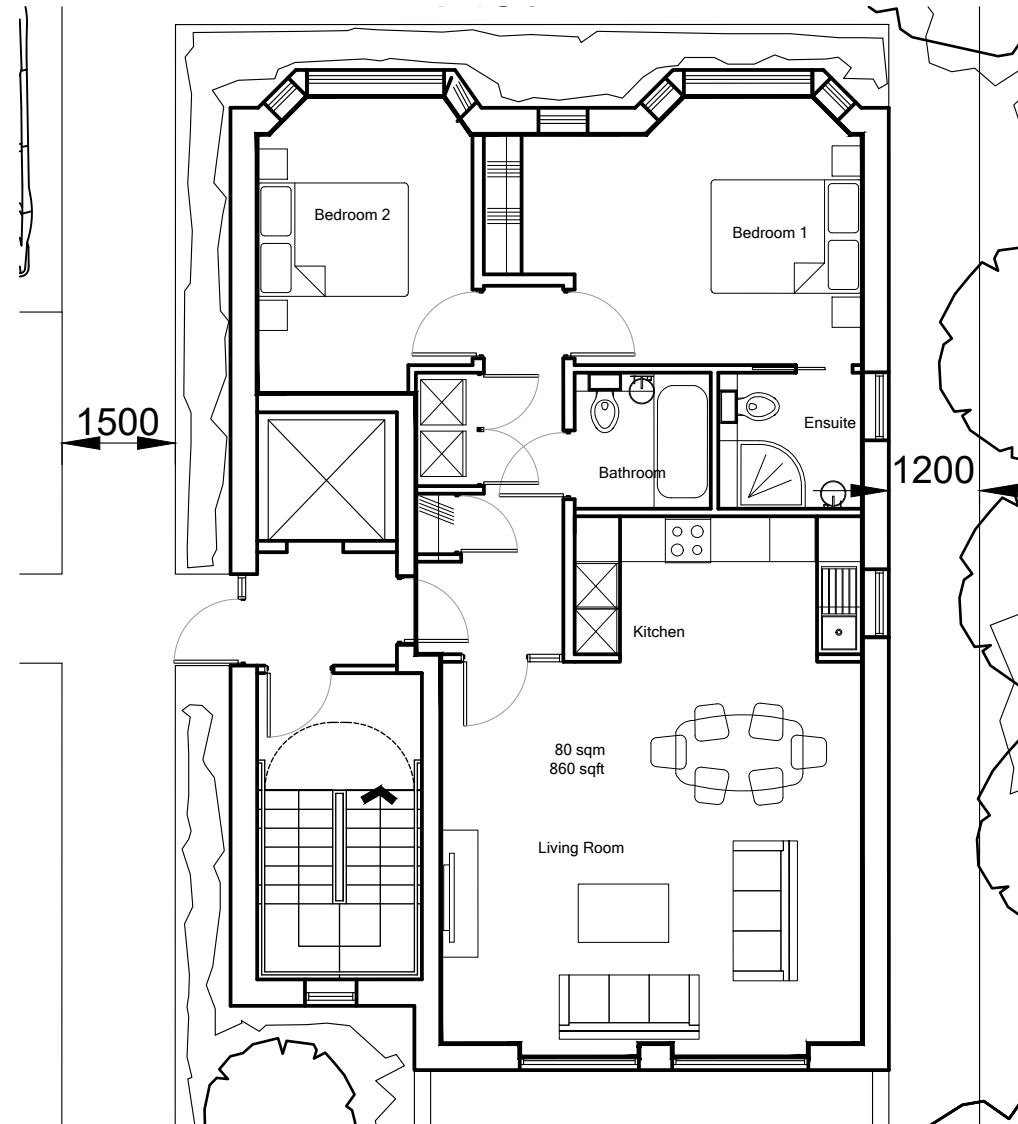
title:
Landscape Plan

dwg. no:	scale:	drawn:	chkd by:
2907-002 rev C	1:200@ A1	TM	PS

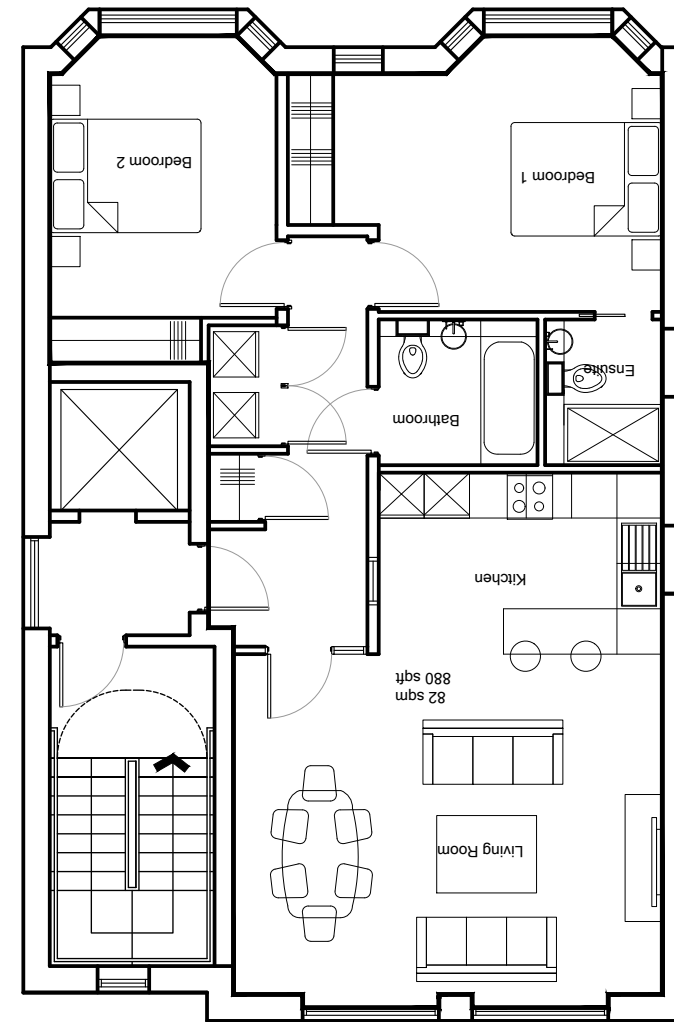
DO NOT SCALE FROM DRAWING. © DRAWING IS COPYRIGHT

Date	Drawn	Check	Description
14/02/16	***	***	Elevations and roofs adjusted to create building separation
26/04/16	***	***	New stand alone apartment created

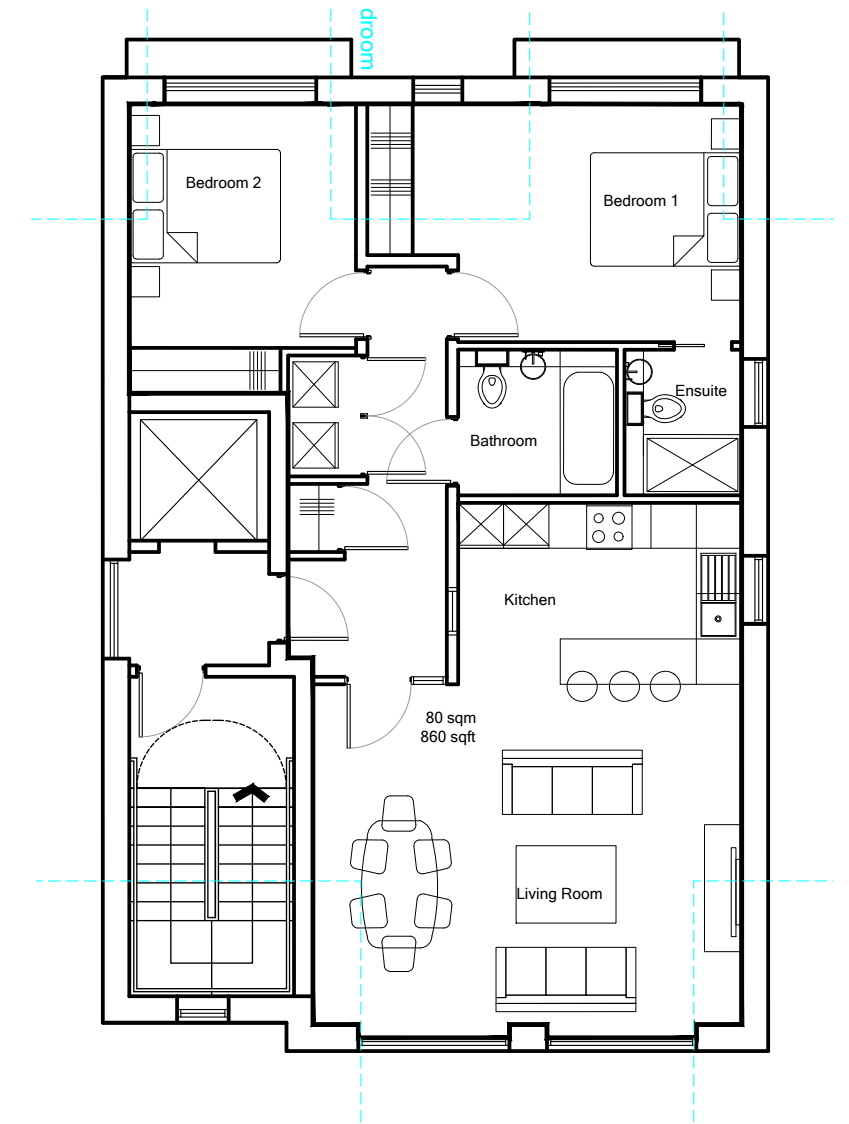
Rev.
A
B



Plot A - Ground Floor Plan

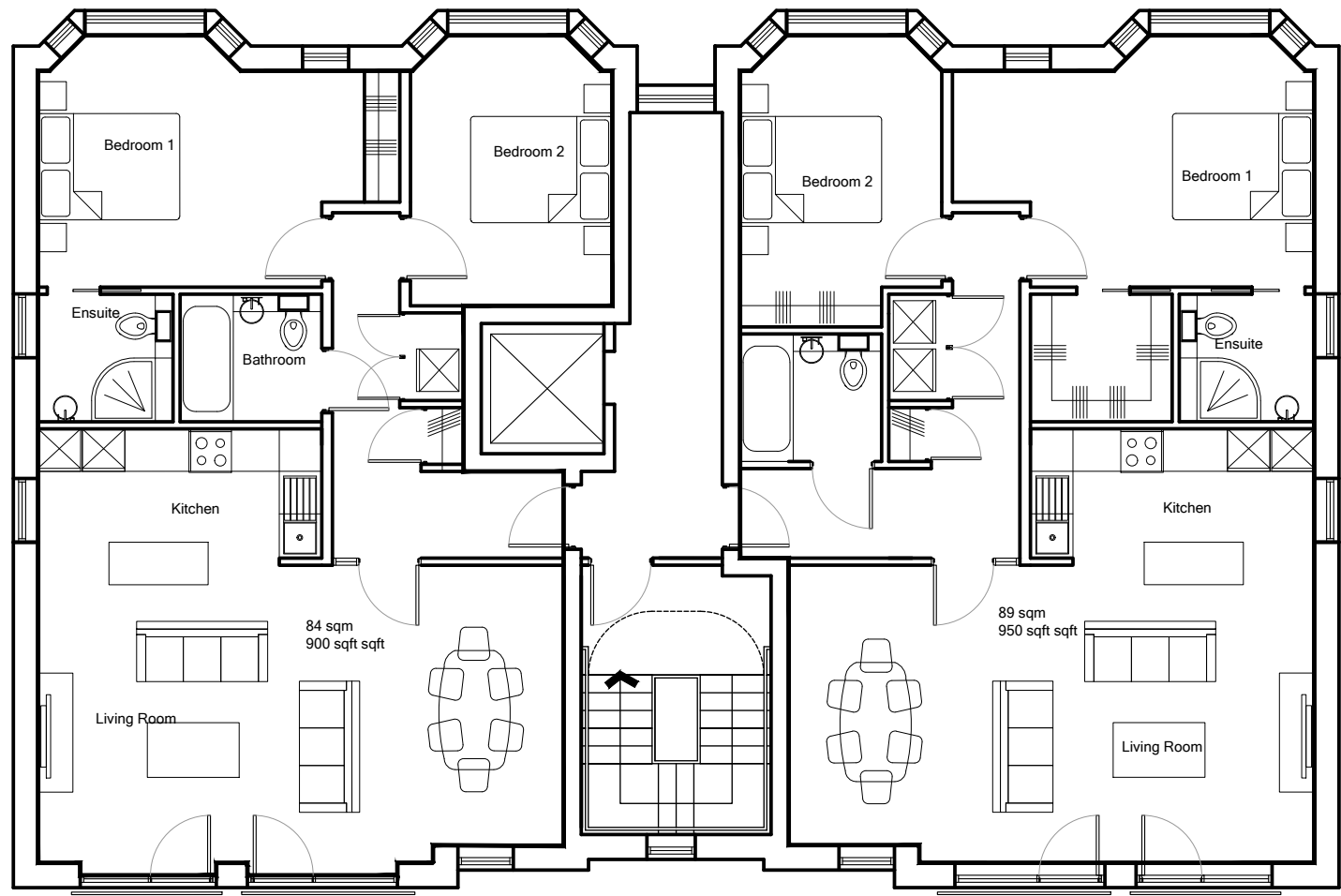


Plot A - 1st Floor Plan

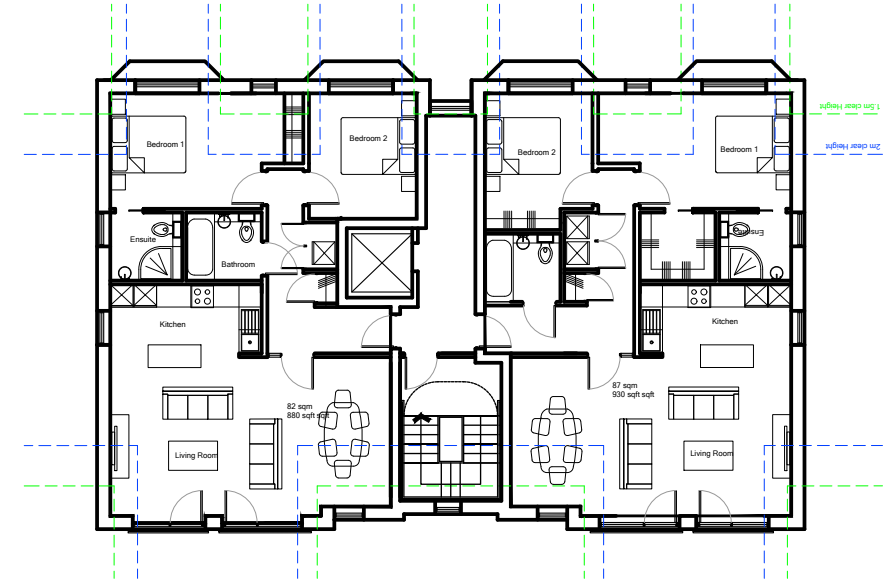


Plot A - 2nd Floor Plan

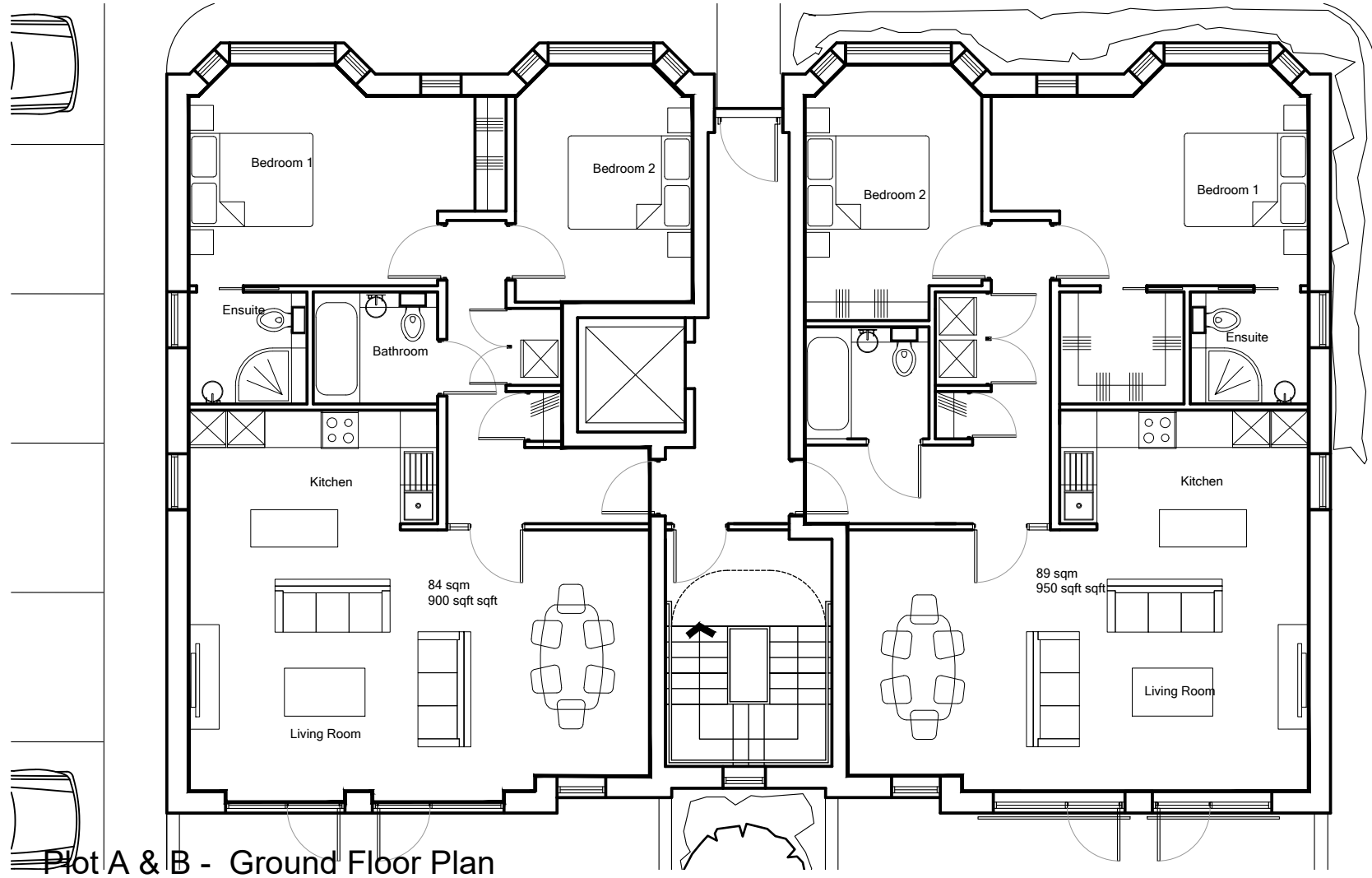
Residential Development Lozelles Site, Lisvane	Job No: 16_047	Rev. B
Title Plot A Proposed Floor Plans	Drawn BK	Scale 1:100 & 200 @A3
		
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL. www.cjarchitects.co.uk tel: 029 20452100</small>		



Plot A & B - 1st Floor Plan



Plot A & B - 2nd Floor Plan



Plot A & B - Ground Floor Plan

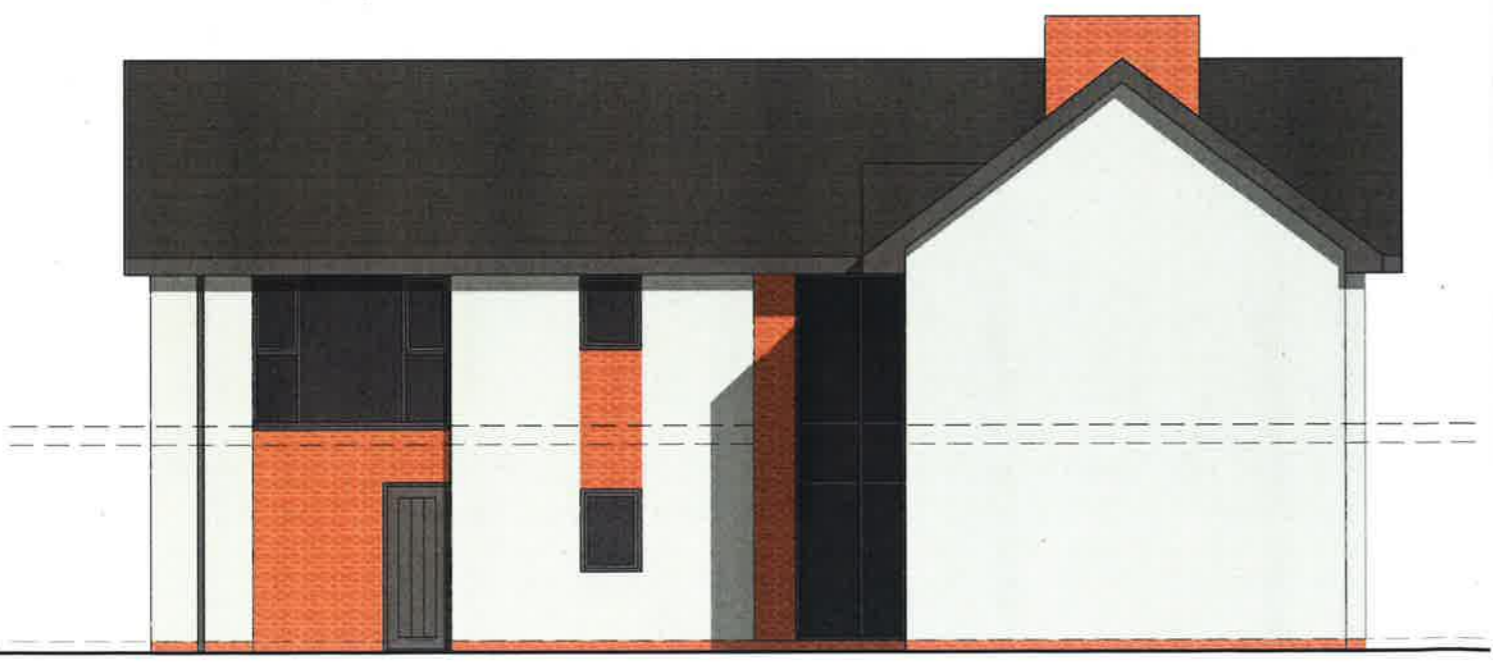
Residential Development Lozelles Site, Lisvane		Job No: 16_047	Rev.
Title Plot B Proposed Floor Plans		Eng No: AL(00)02	
Date	Drawn	Scale	
	BK	1:100 & 200 @A3	
 Architects · Town planners Environmental & Urban design		www.cjarchitects.co.uk Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 9HL Tel: 029 20452100	



Plot D - Front Elevation



Plot D - Side Elevation



Plot D - Rear Elevation



Plot D - Side Elevation

16/02752 MJK

Residential Development Lozelles Site, Lisvane	Job No 16_047	Rev.
Plot D Proposed Elevations	Dwg No AL(00)12	
Date 16/01/12	Drawn BK	Scale 1:50 @A1, 1:100@A3
		



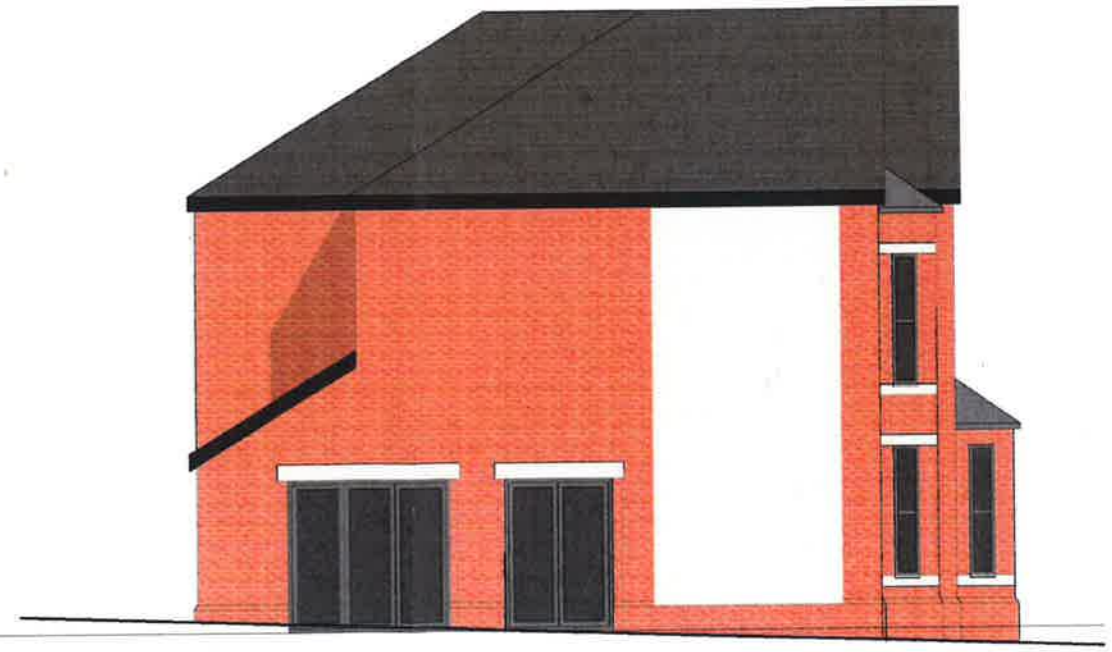
Plot C - Front Elevation



Plot C - Side Elevation



Plot C - Rear Elevation



Plot C - Side Elevation

Residential Development Lozelles Site, Livane	Job No. 16_047
	Drawn By AL(00)11
Title Plot C Proposed Elevations	
Date 1/5/11	Scale 1:50 @A1, 1:100 @A3
	
<small>Unit 14, Capenhurst Business Park, Preston, Lancashire, PR1 7 2JH</small>	