

LOCAL MEMBER OBJECTION AND PETITION OF OBJECTION

COMMITTEE DATE: 26/02/2020

APPLICATION No. **19/02071/MJR** APPLICATION DATE: 24/07/2019

ED: **RIVERSIDE**

APP: TYPE: Full Planning Permission

APPLICANT: Portabella CF11 Limited

LOCATION: REAR OF 35 ROMILLY CRESCENT AND 70-72 LLANDAFF ROAD, PONTCANNA, CARDIFF

PROPOSAL: MIXED USE DEVELOPMENT COMPRISING 34 DWELLING UNITS WITH A MIXTURE OF 1-5 BEDS, PARKING AND UP TO 9 COMMERCIAL UNITS POTENTIALLY COMPRISING A1/A2/A3/B1 USES

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.6 of this report, planning permission be **GRANTED** subject to the following conditions :

PART1 - TIME LIMIT AND PLANS

1. The development permitted shall be begun before the expiration of five 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. Subject to the provisions of the conditions below, the development shall be carried out in accordance with the following approved plans and documents:
 - (i) Site Location Plan (drawing no P100)
 - (ii) Proposed Site Plan (drawing no P02 Rev B)
 - (iii) House Type A1 - Plans (plots 7 - 9) (drawing no P03 Rev A)
 - (iv) House Type A2 - Plans (plots 10 - 11) (drawing no P04 Rev A)
 - (v) House Type B - Plans (plots 12 - 13) (drawing no P05 Rev A)
 - (vi) House Type C1 + C2 Plans (plots 14 - 17) (drawing no P06 Rev A)
 - (vii) House Type D1 - Plans (plots 1 - 2) (drawing no P07 Rev A)
 - (viii) House Type D2 - Plans (plot 3) (drawing no P08 Rev A)
 - (ix) House Type E - Plans (plots 4 - 5) (drawing no P09 Rev A)
 - (x) Flats - Ground Floor Plan (plots 18 - 28) (drawing no P10 Rev A)

- A)
- (xi) Flats - 1st Floor Plan (plots 18 - 22) (drawing no P11 Rev B)
 - (xii) Flats - 2nd Floor Plan (plots 23 - 27) (drawing no P12 Rev B)
 - (xiii) Flats - 3rd Floor Plan (plots 28) (drawing no P13 Rev A)
 - (xiv) Flats - Ground Floor Plan (Commercial) (drawing no P14 Rev A)
 - (xv) Flats - 1st +2nd Floor Plans (plots 29 - 33) (drawing no P15 Rev B)
 - (xvi) Proposed 'Loft' Flats - Floor Plans (Plot 6) (drawing no P16 Rev B)
 - (xvii) Proposed 'Loft' Flat - Floor Plans (Plot 34) (drawing no P17 Rev A)
 - (xviii) Proposed Elevations_1 (drawing no P18 Rev B)
 - (xix) Proposed Elevations_2 (drawing no P19 Rev C)
 - (xx) Proposed Elevations_3 (drawing no P20 Rev A)
 - (xxi) Proposed Elevations_4 (drawing no P21 Rev B)
 - (xxii) Proposed Elevations_5 (drawing no P22 Rev B)
 - (xxiii) Landscape Intents Drawing (dated 16 December 2019)
 - (xxiv) Bat and Bird Survey, Vaughans, Llandaff Road, Cardiff (prepared by Celtic Ecology and Conservation Ltd and dated August 2019)

Reason: For the avoidance of doubt as to the extent of the permission.

PART 2: CONDITIONS TO BE DISCHARGED

LANDSCAPING

3. Notwithstanding the provisions of condition 2, no development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following: hard surfacing materials; proposed and existing functional services above and below ground; scaled planting plans (noting schedules of plants, species, plant sizes and proposed numbers/densities), and in the case of trees, tree pit section and plan views for each tree pit type with Root Available Soil Volume given, top soil and sub soil specifications, planting and 5 year aftercare methodology, details of ownership and responsibility for maintenance, and an implementation programme. These works shall be carried out in full accordance with the approved details prior to the occupation of any part of the development and shall be managed and maintained thereafter in accordance with the approved details.

Reason: To maintain and improve the appearance of the area and in the interests of visual amenity.

MATERIALS

4. No above-ground development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to occupation. Reason: To ensure a satisfactory finished appearance to the development.

ARCHITECTURAL DETAILING

5. No above-ground development of the proposed buildings fronting Llandaff Road and Glynne Street (blocks 1 and 2 respectively) shall take place until a scheme showing the architectural detailing of the those buildings has been submitted to and approved in writing by the Local Planning Authority and blocks 1 and 2 shall not be brought into beneficial use until the approved architectural detailing scheme is fully completed.
Reason: To ensure a satisfactory finished appearance to the development.

MEANS OF SITE ENCLOSURE

6. Notwithstanding the provisions of condition 2, no above-ground development shall take place until details of the means of site enclosure along each part of the site boundary (including details of the finished height, materials and colour of the means of enclosure) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly show the plot numbers and adjoining property numbers that each section of wall would front onto. The approved details shall be implemented prior to the development being brought into beneficial use.
Reason: To ensure that the amenities of the area are protected.

CYCLE PARKING

7. Notwithstanding the provisions of condition 2, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the development being put into beneficial use. Thereafter the cycle parking shall be maintained and shall not be used for any other purpose.
Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles.

LLANDAFF ROAD HIGHWAY WORKS PUBLIC REALM SCHEME

8. Notwithstanding the provisions of condition 2, no part of the development hereby permitted shall commence until a scheme of public realm improvement works to the footways adjacent to the site on Llandaff Road and Glynne Street has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the removal of the redundant existing vehicle crossovers and their reinstatement as footway, the creation of the new two way access and the reconstruction/resurfacing of the remainder of the footways abutting the site, including the retention and improvement of the existing bus boarder and surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture required as a consequence of the scheme. The agreed scheme shall be implemented in full to the satisfaction of the Local Planning Authority prior to beneficial occupation of the site.
Reason: To ensure the reinstatement of the footway and provide an improved pedestrian environment to facilitate safe commodious access to and use of the proposed development.

DETAILS OF ACCESS ROAD JUNCTION WITH ROMILLY CRESCENT

9. Notwithstanding the provisions of condition 2, no development shall take

place until details of the access and junction arrangement with Romilly Crescent have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety, and to facilitate access to the proposed development.

FOUL DRAINAGE

10. No development shall commence until a foul water 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 water flows and shall be implemented in full in accordance with the approved details prior to the occupation of the development.

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.

CEMP

11. Prior to the commencement of development (excluding demolition), 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 and enclosure, site access, construction staff parking, traffic management proposals, wheel washing facilities and measures to control the emission of dust and dirt during construction, a strategy for the delivery of plant and materials, and a scheme for the re-use, recycling/disposal of waste. The construction phase shall be implemented in full accordance with the approved CEMP.

Reason: To manage the impact of construction in the interests of highway safety, protection of the environment and public amenity in accordance with policies T5, W2 and EN13 of the adopted Cardiff Local Development Plan.

SOUND INSULATION

12. A scheme of sound insulation works to the floor or ceiling structure between any ground floor commercial unit (Use Classes A1, A2, A3 or B1) and first floor residential units shall be submitted to and approved by the Local Planning Authority in writing and implemented in full as approved prior to the occupation of that unit.

Reason: To ensure that the amenities of future occupiers are protected.

ROAD TRAFFIC NOISE

13. 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 LAeq, 16 hour during the day [07.00 to 23.00 hours] and 57 dBA LAeq, 8 hour 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 LAeq 16 hour during the day (0700 – 2300) and 35 dBA LAeq, 8 hour at night

(2300 – 0700). Any rear garden (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 LAeq 16 hour (0700-2300). No habitable room shall be occupied until the approved sound insulation and ventilation measures (where necessary) have been installed or the rooms designed to meet internal ambient noise level of 40dB LAeq, 16 hours during the day (0700 – 2300) and 35dB LAeq, 8 hour at night (2300 – 0700).

Reason: To ensure that the amenities of future occupiers are protected.

PLANT NOISE

14. Prior to occupation of any commercial unit hereby permitted (Use Classes A1, A2, A3 or B1), an environmental noise assessment of plant noise shall be carried out and submitted to the Local Planning Authority. Where a rating level of any noise source from a fixed plant or equipment at the unit exceeds -10dB below the background level (LA90) as determined by a BS4142 (current edition or as amended) assessment, a scheme of noise mitigation shall be submitted to and approved by the Local Planning Authority in writing and shall be implemented in full as approved prior to the occupation of that unit.

Reason: to ensure that amenities of future and nearby occupiers are protected.

FUTURE KITCHEN EXTRACTION

15. If at any time the use of any of the commercial units (Use Classes A1, A2, A3 or B1) hereby approved is to involve the preparation and cooking of hot food, details of the extract ventilation and de-odorising filter system for that unit shall be submitted to and approved by the Local Planning Authority in writing prior to the occupation of that commercial unit. All equipment shall be so mounted and installed so as not to give rise to any noise nuisance (in conjunction with condition 14 (PLANT NOISE)). The extract and de-odorising filter system shall be installed in accordance with the approved scheme prior to occupation of that commercial unit and the system shall be maintained in accordance with the approved scheme thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

CONTAMINATED LAND MEASURES – ASSESSMENT

16. Prior to the commencement of development, an assessment of the nature and extent of contamination and a report of its findings shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present
- (ii) an assessment of the potential risks to: human health,

- groundwaters and surface waters, adjoining land, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation. * A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

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

CONTAMINATED LAND MEASURES– REMEDIATION & VERIFICATION PLAN

17. Prior to the commencement of development, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2017), unless the Local Planning Authority agrees to any variation.

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

CONTAMINATED LAND MEASURES – REMEDIATION AND VERIFICATION

18. The remediation scheme approved by the above condition shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2017), unless the Local Planning Authority agrees to any variation.

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

CONTAMINATED LAND MEASURES – UNFORSEEN CONTAMINATION

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

IMPORTED SOIL

20. 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 which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced.

IMPORTED AGGREGATES

21. 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 which shall be first submitted to and agreed in writing by the Local Planning Authority.

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

22. Any site won materials including soils, aggregates and recycled materials shall be assessed for chemical and 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.

BATS AND BIRD MITIGATION AND ENHANCEMENT

23. Notwithstanding the provisions of condition 2, a scheme of bat and bird mitigation and enhancement shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include:

- details of the make, model, suitable positioning and future maintenance of the bat boxes identified in section 9.2.1 of the 'Bat and Bird Survey Vaughans, Llandaff Road, Cardiff' by Celtic Ecology and Conservation Ltd, dated August 2019
- details of the make, model, suitable positioning and future maintenance of the following biodiversity enhancement measures required by the County Ecologist, namely, 2 no bat boxes for crevice-dwelling bats, 4 no Swift nest boxes, 2 no double House Martin cup, and 2 no House Sparrow terraces.

The bird and bat features shall be integrated into the buildings rather than attached to the outside, unless otherwise agreed in writing, as they

are more secure in the long-term and less prone to interference by the public. The scheme shall be implemented in full accordance with the approved details prior to first occupation of the development and the features shall thereafter be retained.

Reason: To secure the protection of bats, which are European Protected Species, in accordance with Regulation 9 of the Conservation of Habitats and Species Regulations 2017 and in accordance with policy EN7 of the adopted Cardiff Local Development Plan (January 2016).

PART 3: COMPLIANCE CONDITIONS

FLEXIBLE USES

24. The Class A1, A2, A3 and B1 floor space hereby permitted shall not exceed a combined total floorspace of 570 sq m (gross) and shall be accommodated in up to 9 no commercial units.

Reason: For the avoidance of doubt and in accordance with the submitted.

RESTRICTION OF PERMITTED DEVELOPMENT

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no development described in Schedule 2, Parts 1, Class A, B, C, D, E, F of that Order shall be carried out unless permission is subsequently granted for it on an application to the Local Planning Authority.

Reason: To ensure that the amenity of adjoining neighbours is protected.

PREVENTION OF ROOF TERRACES

26. The flat roofs of the dwellings on plots 3 - 5, 7 - 17 inclusive shall not be used at any time as a roof terrace and access shall only be permitted to the roof for the purpose of maintenance, window cleaning and means of escape in an emergency.

Reason: To protect the amenities of adjoining neighbours.

BALCONY / ROOF TERRACE PRIVACY SCREENS

27. The 1.8m high privacy walls proposed on the terrace of plots 1 and 2 (shown on drawing number P07 Rev A), the 1.8m high privacy screens proposed on the terrace of flat 11 and the resident roof terrace (shown on drawing no P13 Rev A), and the 1.8m high privacy screens proposed on the terraces of flats 1, 2, 4, 5 (shown on drawing P15 Rev B) shall be provided prior to occupation of the those flats and use of the resident's roof terrace, and shall be thereafter retained in perpetuity.

Reason: To protect the amenities of the area in accordance with policy KP5 of the Cardiff Local Development Plan.

OBSCURE GLAZING - PRIVACY

28. The ground floor WC window of plot 3 shown on drawing no P08 Rev A shall be non-opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained. The frosted windows identified on the living/dining/ kitchen rooms of flat 4 shown on drawing P11 Rev B and flat 9 shown on drawing on P12 Rev

B shall be implemented as such and thereafter be so maintained. The living/dining/kitchen window of flat 2 and the bedroom window of flat 4 shown on drawing no P15 rev B shall be glazed with obscure glass and thereafter be so maintained. The windows identified to be frosted to half height shown on bedroom 1 of flat 3 and the living /dining/ kitchen of flat 5 shown on drawing no P15 B shall be implemented as such and thereafter be so maintained. The rooflights to be fixed and frosted shown on bedroom 2 of Plot 6 shall be implemented as such and thereafter be so maintained.

Reason: To ensure that the privacy of adjoining and future occupiers is protected.

LIGHTING

29. An external lighting scheme for the interior of the site shall be implemented prior to occupation of any of the dwellings hereby approved.

Reason: To ensure safety and security for residents.

DELIVERY TIMES

30. There shall be no arrival, departure, loading or unloading of delivery vehicles to any of the ground floor commercial units (Use Classes A1, A2, A3 or B1) hereby permitted outside of 0800 – 1800 hours.

Reason: To ensure that the amenities of occupiers of local premises in the vicinity are protected.

REFUSE COLLECTION TIMES

31. There shall be no collection of waste associated with any of the commercial units hereby permitted outside of 0800 – 1800 hours.

Reason: To ensure that the amenities of occupiers of local premises in the vicinity are protected.

RETENTION OF REFUSE FACILITIES

32. The refuse facilities set out the 'Proposed Site Plan' (drawing no P02 Rev B) shall be provided before the development is brought into beneficial use and shall be thereafter retained for future use in perpetuity.

Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with policy W2 of the Cardiff Local Development Plan.

OPENING HOURS TO THE PUBLIC

33. No member of the public shall be admitted to or allowed to remain on any Class A3 premises hereby permitted and in any associated external seating area between the hours of 23:00 - 08:00 on any day.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected.

FOOD AND DRINK FLOORSPACE

34. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or

re-enacting that Order with or without modification), the Class A3 (Food & Drink) floorspace shall be used as a restaurant, café or coffee shop and for no other purpose within Use Class A3 (Food & Drink), and none of the commercial premises hereby approved shall be used as a bar or public house or other use where alcohol sales are the primary purpose, or as a hot food takeaway where the primary business is the sale of hot food for consumption off the premises.

Reason: To prevent the use of the premises as a drinking establishment where the primary purpose is the sale and consumption of alcoholic drink on the premises to protect the amenities of adjacent occupiers.

LANDSCAPING IMPLEMENTATION

35. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area.

MAXIMUM CAR PARKING PROVISION

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), no alteration shall be made to the approved car parking layout (showing 40 no surface car parking spaces and 7 no garage parking spaces) shown on the approved 'Proposed Site Plan' (drawing no P02 Rev B) that would result in the creation of additional car parking on the site for use by occupiers or the public.

Reason: To ensure car parking is maintained at or below the approved maximum level in support of adopted policy.

ELECTRIC VEHICLE CHARGING SCHEME

37. A scheme for electric vehicle charging shall be provided, which shall include – as a minimum - the provision of feeder pillars for a minimum of 2 parking spaces and the provision of infrastructure (ducts) to all dwellinghouses that have adjoining parking spaces. The scheme shall be implemented prior to the occupation of any dwellinghouse.

Reason: To promote the use of electric vehicles.

CONNECTION WITH THE PUBLIC SEWERAGE NETWORK

38. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network unless a connection has been otherwise approved by Cardiff Council as a SuDS Approval Body (SAB) under the SAB application process. 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.

FLOOD ACCEPTABILITY MEASURES

39. Prior to occupation, new residents shall be advised of the flood risks and consequences, the flood emergency plan, and the NRW early flood warning alert system. A flood emergency plan shall be put in place for future occupiers prior to occupation of the first residential unit for access and egress into the site to be obtained via the southern access road in an extreme event.

Reason: To manage the flood hazard from the northern access road to be affected in the scenario of an extreme flooding event in line with advice from Natural Resources Wales dated 15 August 2019.

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

RECOMMENDATION 3 : The 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 and;
- (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 4: The highway works conditions and any other works to existing or proposed public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 5: That the developer note the following advice from DCWW:

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 6: That the developer be advised of the following advice from Waste Management:

- Since July 2015 the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 2071 7500
- By law (Environmental Protection Act 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/ properties who require Cardiff Council to collect and dispose of their waste can contact the commercial services department on 029 2071 7500.

RECOMMENDATION 7: That the developer be advised of the following advice from NRW: **Warning: An European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb

EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.

RECOMMENDATION 8: On the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 was enacted. This affects all new developments where the construction area is of 100m² or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process. It is recommended that the developer engages in consultation with the Cardiff Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Cardiff Council are aware that this is new legislation and as such is offering a free pre-application service for the first year. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

If you require further information please review:

<https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

Or, alternatively you can review the legislation set by Welsh Government here:

<https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

RECOMMENDATION 9: That the developer be advised of the requirements of the Section 10 of the 'Bat and Bird Survey Vaughans, Llandaff Road, Cardiff' by Celtic Ecology and Conservation Ltd, dated August 2019, in respect of licensing, supervision and timescales and lighting.

RECOMMENDATION 10: Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

RECOMMENDATION 11: Express Consent of Neighbour

That the applicant is advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This is an application for full planning permission, as amended, for the redevelopment of a site to the rear of Llandaff Road, Glynne St, Romilly Crescent, Tuberville Place for a mixed use development comprising 34 dwelling units, commercial units and parking. It should be noted that the planning application does not include the demolition of the commercial and industrial buildings on site; this was the subject of a separate application for prior notification of proposed demolition (19/02010/MJR), which was approved 25/10/19. Demolition is now underway and is scheduled for completion in March.
- 1.2 A range of residential units are proposed within the development; 16 houses (11 no 4 bedroom and 5 no 5 bedroom), 2 no FoGs (flats over garages - 2 bedroom) and 16 flats (2 no 1 bedroom and 14 no 2 bedroom). The 16 flats are proposed in the upper floors of two buildings positioned either side of the main entrance off Llandaff Road. These would comprise a 3-4 storey building (block 1) at the corner of Llandaff Road and Glynne St (accommodating 11 flats over first – third floors) and a smaller, three storey building (block 2) facing Llandaff Road (accommodating 5 flats over 1st and 2nd floors). Commercial units are proposed at ground floor of blocks 1 and 2, with a total gross internal floorspace of 570m². The units are designed to be flexible, both in terms of their uses (potentially comprising A1, A2, A3 or B1 use classes) and the number of units, being designed to be flexible to division and providing for up to 9 units.
- 1.3 Within the site, the new dwellings would be arranged around the perimeter of the site to create two central spaces. The 16 houses would all be three storeys, with rear annexes. The FoG at plot 6 would be 2 ½ storeys and that at plot 34, 1 ½ storeys.
- 1.4 The site would be accessed via entrances off Llandaff Road and Romilly Crescent, as at present. The width of the existing access road off Llandaff Road would be increased to 5.5m to facilitate two way traffic, with footways either side. Public realm improvements are proposed along the Llandaff Rd and Glynne St frontage, with the buildings set back to create a south facing landscaped space, including 2 new street trees (required to be delivered by condition). The 5.2m wide Romilly Crescent entrance would be resurfaced and designated as 'in only' access. The lane off Romilly Crescent would be designed as a shared space area, and a 1.2m wide pedestrian safe zone and a landscaped 'build out' provided to reduce vehicle speeds.
- 1.5 Forty surface car parking spaces and 7 no garage parking spaces are proposed for residents and staff. Cycle parking is proposed at a ratio of 1 space per bedroom for both flats and houses. Some houses would have cycle sheds in their rear gardens, accessed via a side/rear gate. Terraced houses with no side access would have dedicated cycle storage sheds near their dwelling or storage within the garage under plot 6 FoG, whilst two houses would share cycle storage with the flats in a shared cycle storage facility adjacent to plot 17. For the commercial uses, twelve staff cycle spaces would be located within the shared cycle storage facility and visitor cycle stands would be provided in front

of the commercial units on Llandaff Road. Each plot would have access to outdoor amenity space; each house would have a rear garden, and provision for the FoGs and flats would be variously provided for by balconies, roof terraces and a resident's roof terrace.

- 1.6 Refuse vehicles would enter the site off Romilly Crescent. Refuse collection would be via communal storage facilities within the development, with the flats and houses having separate communal facilities. A bulky refuse storage facility is also proposed. Separate waste storage areas are proposed for commercial users. An illustrative landscaping scheme is submitted, comprising trees and shrubs, landscaped forecourts to houses with hedging and turf/planting, rain gardens and 'SAB' planting, soakaways in back gardens and the use of permeable paving to ensure betterment of the current position in terms of surface water run-off and storm flows. Two street trees and planting are also proposed within the site adjacent to Llandaff Road.
- 1.7 Two sets of amended plans have been submitted. The November 2019 submission included the following key amendments:
- dwelling numbers reduced from 35 to 34, through the omission of one of the flats over garages (F.O.G)
 - amendments to waste proposals
 - external car parking spaces reduced from 51 to 44 (excluding 7 garages)
 - cycle parking strategy revisited to provide 1 cycle parking space per bedroom
 - 'IN' only access proposed from Romilly Crescent
 - confirmation that 9 retail units are proposed, flexible to division and potentially comprising use class A1/A2/A3/B1 use classes
 - sun path analysis provided of the relationship between the nursery at no 72A Llandaff Road and the proposed buildings (plots 29 - 34)
 - description amended to include specific reference to the number of commercial units (up to 9) and the range of potential uses (A1/A2/A3/B1)
- 1.8 The December 2019 amended plans submission included the following key amendments:
- reduction in the number of surface car parking spaces to 40 and reconfiguration of spaces to provide improved access
 - increase in garden path widths
 - improved relationship between plots 2, 3 and 4 and reconfiguration of associated car parking and landscaping
 - landscaping build out in lane off Romilly Road increased in size
 - parking and landscaping adjacent to plot 6 reconfigured
 - bay window added to plot 6 bedroom 1 and rooflights to bedroom 2 to be fixed and frosted (one side) to address amenity concerns
 - frosted glass proposed to prevent overlooking between the two flat blocks.
- 1.9 The application is supported by:
- a Pre-Application Consultation (PAC) report
 - Design and Access Statement (as amended November 2019)
 - Transport Statement (November 2019, as amended December 2019)

- a Flood Consequences Assessment
- Building Inspection in respect of bats and breeding birds (May 2019)
- Bat and Bird Survey (August 2019)
- Building Surveys - Executive Summary report on each of the existing buildings
- Sun path analysis on the impact of the nursery and nursery play ground at 74 Llandaff Rd
- A schedule of accommodation
- An illustrative landscaping scheme
- Visual representations /CGIs of the scheme for presentation to Planning Committee.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises an irregularly shaped, infill site of approx. 0.578ha, located to the rear of Llandaff Road, Glynne St, Romilly Crescent and Turberville Place. There were a number of vacant, one and two storey older commercial buildings on site on submission of the application, the majority of which are situated on the site boundary adjacent to residential gardens. The buildings have a combined total gross internal floorspace of 4000m² and include the main buildings fronting onto Llandaff Road and Glynne Street (comprising no 70A Llandaff Road Dental Lab and Gilmor's) and others in the 'interior' of the site, including two car repair garages, offices, light industrial, retail and a restaurant/café. As noted above, these buildings were the subject of an application for prior notification of proposed demolition, approved 25/10/19 (19/02010/MJR), and demolition is now underway and scheduled for completion in March 2020.
- 2.2 There is an existing pedestrian and vehicular access to the interior of the site off both Llandaff Road and Romilly Crescent. The Llandaff Road access is via a narrow, unadopted lane beneath an archway located between the Dental Lab building and Gilmor's. This is suitable for single file traffic only. The Romilly Crescent access is via an unadopted lane between residential dwellings at nos 35 and 37 Romilly Crescent, which extends for approx. 40m before entering the developable part of the site. This access is wider, allowing for two cars to pass, but not larger vehicles.
- 2.3 The site comprises an 'enclave' with two main spaces- a southern space fronted by Llandaff Road and a northern space behind Turberville Place, separated by a narrowing. The site is entirely sealed, with no trees or other formal soft landscaping; all surfaces are currently concrete, tarmacadam or built form. The land is flat.
- 2.4 The site and many of the existing buildings adjoin the rear gardens of existing residential dwellings. Nos 76 – 86 Llandaff Road, 27 – 59 Romilly Crescent, 15-21 Turberville Place and 48-56 Glynne Street all have rear gardens that back onto the site. The Llandaff Road dwellings and most of those on Romilly Crescent benefit from unusually long rear gardens. However, the dwellings on Glynne St and Turberville Place have very short gardens. Gilmor's warehouse, proposed for demolition and located at the junction of Llandaff Road and Glynne

Street, directly adjoins no 56 Glynne Street, with the wall being a 'party wall'. A nursery/church community hall with associated external play area at no 74 Llandaff Road is positioned adjacent to the middle western and northern boundary. The nursery building has windows that overlook the site.

- 2.5 The site is situated in a predominantly residential area, with some commercial premises located on both Romilly Crescent and Llandaff Road. The area is characterised by buildings of mixed heights, forms and architectural styles. The site is located in a highly sustainable location, within walking distance (approx 220m) of Cowbridge Road East District Centre and bus stops.
- 2.6 The lane into the site off Romilly Road falls within the Conway Road Conservation Area. The site has no specific land use designation or allocation in the LDP. None of the buildings on the site are locally or statutorily listed. The site largely falls within flood zone C1, with the remainder falling within flood zone A. The site falls within the Central Area in respect of parking standards

3. **RECENT PLANNING HISTORY OF RELEVANCE**

Site History

- 3.1 06/01731/W - DEMOLITION EXISTING BUILDINGS, CONSTRUCTION 22 NO. HOUSES AND 35 NO. FLATS – refused 12/3/2009

Application for prior notification of proposed demolition - 19/02010/MJR – DEMOLITION OF STRUCTURES ON SITE TO MAKE WAY FOR FUTURE DEVELOPMENT – approved 25/10/19.

19/03229/MJR – DISCHARGE OF CONDITION 3 (SCHEME TO MINIMISE DUST EMISSIONS) OF 19/02010/MJR – discharged 22/01/20

- Adjacent history of relevance 15 Tuberville Place
- 3.2 18/00370/DCH - SINGLE STOREY EXTENSION TO REAR OF THE PROPERTY TO PROVIDE ADDITIONAL ANCILLARY ACCOMMODATION – approved 08/10/2018

4. **POLICY FRAMEWORK**

Local Policy

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

KP3(B): SETTLEMENT BOUNDARIES

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP6: NEW INFRASTRUCTURE

KP7: PLANNING OBLIGATIONS

KP8: SUSTAINABLE TRANSPORT

KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS

KP14: HEALTHY LIVING

KP15: CLIMATE CHANGE

KP16: GREEN INFRASTRUCTURE

KP17: BUILT HERITAGE

KP18: NATURAL RESOURCES

Detailed Policies:

H3: AFFORDABLE HOUSING

H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE

EN7: PRIORITY HABITATS AND SPECIES

EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT

EN10: WATER SENSITIVE DESIGN

EN12: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES

EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION

EN14: FLOOD RISK

T1: WALKING AND CYCLING

T5: MANAGING TRANSPORT IMPACTS

T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES

R1: RETAIL HIERARCHY

R4: DISTRICT CENTRES

R6: RETAIL DEVELOPMENT (OUT OF CENTRE)

R8: FOOD AND DRINK USES

C1: COMMUNITY FACILITIES

C3: COMMUNITY SAFETY/ CREATING SAFE ENVIRONMENTS

C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION, CHILDREN'S PLAY AND SPORT

C6: HEALTH

C7: PLANNING FOR SCHOOLS

W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Supplementary Planning Guidance (SPG) and other local guidance

4.2 Relevant SPG approved following the adoption of the Cardiff Local Development Plan:

Food, Drink and Leisure Uses (approved November 2017)

Green Infrastructure (approved November 2017)

Infill Sites (approved November 2017)

Managing Transport Impacts (Incorporating Parking Standards) (April 2018)

Planning for Health and Well-being (November 2017)

Planning Obligations (approved January 2017)

Residential Design Guide (approved January 2017)

Safeguarding Building and Industrial Land and Premises (November 2017)

Tall Buildings (approved January 2017)

Waste Collection and Storage Facilities (approved October 2016)

Conway Road Conservation Area Appraisal (2007)

National Planning Policy

4.3 Planning Policy Wales (**Edition 10, December 2018**) and the Wales Spatial Plan set out the land use policies of the Welsh Government. These are supplemented by a series of Technical Advice Notes and Circulars.

4.4 Key statements contained within Planning Policy Wales include:

- *Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated (para 1.17)*

- *All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being (para 2.2)*
- *Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle (para 2.8)*
- *Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle. There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals (para 2.21)*
- *Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales (para 3.4)*
- *Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport (para 3.6)*
- *Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution (para 3.7)*
- *The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement (para 3.9)*
- *In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the*

use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important (para 3.10)

- *Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take (para 3.11)*
- *New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities (para 4.1.34)*
- *Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance (para 4.1.52)*
- *Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links (para 4.2.22)*
- *Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes (para 4.2.23)*
- *Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised (para 5.4.15)*
- *The Welsh Government's specific objectives for the historic environment seek to ...preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous... (para 6.1.16)*
- *There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds (para 6.1.15)*
- *Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area (para 6.1.16)*
- *The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned (para 6.4.22)*

- *Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS (para 6.6.27)*

Technical Advice Notes (TANs) and other legislation

4.5 Key TANs include:

- TAN 1: Joint Housing Land Availability Studies (2015):
- TAN 2: Planning and Affordable Housing (2006)
- TAN 4: Retail and Commercial Development (2016)
- TAN5: Nature Conservation and Planning (2009)
- TAN 8: Renewable Energy (2005)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 15: Development and Flood Risk (2004)
- TAN 18: Transport (2007)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

Section 72 (1) of Planning (Listed Buildings and Conservation Area) Act 1990: In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Housing Strategy** request an on site affordable housing contribution of 20% of the 35 units (7 units) to be delivered in a stand-alone block to Welsh Government Development Quality Requirement standards. Further to the submission of the amended plans, Housing Strategy advise that if it is agreed that affordable housing cannot be delivered successfully and sustainably to the correct standard, then they would be prepared to discuss a financial contribution of **£757,596** in lieu of the on-site provision of 3 x 4 bedroom houses, 3 x 2 bedroom flats and 1x 1 bedroom flat, as calculated in accordance with the Planning Obligations SPG.
- 5.2 **Neighbourhood Regeneration** initially requested a financial contribution of **£47,830.91** towards off-site community facilities. This request was reduced to **£46,833.19** following the November 2019 amended plans submission and reduction in the number of dwellings from 35 to 34.
- 5.3 **Schools Services** request a financial contribution of **£120,761** for secondary school places advising:
- The catchment English-medium primary school is Severn Primary School. The school has spare capacity and so no contribution is sought.
 - The catchment Welsh-medium primary school is Ysgol Gymraeg Treganna. Even though this school is currently full the catchment figures show that

there is capacity in this school. There is also capacity in neighbouring Welsh medium primary schools. No contribution is sought.

- The catchment English-medium secondary school is Fitzalan High School which is already oversubscribed within its catchment area and is projected to become even more so. A contribution would be sought.
- There is pressure on Welsh-medium secondary places across the city; the current year 7 being at capacity. The catchment Welsh-medium secondary school is Ysgol Gyfun Gymraeg Plasmawr which is at capacity and so an obligation would be sought.

5.4 **Pollution Control (Contaminated Land)** note that the site has been formerly commercial/industrial with uses including commercial garages, warehousing, works and laundry, and recommend conditions to require contamination assessment and any necessary mediation, and to control the importation of soils/imported materials.

5.5 **Pollution Control (Noise)** request conditions to control construction site noise, to require sound insulation, to control road traffic noise, plant noise, kitchen extraction, opening hours, delivery times and refuse collection times, and agreed the recommended conditions.

5.6 In response to the initial consultation, the **Council's Tree Officer** welcomes the indicative provision of new trees and associated soft landscaping that would help de-seal which is currently an entirely sealed site, but note that the trees would need to be small and/or fastigated given the proposed planting beds. Advises that it would be preferable to reduce the number of trees whilst substantially increasing the growing space for them. Advice is provided on tree planting to tie in with SuDS and a detailed upfront landscape design and specification is requested. In response to the December submission of the landscaping intent drawing, the Tree Officer confirmed they have no in principle objections, but require full landscaping details to be submitted (to be secured by condition).

5.7 The **County Ecologist** supports the methodology, conclusions and recommendation of the bat survey report and advises that the mitigation measures should be secured by condition and the general recommendations captured in an advisory notice. In line with the statutory duty set out in section 6 of the Environment (Wales) Act 2016, the County Ecologist also requires specific enhancement features, nesting or roosting opportunities for birds and bats to be incorporated across the development, to be secured by condition.

5.8 In response to the initial consultation, **Parks Development** provide design comments, noting that no existing street trees would be affected by the development, that they concur with the comments provided by the Tree Officer and that they welcome the provision of new trees and associated soft landscaping. Parks advise that clarity is required over the ownership and maintenance responsibility of trees and other planting, noting that they are unclear whether any SuDS features or internal landscape would be managed by the residents or a company acting on their behalf, warning that without this clarity and a long term plan the quality and impact of the vegetation could be

lost over time. They note the comments from residents regarding the boundary walls and loss of vegetation, and question if it would be possible to design the boundary walls to support vegetation to soften the development, provide improved screening and support improved green infrastructure. Parks advise that the current layout provides limited communal space opportunities, with the courtyard likely to be dominated by car access. With regards Open Space Provision, Parks advise that the development generates an open space contribution of 0.21 ha of on-site open space or an off-site contribution of **£89,541**, noting that the use of the contribution would be confirmed at s106 stage in consultation with ward members and noting that the closest areas of recreational open space are Plasturton Gardens, Llandaff Fields and Pontcanna Fields.

5.9 In response to the November amended plans consultation, Parks Development amended their s106 request to **£87,673** to reflect the reduction in units from 35 to 34. They advise that comments in respect of trees remain similar, but that certainty is needed that the trees and planting shown on plots 7 - 13 would not conflict with car parking and access.

5.10 **Economic Development** initially advised of their concern over change of use requests for employment sites and property to residential developments and would oppose a change of use request for this site to residential with a loss of circa 3857 sq m of Class B1 employment space without an adequate provision of B1 space within the development. They advise that they recognise that mixed use development may be considered appropriate, but if mixed use schemes with a reasonable proportion of B1 business space are not feasible or forthcoming on the site then they are keen for the developer to contribute towards the refurbishment of a B1 scheme within the vicinity to mitigate the impact of this change, noting that if the site is lost to a residential use it is unlikely that it will revert back to an employment site.

5.11 In response to the November amended plans consultation, **Transportation** advise that:

- the submission is acceptable other than in relation to proposed car parking.
- they note that the application includes 44 surface car parking spaces, all of which are allocated to the 34 residential dwellings, such that 14 dwellings would have 2 spaces, 16 would have 1 spaces and 4 dwellings along with the 9 commercial units would have no car parking and that under the SPG parking standards a maximum of 37 car parking standards is permissible.
- 4 parking spaces should be removed and adjacent spaces rearranged, as access to them is unacceptably restricted due to the proximity of structures, and that a site wide provision of 40 car parking spaces would be appropriate and should be conditioned, taking into consideration the above, whilst being mindful of the number of onsite commercial units and local pressures on parking, noting that a maximum of one space per dwelling should be provided, with the remaining six spaces allocated to the operational needs of the commercial units and/or visitors.
- the development is very sustainably located in transport terms with good access to local services, leisure and employment, and as such the use of

active travel (walking and cycling) and bus public transport offer viable daily alternatives to the ownership and use of the private car.

- given this, conditions are recommended to prevent the creation of additional car parking above the agreed 40 no spaces and to secure the policy compliant provision of cycle parking at one space per bedroom.
- Notwithstanding the proposed one-way site access arrangement, it is noted that the existing lane from Romilly Crescent is circa 5.5m wide and currently successfully operates as two directional for all traffic, that while they are not suggesting that the proposed one-way operation is in any way objectionable or unacceptable, they would have no concerns if the existing bi-directional arrangement was maintained and the surface shared by all users.
- Loading for the commercial units may legally be undertaken from the double yellow lines alongside the site on Llandaff Road and Glynne Street, and advise that this is not considered to be an issue in this instance. Accordingly, they resist the provision of an on street loading bay for the limited number of commercial units proposed, but note that this is something that can be reviewed in the future as may be necessary. They also advise that loading operations could be undertaken from the courtyard, albeit this would likely result in the temporary obstruction of a number of resident parking bays, and conclude that, either way the absence of specific on-site loading facilities is considered to be acceptable and therefore not objectionable in this instance.
- In light of the change of use of the site to residential dwellings, details of the revised access and junction arrangements with Romilly Crescent should be submitted to and agreed with the Council to ensure the proposed detailed junction/access arrangements are appropriate to the form of development and incoming occupiers.
- a highway works public realm improvement condition should be sought in relation to the Llandaff Road and Glynne Street footways adjacent to the proposed commercial units to both ensure that any damage to the footways resulting from construction activities is rectified to the satisfaction of the council, and that the public realm along this frontage is appropriate to the new public use.
- a construction management plan condition is recommended
- s106 - It is noted that the applicant has offered to include/provide electric vehicle charging points for each dwelling, along with Nextbike bike provision on Llandaff Road. A financial contribution of **£22,000** is therefore sought towards the provision of an 8/10 bike Nextbike hire station, to be placed in the vicinity of the site/public realm on Llandaff Road. However given the current lack of a universal EV charging standard, I would suggest the offered provision of EV charging points for the dwellings be in the form of a feeder pillar and power supply adjacent to each of the identified car parking spaces. Incoming residents who already use or chose to acquire an electric vehicle in the future would then arrange for a vehicle specific charger to be installed and connected to the already existing power supply.
- Subject to the above comments, conditions and S106 requirements, and given the sustainable location of the site and otherwise acceptable form of development, they conclude that any objection on Transportation grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge.

- 5.12 In response to the December submission, Transportation advises that the amended site layout plan successfully addresses their parking concerns and that all other comments/ conditions/ s106 remain as previously advised.
- 5.13 In response to the initial consultation, **Waste Management** advised that the bin storage areas for the flats and commercial areas are acceptable, that storage for houses without the rear access should be stored in their small frontage, and that refuse storage once implemented should be retained for future use. Advice is provided in respect of the purchase of bins for residential units and the need for a commercial contract for all commercial waste. Following meeting, it was agreed that all the house bins would be stored in a communal area.
- 5.14 Following the November amended plans consultation, Waste Management confirmed that the amended plans showing the communal bin stores for all units and dwellings are acceptable, but raise concerns that the tracking diagram for the refuse collection vehicle doesn't seem to work and should be re-done, as the vehicle used could be bigger than the one asked for in the SPG.
- 5.15 Further to the December amended plans consultation, Waste Management confirmed that plans detailing waste storage and the tracking details are now acceptable, and that they have no objection to the proposed development.
- 5.16 Drainage Services advise that the development falls under SAB and that they provided comments on the design late December noting that it is not yet a live SAB application and that if the applicant chooses to apply for planning approval there is the risk that a SAB will not be approved and that they will not be able to commence construction and that they await a response to their latest comments. No comments were provided on the amended plans.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 In response to the initial submission, **DCWW** note that the intention is to drain foul water to the mains sewer and surface water to a soakaway, but that the final design will be subject to a SAB application under Schedule 3 of the Flood and Water Management Act. They recommend a condition to require that no surface water and/or land drainage be allowed to connect directly or indirectly with the public sewerage network. Advice is provided in terms of connections to the public sewer.
- 6.2 In response to the November amended plans submission, DCWW advise that foul water details have not been addressed, but confirm that they have advised the developer that there is adequate capacity in the network and that any existing on site drainage is reused to serve the development owing to the fact that they cannot permit any new connections direct to either 975x600 brick work sewer in Romilly Crescent or Llandaff Rd. Given this, they recommend a condition requiring a foul and surface water drainage scheme to be submitted and agreed and advice for the developer in respect of connections to the public sewer. DCWW later confirmed they are happy with the proposed conditions.

- 6.3 In response to the initial submission, **South Wales Police** welcome the general layout, noting that it provides good street level surveillance and welcomes the commitment to providing secure cycle storage for all dwellings. It is noted that the DAS is inadequate in terms of community safety concerns and in view of this SWP provide further advice and recommendations. This includes the following recommendations: that the undercroft parking be changed to lock up garages, that the surface design incorporates changes in road surface and physical features to limit speeds to 20mph to reduce the potential for injury, that a lighting scheme be secured, to require all rear gardens have boundaries of a min of 1.8m high and that all door and windows will be PAS24:2016 compliant in line with buildings regs, that all service meters are externally accessible towards front elevations and that the development should be built to Secure by Design standards. SWP have no further comments to make in response to the amended plans.
- 6.4 In response to the initial consultation, **NRW** advise they have significant concerns with the development and advise the LPA should only grant permission if the scheme can meeting their requirements, namely, that additional bat survey work is required to be undertaken prior to determination. (A Building Inspect in Respect of Bats dated May 2019 was submitted as part of the initial submission but no bat activity surveys were carried out.) They confirm that they have no concerns regarding flood risk and are satisfied that the FCA has demonstrated that the risk and consequences of flooding can be managed appropriated. They support the FCA proposal that an emergency plan is agreed with the local authority for access and egress into the site to be obtained via the southern access road in an extreme event to ensure that no site users area at risk in an extreme event. With regards Land Contamination, NRW advise that they do not consider that the controlled waters at this site are of the highest environmental sensitivity, but they strongly suspect that contamination is present based on land use and note that a preliminary risk assessment has not been submitted. On this basis, they advise that the LPA must decide whether to obtain such information prior to determination or as a condition of the permission.
- 6.5 Further to the submission of a Bat and Bird Survey August 2019 (Issue 1), NRW note that the report identifies that bats are present at the application site and confirm they have no objection to the application subject to an informative in respect of bat protection being attached to any planning permission granted. They explain that:
- Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:*
- (i) the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.*
 - (ii) There is no satisfactory alternative and*

(iii) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the above report, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, we do not object to the proposal but in line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the [following] informative is attached to any planning permission granted by your Authority.

7. REPRESENTATIONS

- 7.1 The application was advertised on site and in the press as a major application, and neighbours and local members were notified.
- 7.2 A 128 signature strong petition of **OBJECTION** has been received, objecting on the following grounds:
- the likely negative effects on traffic flows and congestion in the area
 - the impact on on-street parking
 - the unacceptable proximity of part of the proposed development to some residents' properties, particularly those on Turberville Place.
- 7.3 In response to the initial consultation, 28 letters of objection and representations were received from owners/occupiers of the following addresses: 6, 16, 17 (x3), 18, 19 (x2), Turberville Place, 31 (x2), 39 (x2), 41(x2), 49, 51, 63 Romilly Crescent, 10 Glynne St, 69 Llandaff Rd, 23 Conway Road, 22 Springfield Place, and objectors on behalf of Cardiff Chinese Christian Church / community hall at 74 Llandaff Rd (9 Woodvale Avenue and 2 Triscome Drive x 3, 3 Douglas Close, 68 Ty Draw Rd) and the Cardiff Civic Society, raising the following summarised objections / points:

Use

- accept the need for more housing and the use of brownfield sites
- the provisions of the Safeguarding Business and Industrial Land and Premises SPG apply
- the site is an incubator for SMEs and adds to cultural diversity and the development would result in the loss of established creative businesses and independent eateries, it is unlikely that the new premises will provide opportunities for equivalent operations/existing operators. Cheap rent should be provided to provide for independent businesses, and the Council should ensure that independent businesses are prioritised, with rates set accordingly
- 31 businesses on the site have had to move so the site has not become available for proven lack of demand. Surveys do not estimate the viability of repair/ restoration and assume that all of the buildings should be

demolished, repairing some of the buildings would create a more interesting mixed use development

- chain takeaways which detract from the character of the area and can encourage littering and wider social problems should be resisted
- existing buildings on site should be preserved, the red brick building is of architectural significance and should be listed
- the need for housing is not disputed, but the priority is for affordable housing and there is no provision for this
- need to ensure that drainage and sewerage, water pressure, waste management system, electricity and phone lines to neighbouring properties will not be adversely affected

Amenity

- harm to residential amenity from loss of privacy from overlooking, and consequent harm to mental health and enjoyment of homes
- particular harm to privacy resulting from the close proximity of houses (plots 8 to 12) to the backs of nos 17 - 21 Turberville Place - below the 21m separation distance required by Cardiff local planning guidance. A 10.5m separation distance is required between a new dwelling and an adjacent existing boundary
- the houses to the rear of 19 Turberville Place would be at the very minimum distance allowable, as facing rooms are a bathroom and kitchen - which are not counted as habitable rooms, but they and their neighbours are proposing to convert them to a habitable rooms, requiring further separation. Concern that the separation distances may prevent local residents from changing the internal layouts of their properties
- the garden of 16 Turberville Place would be overlooked by 6-7 gardens, which is over-intrusive even though the garden is large
- the harm to privacy would be exacerbated by the proposed full length bedroom windows with Juliette balconies and the fact that they open onto a flat roofed building which could be developed as a patio
- the high level windows proposed in plots 6-7 should be velux windows
- the rear of the existing former laundry building is in close proximity to the rear of nos 17-19 Turberville Place, but is only one storey, does not comprise living space, its use has been non-intrusive, provided cultural value, is low density, does not negatively harm the enjoyment of existing householders, provides a secluded setting and has limited obscure glazing
- the houses should be single storey and restrictions should be imposed to prevent any future alterations to the building to incorporate balconies, roof gardens, terraces or windows at the rear
- request for further details of the louvered windows for the FoGs on plots 6-7 and assurance they can't be removed
- loss of light and sunlight to 17 - 19 Turberville Place and 41 Romilly Cresc, request for a right to light study, noting that the development would block the horizon from east to west
- an acoustic survey should be undertaken and suitable limits prescribed should an air source heat pump be utilised
- harm to amenity from commercial units on Llandaff Road, with particular concern over any future pub/bar that would open late and be disruptive,

with question as to whether a separate planning permission would be needed

- harm to amenity of Cardiff Chinese Christian Church and users (pre-school nursery, parent and toddler group, Sunday church services, Sunday school, Chinese classes) of the community building at 74 Llandaff Rd from close proximity of the buildings and 2.5m wall to their boundary wall, resulting in overlooking to their outdoor area and a third of their meeting hall, overshadowing, loss of a view, loss of enjoyment of the sky, loss of outlook, loss of natural light and sunlight contrary to Right to Light Act and potential for the nursery to be non-compliant in terms of Care Inspectorate Wales standards, with consequent impact on children's health and mental well-being and leading to a 'boxed in' environment.
- concern over the location of the communal refuse area in close proximity to the nursery, resulting in bad odours and over the location of parking, resulting in exhaust fumes
- harm to amenity from noise, disruption
- need to prevent pest infestations affecting neighbouring properties
- need to prevent properties being affected by construction – initial inspection and window cleaning

Design

- overdevelopment of the site, resulting from the desire to maximise the number of dwellings on site and developer profits
- design is out of character with Turberville Place
- objection to demolition of existing garden walls and new walls to the rear of Turberville Place, and associated harm to existing gardens/planting. The new wall should respect existing boundaries and prevent any further loss of light.
- the plans prevent the opportunity of the occupants of 17-19 Turberville Place to extend their properties by means of a double extension that would normally constitute permitted development rights as a result of the restricted separation distance

Green Infrastructure and sustainability

- the developers should compensate immediate neighbours by providing green space /infrastructure as a visual amenity, to address the Climate Emergency and for health benefits
- support for new trees - hornbeam should be planted for carbon absorption and sustainability
- harm to bats and nesting birds from demolition on site
- an Environmental and/or Biodiversity Impact Assessment should be requested, noting the Council has declared a Climate Emergency
- conditions should be imposed to require solar panels, water butts, bird and bat boxes/nest sites, hedgehog holes in boundaries and small ponds, and native and nature friendly planting, and mitigation for the loss of ivy which provides nesting/roosting sites for birds and a food source for bees
- increase in pollution /need to reduce or mitigate increase in traffic fumes
- impact of demolition and construction

Access

- overprovision of parking - it is not appropriate for houses to have 2 parking spaces
- insufficient parking provision for future residents and their visitors, and employees and customers of commercial units, exacerbating existing parking pressure
- concern that 'one way' access through the site has been ill considered, with the result it will become a two way street and rat run
- increased traffic to the detriment of the safety of pedestrian (including those using the community hall at 74 Llandaff Rd), cyclists and vehicles
- Glynne St and Springfield Place already suffer from rat running and speeding
- a controlled access is required to stop the access road becoming a rat run and resulting in congestion
- request for traffic calming measures and a review of neighbouring streets to introduce measures to encourage active travel and reduce parking problems, including introduction of a 'modal filter' at the mid point of Glynne St and Springfield Place to allow residents to drive one way out of the street and eradicate through traffic, and provide opportunities for cycle parking and planting
- impact of lack of loading/ unloading areas for commercial units
- supports Cllr Gordon's request for the site to be a model low traffic neighbourhood or 'Home Zone' prioritising people on foot
- there is a small strip of land running across the rear of Turberville Place, which previously provided an access route but which is no longer in use/accessible, but which residents would like re-instated.

Enclosures

- a secure site boundary must be maintained during building work with notice provided of demolition/construction work to ensure the safety of pets and security
- rebuilt walls should be at least 6 feet high
- a new masonry wall is proposed to the rear of the gardens of Turberville Place of between 1.8m and 2.5m high, with concerns over its impact on their existing wall, with a request that the new wall be at least 2.5m or 3m high to provide reasonable privacy
- concerns raised over the wall to the rear of nos 27-31 Romilly Crescent, with a request that a replacement wall be built to ensure security
- proposals for the height and quality of boundary walls are not clear, with a request for stone wall construction, heights of no less than the current wall heights and higher to increase privacy, and early implementation to reduce vermin and security risks
- loss of security from demolition of Vaughns Laundry wall and consequent harm to mental health and garden
- query as to what will replace the gate at the Romilly Crescent entrance – request for a replacement gate prior to occupation of the houses to prevent unauthorised access

Process and miscellaneous matters

- suggestions at pre-app stage have been taken on board
- suggestions at pre-app stage have been ignored
- not all Glynne Street residents have been consulted
- concern to hear that the application may not go to Planning Committee on grounds that there are not enough objections, noting that some objections have been categorised as 'concerns', 'objections', 'neutral' and that these should be changed to objections if they do not carry the same weight
- request for a site visit
- neighbours advise that nos 20 and 21 Turberville Place are rented properties, so their owners may not respond despite tenants having allegedly raised concerns
- concern that 2 house sales have been lost as a result of the planning application and reassurance sought over the programme of works/ length of construction, the handling of asbestos, dust and hazardous materials, the management of buildings on site which are now vacant and may collapse in close proximity to neighbour properties and residents
- request for information as to proposals for the overhead cables than run from the wooden pole on the site across the garden of 39 Romilly Crescent and neighbouring properties.

7.4 In response to the first amended submission in November 2019, 2 letters of objection and 1 letter of support were received from owners/occupiers of the following addresses 35 Romilly Crescent and 6, 19 Turberville Place, raising the following summarised key objections that haven't been previously raised:

USE

- support for the application, noting that the development would be a welcome addition to the area that has been run down for years, would make both ends of the site more secure and safe
- do not object to the development of a brownfield site for much needed homes, the issue is one of a degree of sensitivity to adjoining residents
- the application does not comply policy H6 and EC3

AMENITY

- the objections from no 17-21 Turberville Place have not been addressed and still stand
- a loft flat has been removed at the entrance from Romilly Crescent to mitigate overlooking but they have added a side facing balcony
- the covering letter notes that a waste strategy has been agreed - this involves siting communal waste bins alongside a nursery, which is double the amount in the first proposal which was already inappropriate

ACCESS AND PARKING

- the revised proposal asserts that the number of car parking spaces has reduced from 51 to 44 - there are 44 open car parking spaces and 7 garages under the loft flats, making 51 parking spaces which is not a reduction
- there are no designated non-allocated visitor parking spaces

PROCESS

- difficulty making sense of technical drawings, noting it would be helpful if each objection raised was dealt with in turn
- notice of intention to speak at Planning Committee

- comments have been ignored.

7.5 In response to the second amended submission in December 2019, no further letters of objection were received.

7.6 Local Ward Members Cllr Gordon and Singh object to the application on the following summarised grounds:

- most residents appear to welcome the mixed development aspect and the access through the site from Romilly Crescent to Llandaff Rd
- the proposed access should focus on sustainable, active travel and be a model innovative Home Zone where the space between the houses is not delineated between modes and has a clear hierarchy, and where priority is for people on foot and then cyclists, and cars travel at very slow speeds
- the residents' main concerns are with the loss of privacy to the homes that back onto the site. Plots 8-12 are too close to 5 houses on the NW side of Turberville Place - the rear bedrooms of plots 8 - 12 are within 17m of the rear rooms of Turberville Place, significantly less than the usual requirement of 21m. Most facing rooms are bathrooms, but 2 residents are planning to convert these to bedrooms, resulting in facing habitable rooms within 17m of each other
- object to the Juliet balconies which will cause overlooking to the older houses and gardens and note there should not be any flat roofs that could be used as roof terraces and result in overlooking
- The site is characterised by very high brick walls that make the back gardens of houses in Turberville Place, Romilly Crescent and the Bright Stars Nursery very secluded
- object to the lowering of the boundary walls and suggest that new/retained boundary walls should be at least 3m high, with existing walls retained given their character and the habitat they provide for birds, bees and insects
- Many walls are covered in ivy and vine and provide 'green walls' as a living ecosystem for insects, birds and bats
- Bats are regularly seen by residents and further surveys are requested.

8. **ANALYSIS**

8.1 The key issues for consideration are:

(i) The acceptability of development in land use policy terms

8.2 At the time of submission, the application site was occupied by a variety of older commercial industrial and warehouse buildings, totalling 4,000 sq m of B1 Business floorspace. The application proposes a mixed use development of 34 dwellings and up to 9 commercial units (the latter totalling 570 sq m and potentially comprising Use Classes A1, A2, A3 and B1). The surrounding area is predominantly residential and Cowbridge Road District Centre lies within close proximity.

8.3 The application site falls within the settlement boundary as defined by the Adopted Local Development Plan proposals map and has no specific land use allocation or designation. As such, the existing commercial uses on the site are afforded no specific land use policy protection.

- 8.4 Whilst the demolition of the existing buildings on the site is required to allow the redevelopment of the site, the demolition of those buildings is not included in the description of development, as the principle of the demolition of the buildings has already been established. An application for prior notification of proposed demolition (19/02010/MJR) was approved 25/10/19 and demolition is now underway. Given this, the merits or otherwise of the demolition of the buildings and the associated loss of the employment uses are not required to be considered under this application.
- 8.5 The redevelopment of this sustainably located, soon to be vacant, brownfield site within Cardiff's settlement boundary for much needed housing is welcomed. The site has been occupied by a range of uses, including car repair garages and light industry, and the extinguishment of these uses through the redevelopment of the site would be welcomed, as they have the potential to create nuisance for adjacent residents and act as a bad neighbour.
- 8.6 In relation to the acceptability or otherwise of the proposed Class A1, A2, A3 uses, the application site is not located within a designated centre as defined by policies R2, R4 and R5, and is classed as 'out of centre' in terms of retail policy. The Class A uses proposed should therefore be assessed against Policy R6: Retail Development (Out of Centre). The proposed B1 uses on this site, which is not identified for employment use, falls to be considered under policy EC7. The nearest designated centre to the application site is Cowbridge Road East district centre where commercial uses are favoured. However, it is noted that the frontage to Llandaff Road already comprises a commercial frontage, with a restaurant use formerly within the site, and provided the retail uses are of a scale and nature that offer a complementary function for the proposed residential development that would have a negligible impact on designated centres, the Class A element of the scheme raises no land use policy concerns. Assessed against the above policy framework and taking into account the location of the application site within the settlement boundary, in a highly sustainable location, in close proximity to the city centre and Cowbridge Road East District Centre, well served by public transport, the previous use of the site, and the context and setting of the surrounding area, the application raises no land use policy concerns.

(ii) Design and Impact on Heritage Assets

- 8.7 The general duty placed on Local Planning Authorities when considering planning applications for buildings located within Conservation Areas is to pay special attention to the desirability of preserving and enhancing the character and appearance of those areas (section 72, Planning (Listed Buildings and Conservation Area) Act 1990). Policies KP17 (Built Heritage) and policy EN9 (Conservation of the Historic Environment) provides protection for the full range of assets that make up Cardiff's historic environment. In terms of wider design considerations, policy KP5 (Good Quality and Sustainable Design) requires that all new development should respond 'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'. Policy C3 (Community Safety/

Creating Safe Environments) requires the development to be designed to promote and safe and secure environment and minimise opportunities for crime.

- 8.8 The DAS notes that the project vision is to capture the essence of the existing site and create a bespoke, mixed use development, using a mix of uses, building variety and irregularity to create interest, as the original buildings did. The scheme is designed to reflect the site's existing character as an 'enclave', with a strong frontage proposed to Llandaff Road and Glynne Street leading to a variety of dwellings around the perimeter of the site, all accessed off the existing route that runs between Llandaff Road and Romilly Crescent. The buildings are positioned to create a two landscaped spaces fronted by residential units and separated from each other by a linking lane. The buildings are of a modern appearance, mainly designed in terraced blocks, with a diversity of form, predominantly in brick (red, buff and black) with elements in stone, black render and blackened timber, with pitched slated roofs. The dwellings would have small forecourts with railings, hedges and parking. The new buildings have been designed to 'pull back' from the boundaries with adjoining dwellings to create better neighbouring amenity, particularly for those on Turberville Place, some of which have had two storey industrial buildings in a poor state of repair on their boundaries.
- 8.9 The two new buildings proposed either side of the site entrance would create a strong, well-designed, active street frontage in a prominent location, and are welcomed. They would replace the existing buildings that are scheduled for demolition and would, thus, help avoid a vacant site in a prominent location. As noted in section 1, building 1 would comprise a 3 - 4 storey detached building at the corner of Llandaff Rd and Glynne Street and building 2, a detached three storey building facing Llandaff Rd at 74 Llandaff Rd. Both buildings would have commercial uses at ground floor, creating active frontages, and would face onto the landscaped, south facing social space created by setting back the buildings, which would provide a welcome addition to the street scene.
- 8.10 The scale and massing of these two buildings is appropriate to their context. (All heights are noted to be approximate.) Building 1 would be 3 storeys and 10.1m high along its Llandaff Rd elevation, stepping back and up another storey to 12.4m. The building would step down as it turns the corner onto Glynne St, and step down further to 9.5m adjacent to the Glynne St residential terrace (which has a ridge height of 7.8m high). Building 2 on the other side of the proposed access along Llandaff Rd would be two storeys along its main street elevation, stepping up and back to three storeys, with a ridge height of 12.1m. It would have a 2 1/2 rear annexe, with a ridge height of 9.7m, beyond which would be the 1 1/2 storey F.o.G formed by plot 34 (described later).
- 8.11 The sixteen, three storey houses proposed in the interior of the site would be positioned in a series of four 'terraces', which together with the 2 FoGs, would vary in height, scale and massing to create variety and interest, and to respond to their particular context. The dwellings at plots 1 and 2, to the rear of 76-82 Llandaff Rd, would be the tallest, with a ridge height of 11.1m and a two storey rear annexe. Plot 3, attached, would be lower with a ridge height of 9.8m and

a single and two storey annexe. The semi-detached plots 4 and 5 to the rear of 37 - 41 Romilly Crescent would be lower still, with a ridge height of 9.4m and single storey rear annexe.

- 8.12 The terrace opposite (plots 7 – 13), to the rear of the Turberville Place, would comprise 7 dwellings of 3 different styles, and would be lower in height than the above terraces, reflecting their more sensitive position in respect of neighbouring dwellings. Plots 7 - 11 would have a ridge height of 9.3m and a single storey rear annexe. The two dwellings at the end of the terrace would have a gable roof form, rising from an eaves height of 6.7m to a ridge height of 10.2m, with a single storey rear annexe. The terrace of four dwellings to the south of the above terrace (plots 14 – 17), whilst varied in materials and detailing, would be of a similar scale and massing to plots 7-11, with a ridge height of 9.3m and single storey rear annexe.
- 8.13 As noted above, the 'flat over garage' at plot 34 form part of the rear annexe to the Llandaff Rd building and would be positioned adjacent to the nursery and its playground area at 74 Llandaff Rd. It would be 1 1/2 storeys high, with a pitched roof with a ridge height of 8.0m and an eaves height of 5.4m. The F.o.G formed by plot 6 to the rear of nos 33-35 Romilly Crescent would have a pitched roof, with a ridge height of 9.2m and an eaves height of 5.8m.
- 8.14 Overall the scheme is considered to offer good design and provide a welcome addition to the local area. Assessed against the Infill Sites SPG:
- **Sustainable buildings** – In line with the SPG, the mixed use development would help create sustainable communities, adding variety and vibrancy to the area, a beneficial use of a site that is subject to demolition, and providing a positive contribution to the regeneration of the area. The commercial uses have been designed to be adaptable for a range of future uses, proposing a range of use classes (A1, A2, A3 and B1) in buildings that can be adapted to accommodate up to 9 units. The developer's contribution to electrical vehicle charging welcome would be secured by condition and would contribute to the sustainability of the site.
 - **Quality of living** – the scheme would result in a good place to live, with distinctive architecture, and appropriate internal space standards and external amenity space for future residents (see section iii). Dwellings would be positioned around and overlook two landscaped courtyards connected by a shared space route, creating legibility and security. The design of the prominent corner and frontage buildings along Llandaff Road and Glynne St, and the provision of the landscaped area of public realm to its frontage, will aid the legibility of the area and provide a positive and vibrant street frontage along an existing frontage that has been in a poor state of repair, is currently vacant and scheduled for demolition.
 - **Inclusive design** – An inclusive design approach has been taken. All dwellings and commercial uses would be designed with level thresholds, all dwellings would be Part M compliant and designed in the spirit of Lifetime Homes and new crossovers would have tactile paving and drop kerbs. The route through the site has been designed as a shared space, with road narrowings and build-outs introduced to reduce traffic speeds. The

recommended landscape condition would allow the details of the shared spaces to be controlled.

- **Character and context** – The proposals would significantly enhance both the street scene and the interior of the site. The architectural style, and variety colour and materials of the buildings would add richness to both the Llandaff Rd and Glynne St frontages and the interior of the site, referencing materials and colours used in the local area. The area of public realm and landscaping to the site frontage is welcomed. A condition is attached to require samples of materials and architectural detailing to ensure design quality is delivered.
- **Height, scale and massing** – The height, scale and massing of the scheme is acceptable in design terms. The 2 – 4 storey development is commensurate with the scale of development surrounding the site. The height and massing of the two frontage buildings are appropriate to their prominent corner location and context, with the highest four storey element being positioned at the corner of the frontage, in line with good urban design principles. The upper floors of both frontage buildings are set back at upper floors to reduce their visual prominence and impact on the adjoining buildings. The top of these frontage buildings is lower in height than apex of the Chapel diagonally opposite and the ridge line of the three storey block of flats (1980s) diagonally opposite at Alexandra Court, Llandaff Rd. The rear annexe of the Llandaff Rd building responds to the context of the adjacent nursery building, with the 1 1/2 storey FoG formed by plot 34 being lower than the main 2 storey annexe. A sunlight assessment of the impact on the nursery playground has been provided and demonstrates an acceptable level of impact (further details are provided below). Within the site, the scale and massing of the proposed dwellings have been used to a welcome create variety and interest. The impact on neighbouring properties is considered further below.
- **Building plot and building line** – the Llandaff Rd building line would be set back to create a landscaped area of public realm, which is welcomed. The Glynne St building line would be set back marginally (up to 0.5m) to create widened access, which is also welcomed. Both buildings would reinstate the strong frontage that would be lost from the approved building demolition.
- **Density** – the density of the site is appropriate to its location, responds to the existing development in the area and represents an efficient use of brownfield land, helping to reduce demand for greenfield sites.
- **Open spaces, trees, biodiversity and landscaping** – the scheme would deliver trees and soft landscaping both along the Llandaff Rd street frontages and in the interior of the site, to what is currently a ‘sealed’ site, with no formal soft landscaping. A condition is recommended to require full landscaping details to be submitted for approval. The proposed provision of amenity space for future residents is appropriate to its context. A scheme of bat and bird mitigation and enhancement is required to be delivered by condition, further to the consideration of a nesting bird and bat survey, and it is noted that NRW and the County Ecologist have no objection.
- **Boundary treatment** – the existing gates, which are in a poor state and cluttered with signage, would be removed and the site would be ungated

once completed. A condition is attached to require full details of boundary treatments along shared boundaries with existing residents to be submitted for future approval.

- **Designing out crime** - The proposal would positively contribute to community safety, by introducing a beneficial use to a soon to be vacant site and, once developed, would provide active frontages and passive surveillance both on the street frontages and within the site. Conditions are proposed to require street lighting, to provide secure cycle parking and to control the design of boundary enclosures. The previously proposed 'car ports'/ undercroft parking have been replaced with secure garages in line with SWP advice. SWP have no objection and have welcomed the general layout.

8.15 With regards the impact on the conservation area, it is considered that the proposal would have a marginal, but positive effect on the character and appearance of the Conway Road Conservation Area, noting that the only part of the site that falls within it is the narrow lane off Romilly Crescent. The Conservation Area would be enhanced as a result of the access improvements off Romilly Crescent (to be secured by condition), the resurfacing of the rear lane and the removal of the existing gates which are in a poor state of repair and covered in signage. There are no locally listed or statutorily listed buildings on the site. However, as noted previously, the demolition of the buildings on site does not form part of this application, nor the loss of the buildings and their land uses fall within the scope of its assessment.

8.16 It is considered that the proposal accords with the principles of policies KP5 and EN9 of the Cardiff LDP, and the Residential Design Guide, Infill Sites and Tall Buildings SPG and accords with Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act.

(iii) Impact on the amenity of neighbouring occupiers, future occupiers and the Area

8.17 Policy KP5 seeks to ensure that 'no undue effect on the amenity of neighbouring occupiers' results from development. Each building on the site has been carefully assessed in terms of the impact on privacy, light/sunlight or outlook, taking into consideration the objections received.

8.18 There would not be any undue effect on the amenity of neighbouring occupiers at 76 - 86 Llandaff Rd from plot 1, taking into consideration their unusually long rear gardens (over 26m), the height of the dwelling at plot 1 (described in section ii above) and the absence of any windows on the facing side elevation. Whilst a first floor roof terrace is proposed, this would be set back behind a 1.8m high privacy wall to prevent overlooking and a condition is recommended to require that all privacy walls/screens are implemented and retained thereafter. Conditions are also recommended to remove permitted development rights to prevent future alterations to the proposed dwelling without separate permission, and to require details of site boundaries to be submitted and agreed.

- 8.19 The proposed dwellings at plots 2 and 3 would not have an undue effect on the amenities of nos 43 - 57 Romilly Crescent, taking into consideration the long rear gardens of the Romilly Crescent dwellings (over 29m), the proposed building heights (described in section ii above), the absence of facing windows on plot 3 above ground floor, the recommended condition to prevent the flat roof of plot 3 from being used as a roof terrace and the recommended conditions described above (removing PD rights and in respect of site boundaries). Whilst a first floor roof terrace is proposed on plot 2, this would be set back behind a 1.8m high privacy wall to prevent overlooking and a condition is imposed to require that all privacy walls/screens are implemented and retained thereafter.
- 8.20 The relationship between plots 4 and 5 and nos 37 - 43 Romilly Crescent would also be acceptable in amenity terms, taking into consideration the long gardens of the Romilly Crescent dwellings (over 20m), the 33m separation distance between the facing two storey walls, the 10.5m separation distance between rear windows above ground floor to the Romilly Crescent garden boundaries and the recommended conditions noted above (removing PD rights, to prevent the use of flat roofs as terraces and to require details of site boundaries).
- 8.21 The relationship between the 2 1/2 storey FoG at plot 6 and neighbouring dwellings at 31 -35 Romilly Crescent would also be acceptable in amenity terms, taking into consideration the existing 'More than M.O.Ts' building height (7.5m), the proposed building height (9.2m ridge height, 5.8m eaves height) and its gabled roof form (see cross section DD 1), that the proposed building would be set back 1m from the shared boundary compared with the existing buildings position *along* the boundary, that the proposed FoG is narrower at 7m wide than the existing building (9m wide), the absence of any windows facing the rear of 33-35 Romilly Crescent, the fact that the 3 no rear first floor windows overlooking the garden of 31 Romilly Crescent would either be high level or obscurely glazed, that the 2 no velux windows overlooking the garden of 31 Romilly Crescent would be fixed and frosted, that there would not be any first floor windows facing the rear gardens across the lane, that there would be an actual privacy distance of approx 15m from the mezzanine floor bedroom velux windows to the facing gardens across the rear lane (see cross section Y-Y), and given the recommended condition noted above to remove permitted development rights.
- 8.22 The impact on amenities of the Turberville Place properties to the rear of plots 7 - 17 has attracted significant objection and is carefully considered below. The relationship between plots 7 - 11 and nos 16 - 21 Turberville Place would be acceptable in terms of residential amenity and would not result in undue harm to privacy, outlook or daylight/sunlight, taking into consideration: the height (approx 7.2m) of the existing RD + Solo Heat building to be demolished and its close proximity at 1.2m from the shared boundary wall, the presence of some first floor windows at one end of the existing building facing nos 17 and 18 Turberville Place (albeit that objectors note that these are obscurely glazed), the height of the proposed dwellings (described in section ii), the approx 24.1m first floor separation distance to the main rear wall of the Turberville Place dwellings, the approx 17.4m first floor separation distance to the rear wall of the

rear annexes of the Turberville Place dwellings, the 10.5m separation distance between the rear windows above ground floor of plots 7 - 11 to the Turberville Place garden boundaries in line with SPG and the conditions recommended to prevent the ground floor flat roofs being used as roof terraces and to remove permitted development rights. Whilst the first floor separation distance between plots 7 - 11 and the rear annexe of the Turberville Place dwellings at 17.4m falls below the 21m standard set out in SPG, this is considered to be acceptable in this instance, given the local context, where even lower separation distances of 12 - 15m are not unusual, given that the proposed dwellings respect the SPG's 10.5m separation distance from a rear window above ground floor to a garden of a facing dwelling and given the much closer proximity of the existing two storey buildings to be demolished (within 1.2m of the boundary wall). The context of the site and urban grain of the area is a material planning consideration.

- 8.23 Whilst the gardens of nos 15 and 16 Turberville Place would face the rear elevation of plots 12 - 17, the impact on residential amenity in terms of privacy and overbearing impact would be acceptable, taking into consideration the dwelling heights described in section ii above, that plots 12 and 13 would be set back from the shared boundary by an 11.8m separation distance between the rear first floor windows to the garden boundary (above the SPG standard of 10.5m), that plots 14 - 16 would respect the 10.5m separation distance from rear window above ground floor to the garden boundary, plots 17 would be just under at 10.2m, given the mainly two storey height and position immediately adjoining the shared boundary of the existing buildings to be demolished, in addition to the protection that would be provided by the recommended conditions described above (preventing the creation of roof terraces and removing PD rights).
- 8.24 The relationship between the side elevation of plot 17 and nos 52-56 Glynne St would be acceptable, given the proposed 10.5m – 11.6m separation distance to their rear garden walls to proposed upper floor windows, the separation distance of the existing two storey building to be demolished at 7.4 - 8.4m from their rear garden walls, the position immediately on the shared boundary of single storey buildings to be demolished and that the first and second floor windows of plot 17 would not be habitable rooms, but rather stairs/landing windows.
- 8.25 The relationship between the terraced dwellings on the opposite side of Llandaff Rd would be acceptable, noting their position across a main road from separation distances which are not unusual in the local context, the two storey height of the buildings to be demolished, the proposed building heights noted in section ii above, the proposed set back of upper floors and the increased set back from the existing building line to form the public realm area. Whilst facing terraces are proposed on the upper floors, these would be set back from the building edge by 1.0 - 1.5m to result in overlooking distances of approx 18 - 20m, which is considered acceptable given the existing levels of overlooking.
- 8.26 The relationship between the nursery and nursery play ground to the rear of Block 2 has also been the subject of significant objection and has been given

Careful consideration, noting the building's close proximity to the site boundary, the presence of facing windows along the side elevation of the nursery building and the extent of the play ground area. The relationship would be acceptable in terms of privacy, outlook, daylight and sun light, taking into consideration the building heights set out in section ii, the 2.4m separation distances between the proposed FoG and nursery building, that the FoG building would directly face only a small proportion of the nursery building (5.2m of the 23.2m side elevation), that the Applicant could erect a 2m boundary wall under permitted development rights, the recommended conditions (removing PD rights and requiring boundary details to be agreed) and taking into consideration the conclusions of the sunlight analysis (including 14 no shadow diagrams) submitted in support of the application, in response to the objections received. This concludes that:

- Affected windows would be WC and cloakroom windows, and that these rooms benefit from other windows on the front elevation
- The main part of the frontage – that lies adjacent to the 3 storey element - to the nursery is a car park and is not an amenity / play space
- whilst the development marginally increases the amount of overshadowing of the play yard area for a short period in the year, this is only minimal and at times of year outside the SPG guidance criteria. It also does not fully shade the play area. Moreover, the nursery itself, and its enclosing walls, contribute significantly to overshadowing of the play area. Notably, the taller new build element casts shadow into the car park area (which is not as amenity space) but not significantly more than the original tall element(s) which are to be demolished and replaced.
- at noon, by which the sun is higher and due south the amount of extra overshadows is insignificant in March, negligible in April and hardly perceptible in June. By 3pm when the sun is addressing the site from the south west, in main the play yard is enjoying more sun because the development is pulled slightly from the boundary. In June it is the same and in September is very marginally worse.
- It is worth of note that in December the development does not affect received sunlight at all, at any time of day.

8.27 A further material consideration in assessing residential amenity, is the fact that the site has been occupied by a range of uses, including car repair garages and light industry. The extinguishment of these uses through the redevelopment of the site would be welcomed, as they have the potential to create nuisance for adjacent residents and act as a bad neighbours.

8.28 Turning to the amenity of future occupiers, the internal floor area of all the flats would satisfy the minimum space standards set out in the Flat Conversions SPG (March 2019) and the outlook from all living areas would be acceptable. The outdoor amenity space proposed for the 16 no houses would be acceptable, noting that it would range from 35m² to 129 m², with an average provision of 56m² (compared to the SPG requirement of 50m²), the that refuse and cycle storage for some houses would be provided for outside of the gardens effectively reducing the functional requirements of the amenity space, given the local context where established gardens do fall below this 50m²

standard (including some of the Turberville Place and Glynne St gardens) and noting that the requested financial contribution towards Public Open Space would be secured in full by s106. The FoG at plot 6 would have a balcony and that at plot 34 access to the south facing amenity space on Llandaff Rd. The provision of amenity space for the 16 flats would also be acceptable, being provided in private terraces or by access to the 85m² resident's roof terrace. There would not be any undue impact on the amenities of future occupiers as a result of loss of privacy or overbearing impact, taking into consideration the separation distances, building heights, window relationships and recommended conditions, including those in respect of obscure glazing and privacy screens.

8.29 Any potential harm to the amenity of adjoining or future residents from the proposed commercial uses has been carefully considered, and conditions are recommended to prevent any Class A3 uses from being used as bars or pubs, to prevent takeaway uses, to control opening hours, delivery hours and refuse collection times, to require sound proofing above the commercial premises, and to control road traffic noise, plant noise and kitchen extraction. A condition is also proposed to require a Construction Environmental Management Plan to help protect residential amenity during construction.

8.30 Accordingly, it is considered that the proposal would not have an undue impact on the amenities of neighbouring or future occupiers or the area and, therefore, accords with policy KP5.

(iv) Whether the proposal would make satisfactory provision for access, parking and circulation, and waste management

8.31 Policy KP5 seeks to achieve a 50:50 modal split between journeys by car and other more sustainable means and, therefore, seeks to reduce reliance on the private car as a means of transport in favour of more sustainable methods. Policy KP6 states that 'development will not be permitted which could cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks'. Policy T5 supports this key policy by seeking to ensure 'that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement networks and routes'.

8.32 The site is considered to be in a highly sustainable location, being located close to a broad range of existing facilities and services in Pontcanna, Canton and the City Centre, and will be easily accessible to pedestrians and cyclists, with a number of bus stops being located within a short walking distance of the site. As a result, the use of active travel and bus public transport offer viable daily alternatives to the ownership and use of the private car. A Transport Statement accompanies the development which concludes that the total daily combined trips generated by the houses and apartments would be less than the volume of traffic generated by the existing use of the site, such that there would be no impact on the local highway network. Tracking diagrams have been submitted which demonstrate that a refuse vehicle could enter the site from Romilly Crescent and exit onto Llandaff Rd in a forward direction, and a 3.5 tonne panel van can enter and exit in a forward direction onto Llandaff Road.

The reduction in surface car parking spaces to 40 allows for a maximum of one space per dwelling, with the remaining six spaces available to the operational needs of the commercial units and/or visitors, which is considered acceptable in this context, given the pressures for parking locally. Transportation have confirmed that loading for the commercial units may legally be undertaken from the double yellow lines alongside the site on Llandaff Road and Glynne Street, and advise that the absence of a specific on-site loading facility is not considered to be an issue in this instance. The interior of the site has been designed as a shared space area, with the central access road narrowed in places to reduce speeds and prevent against rat running. The proposed junction improvements at Romilly Crescent and a public realm scheme on Llandaff Rd are welcomed and will enhance the local area. The developer has also offered to include/provide electric vehicle charging points for each dwelling, along with Nextbike bike provision on Llandaff Road, which is welcomed and will increase the sustainability credentials of the development.

8.33 The OM Transportation has confirmed that the proposal is an acceptable form of development and that any objection on Transportation grounds would be unsustainable. Conditions are recommended to limit the maximum surface car parking provision to 40 no spaces, to require details of cycle parking, to deliver the junction improvements at Romilly Crescent and the landscaped public realm scheme on Llandaff Rd, to require a Construction Environmental Management Plan and to require an electric vehicle charging scheme. In response to the developer's welcome offer to provide a Next bike stand, a financial contribution of **£22,000** is sought towards the provision of an 8/10 bike Nextbike hire station, to be placed in the vicinity of the site/public realm on Llandaff Road, which would be secured by s106.

8.34 The waste management proposals are acceptable in respect of both the commercial and residential waste streams, and Waste Management have not raised any objection to their location, communal nature or vehicle tracking.

(v) Impact on trees, landscaping, wildlife and habitats

8.35 There would not be an unacceptable impact on the above matters. Following the submission of an updated bird and bat survey, neither the County Ecologist nor NRW have raised any objection, subject to the recommended conditions and advisory notices, to provide bat and nesting bird mitigation and enhancement. The illustrative landscaping details are welcomed and would introduce trees and soft landscaping to a sealed site, and a condition is recommended to require full landscaping details to be submitted for approval.

(vi) Impact on air quality, noise and contaminated land

8.36 There would not be any unacceptable impact with respect to the above matters. The Contaminated Land team have no objection, subject to the recommended conditions to control contamination, unforeseen contamination, imported soil and aggregates, and the use of site won materials and advice in respect of contamination and unstable land. Pollution Control (Noise) raise no objection and recommend conditions to control sound insulation, road traffic noise, plant

noise, kitchen extraction, refuse collection times, delivery times and opening hours. A condition is also recommended to prevent takeaways and pubs/bars.

(vii) Water Resources, Drainage and Flood Risk

8.37 Policies EN10 and EN14 require water sensitive design solutions that do not increase the risk of flooding elsewhere to be incorporated within new development. It is proposed to drain foul water to the mains sewer and surface water to a soakaway. The development would require SuDS for surface water, designed and built in accordance with the Welsh Ministers' Statutory SuDS Standards, which would be required to be approved by the local authority acting in its SuDS Approving Body (SAB) role. DCWW have confirmed no objection, subject to a condition to require foul drainage details, and have also confirmed that they are content with the recommended surface water condition which allows them to control surface water connections to the public sewer, any connections being controlled through SAB approval.

8.38 The site largely falls within flood zone C1, with the remainder falling within flood zone A, and the application is supported by a Flood Consequences Assessment. NRW have confirmed they have no concerns regarding flood risk and are satisfied that the FCA has demonstrated that the risk and consequences of flooding can be managed appropriately. They support the FCA proposal that an emergency plan is agreed with the local authority for access and egress into the site to be obtained via the southern access road in an extreme event, to ensure that no site users area at risk in an extreme event. A condition to this effect is recommended.

(viii) Other Legal Considerations

8.39 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. It is noted that SWP welcome the general layout proposed, noting that it provides good street level surveillance and secure cycle storage. The initially proposed undercroft car parking have been changed to lockable garages and conditions are attached to require external lighting and for boundaries to be submitted and approved, in line with SWP advice. It is also noted that the layout of the interior of the scheme has been designed to reduce vehicle speeds.

8.40 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. The DAS notes that all houses would have an ambulant WC on the principal entrance storey, that all dwellings level access thresholds at entrance doors, that all dwellings would be

Part M compliant and designed in the spirit of Lifetime Homes, that the flats in the four storey block would have a lift and the smaller flat block an ambulant standard common stair accompanied by requisite railings guardings and railings, that new crossovers would have tactile paving and drop kerbs, and main access points to commercial units would have level thresholds.

- 8.41 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.
- 8.42 The Environment (Wales) Act 2016 - The Environment (Wales) Act 2016 enshrines in law principles and policies for managing natural resources in a sustainable way. Amongst other things, it introduces a new biodiversity duty on public authorities to seek to maintain and enhance biodiversity when exercising their functions, and in so doing to promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. This duty and the resilience of ecosystems have been considered and discharged in the evaluation of this application through the proposed conditions to secure bat and bird mitigation and enhancement measures, and landscaping details in the context of a currently sealed site, providing local opportunities for wildlife and enhanced biodiversity.
- 8.43 Flood and Water Management Act 2010 – Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner that may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application (see the analysis section above).
- 8.44 Environmental Impact Assessment - Having regard to the schedule 2 paragraph 10 (b) (Urban development projects) of the Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2017 it is considered that the proposal would not have a significant impact on the environment and therefore does not require an Environmental Assessment.

(ix) Response to third party and other objections

- 8.45 The objections raised by third parties and other objectors have been duly noted. The following comments are provided in respect of matters raised that have not been addressed in the above analysis:
- the control of pests is not a planning matter. That said, a condition is recommended to require details of means of enclosure between the site and adjacent occupiers is proposed
 - only adjoining Glynne St residents have been consulted by neighbour letter. The application has also been advertised by press and site notices

- the application will go before Planning Committee and a site visit has been arranged to take place in advance of the meeting
- all comments are given equal consideration where they raise material planning matters
- neighbour letters are addressed to the owner/occupiers. Tenants are advised to contact their owners; it is not the Council's responsibility to do so. The objections from tenants and owners are treated on an equal basis
- the stability of buildings due to be demolished, and construction site health and safety are not planning matters. The demolition of the existing building falls outside of the scope of this application
- it would not be reasonable for planning to control the length of the construction phase. A standard time limit condition is recommended.
- Further to the request for information about the proposals for the overhead cables than run from the wooden pole on the site across the garden of 39 Romilly Crescent and neighbouring properties, the developers have confirmed that they have met with Openreach on site who confirmed that they are old telephone lines and that the pole is no longer in use and that all the properties along Romilly Crescent use lines that are positioned to the front of the properties, such that Openreach will remove the old telephone lines when the pole is removed.

9. **S106 Requirements and Viability**

- 9.1 National Policy and CIL regulations outline the legal requirements for a valid Planning Obligation. Policy KP7 is also relevant and the Council's position reflects careful consideration of the national and local planning policy framework, together with relevant guidance contained within the Council's Supplementary Planning Guidance (SPG).
- 9.2 The total planning obligations requested amount to **£1,034,863**, broken down as follows and calculated in accordance with Council policy and guidance:
- £757,596 towards off-site affordable housing
 - £46,833 towards off-site community facilities
 - £120,761 towards secondary school places
 - £87,673 towards Public Open Space
 - £22,000 towards the provision of a 8/10 bike Nextbike hire station to be placed in the vicinity of the site/public realm on Llandaff Road
- In addition, the Applicant has been asked to undertake a scheme of public realm/highway improvements on Llandaff Road and Romilly Crescent.
- 9.3 Whilst Economic Development requested a financial contribution towards the refurbishment of a B1 scheme within the vicinity to mitigate the loss of employment arising from the demolition of the business and industrial units, this is not considered to meet the CIL tests, as the demolition of the buildings does not fall within the scope of the application.
- 9.4 To assist the consideration of planning obligations, the Applicant provided a viability statement prepared by Savills. In accordance with the established

practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council commissioned the District Valuer (DV) to prepare an assessment of the viability appraisal. The DV's report dated 12 February 2020 confirmed that the scheme viability would provide a surplus of £149,020 with no affordable housing allocation, no s106 contribution and reasonable profit level, but would not be viable with the full s106 contributions requested.

- 9.5 Notwithstanding the viability exercise carried out by the Applicant and verified by the District Valuer, the developer has agreed to provide a s106 payment of **£247,000** with the contributions to be payable on 50% occupation and to also undertake the requested public realm works to Llandaff Road and highway works to Romilly Crescent (to be secured via the recommended conditions 8 and 9, respectively).
- 9.6 It is considered that the **£247,000** should be split as follows and which should be payable on 50% occupation of the proposed dwellings:
- £22,000 towards the provision of a 8/10 bike Nextbike hire station to be placed in the vicinity of the site/public realm on Llandaff Road
 - £87,673 towards Public Open Space (This will include the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality. Consultation will take place with Ward Members to agree use of the contribution and this will be confirmed at s106 stage.)
 - £112,451 towards affordable housing
 - £6,951 towards existing community facilities within proximity to the site. (Consultation will take place with Ward Members to agree use of the contribution and this will be confirmed at s106 stage.)
 - £17,925 towards secondary school places
- 9.7 It is considered that the above section 106 Heads of Terms fully satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, and this offer is recommended to members of Planning Committee.

10. **CONCLUSION**

- 10.1 The application would deliver a high quality major, mixed use development that would: result in the beneficial development of a prominent brownfield site that is subject to demolition, extinguish uses adjacent to existing occupiers that have the potential to act as bad neighbours, deliver much needed new housing in a highly sustainable location, deliver up to 570m² of commercial uses to the benefit of the local economy and would assist in the regeneration and improvements to the visual amenity of the local area through the creation of attractive and active replacement frontage buildings, and the delivery of requested highway and public realm improvements. Notwithstanding the conclusions of the viability exercise carried out by the Applicant and verified by the District Valuer, the development would also deliver a welcome s106 package that would help meet local needs and promote cycling.

10.2 The objections raised, particularly in respect of residential amenity have been carefully considered, and it is considered that there are no demonstrable or compelling reasons which indicate sufficient harm to warrant refusal of the application, with all material factors, policy implications, objections and issues raised through consultation satisfactorily addressed. It is recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a Section 106 Agreement.



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Project Name : Land Between Llandaff Road & Romilly Crescent, Pontcanna
 Project Ref : SP579

Drawing Title : Site Location Plan
 Drawing Number : P100
 Scale : 1:1250 @ A4

Revision: PLANNING Drawn by: rb Date: July 2019



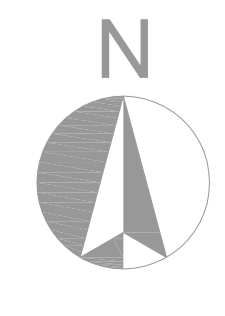
- REFUSE**
- A communal refuse store for all houses:-
 - 2 x 1100L General Waste Bins
 - 2 x 1100L Recycling Bins
 - Caddies will be kept 'on plot'
 - The walls to the communal refuse will be 1.8m high with slatted sides for natural ventilation and a pergola roof
- CYCLES**
- Cycle storage in rear gardens with side access to be bespoke cycle "sheds" capable of storing the necessary number of cycles as stated within the council's SPG
 - 4-Bed House
Shed size: 2.15m x 1.0m
 - 5-Bed House
Shed size: 2.5 x 1.5m
 - Cycle parking areas within garages to be up to 5 bikes using wall mounted semi-vertical/ two tiered bike racks (wall and floor fixed)

Rev B 12.12.19 - 4 parking spaces omitted; parking allocations removed
 Area in front of Plots 1-5 redesigned; Dimensions to side access to houses added; Parking/landscaping adjacent to Plot 6 reconfigured; Landscaping bed in access lane from Romilly Crescent made bigger; Landscaping/drainage feature in front of Unit 1 added
 Section line Y-Y added through Plot 6

Rev A 15.10.19 - Reduced the number of dwellings from 35 to 34 (omitted plot 7)
 Moved access road from Llandaff Road to get 1m in front of Unit 1;
 Changed parking spaces under flats (Plots 6 + 34) into garages;
 Added elevation lines V-V, W-W and X-X;
 Made Plots 4 + 5 smaller by 1m; Some trees omitted;
 Amended communal bin store as agreed with the LPA

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Project Name :	Land Between Llandaff Road & Romilly Crescent, Pontcanna	
Project Ref :	SP579	
Drawing Title :	Proposed Site Plan	Scale :
Drawing Number :	P02	1:200 @ A0
Revision:	B	Drawn by: rb
		Date: July 2019

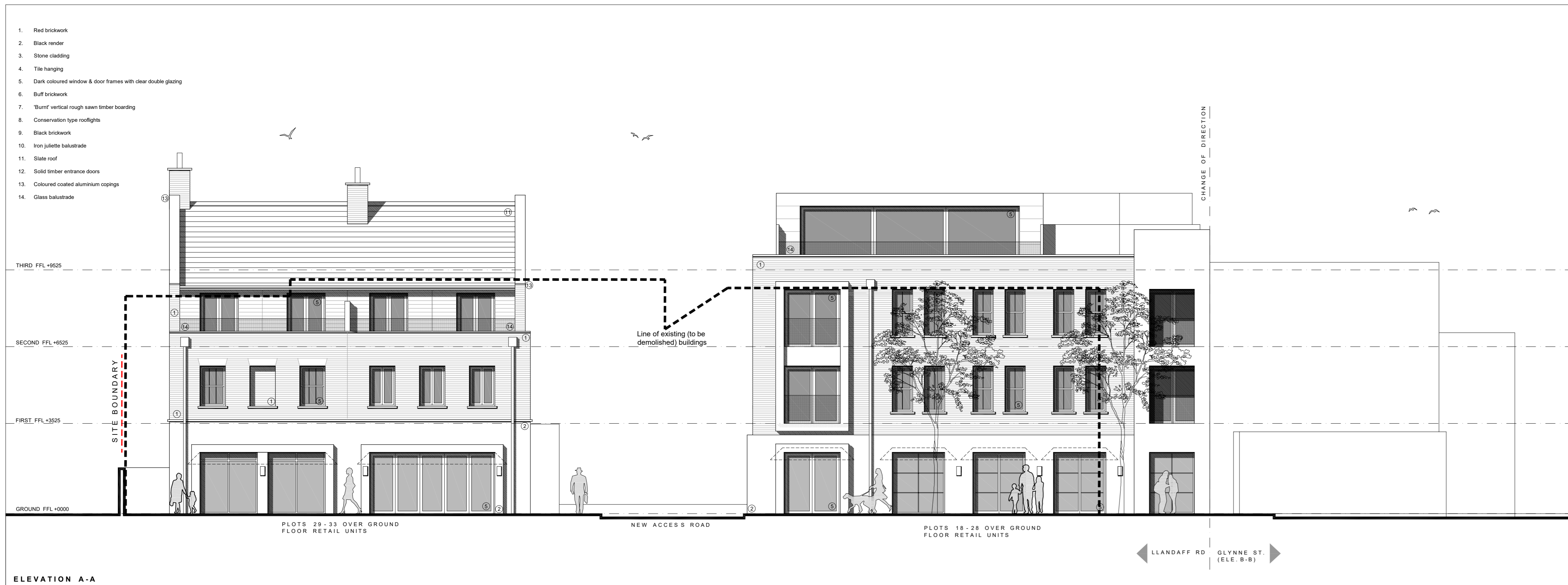




LLANDAFF ROAD

GLYANE STREET





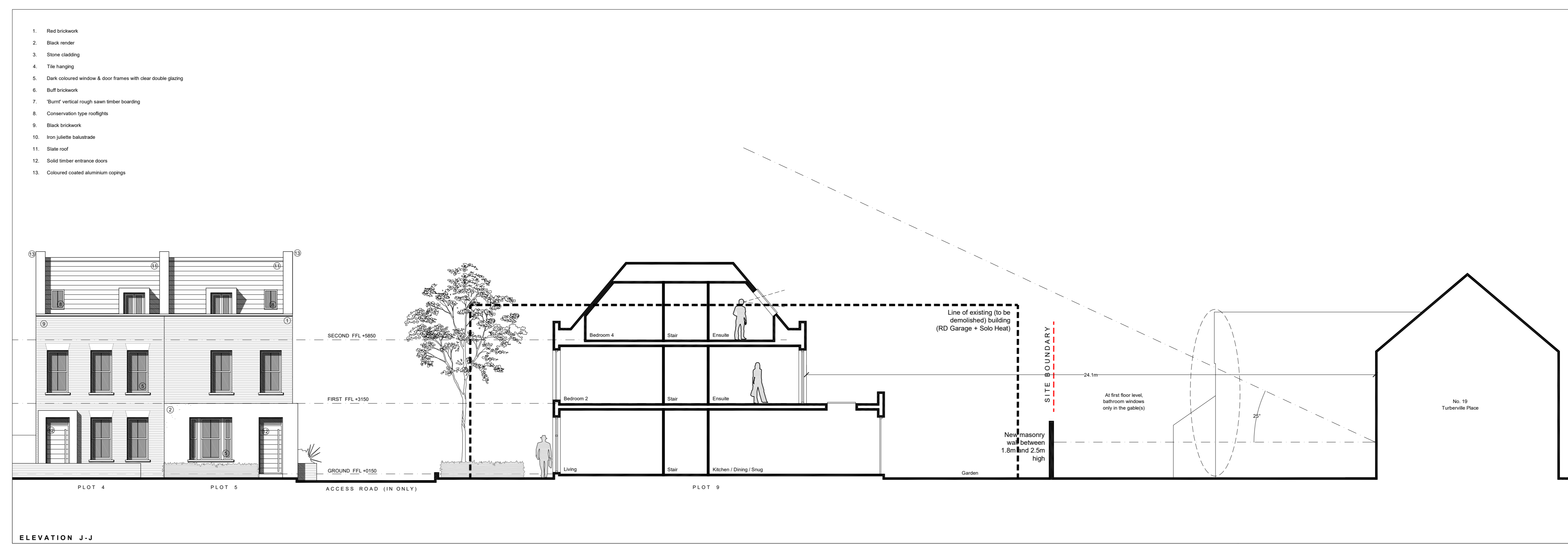
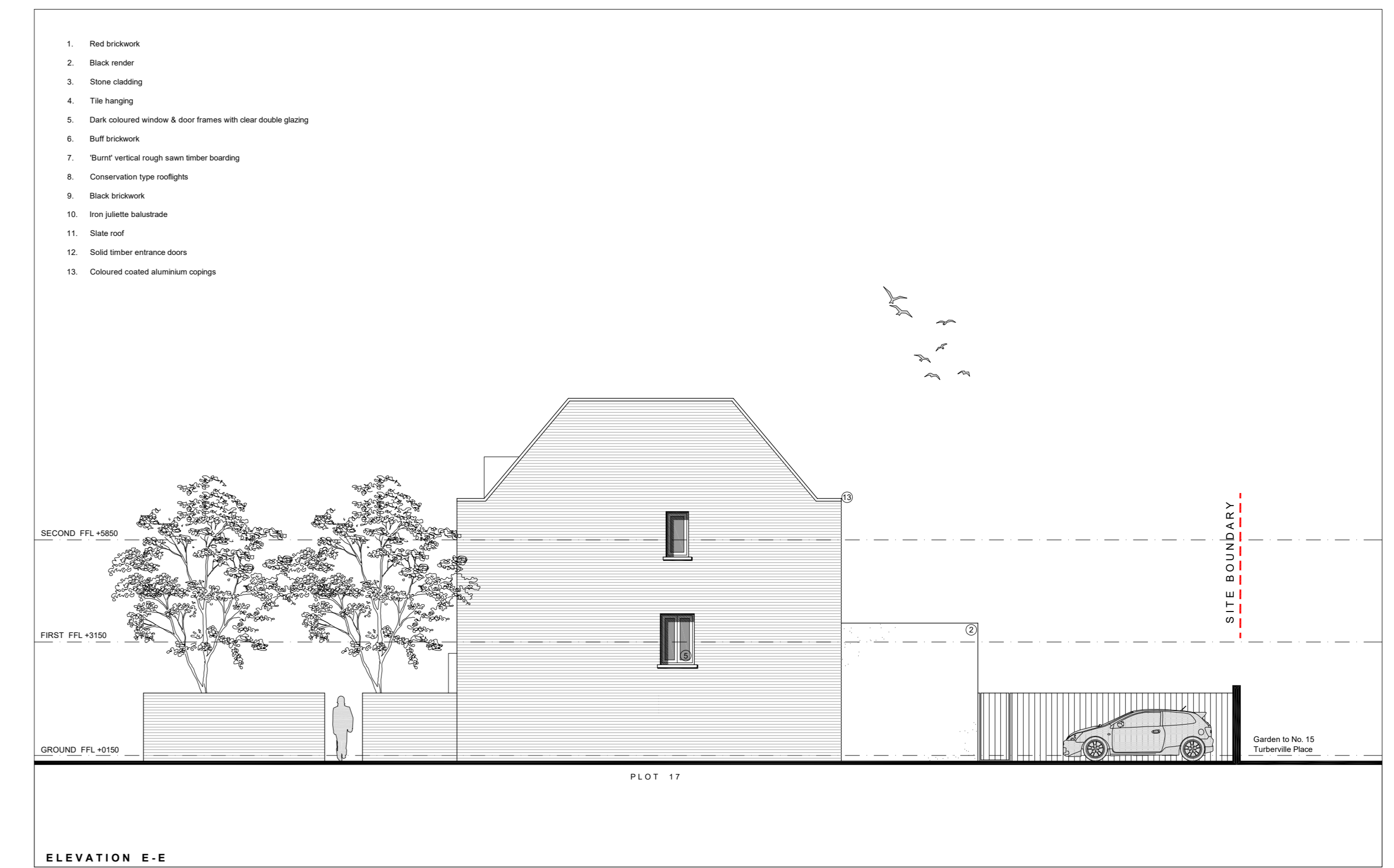
- Rev B 16.12.19 - Windows to Flat Block 2 (Elev C-C) to be frosted to half height
- Landscaping/parking adjacent to Plot 6 reconfigured (Elev D-D (1))
- Rev A 16.10.19 - Total number of dwellings reduced from 35 to 34
- Plot numbers changed accordingly
- Elevation A-A: Parapet heights dropped and glass balustrade shown behind
- Elevation C-C: Roof height to FOG dropped; Garage doors added
- FOG extended by approx 1.5m;
- Parapet to Llandaff Rd dropped
- Elevation D-D (1): Plot 6 redesigned to mitigate overlooking
- Garage doors added to FOG

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Project Name : Land Between Llandaff Road & Romilly Crescent, Pontcanna
 Project Ref : SP579

Drawing Title : Proposed Elevations_1
 Drawing Number : P18
 Scale : 1:100 @ A0

Revision: B
 Drawn by: rb
 Date: July 2019



Rev C 15.01.20 - Two storey rear element to Tuberville Place amended to reflect site plan (Elevation J-J)

Rev B 16.12.19 - 1st + 2nd floor windows to Flat Block 1 to be frosted (Elev D-D (2))

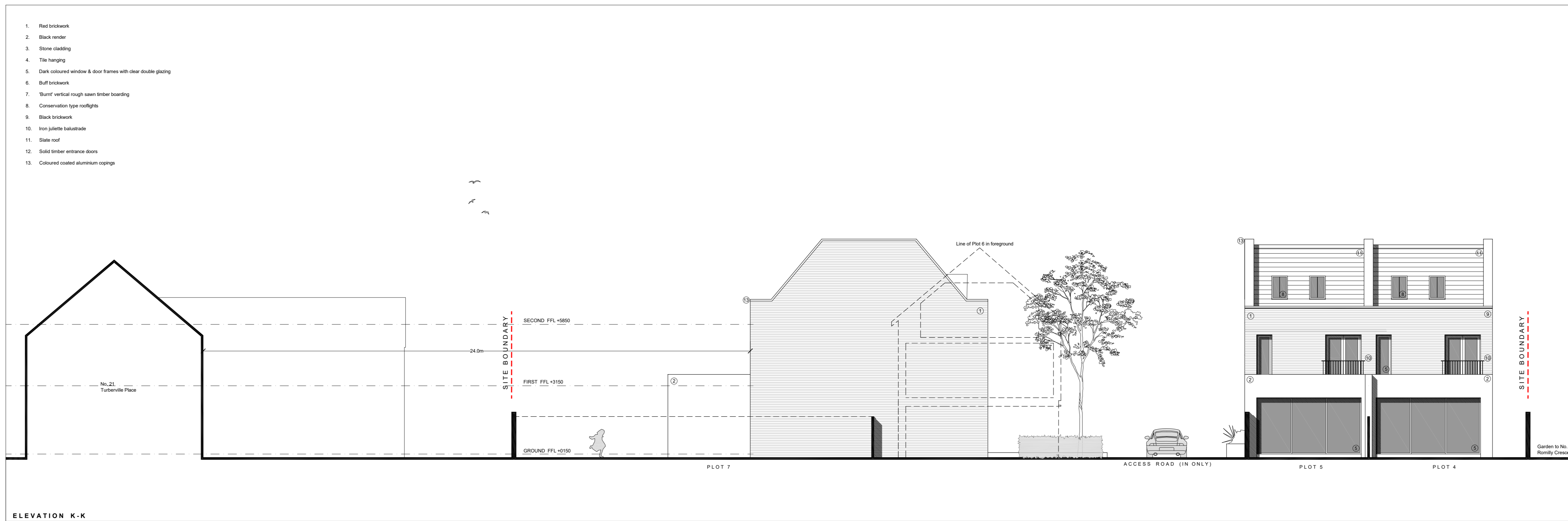
Rev A 16.10.19 - Total number of dwellings reduced from 35 to 34
 Plot numbers changed accordingly
 Elevation D-D (2): Parapet heights dropped to Flat Block 1
 Elevation F-F: Parapet height to Flat Block 1 dropped to same height as front
 FOG ridge height dropped (Plot 34);
 Elevation G-G: Line of Plots 4 + 5 in foreground amended to suit site plan
 Elevation H-H: Windows to ensuites to Plots 1 + 2 added;
 Rooflight added to Plot 3

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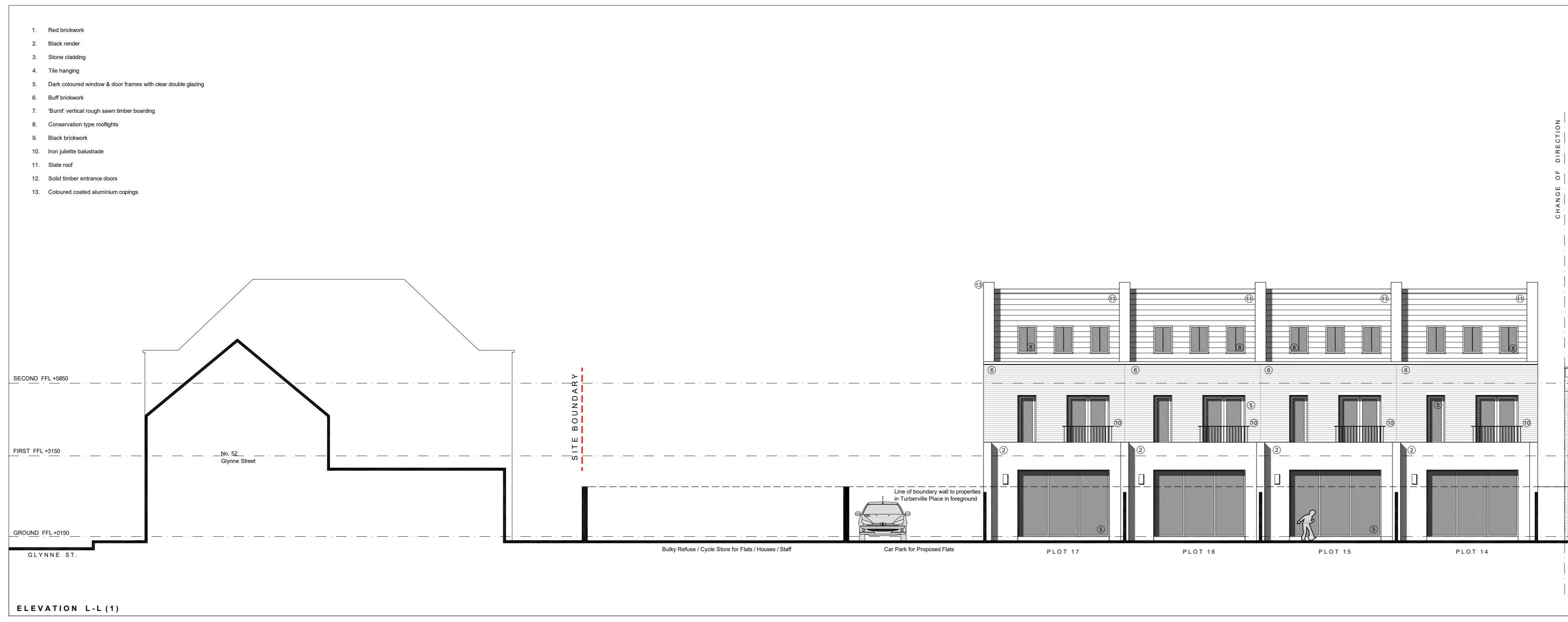
Project Name : Land Between Llandaff Road & Romilly Crescent, Pontcanna
 Project Ref : SP579

Drawing Title : Proposed Elevations_2
 Drawing Number : P19
 Scale : 1:100 @ A0

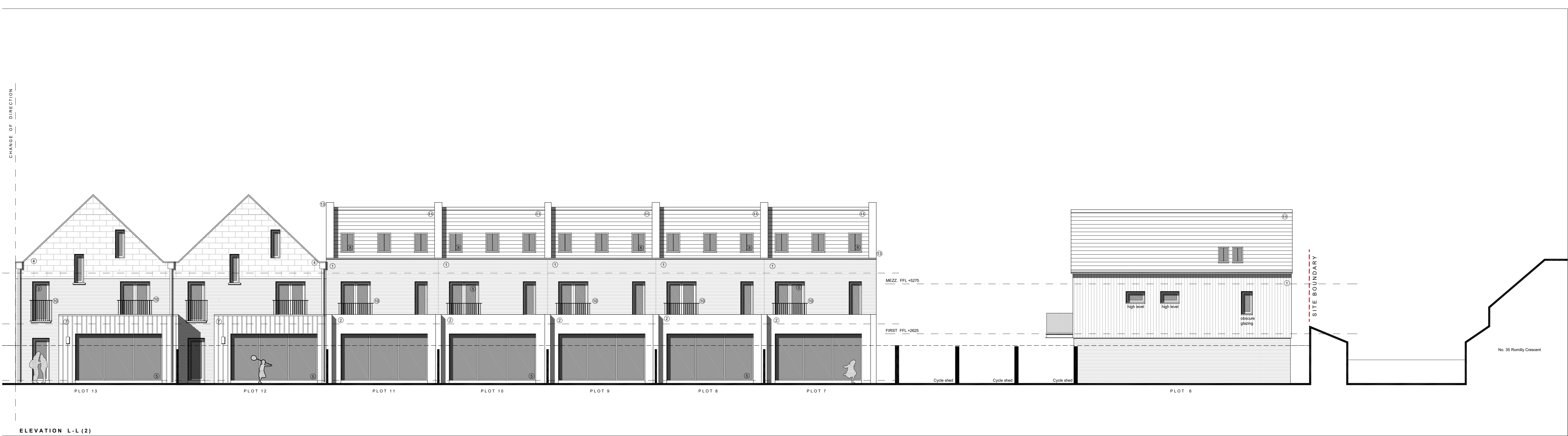
Revision: C
 Drawn by: rb
 Date: July 2019



ELEVATION K-K

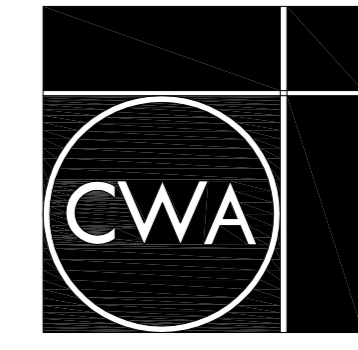


ELEVATION L-L (1)



ELEVATION L-L (2)

Rev A 16.10.19 - Total number of dwellings reduced from 35 to 34
 Plot numbers changed accordingly
 Elevation L-L (2): Plot 6 redesigned / cycle sheds shown

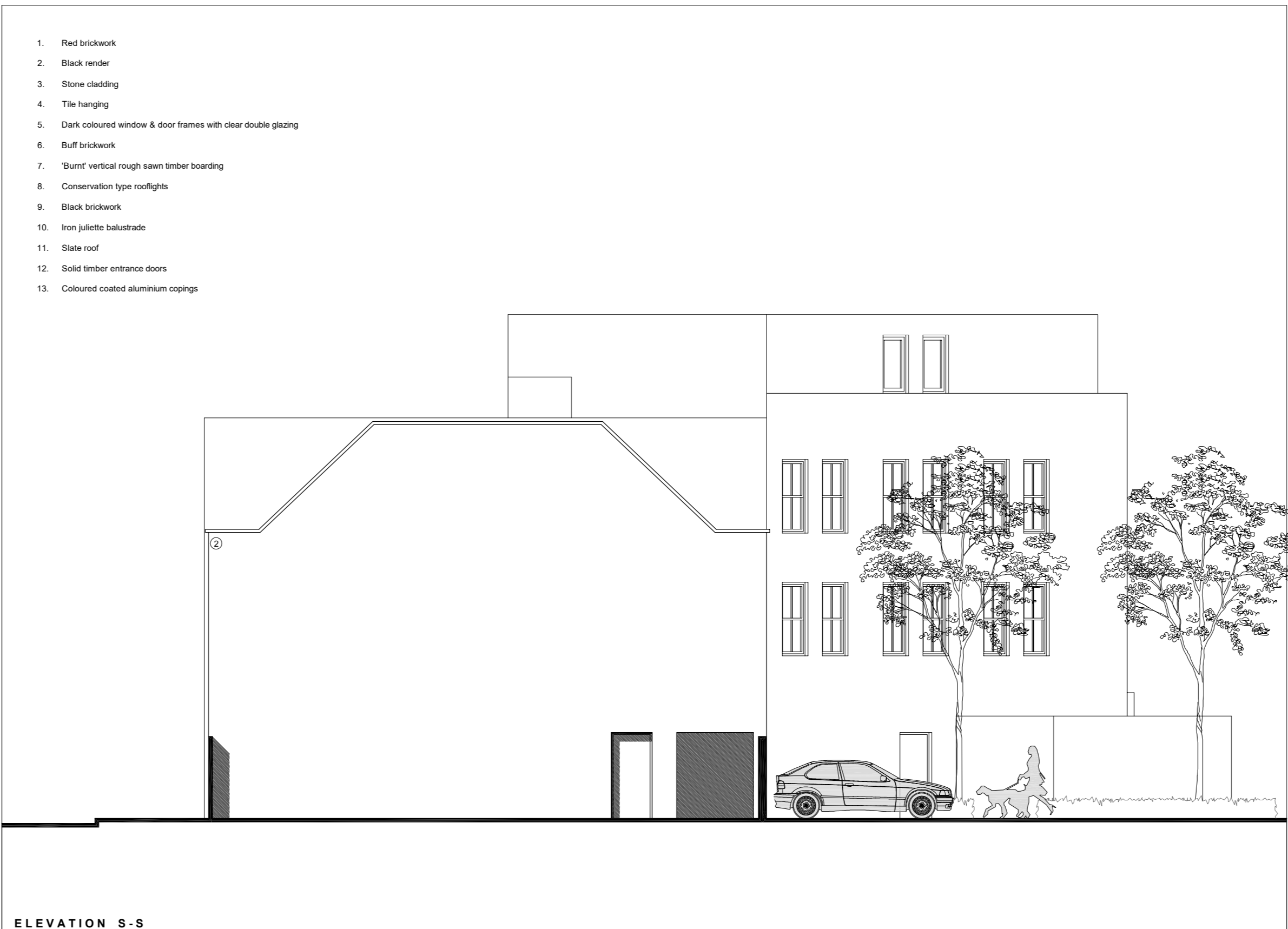
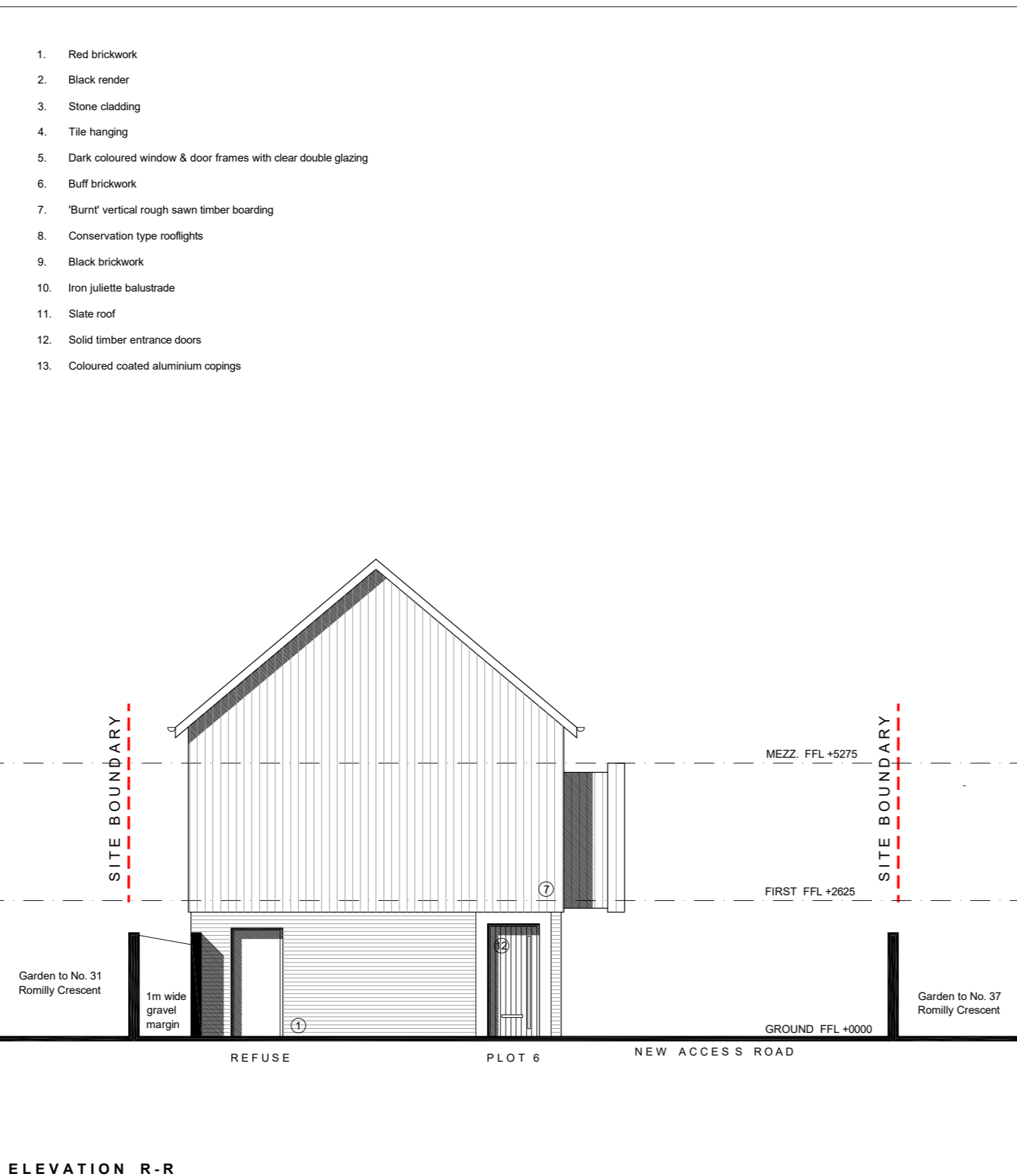
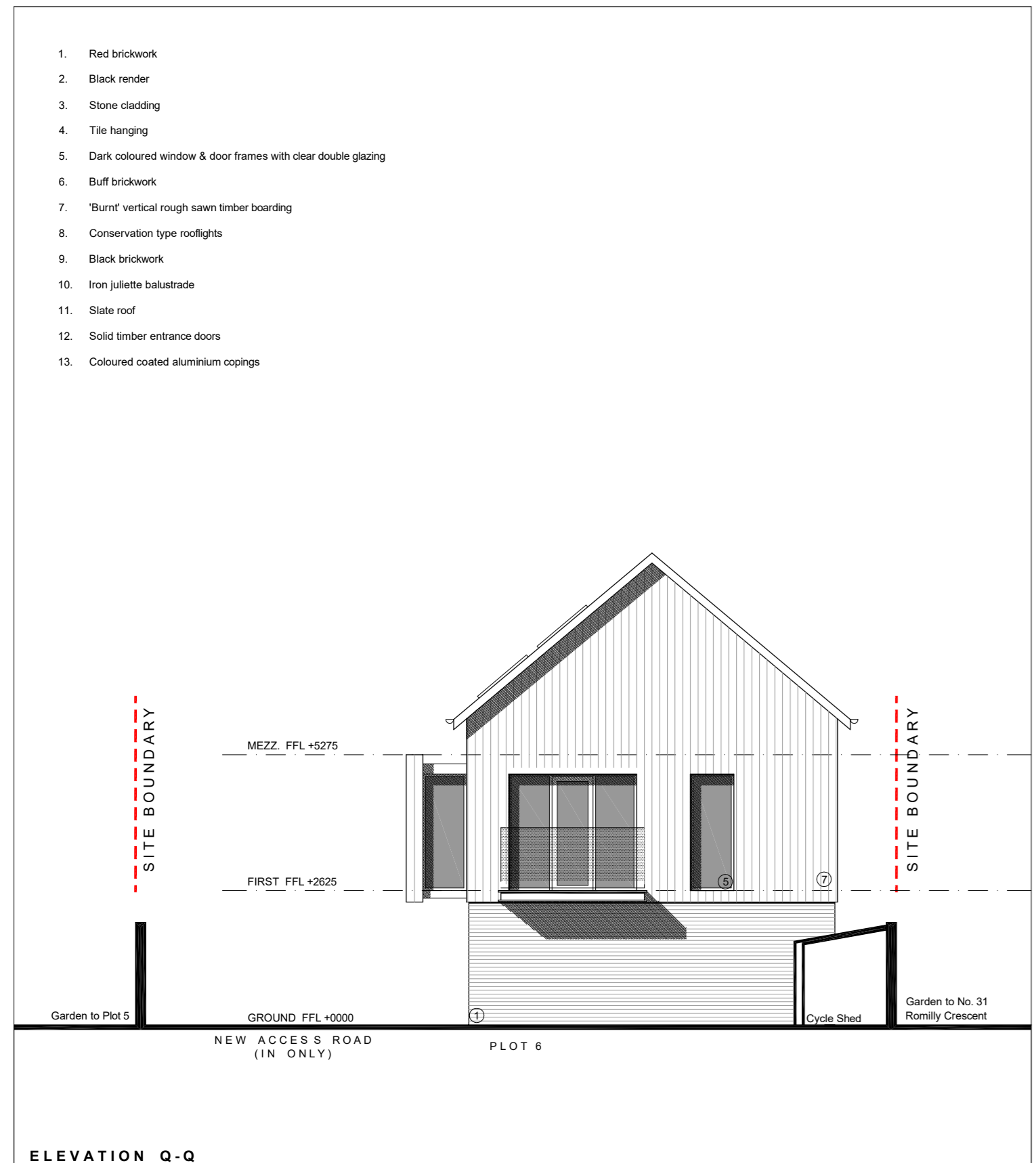
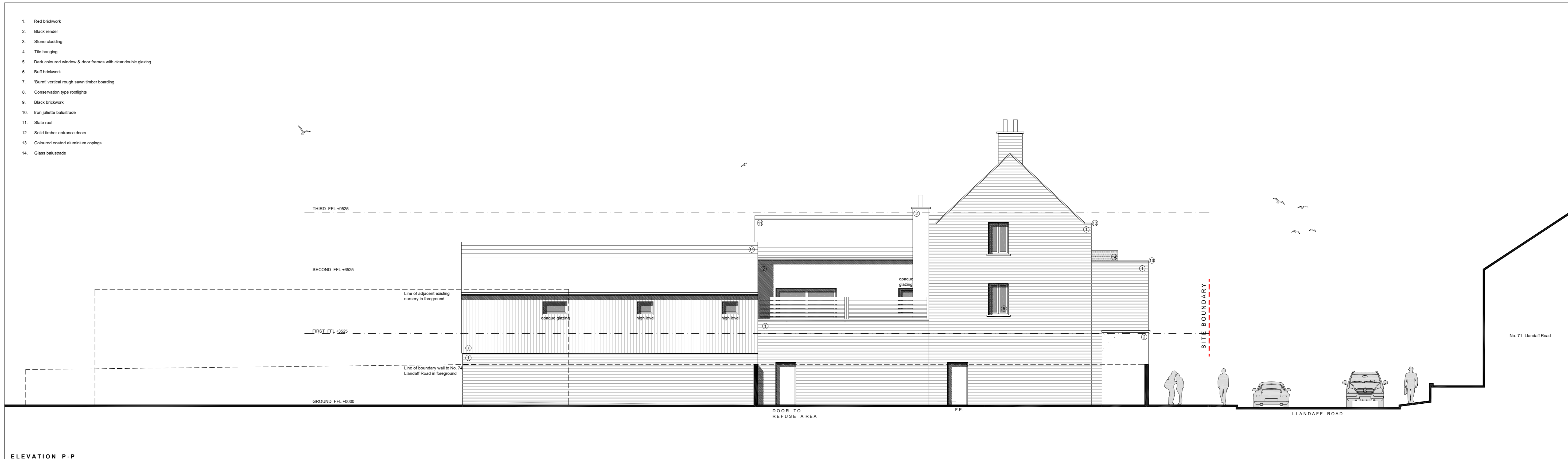
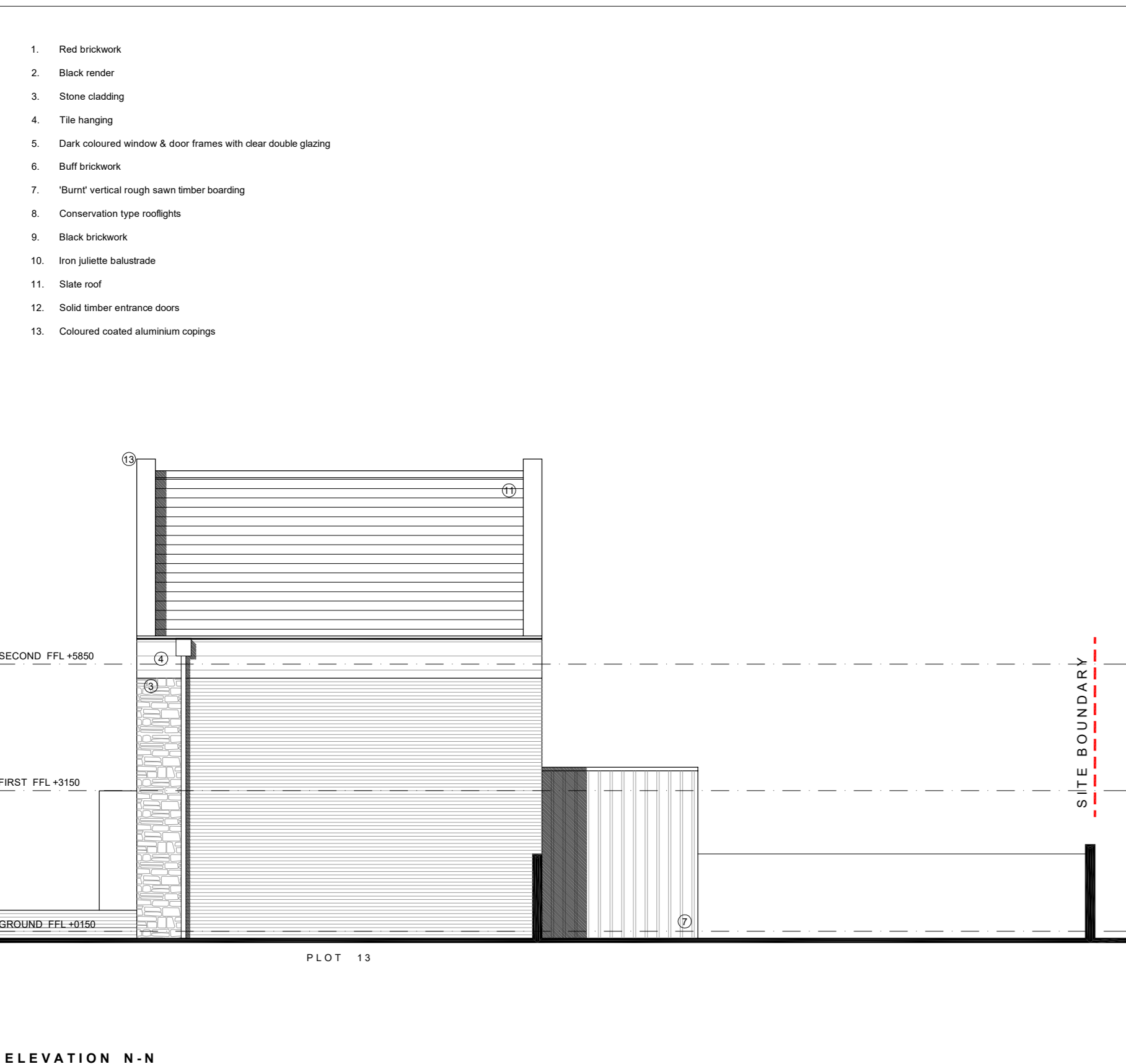
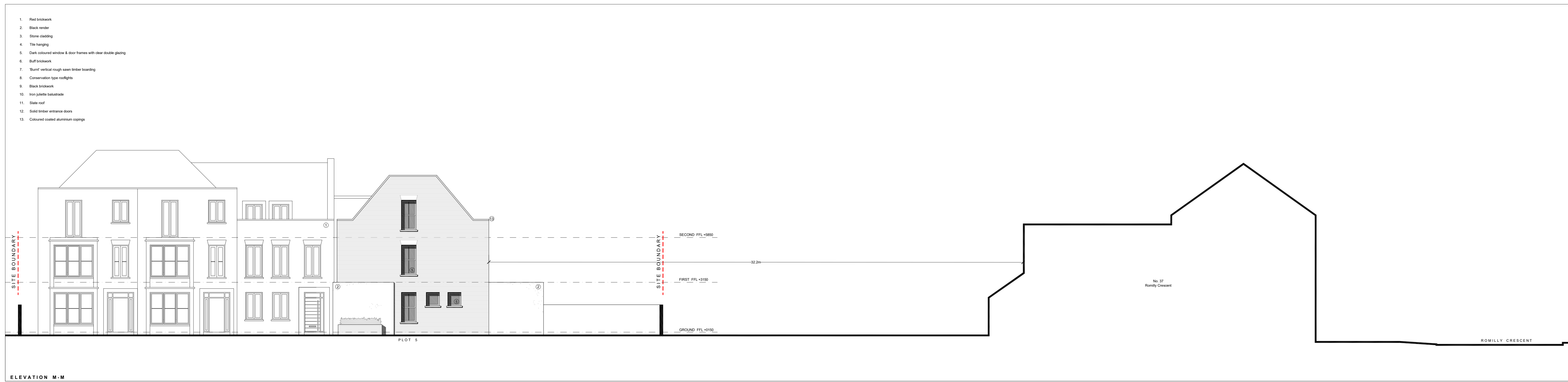


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Project Name : Land Between Llandaff Road & Romilly Crescent, Pontcanna
 Project Ref : SP579

Drawing Title : Proposed Elevations_3
 Drawing Number : P20
 Scale : 1:100 @ A0

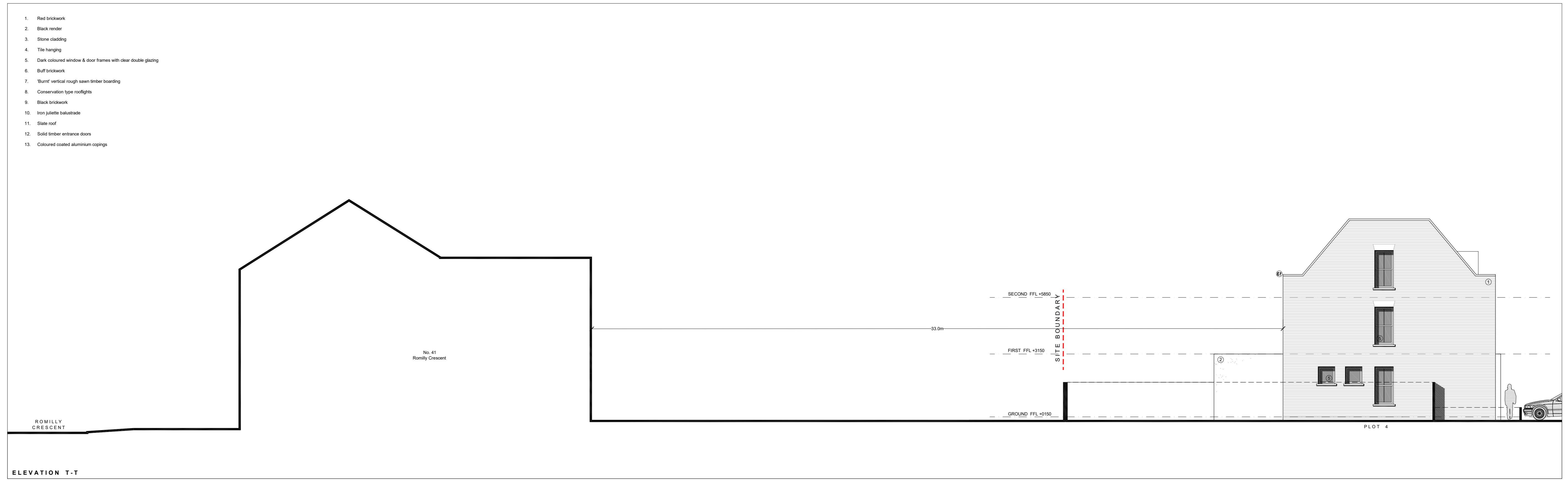
Revision: A
 Drawn by: rb
 Date: July 2019



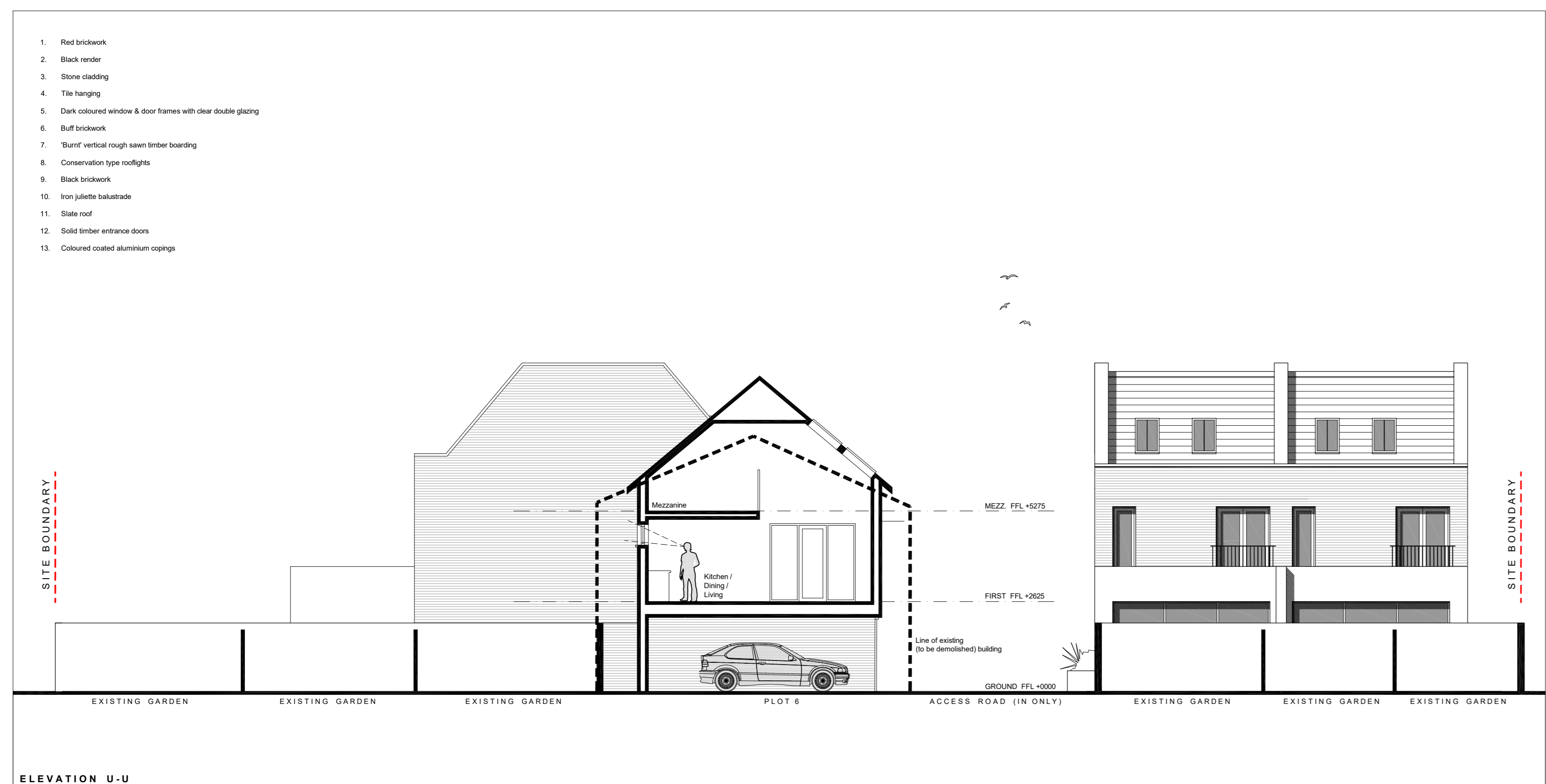
Rev B 16.12.19 - 'Bay window' added to Plot 6
 Rev A 16.10.19 - Total number of dwellings reduced from 35 to 34
 Plot numbers changed accordingly
 Elevation M-M: Plots 4 + 5 house depth reduced by 1.0m
 Elevation P-P: Roof height to FOG dropped;
 Parapet to Llandaff Rd dropped;
 Gable window added to match floor plans

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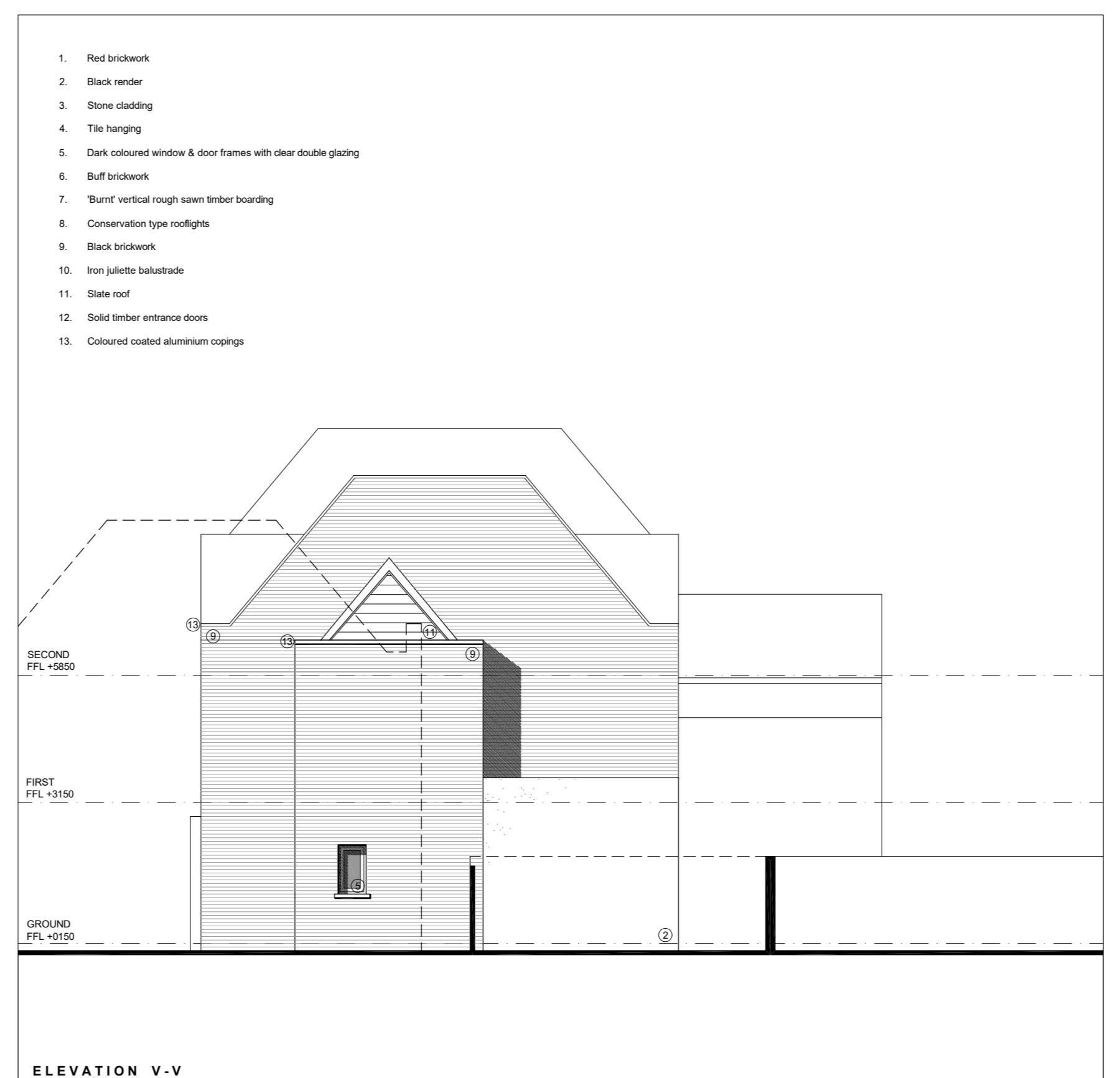
Project Name :	Land Between Llandaff Road & Romilly Crescent, Pontcanna SP579		
Drawing Title :	Proposed Elevations_4	Scale :	1:100 @ A0
Drawing Number :	P21	Revision:	B
Revision:	B	Drawn by:	rb
Revision:	B	Date:	July 2019



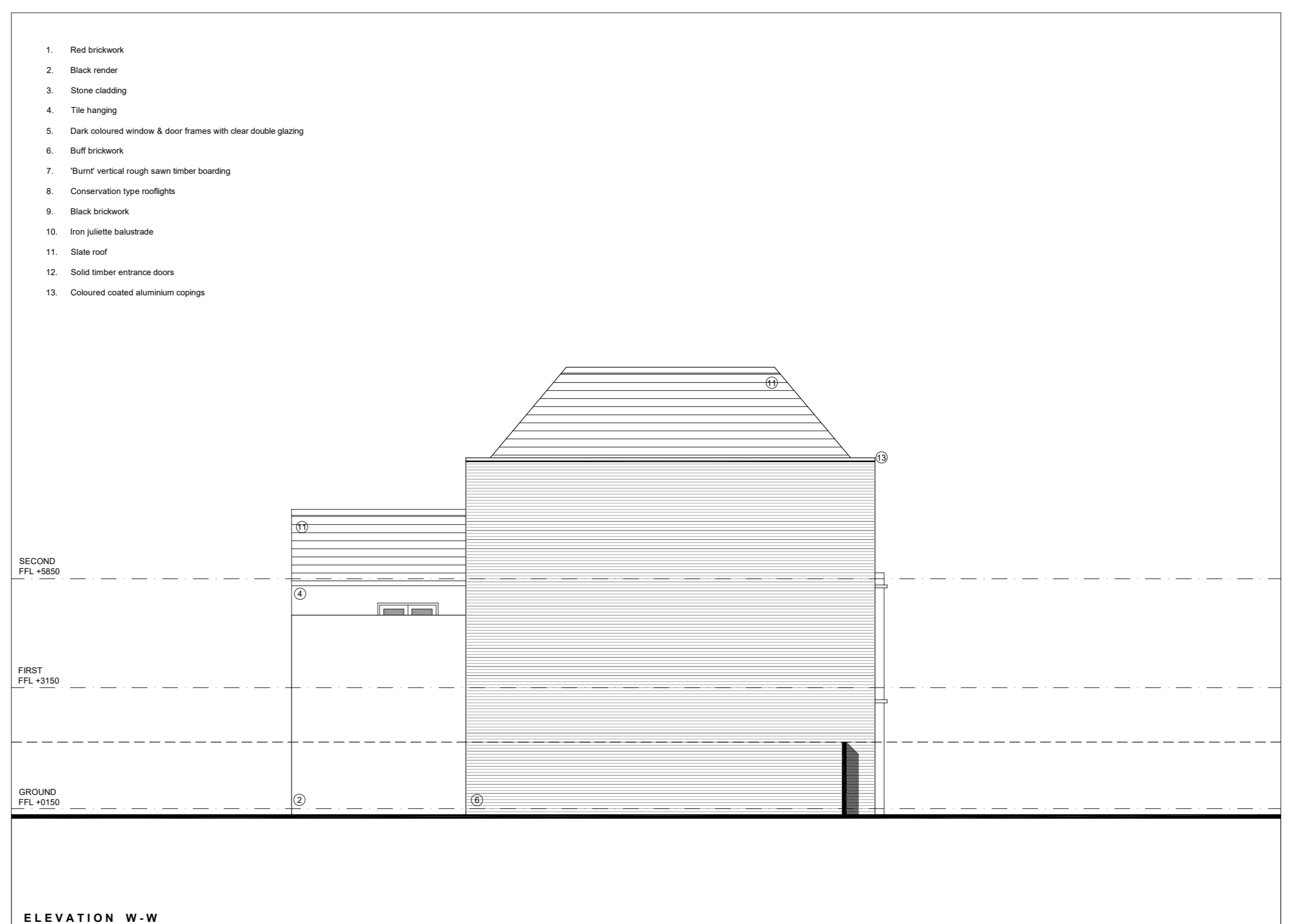
ELEVATION T-T



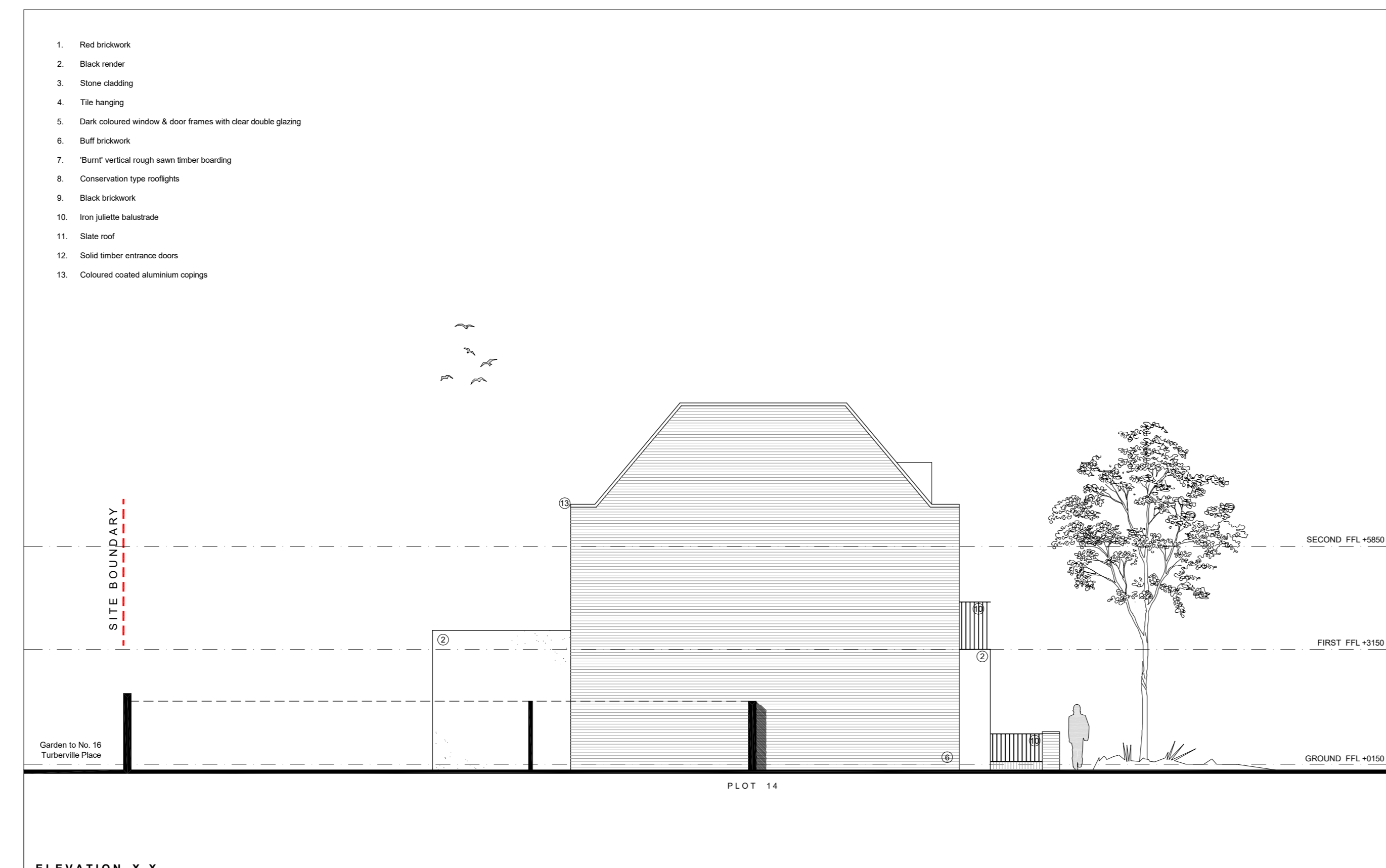
ELEVATION U-U



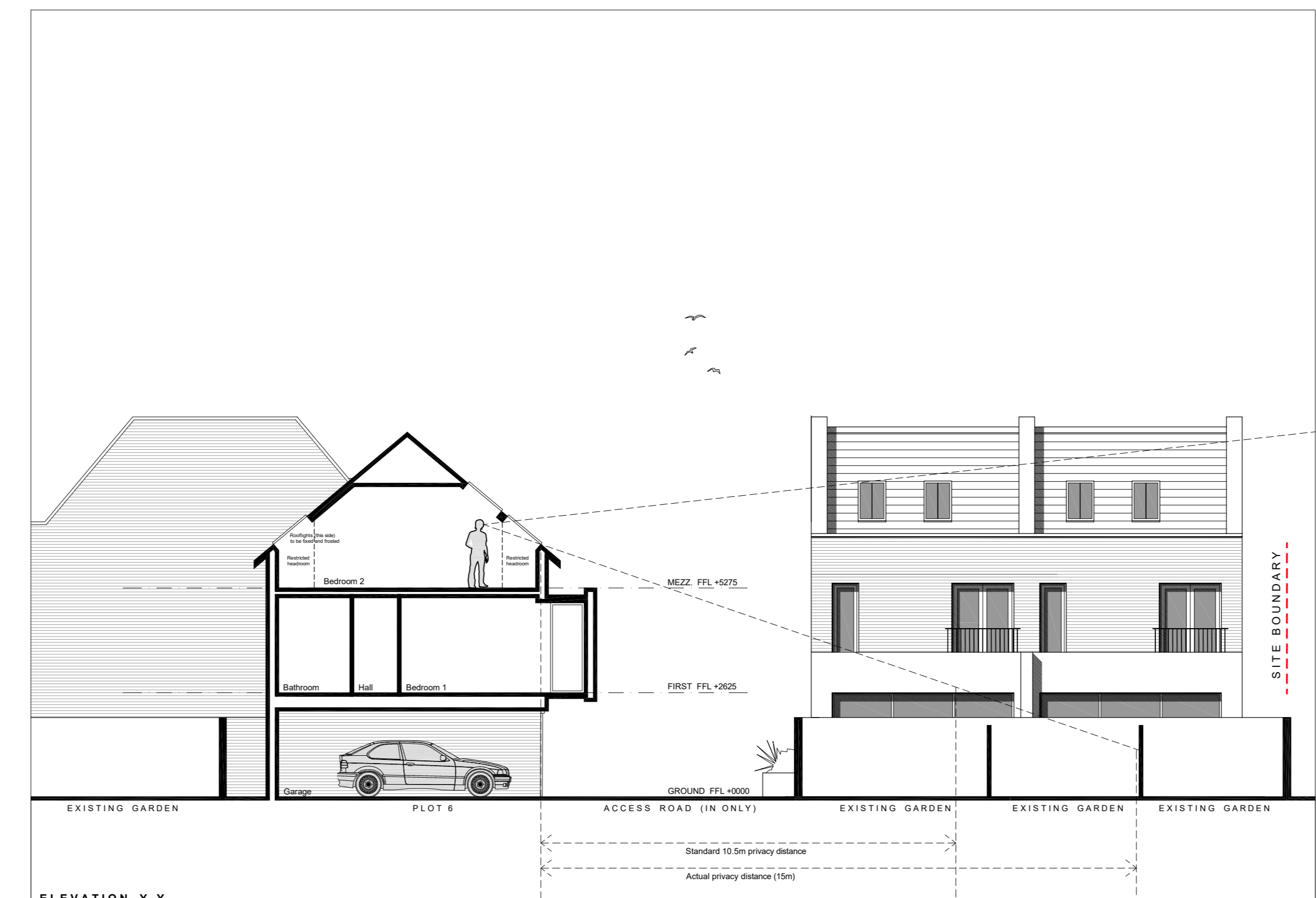
ELEVATION V-V



ELEVATION W-W



ELEVATION X-X



ELEVATION Y-Y

Rev B 16.12.19 - Elevation Y-Y added
 Rev A 16.10.19 - Total number of dwellings reduced from 35 to 34
 Plot numbers changed accordingly
 Elevation U-U: Plot 6 redesigned (section amended)
 Elevations V-V, W-W and X-X added

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Project Name : Land Between Llandaff Road & Romilly Crescent, Pontcanna
 Project Ref : SP579

Drawing Title : Proposed Elevations_5
 Drawing Number : P22
 Scale : 1:100 @ A0

Revision: B
 Drawn by: rb
 Date: July 2019



Non SAB Tree Palette

- Acer campestre 'Streetwise'
- Ilex aquifolium 'J.C. Van Tol'
- Sorbus aria 'Majestica'
- Tilia cordata 'Streetwise'

'SAB' Tree Palette

- Acer x freemanoo 'Armstrong & Autumn Blaze'
- Acer x zoechense 'Annae'
- Alnus x spaethii
- Gleditsia triacanthos var. inermis 'Imperial'
- Liquidambar orientalis

- MACADAM
- HERTAGE PAVING
- PERMEABLE PAVING WITH FILTER FUNCTION
- TURF / SHRUBS
- 'SAB' PLANTING
- NON 'SAB' SHRUBS / HERBES
- 'SAB' TOLERANT TREES. SUITABLE FOR "RAIN GARDENS"
- INDIGENOUS NATIVE SPECIES (NON SAB)
- * MARKED SCS. : TO HAVE STRUCTURAL SOIL CELLS

GLYNNE ST

LLANDAFF ROAD

LANDSCAPE INTENTS DRAWING

