

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 18/09/2019

APPLICATION No. **18/02601/MJR**

APPLICATION DATE: 12/11/2018

ED: **RIVERSIDE**

APP: TYPE: Full Planning Permission

APPLICANT: SUFFOLK LIFE ANNUITIES LIMITED

LOCATION: 32 CATHEDRAL ROAD, PONTCANNA

PROPOSAL: CONVERSION OF 32 CATHEDRAL ROAD FROM B1 OFFICE TO 17 C3 RESIDENTIAL UNITS INCLUDING DEMOLITION AND REPLACEMENT OF REAR EXTENSION; LANDSCAPING; CAR-PARKING; ACCESS; AND ASSOCIATED ANCILLARY WORKS

BACKGROUND INFORMATION

This application (as originally submitted) was considered by Planning Committee at its meeting of 20th March 2019, where it was resolved grant planning permission subject to conditions and the relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of resolution.

Following the meeting of 20th March 2019, a 'Viability Statement', prepared by Savills and dated May 2019, has been submitted to the Local Planning Authority (LPA) which concluded that the S106 Contributions sought towards affordable housing and public open spaces would make the development unviable.

Further details on this can be found under section 9 (Planning Obligations) of this report.

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

TIME LIMIT AND PLANS

TIME LIMIT

1. 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.)

PLAN SPECIFICATION

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

Plans

A S L 001	Location Plan
A / P/P/01 Rev 2	Proposed Site Plan
A / P/P/02	Proposed Floor Plans
A / P/P/03	Proposed Floor and Roof Plans
A / P/E/01	Proposed Elevations Sheet 01
A / P/E/02	Proposed Elevations Sheet 02
A / P/P/20	Proposed Demolition Plan
LA.01 (Rev A)	Landscape Proposal (Dated 20/09/18)

Documents

Heritage Statement (Dated: October 2018)
Air Quality Assessment (Dated: August 2018)
Noise Assessment (Dated: September 2018)
Bat Survey (Dated: September 2018)
Arboricultural Report (Dated 21st September 2018)
Design and Access Statement
Planning Statement (Dated: October 2018)
Flood Consequences Assessment (Dated: September 2018) WSP 7004
9383-FCA-R1

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.

CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION

3. 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.

IMPORTED SOIL

4. 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.

IMPORTED AGGREGATES

5. 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.

USE OF SITE WON MATERIALS

6. 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.

MATERIALS

7. No development, except for demolition works, shall take place until 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 prior to occupation.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policies KP5, KP17 and EN9 of the Cardiff Local Development Plan (2006 - 2026).

ARCHITECTURAL DETAILING

8. No development, except for demolition works, shall take place until a scheme showing the architectural detailing of the extension has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the approved scheme is implemented.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policies KP5, KP17 and EN9 of the Cardiff Local Development Plan (2006 - 2026).

ACCESS IMPROVEMENTS

9. No development, except for demolition works, shall commence until details of the updated highway access into the site, including a residential style vehicle crossover, has been submitted to and approved in writing by the Local Planning Authority. This shall include a method statement and sectional drawings to demonstrate how harm to the retained street tree will be avoided.

Reason: To ensure the development has a suitable access provision whilst maintaining highway and pedestrian safety in accordance with Policy T5 of the Cardiff Local Development Plan (2006 - 2026).

REPLACEMENT HIGHWAY TREE

10. No development, except for demolition works, shall commence until details of a replacement street tree for tree T1, as identified in the Tree Constraints Plan contained in the Arboricultural Report (Dated 21st September 2018), has been submitted to and approved in writing by the LPA along with an implementation programme for its provision. The submitted details shall include, but not be limited to, the following;

- A scaled planting plan.
- Tree pit opening and edging details,
- Evidence to demonstrate that services including drainage, will not conflict with proposed planting.
- A scaled tree pit sectional and plan drawings (as appropriate).
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil is appropriate for the landscaping type proposed and not only meets British Standards, but exceeds them in terms of suitability for the proposed end use. The specification shall be supported by a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology, including full details of how the landscape architect or

arboriculturist will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The submitted details shall be consistent with other plans submitted in support of the application and its provision shall be carried out in accordance with the approved details and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with Policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006 - 2026).

LANDSCAPING

11. No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A landscaping implementation programme.
- Scaled planting plans.
- Evidence to demonstrate that services including drainage, will not conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities.
- Scaled tree pit section and plan drawings (as appropriate).
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil is appropriate for the landscaping type proposed and not only meets British Standards. The specification shall be supported by a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology, including full details of how the landscape architect or arboriculturist will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with Policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006 - 2026).

TREE PROTECTION

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

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

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

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

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

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with Policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006-2026).

LANDSCAPING MAINTENANCE

13. 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.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 11, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area in accordance with Policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006 - 2026)

DRAINAGE (Welsh Water)

14. 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 Cardiff Local Development Plan (2006 - 2026).

SURFACE WATER DRAINAGE

15. 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 Cardiff Local Development Plan (2006 - 2026).

ROAD TRAFFIC NOISE

16. 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 40 dBA Leq 16 hour during the day and 35 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 (excepting terraces or balconies to any apartment) 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 adopted Cardiff Local Development Plan (2006 - 2026).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

17. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of site hoardings, site access, contractor parking and wheel washing facilities. The development shall be implemented in accordance with the approved CEMP.

Reason: To manage the impacts of construction in the interests of highway safety and public amenity in accordance with Policies KP5 and T5 of the adopted Cardiff Local Development Plan (2006 - 2026).

PLANT NOISE

18. The noise emitted from fixed plant and equipment on the development hereby approved shall achieve a rating noise level not exceeding background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard), or as may be agreed in writing with the LPA.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy EN13 of the Adopted Cardiff Local Development Plan (2006 - 2026).

CYCLE STORE DETAILS

19. No development, except for demolition works, shall take place until details of the internal layout of the cycle stores have been submitted to and approved in writing by the LPA. The submitted details shall include, but not be limited to, details of the number and types of stands to be provided, the spacing between stands and the aisle widths. The approved details shall be implemented prior to the beneficial occupation of the building and thereafter maintained and retained for that purpose.

Reason: To ensure that appropriate provisions are made for cyclists in accordance with Policy T5 of the Cardiff Local Development Plan (2006 - 2026).

BATS

20. The precautionary mitigation measures set out in section 5.2 of the Bat Survey report provided by WYG and dated September 2018, shall be implemented in full.

Reason: to ensure protection of bats in accordance with Policy EN7 of the adopted Cardiff Local Development Plan (2006 - 2026).

SITE CLEARANCE

21. If site clearance in respect of the development hereby approved does not commence within 2 years from the date of the most recent survey for bats, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised, and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information, in accordance with Policy EN7 of the adopted Cardiff Local Development Plan (2006 - 2026).

NESTING BIRDS

22. No clearance of trees, bushes or shrubs to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

PRIVACY SCREENS

23. No development, except for demolition works, shall take place until details of the location and finish of all balcony screens serving the external terraces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure that no undue effect is had on the privacy or private amenity of neighbouring occupiers as a consequence of the development, in accordance with Policy KP5 of the Cardiff Local Development Plan (2006 - 2026).

UNDERCROFT FINISHING MATERIALS AND LIGHTING

24. No development, except for demolition works, shall take place until details of the lighting and cladding to the undercroft, including soffit detail, consistent with the illustration provided under paragraph 5.1 in the

submitted Design and Access Statement (DAS), have been submitted to and approved in writing by the LPA. The approved details shall be implemented on site prior to the beneficial occupation of the development and thereafter retained and maintained.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with policies KP5, KP17, EN9 and C3 of the Cardiff Local Development Plan (2006 - 2026).

BOUNDARY ENCLOSURES

25. No development, except for demolition works, shall take place until details of appropriately designed railings, to be reinstated along the low-level boundary walls to the front and side of No. 32, along with gates across the existing access to the front, have been submitted to and approved in writing by the LPA. The approved details shall be implemented on site prior to the beneficial occupation of the development and thereafter retained and maintained.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with policies KP5, KP17 and EN9 of the Cardiff Local Development Plan (2006 - 2026).

INFORMATIVES

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

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

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

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

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: That prior to occupation, new residents be advised of the flood risks and consequences, flood emergency plans and procedures, and of the NRW early flood warning alert system. Information on which can be found using the following links.

The Guidance including the leaflet "Prepare your Property for flooding" can be found by following the link: <https://www.gov.uk/prepare-for-a-flood>.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found by following the link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187544.pdf

The owner/occupiers are advised to sign up to our free Flood Warning service. Further details are at <http://naturalresourceswales.gov.uk/flooding/sign-up-to-receive-flood-warnings/?lang=en>

RECOMMENDATION 5: That the Developer be advised that prior to the commencement of development, the Developer must notify the local Planning Authority of the commencement of development, and must display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town and Country Planning (Development Management Procedure) (Wales)(Amendment)Order 2016.

RECOMMENDATION 6: 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 7: Any works to existing or proposed adopted public highway are to be subject to an agreement under Section 278 and/or S38 of the Highways Act 1980 between the developer and Local Highway Authority.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the conversion of No. 32 Cathedral Road from office to residential use and to demolish the existing, non-original, rear extension and replace it with a part 3/4, storey rear extension that would accommodate additional apartments. The proposed scheme would comprise of 17 residential units in total (6 x 1 bed; 7 x 2 bed; 4 x 3 bed) with 6 of the units being located within the retained villa and the remaining 11 units within rear extension. The proposal includes the provision 17 undercroft car parking spaces and with 34 cycle spaces located within two dedicated cycle stores.
- 1.2 The overall rear projection would be 42 metres in length but can be split into three main components. The first 5.8 metres would be a flat roofed 3 storey projection measuring 9.2 metres in height and 14.3 metres in width. This component would link into the existing villa. The second component, linked to the first, would project a further 19.7 metres would be 3 storey in height with a width of 14.3 meters. The third component, linked to the central component, would measure 16.5 metres in length and would be 4 storey, measuring 12.3 metres in height and 14.3 metres in width. The larger components, no's 2 and 3 would have a part flat, part pitched roof form.
- 1.3 The link element of the proposed extension would have flat roof, whilst the remainder of the extension would be a part flat, part pitched roofed. The flat roofed elements of the extension would be located towards the Sophia Close frontage of the extension and would measure approximately 5.3m in width along the 3-storey element and 7m in width along the 4-storey element. Beyond these points the roof would be pitched, sloping down to 2-storey for both the 3 and 4-storey elements. The roof pitch for the 4-storey element of the building, which is set towards the rear end of the site, would be steeper than the corresponding pitch on the 3-storey element. Numerous rooflights would be located within the pitched roof.
- 1.4 The ground floor of the proposed extension would be largely supported by pillars forming an undercroft arrangement. This would be broadly consistent with that of part of that of the existing extension. The ground floor of the proposed building would largely screened being located behind the existing stone boundary wall along the Cathedral Close boundary of the site. This wall would be retained as part of the development proposal, though two new pedestrian openings would be added along its length. The ground floor undercroft area would be occupied by car parking, two cycle stores, a plant room, a refuse store and entrance lobbies serving the residential premises above.
- 1.5 The 3-storey element of the proposed extension would measure approximately

9.2m in height at its highest point and therefore approximately 0.5m above the eaves level of the frontage villa. The 4-storey element of the extension would measure approximately 12.3m in height

- 1.6 The extension would be finished in pennant stone slips with reconstituted sandstone detailing, bronze coloured metal roofing, insulated metal panels, aluminium windows and timber cladding.
- 1.7 The apartments proposed with the extension would benefit from terraces areas to the front and rear, with those at the rear containing obscurely glazed screens to prevent neighbouring properties being overlooked.
- 1.8 The existing villa would be retained as part of the proposal and converted into residential accommodation. The apartments proposed within the villa, and linking section between it and the larger element of the extension, would not benefit from any private amenity space though an area of lawn would be retained to the front of the building which could be used.
- 1.9 A mature Copper Beech tree, located adjacent to the boundary of the site with Sophia Close, is proposed to be removed as part of the proposed scheme with compensatory provision made within the front garden and street.
- 1.10 Amended plans have been received at the request of the Local Planning Authority (LPA) in which a parking space has been omitted to enable the provision of an additional cycle store in its place. The number of car parking spaces has subsequently be reduced from 17 to 16.

2. DESCRIPTION OF SITE

- 2.1 The application site is rectangular in shape and measures approximately 0.124 Ha in size. The site is located on the corner of Cathedral Road and Sophia Close, and encompasses a detached 2/3-storey villa fronting onto Cathedral Road. The villa is of stone construction and has a slate roof. To the rear of the villa is a large extension, that varies in height from 1 to 3 stories, with undercroft parking below the 3 storey element. The extension fronts onto Sophia Close, has pitched roofs and is finished in buff brick with clay tiles. The building currently comprises vacant B1 office accommodation.
- 2.2 The site is located within the Cathedral Road Conservation Area and forms a Locally Listed Building (both the villa and rear extension are included within this local listing). The site is also located adjacent to Sophia Gardens a registered Historic Park and Garden.
- 2.3 There are a broad mix of uses located within the surrounding area including residential (C3) and hotels (C1), office (B1), and a range of food and drink (A3) uses.
- 2.4 The site is located within a C1 flood zone as defined on WG Development Advice Maps (DAM). TAN 15 (Development and Flood risk) defines C1 areas as being served by significant infrastructure, including flood defences.

- 2.5 Vehicular access into the site directly off Sophia Close into the forecourt/parking area.
- 2.6 The adjacent public house, No's. 30 and 34 Cathedral Road and the buildings on the opposite side of Cathedral Road are all locally listed. No's 7 – 10 Sophia Walk are not locally listed.
- 2.7 A large mature, 'Category B' beech tree is located within the site boundary, within a central location adjacent to the car parking area.
- 2.8 To the southeast of the site is Sophia Close. A 1.8m (approx.) wall runs parallel to Sophia Close on the boundary of the site along most of the length of the modern extension. A low-level stone wall encloses the site to the side of the original villa. Numerous street trees are present in the pavement along Sophia Close, adjacent to the site. On the opposite side of Sophia Close is a three-storey villa (fronting Cathedral Road) with part four, part three-storey modern rear extension. This large extension is set in from the side elevation of the villa and therefore back from the street.

3. SITE HISTORY

- 3.1 Application Ref: 07/02969/W: External alterations to main entrance – approved
- 3.2 Application Ref: 87/00824/W: Consent to lower existing chimney – approved
- 3.3 Application Ref: 85/836: Proposed extension to No. 32 to provided additional office space - approved
- 3.4 Application Ref: 85/837: Proposed extension to No. 32 to provided additional office space - approved

4. POLICY FRAMEWORK

- 4.1 Planning Policy Wales, Edition 10 (December 2018).
- 4.2 Technical Advice Notes (TAN's)
 - TAN 10: Tree Preservation Orders (1997)
 - TAN 12: Design (2016)
 - TAN 15: Development and Flood Risk (2004)
 - TAN 24: The Historic Environment (2017)
- 4.3 Cardiff Local Development Plan (2006 - 2026) Policies;
 - Policy KP5: Good Quality and Sustainable Design
 - Policy KP6: New Infrastructure
 - Policy KP7: Planning Obligations
 - Policy KP8: Sustainable Transport
 - Policy KP14: Health Living

- Policy KP15: Climate Change
- Policy KP17: Built Heritage
- Policy H3: Affordable Housing
- Policy H6: Change of Use or Redevelopment to Residential Use
- Policy EN8: Trees, Woodlands and Hedgerows
- Policy EN9: Conservation of the Historic Environment
- Policy EN10: Water Sensitive Design
- Policy EN13: Air, Noise, Light Pollution and Land Contamination
- Policy EN14: Flood Risk
- Policy T1: Walking and Cycling
- Policy T5: Managing Transport Impacts
- Policy C1: Community Facilities
- Policy C3: Community Safety/Creating Safe Environments
- Policy C5: Provision for Open Space, Outdoor Recreation, Childrens Play and Sport
- Policy W2: Provision for Waste Management Facilities in Development

4.4 Relevant Supplementary Planning Guidance:

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

4.5 Cathedral Road Conservation Area Appraisal (2007)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Tree Officer: raises no objection to the application making the following comments;

The purple beech tree T527 is an important part of the street-scape, both in visual and environmental terms, since its dense and voluminous canopy will intercept a huge amount of rainfall and pollutants, directing a significant volume of water via 'stem-flow', down its trunk and into the soil beneath, to benefit healthy root functioning, and ensuring pollutants are locked up in the tree or soil rather than entering the drainage system or atmosphere. It enjoys the shelter provided by the building to its rear and lime trees onto Sophia Close, along with a planting bed with under-storey shrubs, and this has created an environment akin to the closed canopy woodland beech enjoys. Notwithstanding this, the beech is somewhat obscured in visual terms by the adjoining highway limes, and competition with these limes has resulted in mutual suppression and a beech that is arguably over-dominant for users of the site. The dense, dark canopy (emphasised by the purple leaves) admits little light, except to the leaves themselves. It is clearly a precursor to the existing pattern of development, retained as part of the current development layout, but

somewhat out of context with it. It is not unusual for urban beech trees to decline at about 125 years, and whilst this tree shows no significant indications of such, decline can occur quite rapidly, typically following colonisation by the wood decay fungus *Meripilus giganteus*, or following drought events, to which beech is especially sensitive. In the context of climate change, beech is a vulnerable species, particularly as an isolated tree in an urban environment. With this in mind, the safe, useful life of the beech might reasonably be considered limited, more so in light of the fact that it will not respond well to remedial pruning.

The submitted tree assessment allocates 'B' (moderate quality and value) categorisation to beech T527 and given the considerations above and the 'compression type unions' referred to in the tree survey schedule this is not considered unreasonable. It is to be expected that 'B' category trees are retained as part of development unless there are overriding design considerations necessitating removal, and the loss is fully offset by new planting.

A potential arboricultural benefit in removing beech T527 is that the adjoining highway limes will have more air space to grow into. Since the character of the Cathedral Road Conservation Area is defined in part by its lime avenue, works that help to preserve or enhance this character are to be welcomed. However, this potential benefit is dependent on the existing trees being of suitable form, and having access to sufficient root available soil volume and air space in relation to the proposed building line. The smallest lime T1 has been suppressed by the beech and adjoining, larger limes, and as such its crown has developed over the highway in Sophia Close, and is likely to continue to do so, even with the beech gone. Furthermore, the tree pit opening for T1 is very small and based on Street View, surfaced with bark chips that are regularly displaced by footfall, probably resulting in soil compaction. Lime T1 is also a broad-leaved lime (*Tilia platyphyllos*), which makes for a very large, spreading tree that is heavily colonised by aphids, resulting in a potentially significant nuisance through the growing season caused by the vaporisation of honeydew excreted by the aphids. This honeydew creates a sticky veneer on surfaces that becomes slippery when wet, and is colonised by black pigmented moulds that stain street furniture and building facades. In this context, I consider that lime T1 should be considered for removal and replacement with either a strongly upright form of *Tilia platyphyllos* such as 'Delft', 'Princes Street' or 'Streetwise', or even better, an upright form of the small leaved lime such as *Tilia cordata* 'Rancho' or 'Streetwise'. A replacement tree with an upright habit will have a better chance of growing with a balanced crown form than the existing T1, and therefore should make a more significant long-term contribution to the street-scape. *Tilia cordata* is less heavily colonised by aphids so would present a reduced nuisance in terms of honeydew. At the same time it would be important to ensure that the tree pit opening for T1 was increased in size significantly, with any compacted soil de-compacted prior to mulching (bark mulch, tiger mulch or KBI Flexi-pave edged by Excel Edge or similar).

There is benefit in planting new trees to the Cathedral Road frontage, in that they will be visually prominent in a street known for its trees, but potentially facing the loss of larger trees in the medium term as they decline, but with restricted space available for replacements. Securing a property frontage for trees therefore brings considerable benefits to the Conservation Area, in amenity and environmental terms.

5.2 Parks Services: Note that the proposal seeks the removal of a healthy Copper Beech tree that is set within the curtilage of the application site, fronting the street. They note the submitted tree report classifies the tree as a Category 'B' tree but consider that it could be classed as Category 'A' given its potential life expectancy and suggest that it is a matter for the LPA to justify its removal. With regard to replacement provision proposed within the street, Parks have raised concerns, that due to services and other restrictions, it may not be possible to create a large enough pit for the new Lime tree proposed to be provided. This being so, and as a key element of the acceptability of the proposed scheme, tracking of services in the proposed location for the replacement Lime are needed in advance.

5.3 The County Ecologist: advises that he supports the methodology used and conclusions drawn from the bat survey report (Bat Survey report provided by WYG and dated September 2018). He therefore raises no objection to the proposed development subject to conditions controlling precautionary bat mitigation measures, the timeframe of site clearance works and a requirement for updated surveys and clearance works during the nesting bird season.

Additionally, in accordance with Policy EN7 and with our statutory duty under section 6 of the Environment (Wales) Act 2016, a recommendation has also been included detailing opportunities for specific enhancement features for nesting or roosting birds and bats to be incorporated into the new building, specifically;

- 2 x bat boxes for crevice-dwelling bats, and
- 2 x Swift nest boxes, and
- 1 x double House Martin cup, and
- 1 x House Sparrow terrace

5.4 The Operational Manager Traffic and Transportation: raises no objection to the application proposal. He acknowledges that the highway access into the site would be from the existing access onto Sophia Close, which whilst acceptable in-principle, would expect to be upgraded. This should be achieved by way of condition. (See Condition 9)

He acknowledges that a total of 16 vehicle parking spaces would be provided on-site and that this is in line with policy requirements. He also notes that two pedestrian access points into the site from Sophia Close will be provided and raise no objection on this basis.

He notes that two cycles stores are proposed which would together

accommodate 1 space for each bedroom of the development. He therefore considers the amended cycle parking provision proposed acceptable subject to a condition controlling the layout and spacing of the cycle stands. (See Condition 26)

- 5.5 Housing Development: Advise that, in line with the LDP policy, an affordable housing contribution of 20% of the 17 units (3 units) is sought on this brown-field site. However, given the proposed design/configuration of the scheme, it is not clear how this would work in reality, as the scheme has to be able to be managed practically and easily maintained by the Registered Social Landlord. On that basis, 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. We would seek a financial contribution of **£241,570** (in lieu of 3 units (20%)) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2017).
- 5.6 Neighbourhood Regeneration: Advise that as the proposal is for under 25 dwellings they would not request a financial contribution in lieu of the proposed development.
- 5.7 Pollution Control - Noise and Air: Raise no objection subject to conditions controlling road traffic noise and Plant noise and an advisory regarding site construction noise.
- 5.8 Pollution Control - Air Quality: raise no objection to the application, making the following comments:
- The submitted AQA has been undertaken in line with best practice guidance to demonstrate conservative outcomes. The AQA examines both the construction and operational air quality impacts generated by the proposed development, and confirms a negligible impact to air quality levels at all selected sensitive receptor locations for the proposed year of opening (2019).
- I am in agreement with the conclusions made by the report and therefore on the grounds of air quality have no concerns.
- 5.9 Pollution Control: Contaminated Land: Raise no objection subject to conditions in respect of contaminated land measures – unforeseen contamination, Imported Soil, Imported Aggregates and Site Won Materials, with further contamination and unstable land advice.
- 5.10 Waste Management: Raise no objection to the proposal based on the refuse storage area shown on the site plan. Full comments have been sent back to the applicant for their information.
- 5.11 Drainage: The Operational Manager Drainage raises no objection to the application subject to a condition controlling surface water drainage.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 NRW raise no objection to the application, offering the following comments.

Flood Risk Management

The application site lies within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within 1% (1 in 100 year) and the 0.1% (1 in 1000 year) annual probability flood outlines. Our records also show that this site has previously flooded from the River Taff during the December 1960 and December 1979 flood events.

The planning application proposes residential units (highly vulnerable development). Section 6 of TAN15 requires your Authority to determine whether the development at this location is justified. We refer you to TAN15 for these considerations. As part of this justification, the applicant should undertake and submit a flood consequence assessment (FCA) prior to determination of the application that meets the criteria set out in TAN15.

We have reviewed the Flood Consequences Assessment (FCA) produced by WSP, reference 7004-9383-FCA-R1, dated September 2018, submitted in support of this application and our advice is as follows:

The FCA (section 1.1) states that the site is set at approximately 8.0mAOD. The ground floor living accommodation is proposed to be set at 8.6mAOD (Section 5 of FCA) and the plant room at 8mAOD (as per the Proposed Site Plan A/P/P/01). Based on a predicted flood depth of 7.95mAOD in the 1% plus 25% allowance for climate change flood event, the living accommodation and plant room are predicted to be flood free in that event, which is in line with the requirements of A1.14 of TAN15.

No finished floor/ground levels have been shown for the other external areas including the car parking. However, section 4.1 of the FCA states that the finished floor level in the entranceways is anticipated to be 5 cm above the predicted 1% plus climate change flood level. As the current ground level is stated as approximately 8mAOD we have assumed that the car parking and other external areas will not be below that level. However, if this is not the case we would ask to be re-consulted.

Based on the 1 in 1000 year defended flood level of 8.25m AOD, the residential accommodation is predicted to be flood free in that event. A maximum flood depth of 250mm is predicted for the entrance ways and plant room, which is within the tolerable conditions set out within table A1.15 of TAN15. We have assumed this also be the case for the other external areas as per the above paragraph.

Bats

[NRW] note that the bat report submitted in support of the above application (Bat Survey, by WYG dated September 2018, reference A108000) has identified that

bats were not using the application site. We therefore have no comments to make regarding bats.

6.2 Welsh Water: raise no objection to the proposal subject to a drainage condition and an advisory note.

6.3 GGAT: raise no archaeological objection to the application making the following comments;

'Given the nature of the proposed development, where the new extension will be primarily on the site of the existing modern extension, and the internal aspects of the building have changed since construction, it is our opinion that the proposals are not likely to encounter any archaeological deposits. Given our understanding of the current information, it is our opinion that there will not be a requirement for archaeological or historic environment mitigation works.'

South Wales Police: Raise no objection to the proposed scheme but make a number of recommendations to ensure that community safety issues have been considered/addressed. These recommendations have been passed onto the agent.

7. REPRESENTATIONS

7.1 The application proposal was advertised in accordance with the statutory requirements being advertised by way of press notice, site notice (x2) and neighbour notification. The local members within ward were also consulted.

7.2 The ward members for the Riverside ward have been consulted with the following comment being received:

7.3 Councillor Gordon objects to the application on the following basis;

I have read the Arborcultural report 21/9/18 and have concerns about the copper beech - tree ID#527 being removed. I understand that the reason is to enable the construction of the proposed development design, and that the development could not go ahead if the tree was to remain. The tree in my opinion is magnificent and even though it is inside an avenue of Lime trees it still has a marked effect on the street scene of Sophia Close. It is only being recommended for removal because it is in the way of the development - there are no safety issues and the mature tree is healthy. Replacement with two Gingko trees will no way make up for the way the canopy of the beech tree, when the leaves are on it, absorbs harmful chemicals. Improving air quality is high on our Council agenda. Please can you consider asking the developer to adjust the plans so that the copper beech tree is retained?

7.4 Councillor Derbyshire (not a local ward member for Riverside) has raised concerns over the proposed loss of the tree; indicating that he would not like to see a good specimen chopped down.

7.5 3 letters have been received in opposition to the application proposal on the

following basis.

- The Copper Beech tree makes a positive contribution to the local environment and its removal should be resisted
- The Copper Beech Tree proposed for removal is a healthy, mature tree with a life expectancy of over 40 years. It.
- Every single urban tree has a huge role to play in:
 - Combatting climate change
 - Contributing to health and well-being
 - Increasing landscape resilience to pests and disease
 - Increasing biodiversity
 - Mitigating air pollution
- It will take 20 to 30 years for a tree that is planted in 2018 to fulfil the ecological function of the Copper Beech that is currently there.
- The Copper Beech Tree should be preserved and an alternative arrangement found for car parking.
- Cardiff has lost 35 hectares of trees over the past five years and cannot afford to lose another single tree, particularly one that is in such good health.
- Cardiff Council does not seem to value the tree canopy which is vital for the well-being of this City and that it allows felling of trees when residents become aware that trees are shedding leaves/ pine needles on their cars or are a nuisance as the space they occupy could give way to parking spaces or better building design. They sight past examples where trees have been lost.
- The chronology and complication of the technicalities of the situation reference a TPO etc...as expressed in your letter to Hilary Brookes 14 December is illogical and Kafkaesque.
- The removal of trees to create parking spaces is inconsistent with Cardiff Council's objectives of reducing car traffic as well as being detrimental to the wellbeing of residents.
- Cathedral road is a beautiful tree lined avenue and already has had to suffer some felling. Please do not add further
- The universal fight against climate change means that we should be preserving trees and the Cardiff Canopy and not destroying mature trees to encourage more cars/exhaust fumes. Please do not destroy this tree which is helping us breathe.

7.6 Three objections have be received from Cardiff Civic Society to the proposed development, for the following reasons.

- I wish to object to the applicant's proposal to cut down a beautiful mature copper beech tree in order to create more parking spaces.
- There can be no justification for felling this tree, as there is plenty of space at the premises to work around it. Other developments in similar situations on Cathedral Road have incorporated such a tree into the scheme as an asset and an amenity for the public.

- As congestion in Cardiff is a serious issue, and air quality is poor, people should not be encouraged to drive into the city. We need mature trees now more than ever.
- Air quality in Cardiff is a serious issue. Trees absorb carbon dioxide through their leaves, breaking it down, and releasing oxygen – providing two key functions for improved air quality. A tree of this size provides enough oxygen for 18 people.
- Furthermore, The Environment (Wales) Act 2016 cites, among other things, that a reduction in greenhouse gases is crucial. Mature trees such as this one provide a huge amount of clean air, which is important for all citizens, but especially for those suffering from respiratory ailments.
- Trees absorb carbon dioxide through their leaves, breaking it down, and releasing oxygen – providing two key functions for improved air quality.
- Poor air quality is a major cause of death; therefore we should be prioritising the maintenance of mature trees such as the copper beech in question.
- Any suggestion that a replacement tree could be planted is spurious, as it takes 60 semi mature trees to replace the canopy and oxygen provided by a large, mature tree of this kind.
- According to The Environment (Wales) Act 2016, local authorities also have a duty to take steps to maintain and enhance biodiversity – the importance of a large tree for urban wildlife and pollinators is immense.
- In the last five years, Cardiff has lost 34 hectares of trees, which is a disgraceful state of affairs for a supposedly modern, 21st century capital city.
- The Well-Being of Future Generations Act stresses that we must all act in a sustainable way for the benefit of people living in Wales.
- Allowing developers to needlessly fell mature trees to provide car parking hardly fits in with either piece of legislation cited above. The developer's suggestion that the tree can be replaced is spurious – it will take at least 50 years for a tree to even approach the size of the current one.
- The provision of 17 dwellings on a site of this size is far too many and represents an over development.
- Cathedral Road is already congested and polluted, as pointed out below. Shoehorning so many dwellings onto the site will add to these problems immeasurably.

8. ANALYSIS

8.1 The key issues for consideration are:

- i. Whether the principle of the change of use of the site from office to residential is acceptable;
- ii. The impact of the proposal on the character and appearance of the conservation area;
- iii. Placemaking and Public Realm Considerations;
- iv. Removal of the Copper Beech and Cherry Trees and replacement landscape provision;
- v. Impact upon neighbouring properties

- vi. Impact on air quality, noise light pollution and contaminated land
 - vii. Whether the proposal would make satisfactory provision for access parking and circulation;
 - viii. Water Resources, Drainage and Flood Risk;
 - ix. Ecology Considerations
 - x. Response to third party objections not addressed above.
- i. Whether the principle of the change of use of the site from officer to residential is acceptable;

8.2 The application site falls within the settlement boundary as defined by the Adopted Local Development Plan but has no specific land use allocation and is not identified in Policy EC1 as existing employment land to be protected for offices. The existing offices are therefore afforded no land use policy protection.

The application premises is located on Cathedral Road and the surrounding area is a mix of residential and commercial (A2, B1, C1, C3 and A3) uses.

In terms of the redevelopment of the site, Policy H6: Change of Use or Redevelopment to Residential Use provides the appropriate policy framework against which the proposal should be assessed in land use policy terms.

Policy H6 permits the change of use of redundant premises where:

- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;
- ii. The resulting residential accommodation and amenity will be satisfactory;
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.

Assessed against the criteria above the following consideration:

- i. The offices are currently vacant and no evidence has been presented which demonstrates their ongoing need. Notwithstanding this, the offices are not protected by LDP Policy EC1 and, as a result, are not considered to meet an important employment need;
- ii. See para 8.8 of the report
- iii. See para 8.12 of the report;
- iv. See paragraph 8.14;
- v. See paragraph 8.13-8.19

The application site is in a highly sustainable location, well served by public transport; in close proximity to the city centre and within walking distance to local services and facilities in Pontcanna and the Cowbridge Road East District Centre. Given the mixed use character of the area the proposal is considered

compatible with surrounding land uses. The application subsequently raises no land use policy concerns.

- ii. The impact of the proposal on the character and appearance of the conservation area

Existing site

- 8.3 Number 32 is locally listed and makes a positive contribution to the character and appearance of the Cathedral Road Conservation Area.

The extensions to No. 32, fronting Sophia Close, were permitted approximately 35 years ago and are not considered to make a positive contribution to the character or appearance of the area. As such, their redevelopment is not opposed in principle.

The existing rear extension was approved in 1985 and, with the original locally listed villa, provides office accommodation via a three storey building of at the each end of the plot, connected at ground floor by ancillary accommodation and a corridor. The villa has a non-original hipped two storey annexe set well back from the highway. Much of the rear and side areas of the site are given to surface parking (which is partially undercroft), however a deep landscaped forecourt, mature purple beech tree within the parking area and original stone boundary walls all contribute positively to the character of the conservation area.

New extensions

The proposed redeveloped extension would essentially change the form of the existing three storey element to one of a four storey structure of a contemporary nature, with a flat roof screened by a low parapet. The elevation is essentially flat, but with visual interest created by inset balconies, use of pennant stone slips, recon stone copings and edgings, deep reveals and appropriately vertically emphasised fenestration and bronze coloured metal insulated panels. The absolute height of this element would increase slightly compared to the existing, however the additional storey is largely accommodated within the three existing floors, due to lower residential floor heights and the use of a flat roof as opposed to pitched. The four storey element would be set back to the side building line of the villa, whereas the existing has deep eaves which bring it closer to the boundary wall at first floor roof level. The proposed will be more prominent from the street, as it will not taper away at upper levels. However, given the side street location and considering the scale and form of the existing building and those opposite, this part of the conservation area is not considered to be the most sensitive to the increased eaves height that is being proposed.

A more significant change is evident in the linking block, where the single storey element is brought forward to the line of the side elevation of the villa and increases in height from one (pitched) to three (flat) stories. This is considered to be acceptable in this instance, because the extension would remain subservient to the main villa and would be broadly comparable to the extension approved opposite at the rear of 30 Cathedral Road. This subservience is further reinforced by an appropriately sized recess behind the villa, which will also maintain views from Sophia Close towards the decorative hipped bay to the rear of the original

house. The provision of a larger area of undercroft car parking has the potential to harm the character of the area; however the visual impact is reduced by the relatively high boundary wall. Documents indicate that it will also be clad to improve the appearance of the soffit and this would be further detailed through recommended condition 24.

The rear elements fronting Sophia Walk are less prominent within the conservation area, however the materials proposed are high quality. The overall impact is considered to preserve the character of the conservation area when viewed from these rear areas.

Architectural detailing and materials samples conditions are recommended. (See conditions 7 & 8)

Landscaping

A key issue for consideration is the loss of the mature purple beech within the site, which will have a harmful impact on the character of the area in the short to medium term, despite the apparent competition for light between this tree and the nearby young replacement street tree which has failed to establish. Mitigations are proposed to plant suitable trees to reinstate/reinforce the avenues of mature trees within the Cathedral Road forecourt frontage and to improve growing conditions for a replacement street tree within the avenue on Sophia Close. Evidence shows that two large street trees have been lost from the corner of Cathedral Road/Sophia Close within the last thirty years or so (and another which has been replaced in the last ten years but failed to establish). This location is therefore under-planted relative to the rest of the street, so securing the planting of suitable trees within the front garden is a key benefit that can be secured through this scheme. Given that the Tree Officer is content that the measures are sufficient to ensure that suitable trees will reach maturity in these key locations, it is considered that the Conservation Area will be preserved in the long term.

With the exception of insertion of a new pedestrian access gateway, the boundary walls will be maintained, which largely screen the undercroft parking from view. However, as part of the overall balance and to mitigate any harm caused by the loss of the tree and the new gateway entrance, it is considered reasonable and necessary to require the reinstatement of appropriately designed railings where they have been lost (above the dwarf walls at the front and side). Gates should also be reinstated to the front. It is recommended that these measures be secured by way of condition (See condition 25)

Conclusion

Subject to conditions and satisfaction of the tree officer regarding mitigation planting, it is considered that the overall character of the conservation area would be preserved.

- 8.4 A separate application (ref: 18/02602/MJR) has been made to the Local Planning Authority (LPA) for Conservation Area Consent for the demolition of the rear extension to No. 32. Conservation Area Consent is required due to the extent of demolition works proposed.

iii. Placemaking and Public Realm Considerations:

Scale and Massing

- 8.5 The scale and massing of the proposed extension is considered appropriate for this prominent corner site and when considered against that of the building on the opposite side of Sophia Close. It is considered that the scale, massing and finish of the proposed extension would create an improved streetscene along Sophia Close, on a principal route into Sophia Gardens than that existing. Whilst it is acknowledged that the proposed extension would be taller, wider and longer than the existing extension, an appropriately sized recess area is proposed immediately to the rear of the villa which would ensure the extension would remain subservient to the villa.

The design of the proposed extension, through the flat roofed taller elements of the extension being set towards Sophia Close and the pitched roof tapering away from these taller sections towards the boundary with No. 34 Cathedral Road, would ensure that the scale and massing would have no undue effect on neighbouring properties in terms of being overbearing or overshadowing.

Layout

- 8.6 The linking section of the proposed extension, connecting it with the original villa, would be recessed and would not therefore form a prominent addition. The setting back of this section represents a welcomed approach, as it would ensure that the main element of the proposed extension would appear as a largely independent and subservient building from the original villa, whilst being of a respectful scale and form to it. The main element of the extension would have a strong relationship with Sophia Close whilst being set back sufficiently from it. The layout of the proposed extension is considered to make a positive contribution to the streetscene.

Density

- 8.7 The density of the proposed development would be equivalent to 137 dwellings per hectare (dph). Whilst it is acknowledged that this represents a high density, the application site is located in a highly sustainable location close to the city centre and on a corner plot where a rear extension would have a direct street frontage. Taking this into consideration together with the acceptability of the layout, design, internal and external spaces provision of the proposed scheme and noting the density of the scheme on the opposite side of Sophia Close, it is considered that the proposed density is acceptable.

Internal Spaces Standards and Amenity Space Provision

- 8.8 Each of the proposed apartments would have an internal area of 46m² or more and is therefore policy compliant in this regard. The apartments proposed within the extension would each benefit from one or more external terrace area; located on the north and/or south elevations. Obscurely glazed screens are proposed within a number these terraces, particularly those on the northern elevation, in order to restrict any potential overlooking opportunities upon neighbouring properties. These would be secured by way of condition. (Condition 23)

Whilst the apartments proposed in the original villa, along with the one in the link section between the villa and the main bulk of the rear extension, would have no external amenity space provision, given the location of the site in such close proximity to a Sophia Gardens and that 4 of these 7 apartments are 1 bed, it would be difficult to sustain an objection to the application on this basis.

Architectural Approach and Finishing Materials

- 8.9 The proposed extension would be finished in pennant stone slips with reconstituted sandstone detailing, bronze coloured metal roofing insulated metal panels, aluminium windows and timber cladding.

In order to ensure that the finishing materials and architectural detailing proposed would be of an appropriate standard and that sufficient richness and detailing in the building is realised, which would be of particular importance on this prominent site within the Conservation Area, it is considered necessary to impose conditions on materials and architectural detailing. See conditions 7 & 8.

The pitched roof element of the extension would be finished in a bronze metal cladding. This would not be highly prominent from public areas though would be visible to the residents of 7-10 Sophia Walk. The roof would be broken up through the introduction of balcony screens, timber cladding and rooflights.

The size of the window openings and the terraced areas proposed on the Sophia Close elevation of the building are welcomed as they improve the evident solid to void ratio of the elevation and add visual interest.

The proposed extension, through the inclusion of the recessed link section, would appear largely as an independent building to No. 32. This represents a welcome approach through affording the locally listed frontage villa a more sensitive setting. Furthermore, the proposed height of the extension, at approximately eaves level to the frontage building, along with the high quality finish proposed would both aid in ensuring that the extension would sit appropriately and comfortably adjacent to the villa and within the street scene.

Undercroft Parking

- 8.10 Whilst the proposed extension includes undercroft car parking at ground floor level, given the height of the existing stone wall along the Sophia Close boundary of the site, which would be retained as part of the proposed scheme, any potential adverse impact of the undercroft would be reduced. In order to further reduce any potential harmful impact and in order to ensure that the undercroft is well lit and therefore safe, a condition is proposed requiring details of the cladding and lighting in this area to be submitted to the LPA for approval.

iv. Removal of the Copper Beech and Cherry Trees & Replacement Landscaping Provision

- 8.11 Street trees form an important part of the overall character of the Cathedral Road Conservation Area by, in this context, creating a boulevard effect along Cathedral Road and Sophia Close. It is acknowledged that curtilage trees also form an element of and contribute to the Conservation Area and therefore the

concerns of residents and the Council' Parks Section are noted. However, as is recognised by Parks and the Council's Tree and Conservation Officers, the lime tree within the pavement adjacent to the site, which is proposed for replacement as part of the application scheme, has not developed in line with the other street trees, due, in part, to suppression from the Copper Beech. As such, whilst the removal of the 'Category B' Copper Beech tree is proposed, given the prominent location of the adjacent lime tree and its relationship with the other street trees along Sophia Close, it is considered that the provision of a replacement lime tree, with improved growth potential through being added to an upgraded tree pit opening and through not competing with the Copper Beech, would create a more visually coherent green frontage along Sophia Close. Accordingly, the provision of this street tree, along with the landscaping provision proposed to the front garden of No. 32 is considered to mitigate the loss of the Copper Beech tree in Placemaking terms.

The replacement planting provision proposed is critical to mitigate against the proposed loss of the Copper Beech tree and accordingly, the concerns of the Council's Parks section over potential conflict between services and the tree pit for the replacement street tree are noted. In the context of the site and given its prominent location within the Conservation Area, the success or otherwise of the tree would go to the heart of the permission. As such, a condition has been recommended to ensure that suitable planting details are submitted to the LPA prior to the commencement of development to ensure the replacement street trees provision is achieved acceptably. This is supported by the Council's Conservation and Tree Officer (See Condition 10).

Concern over the loss of the tree and the impact on future generations, in relation to air quality are noted, but it is considered that a younger tree within the street will have a longer lifespan, create a betterment in terms of its visual relationship and would it itself have an overall air quality benefit.

A 'Category C' Tibetan Cherry and group of wild cherry trees (also 'Category C') located within the front garden of No.32, would be removed as part of the proposed scheme with mitigation provided by way of the provision of 2 Ginkgo biloba Magyar (Maidenhair) trees. Given the low quality categorisation of the existing trees to the front of No. 32, the replacement provision proposed here is considered to represent an enhancement through being visually prominent in a street known for its trees. Securing a property frontage for trees therefore brings considerable benefits to the Conservation Area, in amenity and environmental terms.

v. Impact upon neighbouring properties

- 8.12 The 4-storey element of the proposed extension would be 0.7m taller than the ridge height of the existing 4-storey element of the existing extension. Whilst this part of the extension would also be wider than that existing, it is not considered that the additional bulk and massing of the proposed 4-storey element would not be excessive beyond that existing, or excessive for the site and its wider context. The 3-storey element of the extension would be approximately 0.5m higher than the ridge height of the 2-storey element of the existing extension, and whilst it

would be approximately 4.7m higher than the ridge height of the single storey element of the existing extension, this additional scale is considered to represent an enhancement within the streetscene.

The highest point of the proposed extension would not exceed the height of the existing villa, whilst the linking section proposed creates a subordinate relationship between the villa and proposed extension. The main elevation of the extension onto Sophia Close would sit on the building line set out by the existing villa.

With regard to the potential impact the proposed extension would have on the availability of light within the neighbouring properties, 7–10 Sophia Walk, this is considered acceptable given the inclusion of the pitched roofs along the northern elevation of the proposed extension. Neither the 3 or 4 storey elements would break the 25 or 45 degree rules set out in the Councils design SPG's regarding light provision.

Whilst the height and massing of the proposed extension would be greater than that existing, particularly the former single storey pitched roof element, it is not considered that the extension would have an unacceptable overbearing or unneighbourly impact upon No. 7-10 Sophia Walk due to the separation distances involved and the bulkier parts of the extension being located in those locations where it would have least impact upon these neighbouring properties.

It is not considered that the proposed extension would have an unacceptable impact upon the windows in the rear of No. 34 Cathedral Road, beyond that of the existing extension of the application building, given the relative heights and separation distances involved.

Whilst the 4-storey element of the extension would be located close to the eastern boundary of the site, beyond which is an external seating area associated with the adjacent public house, it is not considered that the proposed development would result in the creation of a harmful impact upon this external area, or the public house itself, beyond that of the existing situation.

Due to the orientation of the windows and the proposed introduction of obscurely glazed balcony screens, subject of condition 23, it is not considered that the proposed development would allow the neighbouring properties to the north, 34 Cathedral Road and 7-10 Sophia Walk to be unacceptably overlooked. Given the separation distance which would be retained between the southern elevation of the proposed extension and the residential properties on the opposite side of Sophia Walk, there would be no overlooking concerns in this direction.

vi. Impact on air quality, noise light pollution and contaminated land

- 8.13 No objection has been raised by the Councils Air Quality Officer with regard to the removal of the Purple Beech tree or the traffic that would be generated by the development on air quality grounds.

The development is not considered to cause or result in unacceptable harm as a

result of air quality, noise or contaminated land, taking into consideration the recommended conditions. Conditions are recommended to control contaminated land measures – unforeseen contamination, imported soils, imported aggregates, use of site won materials, road traffic noise and plant noise.

vii. Whether the proposal would make satisfactory provision for access parking and circulation;

- 8.14 The site is considered to be in a highly sustainable location being located adjacent to a bus route, cycle infrastructure and close to the city centre. The Operational Manager Transportation has confirmed that the proposal is policy compliant with regard to car and cycle parking provision, subject to conditions, and raises no objection to the proposed scheme on highway safety grounds or on the local highway capacity.

Conditions are recommended covering cycle parking (Condition 19) along with a Construction Environmental Management Plan (CEMP) condition. (Condition 17)

viii. Water Resources, Drainage and Flood Risk

- 8.15 TAN: 15 and its Development Advice Map zones are used to control and manage development. The application site is located in a C1 Zone (areas of floodplain served by significant infrastructure, including flood defences). TAN 15 states that housing should only be permitted within Zone C1 if determined by the planning authority to be justified in that location; based upon the TAN 15 criteria.

- 8.16 The Welsh Government 'Summary of what TAN 15 requires for highly vulnerable development (houses) to be considered acceptable' sets out the following justification criteria:

- 1) Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) **AND**
- 2) Its location is necessary to assist a Local Authority regeneration initiative or strategy, or contribute to key employment objectives, necessary to sustain an existing settlement or region **AND**
- 3) The site meets the definition of previously developed land (i.e. is not a Greenfield site) and concurs with the aims of Planning Policy Wales (i.e. the presumption in favour of sustainable development) **AND**
- 4) A Flood Consequences Assessment (FCA) has been produced to demonstrate that the potential consequences of a flood event up to extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable.

- 8.17 Assessed against these criteria:

- 1) The area is developed and served by significant infrastructure.
- 2) The site represents a windfall site within the LDP settlement Boundary, as identified in Policy KP1 of the LDP. The LDP representing the LPA's

policy/strategy document for the cities growth. The Local Authority may justify this development as being “necessary to sustain an existing settlement”: the refusal on flood risk grounds of all applications for the redevelopment of existing properties within existing, sustainably located residential areas such as this, in cases where it can be demonstrated that the consequences of flooding can be managed acceptably, would, over time, lead to the decline of all the areas of the city that are within flood risk zones and create pressure to develop areas that are not so sustainably located.

- 3) The site is a brownfield site / previously developed land.
- 4) A Flood Consequences Assessment (FCA) supports the application, which has been subject to consultation, including with Drainage Services and NRW who raise no objection from a flood risk perspective

8.18 The FCA confirms that the Finished Floor Level of the site is 8.0m AOD, with the ground floor living accommodation at 8.6mAOD. Based on this the predicted flood depth of 7.95mAOD in the 1% plus 25% allowance for climate change flood event, the living accommodation and plant room are predicted to be flood free in that event, and therefore in line with the requirements of TAN 15.n Based on the 1 in 1000 year defended flood level of 8.25mAOD, the residential accommodation is predicted to be flood free in that event. A maximum flood depth of 250mm is predicted for the entrance ways and plat room, which is within the tolerable conditions set out in table A1 of TAN 15.

8.19 With regard to the requirements of policy EN14 of the Local Plan; this states

Development will not be permitted:

- i. Within tidal or fluvial flood plains unless it can be demonstrated that the site is justified in line with national guidance and an appropriate detailed technical assessment has been undertaken to ensure that the development is designed to alleviate the threat and consequences of flooding over its lifetime;*
- ii. Where it would increase the risk of flooding from fluvial and/or tidal flooding or from additional run-off from the development in any location;*
- iii. Where it would hinder future maintenance or improvement schemes of flood defences and watercourses;*
- iv. Where it would cause adverse effects on the integrity of tidal or fluvial defences;*
- v. Where ground floor bedrooms are proposed in areas at high risk of flooding.*

Where appropriate the developer should demonstrate that they have considered the need to incorporate environmentally sympathetic flood risk mitigation measures such as Sustainable Urban Drainage Systems (SUDS)

- i. As detailed above, an FCA has been submitted which demonstrates that the application site meets the requirements of TAN 15. This has been

- considered by NRW who raise no objection to the application proposal.
- ii. The proposed development would not result in an increased risk of flooding.
 - iii. The proposed development would not hinder the future maintenance or improvement schemes of flood defences and watercourses
 - iv. The proposed development would not create an adverse effect on the integrity of tidal or fluvial defences;
 - v. Whilst two of the proposed flats are located on the ground floor of the building, and therefore have ground floor bedrooms, the supporting text to Policy EN14 states that;

In general, development will be resisted in identified flood plains or areas at unacceptable risk from flooding or where third parties may be adversely affected by an increased flood risk. Proposals involving bedrooms on ground or lower floors in areas liable to flood will not be acceptable. Development will only be permitted if the risks and consequences can be demonstrated to be managed to an acceptable level in line with national planning policy, in particular the tests set out in TAN 15.(Para 5.206)

As detailed above, the submitted FCA confirms that the residential accommodation would be flood free during the 1% plus climate change (1 in 100 year with climate change) and 0.1% (1 in 1000 year) events. The submitted FCA has been assessed by NRW who raise no objection to the application on the basis of flood risk. Whilst it is recognised that the application site may be liable to flooding in extreme events, the residential accommodation proposed throughout the site would sit above the levels predicted in such an event. Taking the above into consideration, it is considered that the development meets the justification tests set out in TAN 15 and requirements of Policy EN14 of the adopted LDP.

ix. Ecology Considerations

- 8.20 The County Ecologist supports the methodology used and conclusions drawn from the bat survey report (Bat Survey report provided by WYG and dated September 2018) in that the buildings concerned have a low likelihood of supporting roosting bats, and that no bats or signs of bats were found in those buildings or trees during the surveys.
- 8.21 Given that bats have been observed in the vicinity and emerging from an adjacent property, there remains a possibility that bats may begin using the site as a roost at any time. A condition controlling the precautionary bat mitigation measures detailed in the bat report, the timeframe of site clearance works and a requirement for updated surveys to be provided have subsequently been included.
- 8.22 As nesting birds may to be affected by the removal of the tree, as well as the demolition of the existing extension, a condition has been imposed to ensure that any site clearance and demolition works are undertaken outside of the nesting bird season.

8.23 Given the above it is considered that the proposal accords with Policy EN6 and EN7 of the adopted Local Development Plan.

x. Response to third party objections not addressed above

8.24 Planning Policy Wales (Edition 10) has been amended in accordance with the requirements of The Wellbeing of Future Generations Act. The proposed development has been assessed against Planning Policy Wales and is considered compliant with it and consequently The Wellbeing of Future Generations Act.

8.25 Where a tree has a limited life expectancy remaining, as is the case of the Copper Beach proposed for removal as part of this application, the provision of three replacement trees in compensation for its loss would, over the long term, have a beneficial impact in air quality terms. Furthermore, the Council's Air Quality Officer has raised no objection to the application proposal.

9. PLANNING OBLIGATIONS

9.1 National Policy and CIL regulations outline the legal requirements for a valid Planning Obligation. The Council's approved Planning Obligations SPG provides further guidance.

9.2 The total planning obligations requested amount to **£273,111** broken down as follows and calculated in accordance with policy and guidance.

- Affordable Housing £241,570
- Public Open Space £31,541

9.3 Prior to the Planning Committee meeting of 20th March 2019, the Agent confirmed that the above mentioned Section 106 contributions are acceptable to the applicant.

9.4 As described in the Background Information section at the start of this report, the applicants have since submitted a 'Viability Statement', prepared by Savills and dated May 2019, which concluded that the S106 Contributions sought towards affordable housing and public open space would make the development unviable.

9.5 In accordance with established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council commissioned the District Valuer (DV) to undertake an assessment of the Viability Statement. Their assessment confirmed that the scheme viability could not support the S106 contributions sought. They conclude that the internal rate of return on the scheme, based on the full S106 contribution sought, would be 0.94%; well below that of normal market expectations (being around 20%) However, the omission of the S106 contributions would result in internal rate of return of 7.32%, which whilst still below that of normal market expectations, does represent a more reasonable profit margin.

- 9.6 Taking into consideration the DV's report and acknowledging that affordable housing is identified as 'necessary' and not 'essential' infrastructure under policy KP6 of the LDP, the Housing Development Manager accepts that the proposed development would be compliant with LDP policies KP6, KP7 and H3 with no financial contribution towards affordable housing provision. The Housing Development Manager has however requested a reduced time limit for the development, after which time a new application and further viability assessment would be required. Condition one has been reduced to two years accordingly.
- 9.7 The Parks Officer also accepts the conclusions of the DV's report and, consistent with the Housing Development Manager, has requested a reduced time limit for the development, after which time a further viability assessment would be required. As such, notwithstanding that no financial contribution would be made toward Public Open Space provision, contrary to the requirements policies KP6, KP7 and C5 of the LDP, it would on balance, be unreasonable to refuse this application in policy terms, based on the lack of a Public Open Space contribution in this instance.

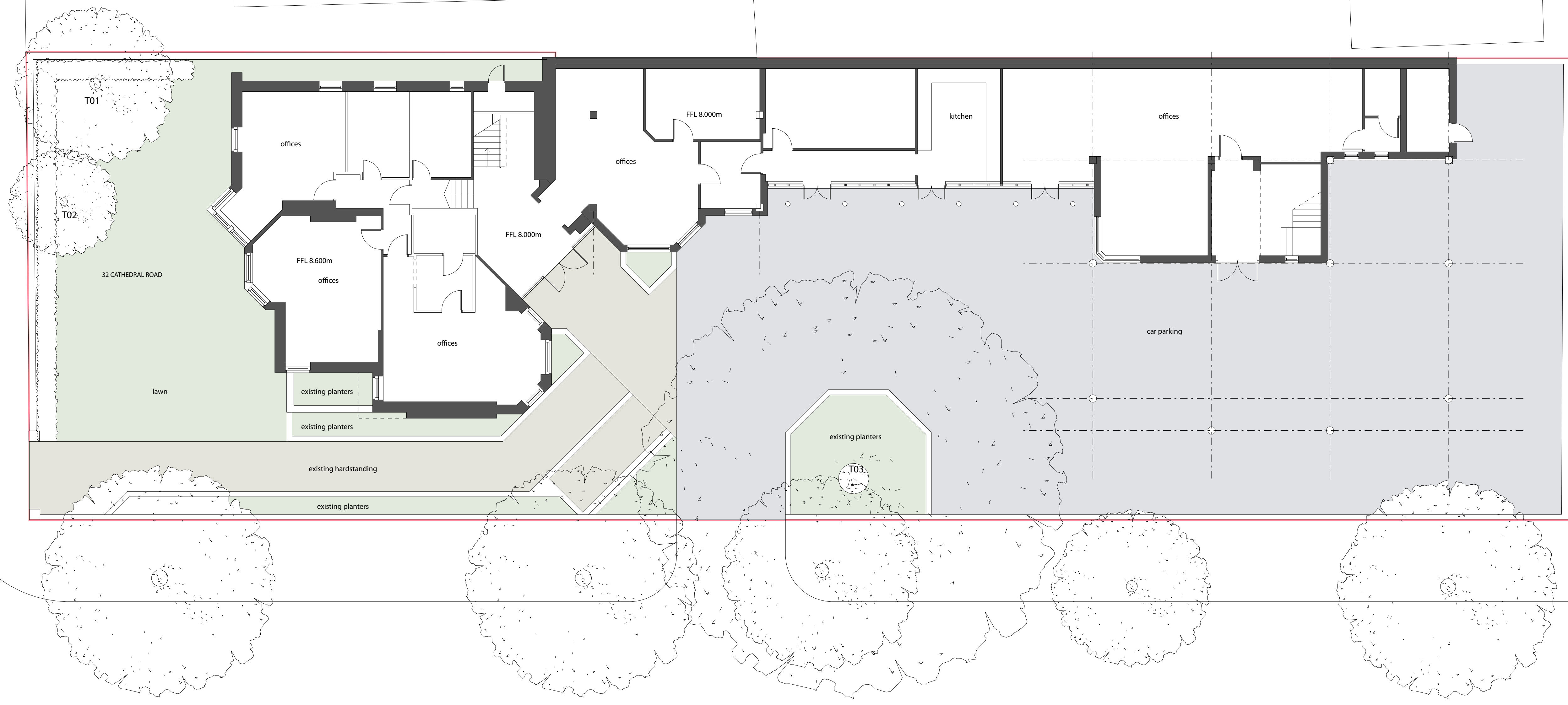
10. CONCLUSION

- 10.1 The proposal is a brownfield site and is located within close proximity to local amenities. Having regard to the objections raised, and assessed against the adopted plan and other material considerations, planning permission is recommended for approval subject to conditions.

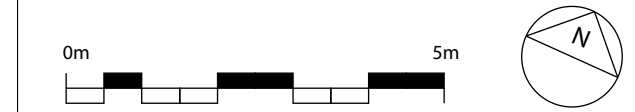
11. OTHER CONSIDERATIONS

- 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. 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.
- 11.3 *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.



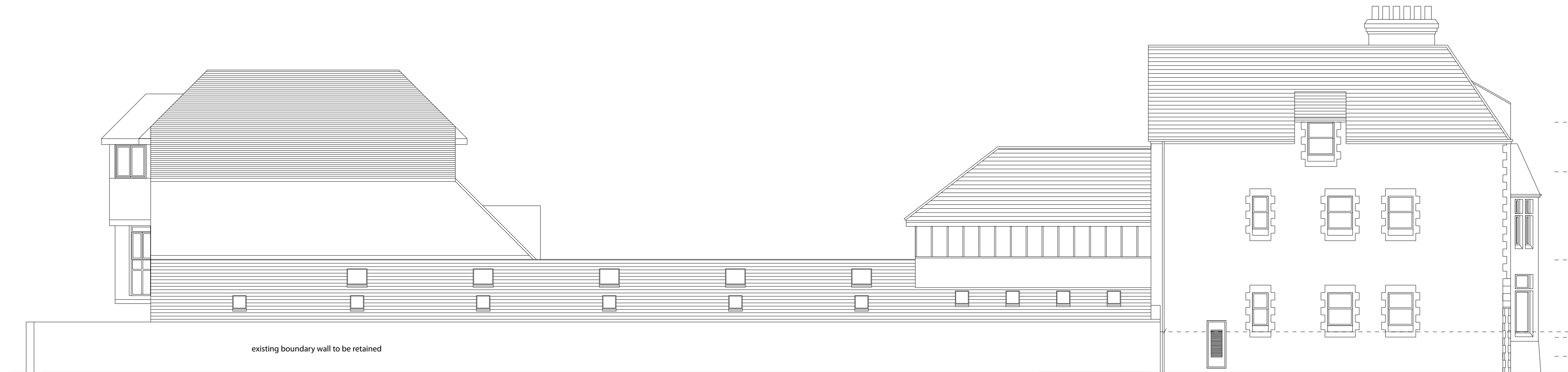
SOPHIA CLOSE



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Project				
32 CATHEDRAL ROAD RESIDENTIAL DEVELOPMENT				
Title				
EXISTING SITE PLAN				
 Studio MJA 8 Dyfrig St Cardiff CF11 1EB Phone: 07799 862959 Email: hello@mattjonesarchitects.com				
date	drawn	checked	approved	
21.08.18	MJ			
scale @ A1				
1:100				
status	drwg. no.			rev.
P	A / P / P / 10			



EXISTING SOUTH ELEVATION



EXISTING NORTH ELEVATION



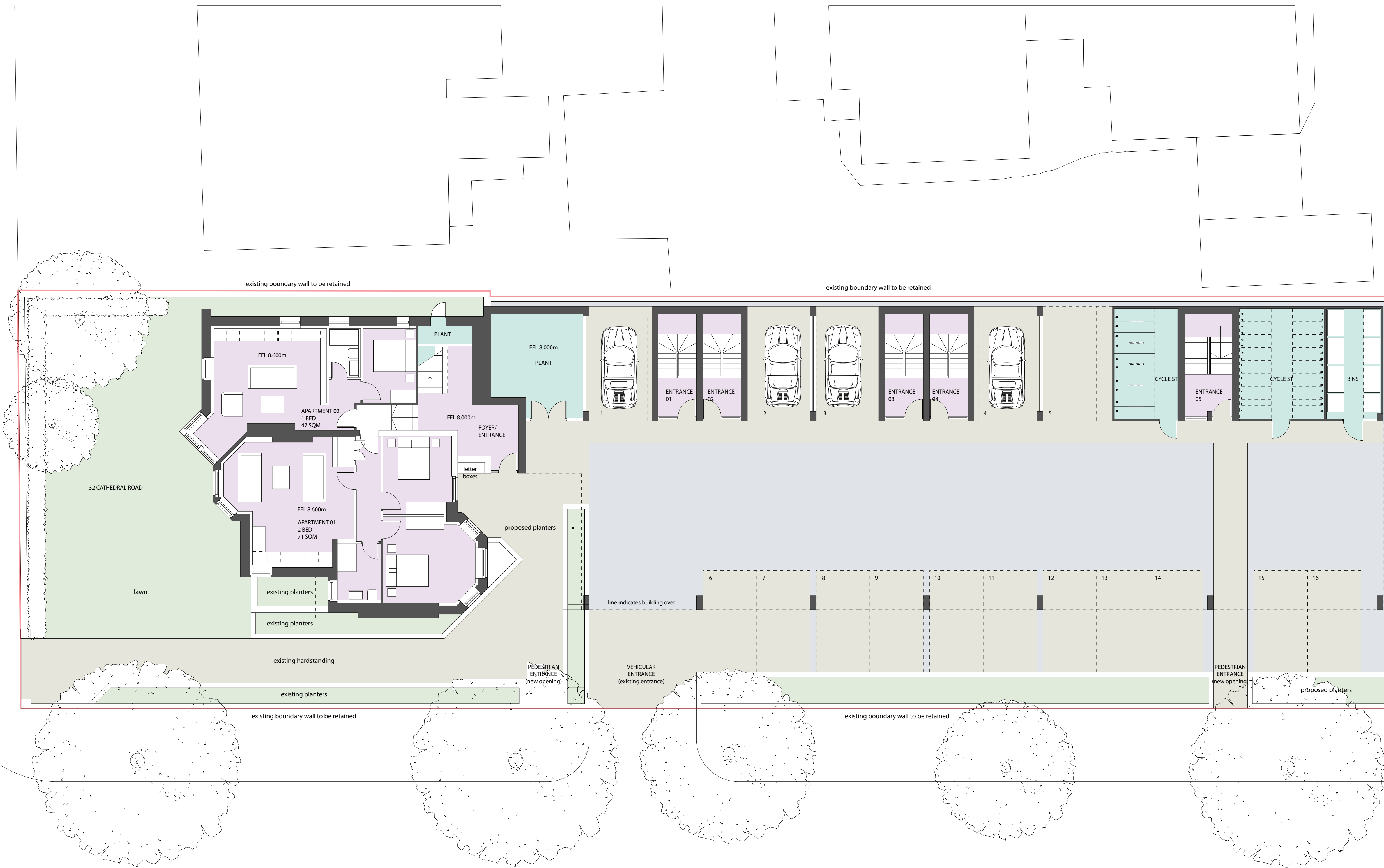
EXISTING WEST ELEVATION
NB - no change to existing elevation - window details to be conditioned



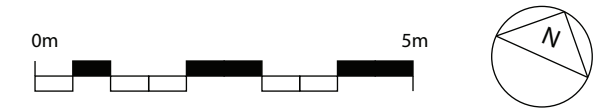
EXISTING EAST ELEVATION

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SOPHIA CLOSE



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Project					
32 CATHEDRAL ROAD RESIDENTIAL DEVELOPMENT					
Title					
PROPOSED SITE PLAN					
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Existing House

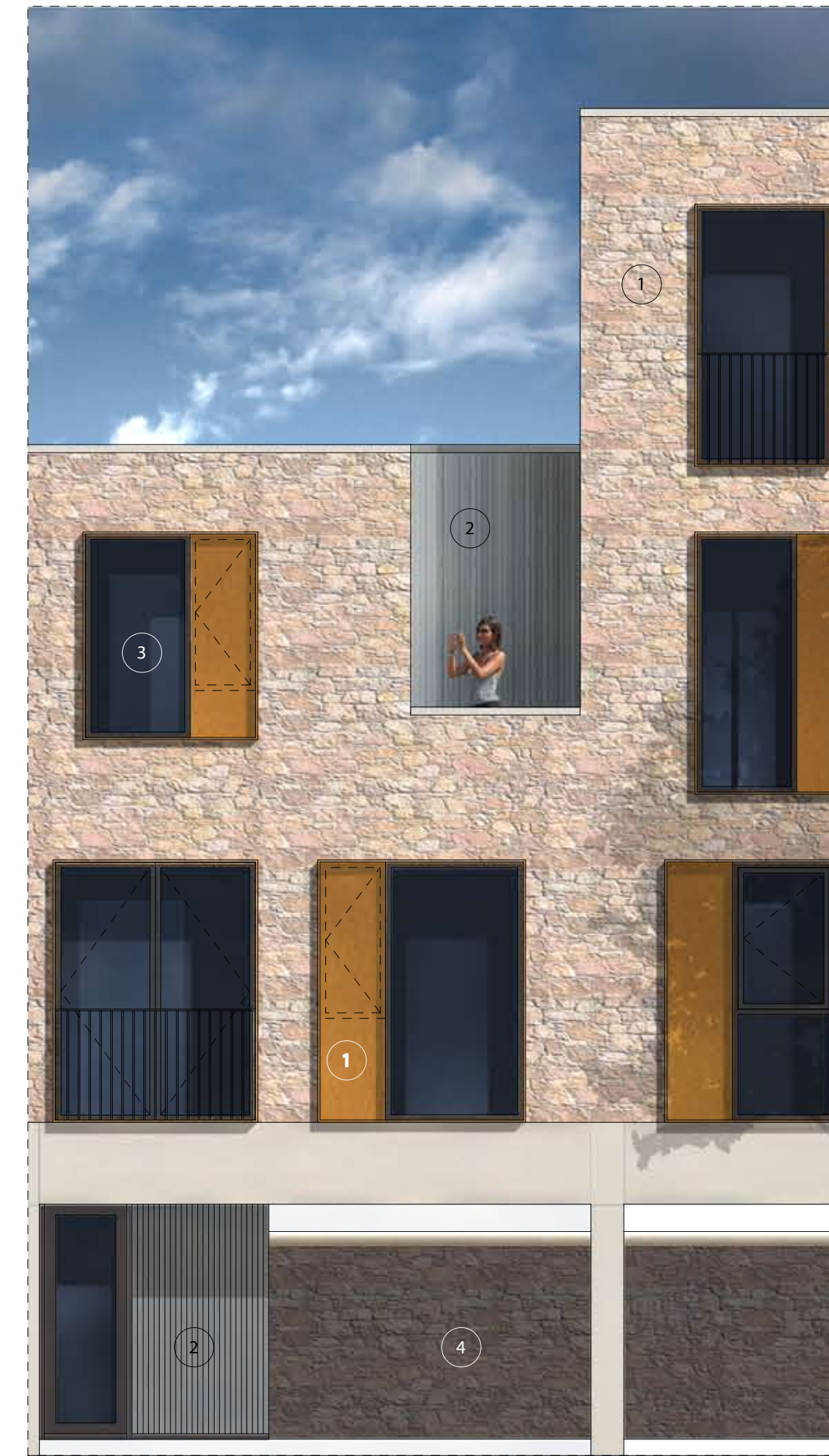
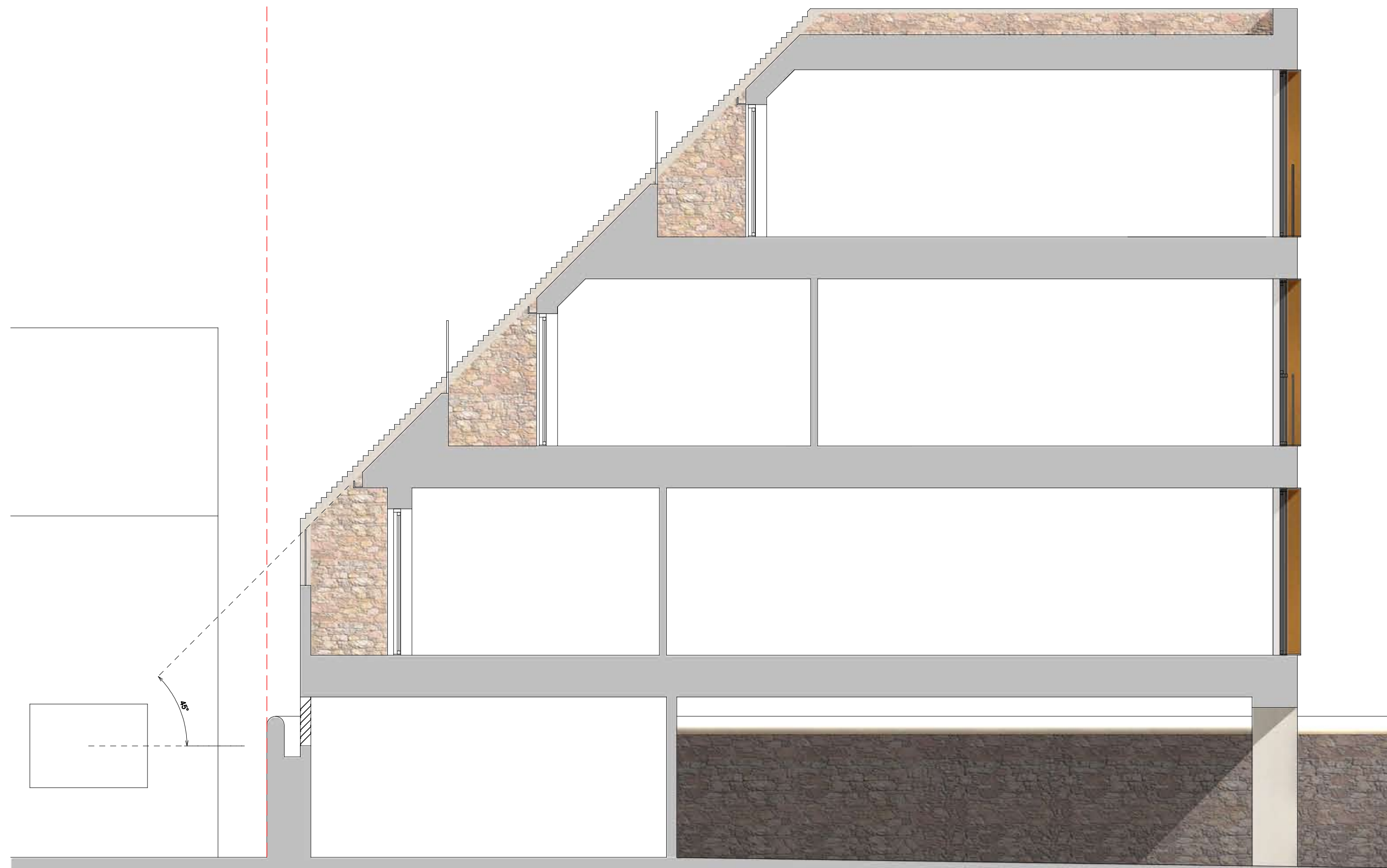
Proposed New Build



▲ Proposed South Elevation 1:100 @ A1

▼ Proposed Part South Elevation 1:50 @ A1

▼ Proposed Section AA 1:50 @ A1



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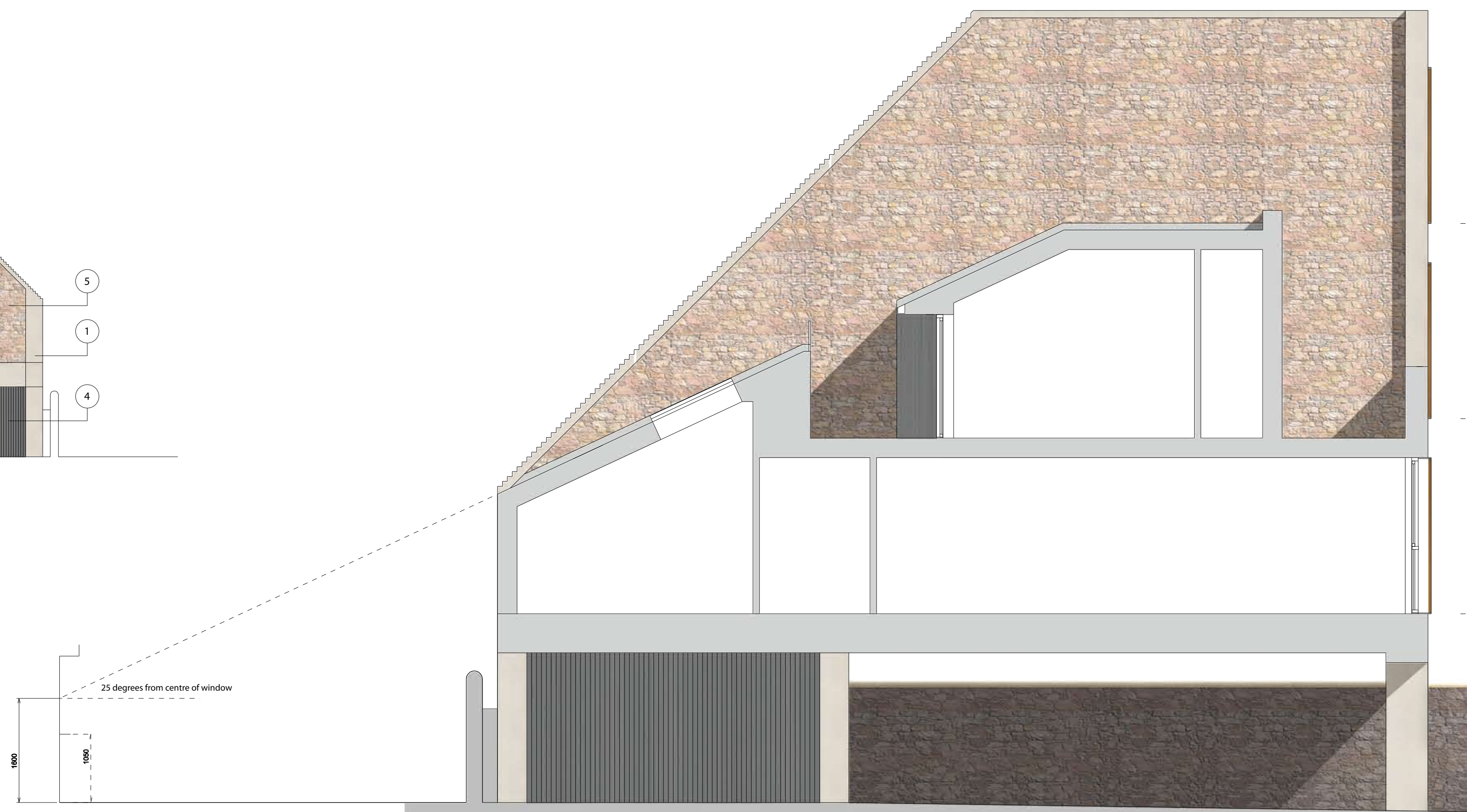
▲ Proposed North Elevation 1:100 @ A1

▼ Proposed Section BB 1:50 @ A1

▼ Proposed East Elevation 1:100 @ A1



- 1 Reconstituted stone / Concrete Cladding
- 2 Metal Standing Seam Roof
- 3 Obscured Glass Balustrade / Screen
- 4 Timber Cladding Stained Grey
- 5 Pennant Stone Slip Cladding



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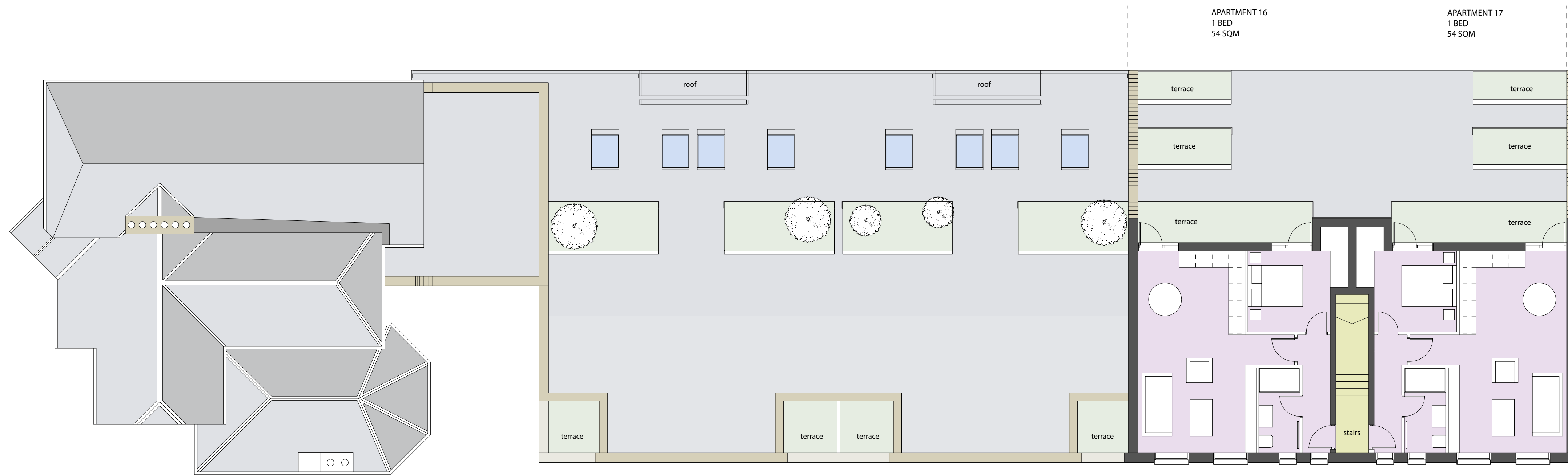
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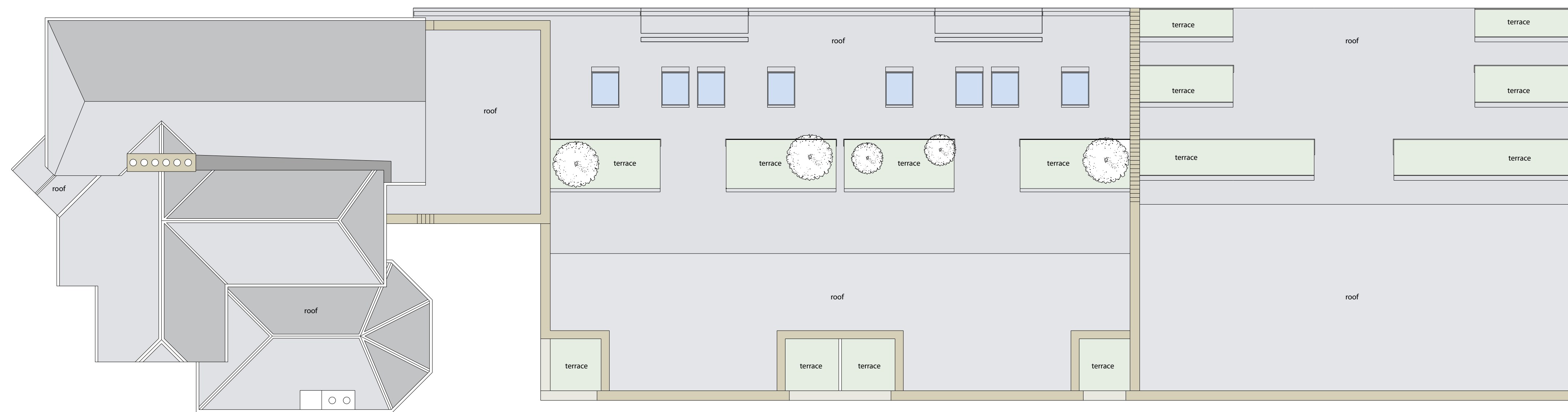
All Enquiries
011 222 2222
www.112222.co.uk

SOPHIA LOISE

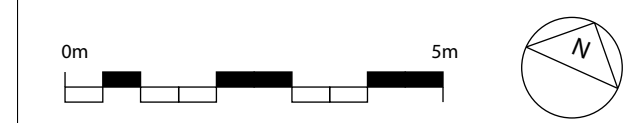




Proposed Third Floor Plan 1:100 @ A1



Proposed Roof Floor Plan 1:100 @ A1



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Project					
32 CATHEDRAL ROAD RESIDENTIAL DEVELOPMENT					
Title					
PROPOSED FLOOR & ROOF PLANS					
					
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