

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 19/09/2018

APPLICATION No. **18/00576/MJR** APPLICATION DATE: 13/03/2018

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: THE RISE CARDIFF LTD

LOCATION: YOUTH OFFENDING TEAM - THE RISE, PEN-HILL ROAD,
PONTCANNA, CARDIFF, CF11 9PR

PROPOSAL: ERECTION OF 8 4-BED TOWNHOUSES, GARAGES AND
ASSOCIATED PARKING

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

1. Statutory Time Limit (The development permitted shall be begun before the expiration of two years from the date of this planning permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.)
2. The Development shall be carried out in accordance with the following approved plans:

Plans

SP546 – P100	Site Location Plan
SP546 – P00	Existing Site Plan
SP546 – P01 Rev A	Proposed Site Plan
SP546 – P02	Proposed House Type 'A' Floor Plans
SP546 – P03	Proposed House Type 'B' Floor Plans
SP546 – P04	Proposed House Type 'C' Floor Plans
SP546 – P05	Proposed Elevations_1
SP546 – P05	Proposed Elevations_2
SP546 – P07 Rev A	Proposed Elevations_3
SP546 – P08	Proposed Section A-A and Garage Plans and Elevations

Documents

- Proposed Mitigation and Enhancement Plan (Bats) - Dated 29.06.2018 - Celtic Ecology and Conservation Ltd
- Noise Assessment for Planning Purposes – Dated 03.07.2018 – Acoustics and Noise limited
- Transport Statement – Report Ref: CC1711/REP01/A (April 2018) - Cambria
- Swept Path Analysis: Large Private Car (Sheet 1 of 2) - CAM 00 00 GA C 002 Rev P2 – Cambria

- Swept Path Analysis: Large Private Car (Sheet 2 of 2) - CAM 00 00 GA C 003 Rev P1 – Cambria
 - Swept Path Analysis: 7.5t Van - CAM 00 00 GA C 001 Rev P5 – Cambria
 - SP546 – CWA - Planning Statement (March 2018)
 - Vehicle Tracking Supporting Text. Email: dated 02.07.2018 from Chris Waterworth.
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- SP546 – P10 3D Model View_1
 - SP546 – P11 3D Model View_2
 - SP546 – P12 Verified Views of 3D Model
 - SP546 Validated View from the Park 1
 - SP546 Validated View from the Park 2
 - SP546 Validated View from the Park 3
 - SP546 Validated View from the Park 4
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- Arboricultural Method Statement – Rev 21 June 2018
 - Landscaping Proposals Planting Beds – 291 2018/46. Rev A
 - Landscape Existing: Drawing No. 291 2018/13. Rev B
 - Landscape Overlay and Tree Protection Plan: Drawing No. 291 2018/14. Rev D
 - Landscape: Proposals. Drawing No. 291 2018/15. Rev E
 - Planting Schedule - Rev 16th July 2018
 - Tree Pit Sections - 291 2018/68.rev A - Dated 27th July 2018
 - Planting Methodology and Aftercare Management Plan – Rev 3 August 2018 - Corscadden Associates

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. 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), 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.

- 4. 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

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

5. The remediation scheme approved by condition 4 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

6. 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

7. 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.

8. 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.

9. 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.

10. No above ground works shall be commenced until details, which may include samples, of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

11. No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall include an assessment of the potential disposal of surface water via sustainable means. Where a sustainable drainage scheme is to be provided the submitted detail shall:

- (i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measure taken to prevent pollution of the receiving groundwater and/or surface waters;
- (ii) Include a period for its implementation; and
- (iii) Provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure disposal of surface water via possible sustainable means in accordance with Policy EN10 of the adopted Cardiff Local Development Plan 2006 - 2026.

12. 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. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

2026..

13. All planting, seeding and turf-laying shown on the approved plans 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 and in full accordance with approved plans and specifications.

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 of the adopted Cardiff Local Development Plan 2006 - 2026.

14. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

1. An upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
2. A lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13 of the Cardiff Local Development Plan

(2006 - 2026).

15. No development shall take place until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The plan shall provide for:
- a) access
 - b) the parking of vehicles of site operatives and visitors
 - c) loading and unloading of plant and materials
 - d) storage of plant and materials used in constructing the development
 - e) the erection and maintenance of security hoardings
 - f) wheel washing facilities
 - g) measures to control the emission of dust and dirt during construction
 - h) a scheme for recycling/disposing of waste resulting from construction works
 - i) details of the protection of the adjoining public highway and its making good should it be damaged during construction works.

Reason: In the interests of highway safety, public amenity and to avoid any conflict situations with residents and/or staff residing/working on this site in accordance with policies T5, T6 and EN13 of the adopted Local Development Plan (2006-2026).

16. Details of the privacy screens proposed on the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the occupation of the dwellings and shall thereafter be retained and maintained.
- Reason: To ensure that the privacy of occupiers is protected in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006 - 2026).

RECOMMENDATION 2: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.

- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (ii) 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: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

RECOMMENDATION 4: The applicant is advised that all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on **029 20717500**.

RECOMMENDATION 5 : The developer should consider undertaking a comprehensive written, drawn and photographed survey / record of the building. This would ideally be to Level 3 standard (Historic England 'Understanding Historic Buildings: A Guide to Good Recording Practice' 2016, further information from <http://www.english-heritage.org.uk/publications/understanding-historic-buildings/understandinghistoricbuildings1.pdf>).

In order that the nature and history of the structure can be understood and retained for future generations. The completed record should be deposited

in a suitable repository such as the Glamorgan Archives or the Historic Environment Record so that future historians can access it.

RECOMMENDATION 6 : It is the responsibility of the applicant to ensure that the retaining wall along the boundary of the site with Cardiff Road is designed and constructed fit for purpose. The Local Planning Authority has no duty of care over this wall.

RECOMMENDATION 7 : Prior to the commencement of any soft landscaping works within Llandaff Fields, the applicant, or their landscape contractor, shall agree a scheme of implementation works to trees and other vegetation within Parks land with the Council's Parks department in order to ensure that the approved landscaping provision is delivered acceptably. The applicant is advised to contact the Council's Parks Tree Section (Matt Wride – 02920 445924) and Western Grounds Maintenance Manager (Mark Cummings – 02920 563902) to agree implementation of works and long term maintenance.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the erection of 8 X 4 bed town houses with associated garages and parking spaces. Each of the 8 dwellings would be partially built into the ground and would therefore appear as 3 storeys dwellings to their front elevations and 4 storeys dwelling, with 5th floor roof terrace, to their rear. Each dwelling would have an external amenity space to the rear along with a various balconies and a top floor roof terrace.
- 1.2 The proposed dwellings would be finished in buff or black brick, with rusticated rendered to their ground floor front elevations, and have double glazed powder coated aluminium windows. Each of the dwellings would have pitched roofs, finished in slate, with small dormers to their front roof slopes and large dormer/canopy features and roof terraces to their rear.
- 1.3 The split level design of the dwellings would utilise the topography of the site with the lower ground floors proposed being below ground at the front of the dwellings but at garden level at the rear. Light wells are proposed at the front of the dwellings to enable increased light provision to the lower ground floor levels.

2. DESCRPTION OF SITE

- 2.1 The application site is located to the north of the junction between Penhill Road, Llandaff Road, Pencisely Road and Cardiff Road and adjacent to Pontcanna Fields and Llandaff Fields Historic Park and Garden.
- 2.2 The site is currently occupied by a part two, part three storey Victorian villa with pitched roof and tower feature. To the rear of the villa is a large flat roofed two storey extension which is built into the ground, thereby only appearing two storey, when viewed from the east. To the southeast of the man villa is a two storey mono-pitched outbuilding, again built partially into the ground, utilising the site levels.

- 2.3 A random rubble stone wall measuring approximately 1.8m – 2.3m high externally and 1.8m – 6.5m internally encloses the site from its north-western corner around to its south-eastern corner, with only a small break for the vehicular access point and an additional pedestrian entrance. The northern and eastern boundaries of the site are enclosed by trees and landscaping, including a substantial laurel hedge.
- 2.4 Vehicular access to the site is obtained from Penhill Road, approximately 25m to the east of the Cardiff Road, Penhill Road, Llandaff Road and Pencisely Road junction. Given the close proximity of the site entrance to this junction, vehicles leaving the site are currently informally prohibited from turning right. A small, arched, break in the boundary wall is located directly adjacent to the junction providing an alternative point of access for pedestrians.
- 2.5 The application site initially slopes steeply upwards from east to west before levelling out from approximately the centre of the site towards its western boundary. Similarly, the site is level for most of its length in a north to south orientation, with a small gradient evident from, approximately the front elevation of the existing villa towards its southern boundary with Penhill Road.
- 2.6 Numerous trees are located both within the application site and immediately adjacent to it within Llandaff Fields.
- 2.7 The majority of the application site lies outside of a flood zone area, as defined by TAN 15, with just a small area on the boundary of the site with the adjacent park falling within flood zone C1.

3. SITE HISTORY

- 3.1 17/02997/MNR – Prior approval granted for the demolition of all buildings on the site.

4. POLICY FRAMEWORK

- 4.1 National Policy

Planning Policy Wales (Edition 9) November 2016

- 4.2 TAN's

TAN 12: Design (March 2016)

TAN 11: Noise (October 1997)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (March 2007)

TAN 21: Waste (February 2014)

- 4.3 Cardiff Local Development Plan (Adopted January 2016)

KP5: Good Quality and Sustainable Design

KP6: New Infrastructure
KP7: Planning Obligations
KP8: Sustainable Transport
KP14: Health Living
KP15: Climate Change
KP17: Built Heritage
H3: Affordable Housing
H6: Change of Use or Redevelopment to Residential Use
EN8: Trees, Woodlands and Hedgerows
EN9: Conservation of the Historic Environment
EN10: Water Sensitive Design
EN13: Air, Noise, Light Pollution and Land Contamination
EN14: Flood Risk
T1: Walking and Cycling
T5: Managing Transport Impacts
T6: Impact on Transport Networks and Services
C3: Community Safety/Creating Safe Environments
W2: Provision for Waste Management Facilities in Development

4.4 Supplementary Planning Guidance (SPG's) adopted to the Cardiff Local Development Plan

Infill Sites (November 2017)
Waste Collection and Storage Facilities (October 2016)
Residential Design Guide (January 2017)
Green Infrastructure (November 2017)
Managing Transportation Impacts (April 2018)

5. INTERNAL CONSULTEE RESPONSES

5.1 The Operational Manager (Transportation): raises no objection to the application proposal making the following comments;

The car parking provision proposed is acceptable and as the Transport Statement indicates that the movements to and from the proposed site will be low, they would not have a detrimental effect upon the highway. As such, an objection on these grounds would be unsustainable. The site is also located in a sustainable location in terms of transport. There are regular bus services in the area and the site is within walking distance to the shops of Pontcanna area.

The submitted tracking diagrams demonstrate that cars can safely move within the confines of the site as can a 7.5 tonne lorry, furthermore the tracking has demonstrated that such a lorry can leave site in a forward gear, thus improving driver, cyclist and pedestrian safety. Therefore an objection on these grounds would be unsustainable.

The applicant has demonstrated that the visibility splay, although restricted is adequate due to the slow speeds of traffic turning left on to Penhill Road from Cardiff Road. Concerns regarding traffic running a red light to turn on to Penhill Road from Cardiff Road are acknowledged, however this is an illegal manoeuvre

and is an enforcement issue. An objection on these grounds would be unsustainable.

- 5.2 The Affordable Housing Manager (enabling) raises no objection making the following comments;

'In line with the adopted LDP, an affordable housing contribution of 20% of the 8 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, and this site is suitable for social rented accommodation, built to Welsh Government Development Quality Requirements (DQR) for purchase by a nominated Registered Social Landlord (RSL) partner.

For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and the amount that a Registered Social Landlord (RSL) would pay for the unit is specified below:

	Social Rent	
4 bed house	£	96,000

Given the proposed design/configuration of the scheme, we would need to understand how these units can meet DQR standards and how any demarcation between the market and the affordable would work in reality.

The scheme has to be able to be managed practicality and easily maintained by the Registered Social Landlord.

*If it is not possible to deliver the units on site then, as an alternative to on-site provision, we would be willing to enter into discussions with the applicant with regard to providing the affordable housing contribution as a financial contribution in lieu. On that basis we would seek a financial contribution of **£286,636** (in lieu of 2 units (20%)) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2017).'*

- 5.3 The Tree Officer, following the submission of amended landscaping plans; raises no objection to the application proposal subject to conditions. See condition 13.

- 5.4 The Parks Officer: raises no objection to the application proposal making the following comments.

The site of the proposed development is adjacent to Llandaff Fields and therefore has the potential to impact upon it, although some of the existing building line is very close to the boundary.

A number of discussions have taken place with the applicant's landscape designers regarding the proposals and any impact on adjacent vegetation within the park. Much of the existing vegetation (which comprises of a laurel hedge and mature trees) will be retained and enhanced to provide screening. Agreement

has been reached for several poor quality trees with structural weaknesses to be removed as they are likely to cause long term issues for the park and development. The applicant has agreed to fund / carry out planting of replacement trees within the Park in lieu of those lost.

Overall, given these discussions, Parks believe that Llandaff Fields will not be adversely affected by these proposals and will receive benefits through new tree planting.

The landscape plans showing the planting within the park reflect discussions with the applicant, landscape architect and grounds maintenance manager.

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG).

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

The current LDP requires developments of more than 8 units to provide an off-site POS contribution. As the current proposals are for 8 units this scheme does not reach this threshold.

- 5.5 The Waste Strategy and Minimisation Manager raises no objection to the application proposal stating the following:

The proposed storage and collection for this development has been noted and is acceptable.

- 5.6 Pollution Control – Contaminated Land: raise no objection subject to conditions in respect of contaminated land issues, with further contaminated land advice.

- 5.7 Pollution Control – Noise: Raise no objection to the application proposal subject to road traffic noise condition and an advisory note.

- 5.8 Pollution Control – Air Quality: Raise no objection to the application proposal.

- 5.9 The County Ecologist: raises no objection to the application proposal; making the following comments;

The compensation / enhancement measures proposed in respect of bats should correspond to the measures required by the EPS licence.

The development of this site presents an opportunity to remove the Laurel hedge which surrounds part of the site, and to replace it with native planting. Under Section 6 of the Environment (Wales) Act 2016 Cardiff Council has a duty to seek

to maintain and enhance biodiversity in the exercise of its functions, including the granting of planning consent. Replacement of the Laurel with native species could be of equal or greater aesthetic value, but of much greater biodiversity value. There are many native trees / shrubs which could provide equal screening of the new development, in time, and at the same time enhance the nature conservation value of the adjacent park.

- 5.10 Operational Manager Drainage: raises no objection to the application proposal subject to a condition regarding surface water disposal.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Welsh Water: Raise no objection subject to drainage details condition and an advisory note.
- 6.2 Wales and West Utilities: Raise no objection to the application proposal.
- 6.3 Natural Resources Wales: Raise no objection to the planning application and make the following comments.

European Protected Species

We are aware that a European Protected Species licence in relation to bats has already been consented at this site.

NRW note the submission of the Proposed Mitigation and Enhancement Plan (Bats) (Dated 29.06.2018) and confirm that the bat mitigation plans shown thereon correspond with those conditioned under the European Protected Species licence granted for the demolition.

Flood Risk Management

A very small part of the application site lies 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, which is updated on a quarterly basis, confirms a very small part of the site to be within the 0.1% (1 in 1000 year) annual probability flood outlines. However, our modelling data confirms the built development (including gardens) is predicted to be flood free. Furthermore, we are satisfied that the area described on drawing SP548-P01 as a planting scheme would have no effect on flood risk from a storage or conveyance perspective. Therefore, we raise no concerns in relation to flood risk.

- 6.4 Cadw raise no objection to the impact of the proposed development on the registered historic parks and garden Pontcanna Fields and Llandaff Fields PGW (Gm)59 (CDF).

Cadw acknowledge that the proposed development is likely to have a slight impact on the setting of the registered park, however, accept that the additional tree planting proposed within the registered park (as shown on the proposed landscape proposal plan 2018/15 Rev E) would assist in screening the development from the park; mitigating this visual impact.

- 6.5 The Glamorgan-Gwent Archaeological Trust Limited: Raise no objection to the application proposal subject to a condition requiring the accurate recording of the existing villa on the site as an historic house.
- 6.6 South Wales Fire and Rescue: Any comments received will be reported to committee.
- 6.7 South Wales Police: Any comments received will be reported to committee.

7. REPRESENTATIONS

- 7.1 The local ward members for Llandaff, Riverside and Canton have been consulted on the application proposal given the location of site on the boundary of these wards, albeit the site itself falls within the Llandaff ward.
- 7.2 Councillor, Philippa Hill-John (Llandaff) objects to the proposed development stressing that she supports the objection submitted on the behalf of the Llandaff Society (see para:7.5). She further considers that the proposal would fail to improve or enhance the potential of this dominant site.
- 7.3 The application was publicised by way site notices and neighbour notification. 21 letters have been received, including 19 letters of objection, 1 letter of support and 1 neutral letter. Objections have also been received from the Llandaff Society and the Cardiff Civic Society. A summary of the comments received are detailed below.

Neutral

- The existing building should be retained and redeveloped given its prominent position and as a local landmark.
- Access to the site is not safe, particularly for pedestrians on the adjacent footpath.
- The removal of trees should not be undertaken purely to allow improved view for the proposed dwellings. The environmental impact of their loss and any impact on the adjacent GII Llandaff Fields should be the highest priority in any consideration of their loss.
- Consideration should be given to the need to cut carbon emissions and only one parking space per dwelling should be provided.
- Any planning gain funds are used to provide protection and enhancement of facilities for the well-being of all within Pontcanna fields
- Planting schemes should be carefully considered to enhance wild life and serious consideration must be given to provision of social housing within this prestigious site.
- Photographic imagery should be taken prior to and during demolition of the existing villa for historical records. The Rise is not listed but is an imposing building which should be remembered.
- This site should allow for a maximum of 5 town houses with plots 6, 7 and 8 providing affordable housing units. Cycle racks should be installed in place of the garage proposed for plot 8. Garage plots 5, 6 and 7 should be replaced with an open green small communal area.

- Planning Policy Wales sets out the need to provide more housing of the right type and offer more choice.
- Consideration should be given for the un-met need of those requiring affordable housing.
- This house was built by one of the Thompson family who were known and respected as great benefactors to Cardiff and its institutions. The house displays a character that adds to the quality and distinctiveness that helps identify Cardiff as a notable city and distinguishes it from other important late Victorian cities. Cardiff has already lost far too many of the buildings that bear testament to its massive growth, wealth and influence in the late 1800s. This aspect of our city should be protected and enhanced before the City loses its identity and just becomes another early c21st version of a city that could be anywhere in Britain and thus not appealing as a visitor destination that projects its important history for tourists looking for unique character and atmosphere.

Support

- The site benefits from good transport links along with excellent cycling and walking routes.
- Highway safety concerns are minimal as traffic flow has reduced since the closure of The Rise facility. A 50/50 transport split for the new build would be appropriate.
- There is a variety of types and sizes of properties in the area and therefore the development will not be insensitive nor inappropriate within the locality.

Object

- The number of dwellings proposed on the site is excessive.
- The architecture of the proposed dwellings is not sympathetic to the existing tone of the area.
- We should be protecting such buildings as The Rise, not replacing them with featureless architecture in the name of profit. The character of Cardiff is slowly being eroded.
- The existing villa should be converted into flats.
- The proposal would require the removal on numerous mature trees which are of aesthetic value to the area and aid in reducing pollution on the busy junction.
- The buildings proposed are too high.
- Parking provision in the local area is inadequate and therefore the development should have greater car parking provision.
- The application site is located on an extremely busy junction and the current access is very close to the corner. Vehicular access to the site is therefore dangerous. Adding residential traffic for 8 houses to this junction will compound the problem for pedestrians walking to and from the park, cyclists, commuters turning left onto Penhill Road, as well as residents accessing or leaving their homes.
- It is unfortunate that a novel design was not considered for this prime location in Cardiff to promote forward thinking residential developments, with consideration given to renewable energy, commuting, beauty and

functionality of design, although interesting addition of lift for mobility access.

- Any impact on Llandaff Fields should be considered and any infringement will be put right by developers.
- The eight 5-storey houses over-develop this small site in terms of height and density.
- The development will be out of character within the surrounding area and will be over-bearing compared to existing buildings in the surrounding area.
- The proposed development will also potentially cause safety issues for road users on a busy corner, particularly if large delivery vehicles park on the main road because they will not be able to enter the site and exit in forward gear.
- There are no vehicle turning facilities within the site for larger vehicles such as delivery vehicles, emergency vehicles, refuse vehicles or removal vehicles. A road turning head should be provided within the site to adoptable standards, to ensure that vehicles can exit the site in forward gear.
- As the development is for eight properties will the internal access road be adopted by the local authority?
- The Street and Park Elevations shown on drawing P06 are misleading in that they show large trees obscuring a large proportion of the development. It should be noted that the trees will not have foliage on them for at least 6 months of the year. Also, many of the trees shown on the elevations are new trees which will take many years to grow to maturity.
- It is requested that the trees within the park, designated for removal, are kept unless there are grounds for removal due to safety considerations. Also, the large laurel hedge within the park provides significant screening to the existing building when viewed from the park. It is requested that this laurel hedge is kept intact.
- It is disappointing to see that tree T1 - a broad leaved lime (and the laurel hedge within the site to the right of the existing vehicle entrance) are proposed to be removed.
- There are known regular surface water flooding issues at the bottom of Penhill Road. Any proposed development on the site should take account of this.
- It would be far more in keeping with the local environment if a maximum of five properties are built on the site with a mix of 2, 3 & a maximum of 4 storey's in height.
- The development would result in neighbouring properties being overlooked thereby reducing residents privacy.
- The development would raise concerns over the safety of vehicles existing the site towards Cathedral Road given the speed at which vehicles travel around the corner from Cardiff Road onto Penhill Road.
- During construction works, no construction traffic/worker vehicles should park on the first 100m of Cardiff Road.

7.4 The Llandaff Society object to the application proposal on the following grounds:

- Llandaff Society was disappointed to see these undistinguished proposals for this prominent site. The site overlooks the listed parkland of Llandaff Fields and is located at the key gateway to Cardiff Road Conservation Area. It presents a significant opportunity, which should not be missed, to develop one or more building of prestige and quality.
- The design of this bland modern block of houses, set at an angle across the site, does not take any inspiration from the shape of its site and its surroundings.
- This outstanding site deserves a much better quality design.
- We urge you to require a re-think, taking into account the site's unique setting and - if a new design is not forthcoming - we urge you to REFUSE this application.

7.5 Cardiff Civic Society raises concerns over the application proposal on the following basis;

Firstly, we would like to re-iterate our point in our previous objection [objection to application ref: 17/02997/MNR] to the demolition of such an interesting and historic building.

As media coverage, letters to the press, a petition, and a protest at the proposed demolition highlight, this is a well-loved local landmark that deserves better than the fate meted out by Cardiff Council's planning committee.

In response to the above application, Cardiff Civic Society would like to raise the following points:

- *Eight four-bedroom townhouses is too many for the site, given the dangerous access onto Penhill Road, and the number of vehicles which will be accessing these large dwellings.*
- *There are also serious traffic issues to be addressed in the construction process.*
- *Given the sensitive location, adjoining the Grade 2 listed Llandaff Fields, and the Pontcanna and Llandaff Conservation areas, the height of the buildings raises concerns. If each were a storey lower, their impact on the local environment would be more acceptable.*
- *The site contains many beautiful, mature trees which are amenity trees for the local area, contributing to the health and wellbeing of the local population with their visual appeal and ability to absorb pollution. These trees cannot be adequately replaced with new trees as such trees take generations to reach maturity. We would ask therefore that all the mature trees at The Rise be preserved.*

7.6 Following receipt of additional information a second 14 day public consultation was undertaken with a further 2 letters being received in opposition to the proposed development. A summary of the objections are detailed below.

- The design of the proposal would be much improved if the roof line reflected the ground contours. In other words, making the buildings nearer the corner two storeys not three, for the following reasons:
- Stepping down the roof line would reflect the way the boundary wall steps down and the road slopes down as it turns the corner.
- The visual impact of the new development at the corner would be reduced.
- The small reduction in dwelling numbers would go some way toward meeting the objections on traffic grounds and overdevelopment.
- The addition of the swept path analysis is for a large family car is useful however has sufficient space been provide for modern cars to access the proposed parking spaces and garages?
- Large cars are now wider than the figures used for 2006 (5079mm long, 1872mm wide, 1525mm high) and this should be reflected in the submitted information.

8. ANALYSIS

Land Use

- 8.1 The existing, vacant, buildings on the site were last used by the City of Cardiff Council, Youth Offending Team. This use does not have any protection in land use policy terms, whilst prior approval has been granted for the demolition of the buildings.
- 8.2 The application site falls within a River Corridor, as designated by Policy EN4, however, given the established previous use, the redevelopment of this land for residential development does not raise any land use policy concerns.

Design / Placemaking

Density

- 8.3 The application site measures 2,885 sq. m (0.28Ha) in size. As such, the density of the proposed development would be 32 dwellings per hectare (dph). Whilst this density would be higher than that of the properties immediately to the west of the site, fronting onto Cardiff Road and Pencisely Road respectively, it would be consistent with, or lower than that of the neighbouring flats and terraced properties to the south east. The density of the proposed development is therefore considered acceptable within the context of the surrounding area.

Scale and Massing

- 8.4 Each of the 8 dwellings proposed would be approximately 1m taller than that of the tower feature of the existing villa. Whilst it is recognised that the tower represented an isolated feature of the existing building, it is not considered that the height of the proposed dwellings would be inappropriate, or inconsistent, with that of the surrounding properties given the topography of the site and area and

the separation distances involved between the proposed dwellings and surrounding properties.

- 8.5 Given the number of dwellings proposed, their linear arrangement and relative spacing the proposed scheme would appear bulkier than that of the existing buildings on the site. It is however considered that the site could adequately accommodate a development of the scale and massing proposed given the relative ground levels of the site to the surrounding built form and its isolated position on a prominent corner location. Whilst the development might appear as a terrace from certain vantage points and therefore potentially heavy in terms of its massing, this collective massing is not considered to represent an inappropriate or uncharacteristic form within the locality. The variation in the building line, small, gaps between dwellings and variation in materials proposed would also aid in breaking up the perceived massing of the houses.
- 8.6 Whilst the proposed dwellings would appear 4.5 storeys in height at their rear, within Llandaff Fields, the submitted verified views demonstrate that the buildings would be no higher than that of the properties behind, along Cardiff Road, despite being closer. Given the proposed retention of numerous trees and the Laurel hedge along the boundary of the site with the park, views of the dwellings would also be significantly reduced and/or softened.
- 8.7 Taking the above into consideration, whilst the proposed development would represent an intensification of the site, it is considered that the scale, massing and general bulk of the proposed development could be acceptably accommodated with the site.

Layout

- 8.8 The proposed development would consist of 8 dwellings in total, with 2 detached properties located at either end of a run of 3 pairs of semi-detached properties. The dwellings would be arranged with small, incremental, setbacks evident between properties in plots 1 – 7, with the detached dwelling in plot 8 being positioned just forward of the pair of adjacent semis. It is considered that this subtle staggering of the building line would add interest to the development and aid in breaking up the perceived massing of the dwellings given their tight spacing relative to their height.

Architectural Approach

- 8.9 There is an evident variety in the architecture of properties within the immediate vicinity of the application site, from Victorian terraces, to post war semi-detached dwellings, to post war art deco flats. Whilst the design of the proposed dwellings would differ somewhat from that of those properties immediately adjacent to the site, their design is considered to be of high quality and therefore acceptable given the evident range in architectural approaches locally.
- 8.10 The proposed finish of two of the 8 dwellings in a contrasting black brick to the buff brick used predominantly across the development, coupled with the staggered building line proposed, would aid in adding welcome interest to the

scheme whilst subtly breaking up the massing of the development as a whole.

Amenity Considerations

- 8.11 Given the separation distances involved and layout and orientation of the proposed dwellings, the development would not result in any of the neighbouring properties, or their associated amenity spaces, being unacceptably overlooked. The nearest point between No. 188 Cardiff Road and Plot 1, the closest dwelling proposed on site to it, would be approximately 30m; whilst also being at an acute angle. Similarly, the separation distance between Melrose Court and Plot 8, the nearest property to it, would be approximately 25m and also at an acute angle. The Council's design SPG's specifies that a minimum of 21m would normally be required between facing windows to habitable rooms on the private side of a development. As such, given the separation distances and the relative angles involved here, it is considered that the proposed scheme would not unacceptably overlook any of the neighbouring properties.

Finishing materials

- 8.12 The finishing materials proposed consist of rusticated render, London stock brick (buff and black), white render, dark metal cladding, slate and powder coated aluminium windows. Whilst these are considered to be broadly acceptable, a condition requiring details of the finishing materials proposed to be submitted to and approved in writing by the Local Planning Authority prior to their use on site is considered pertinent.

Amenity Space

- 8.13 Each of the proposed dwellings would have a private rear garden of a size which meets the minimum requirements set out in the Council's Design SPG's. Whilst these spaces would be located such that they would often be in shadow from the dwellings and adjacent trees, each dwelling would also benefit from balconies at their front and rear along with a roof terrace. As such, given the size and mix of the differing amenity spaces available to each of the proposed dwellings, the amenity space provision would be considered acceptable. It should also be noted that the site is located directly adjacent to Llandaff Fields.

Transportation

Access

- 8.14 It is recognised that access and egress from the application site is restricted given its close proximity to the Penhill Road, Llandaff Road, Pencisely Road and Cardiff Road junction, the level of congestion created at this junction, the limited visibility of vehicles turning left onto Penhill Road from Cardiff Road and the presence of two lanes of traffic on either side of the street directly outside the access. It is however noted that the existing building was previously occupied by Cardiff Council's Youth Offending Team. As such, vehicles would have been entering and leaving the site throughout the day, particularly during morning and afternoon rush hours, given the largely office based use of the building.

- 8.15 The submitted Transport Statement demonstrates that the number of vehicular movements into and out of the site as a result of the proposed development would be reduced relative to that of the former use of the site. Whilst the number of vehicles entering and leaving the site at particular times of the day would vary as a result of the proposed development, the trip generation resulting from the proposed scheme would not be objected to by Highways.
- 8.16 Tracking diagrams have been submitted which demonstrate that vehicles, including a 7.5 tonne van, can access the application site, turn acceptably within it, and leave in a forward gear. As such, an ambulance and most delivery vehicles would be able to comfortably turn within the site. Whilst larger vehicles such as a fire engine or Pantehnicon would not be able to turn on site, given the frequency at which these would likely visit the site, it would be considered unreasonable to expect a turning area to be provided to allow vehicles of this size to turn on site.

Parking

- 8.17 13 car parking spaces are proposed serving the 8 dwellings along with 8 garages, one for each property. The Council's Managing Transportation Impacts SPG sets the maximum level of car parking provision within the Central Area of the City at 1 space per dwelling. Whilst it is recognised that the level of parking provision proposed would be greater than that specified within the SPG and that the application site is located within a highly sustainable location with good public transport links and numerous goods and services available locally. Notwithstanding the above, it is recognised that the proposed scheme contains 8 x 4 bedroom houses. As such, it is likely that such properties would be occupied by families who may require more vehicles than the resident of a 1 bedroom flat located in the heart of the City Centre. Taking this into consideration, the location of the site on the periphery of the central area and given the limited availability of additional on street space locally, the provision of 2 parking spaces per dwelling, would on balance be considered acceptable in this instance.

Trees and Landscaping

- 8.18 The proposed development would result in a number of the existing trees within the site being removed, whilst elements of the proposed development would be located within close proximity of retained trees. Nevertheless, subject to the replacement tree and landscaping provision being undertaken in accordance with the approved landscaping details, statements and methodologies, the proposed scheme would not be opposed by the Council's Tree Officer.
- 8.19 The comments of the Council's Tress Officer and the County Ecologist with regard to the potential replacement of the Laurel hedge bounding the application site and Llandaff Fields are noted. Whilst it is accepted that the replacement of this hedge with native species would allow for greater biodiversity in the area, it is the applicant's intension to retain the Laurel hedge. As such, the application has been considered on this basis.

- 8.20 The retention of the existing Laurel Hedge would provide greater immediate screening of the application site when considered against the provision of a hedgerow containing more native species; given the length of time this would take to establish and provide equal overall screening. Whilst the longer term benefits of a native species hedgerow, in terms of biodiversity, are acknowledged, the retention of the Laurel hedge is preferred by the Councils Parks department, who maintain Llandaff Fields. Taking this into consideration and Cadw's concerns regarding the potential visual impact of the development on the setting of the adjacent Grade II* historic park, the retention of the Laurel Hedge would, on balance be considered acceptable in this instance.

Ecology

Bats

- 8.21 Provision have been made for bats as part of the proposed development. This includes 3 tree mounted bat boxes and 2 building mounted bat boxes. Natural Resources Wales (NRW) have been consulted on the application proposal and confirm that the bat mitigation plan submitted corresponds with those conditioned under the European Protected Species licence granted for the demolition of the building.

Laurel Hedge

- 8.22 See 8.21 para above.

Waste

- 8.23 Each of the 8 dwellings proposed would have individual bins with future owners being responsible for presenting them onto the pavement at the entrance to the site for collection. Whilst the collection lorry would need to pull in to the side of the Penhill Road to collect the bins, this is common along the street and neither the Councils Waste Minimisation Officer nor Highways Officers raise objection to this arrangement. The councils Waste Minimisation Officer also considers the internal refuse storage areas proposed acceptable.

Flooding

- 8.24 Whilst a small part of the corner of the application site is located within a C1 flood zone, Natural Resources Wales (NRW) have confirmed that their Flood Map shows that this small corner is within the 0.1% (1 in 1000 year) annual probability flood outlines. Additionally, their modelling data confirms the built development (including gardens) is predicted to be flood free.

Archaeology

- 8.25 The suggested inclusion of a condition by Glamorgan-Gwent Archaeological Trust (GGAT) requiring the existing villa on site be recorded prior to its demolition is noted. However, prior approval for the demolition of the existing buildings on the application site was approved under application ref: 17/02997/MNR. As no

requirement for the recording of the existing villa was included as part of the approval for its demolition, it would be unreasonable to require such a condition/requirement at this time.

- 8.26 An advisory note has been added detailing the suggested recording of the building for future record.

Other matters not considered above

- 8.27 The public comment suggesting historic buildings within the city need to be protected are noted. However, the existing villa is neither listed nor located within a conservation area and therefore has no statutory protection. Additionally, prior approval for the demolition of the existing building has been granted under application ref: 17/02997/MNR. As such, within this planning application consideration has only been given to the planning merits of the proposed scheme.
- 8.28 In terms of the scheme proposed, planning applications must be judged on their individual merits and on the basis of the development being applied for. The Local Planning Authority cannot impose or dictate to a developer what they may apply for or where.
- 8.29 On the basis of the replacement tree planting and landscaping provision proposed, the removal of the trees required as a result of the application proposal is considered acceptable by the Council's Tree Officer and Parks Department.
- 8.30 The level of car parking provision proposed exceeds the requirement set out in the Council's Access, Circulation and Parking Standards SPG. This is considered acceptable in this instance given that it is family houses proposed.
- 8.31 The Council's Transportation section raise no objection to the application proposal and note that the submitted Transport Statement indicates that movements to and from the proposed site will be low and would not have a detrimental effect upon the highway. As such, an objection on these grounds would be unsustainable.
- 8.32 The submitted visibility splay, although restricted, is adequate due to the slow speeds of traffic turning left on to Penhill Road from Cardiff Road. Concerns regarding traffic illegally running a red light to turn on to Penhill Road from Cardiff Road is an enforcement issue.
- 8.33 Tracking diagrams have been submitted which demonstrate that cars and a 7.5t van/lorry would be able to access the site, turn within it and leave in a forward gear. Given the limited frequency at which larger vehicles than this would likely visit the site, it is not considered reasonable or necessary for a larger turning head, which could accommodate such vehicles, to be provided. It is also recognised that numerous other properties in the local area would require large vehicles to either park, or pull in, on street in order to undertake deliveries or for waste collection.

- 8.34 The access road, parking spaces and turning area within the site would not be adopted by the Council.
- 8.35 The Council's Tree officer and Parks department raise no objection to the application proposal subject to appropriate replacement planting and conditions. Whilst any replacement planting will take time to mature this does not represent sufficient justification for the application to be refused. Additionally, the retained trees and landscaping, including Laurel Hedge, would provide an appropriate level of screening to the development within Llandaff Fields whilst the replacement planting proposed matures.
- 8.36 The Laurel Hedge will be retained as part of the proposed development. The tree identified as T1 on the submitted plan is in poor health and will be replaced as part of the proposed development. The Council's Tree Officer raises no objection to this or the development as whole.
- 8.37 The height and density of the proposed development is considered acceptable within the context of the surrounding area.
- 8.38 A pre-commencement condition requiring the provision of a construction management plan has been included.
- 8.39 A suggestion that a reduction in the height/scale the proposed properties as the gradient of the site falls away towards Penhill Road would be beneficial is noted. However, the application has been assessed on the merits of the individual scheme put forward, which is considered acceptable.

9. OTHER CONSIDERATIONS

- 9.1 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.
- 9.2 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. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.
- 9.3 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future

generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

10. PLANNING OBLIGATIONS

10.1 The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

- Affordable Housing – The provision of 2 x 4 bed units for social rent at £96,000 or where this is not achievable, a financial contribution of £286,636 towards the provision of affordable housing in the vicinity.

10.2 The applicants have since appointed Savills to undertake a viability assessment for the proposed development. This was supplemented by additional cost information provided by Downies Quantity Surveyors.

10.3 The submitted assessment has been independently verified by the District Valuer (DVS) who find that the proposed development, if sold entirely on the open market with no S106 financial contributions would be unviable. The calculations were also based on a land use value well below that which was paid for the site.

10.4 The site would become viable at a developers return of some 9.47% of GDV but this is again well below that of normal market expectations.

10.5 The Housing Manger accepts that it would be unreasonable to request a financial contribution towards affordable housing given findings of the independently verified viability report.

10.6 In their report the DVS conclude that if the LPA are minded to grant planning permission on the basis of no contributions, then a time scale for delivery be agreed, which if not met, would trigger a viability review. As there would be no S106 agreement associated with this application, wherein a viability review could be requested should works have not commenced on site within a set period, it is considered reasonable that the timeframe in which the development must be commenced be reduced. As such, condition 1 of the planning permission has been recommended to reflect this.

11. CONSLUSION

11.1 The principle of the demolition of the existing building on the site has been previously established, whilst the proposal will redevelop a brownfield site, providing new housing in the area. The scale, form and massing of the proposed development is considered to be acceptable within the context of the surrounding area, whilst the development would be finished to a high quality.

11.2 In light of the above, and having regard for adopted planning policy and guidance, it is recommended that planning permission be granted subject to conditions.



Rev A 22.04.18 - Garages for Plots 4-7 re-arranged to minimise impact on RPA for T1
 Paths to front doors shown. Radial structures shown for each plot
 Wall adjacent to garages (Plot 3) removed. Wall around T1 replacement
 tree amended to suit. Best tracking diagrams
 Refuse collection points indicated

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Project Name: The Rise, Pen-Hill Road, Pontcanna, Cardiff		Project Ref: SP546	
Drawing Title: Proposed Site Plan		Scale: 1:200 @ A2	
Drawing Number: SP546 - P01		Revision: A	
Revision: A		Drawn by: rb	
Revision: A		Date: MAR 2018	



COURTYARD ELEVATION (FRONT)



GARDEN ELEVATION (REAR)

MATERIALS KEY:

- 1 Rusticated render
- 2 London stock brick
- 3 Render. White
- 4 Dark coloured metal cladding
- 5 Double glazed powder coated aluminium frame windows and doors
- 6 Slate roof
- 7 Toughened glass balustrade
- 8 Dark grey rainwater goods
- 9 Solid timber entrance doors
- 10 Iron Juliette balustrade
- 11 Conservation type rooflight
- 12 Sectional garage door
- 13 Cast iron railings
- 14 External lighting
- 15 Cast iron gate
- 16 Privacy screen



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Project Name : The Rise, Pen-Hill Road, Pontcanna, Cardiff
 Project Ref : SP546

Drawing Title : Proposed Elevations_1
 Drawing Number : SP546 - P05
 Scale : 1:100 @ A1

Revision: PLANNING Drawn by: rb Date: MAR 2018



Semi aerial view of the development



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Project Name :	The Rise, Pen-Hill Road, Pontcanna, Cardiff		
Project Ref :	SP546		
Drawing Title :	3D Model Views_2	Scale :	NTS @ A3
Drawing Number :	SP546 - P11	Revision:	PLANNING
	Drawn by: rb	Date:	MAY 2018

