

COMMITTEE DATE: 27/07/2020

APPLICATION No. **19/01083/MJR** APPLICATION DATE: 18/04/2019

ED: **RIVERSIDE**

APP: TYPE: FULL

APPLICANT: KESTREL DEVELOPMENTS

LOCATION: BARCLAY COURT, 104-108 CATHEDRAL ROAD,
PONTCANNA, CARDIFF CF11 9LP

PROPOSAL: PROPOSED CONVERSION OF BARCLAY COURT FROM A
RESIDENTIAL HOME TO 18 APARTMENTS (USE CLASS C3),
INCLUDING INTERNAL AND EXTERNAL ALTERATIONS,
ACCESS, CAR PARKING AND ALL OTHER ASSOCIATED
WORKS

RECOMMENDATION 1: That, subject to the unilateral undertaking submitted to the Council being acceptable to the Council's solicitor, to provide contributions in lieu of on- site provision of Public Open Space and Affordable Housing, and Transportation improvements as detailed in section 9 of this report, that planning permission be **GRANTED** subject to the following conditions:

1. APPROVED PLANS

The development shall be completed in accordance with the following approved plans

19-045- 003 - PROPOSED SITE PLAN	REV E
19-045- 008 - PROPOSED GROUND AND FIRST FLOOR	REV I
19-045 - 009 - PROPOSED SECOND & ROOF PLAN	REV G
19-045 - 010 - PROPOSED FRONT ELEVATION	REV E
19-045 - 011 - PROPOSED SIDE ELEVATION	REV F
19-045 - 012 - PROPOSED REAR ELEVATION	REV G
19-045 - 013 - PROPOSED COURTYARD VIEW 1	REV G
19-045 - 014 - PROPOSED COURTYARD VIEW 2	REV H
19-045 - 015 - PROPOSED CONTEXT ELEVATIONS	REV F
19-045 - 022 - DORMER DETAILS	REV A
19-045 - 023 - COURTYARD PLANS AND ELEVATIONS	REV H

Reason: For the avoidance of doubt.

2. TREE PROTECTION

With immediate effect from the date of the granting of planning permission, no excavations shall take place; materials or wastes be stored, or vehicles or plant be parked/sited under the canopy spread of any tree, [including the canopy spread of trees located outside the

application site which cross over the application site boundary] without the written consent of the Local Planning Authority.

Such written consent will be considered only on the basis of the submission of:

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

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

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

The AMS and TPP shall be prepared in accordance with the current British Standard 5837.

Reason: As an absolute and immediate prohibition of any works which may affect the health of trees in the area which make a contribution to the character of the conservation area and to enable the Local Planning Authority to assess the effects of the development and proposals on existing trees and landscape; the measures for their protection; and to monitor compliance and to make good any future losses in accordance with Policy KKP 16 and EN8 of the Adopted City of Cardiff Local Development Plan.

3. INTERNAL NOISE LEVELS

Prior to beneficial occupation, unless agreed otherwise by the Local Planning Authority In writing, an acoustic report shall be provided to the Local Planning Authority confirming that all habitable rooms (principal living spaces and bedrooms) are not subject to noise levels (measured internally) in excess of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night.

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

4. MECHANICAL VENTILATION

All habitable rooms (principal living spaces and bedrooms) fronting Cathedral Road shall be provided with a mechanical ventilation unit.

Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from

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

No habitable room fronting Cathedral Road shall be occupied until mechanical ventilation measures which comply with the above have been installed.

Reason: To ensure that occupants of accommodation fronting Cathedral Road have an option to ventilate their accommodation without the need to open windows fronting the highway in accordance with Policies KP5 and EN13 of the Adopted Cardiff Local Development Plan. .

5. EXTERNAL DUCTING COWLS AND VENTS

Any ducting, cowl or vent necessary to achieve the mechanical ventilation required by condition 4, shall, as far as is practical, be routed internally and any/all external elements provided in strict accordance with details of design, location and finished appearance which shall first have been submitted to and approved by the local planning authority in writing.

Reason: To ensure that the mechanical and electrical installations do not detract from the character and appearance of the building, or the Cathedral Road Conservation Area in accordance with Policy EN9 of the Adopted Cardiff Local plan.

6. PARTY WALL AND FLOOR INSULATION

Unless otherwise agreed by the Local Planning Authority in writing, prior to beneficial use of the flats hereby approved, all party walls and floors in the buildings shall be insulated to mitigate against the passage of sound in accordance with a scheme of detail which shall first have been submitted to and approved by the Local Planning Authority in writing.

For the avoidance of doubt, this condition relates to all party walls and floors between flats; and any party walls with adjoining property.

Reason: to ensure for the amenity of occupiers of the flats approved; and occupiers/users of the adjacent property, in accordance with Policy EN13 of the Adopted Cardiff Local Development Plan.

7. REFUSE STORAGE

The refuse storage facility indicated on the approved plans shall be implemented prior to the occupation of the approved flats and shall thereafter be so maintained.

The store must be capable of accommodating :

2 x 1100 litre bulk bins	for Dry Recyclables
2 x 1100 litre bulk bins	for General waste
1 x 240 litre bin	for Food Waste:

and be accessible by level or shallow incline hard surfaced routes to any refuse collection vehicle to/from refuse collection vehicles.

Reason: To ensure for adequate facilities for the storage of commercial wastes in accordance with Policy W2 of the Adopted Cardiff Local Plan.

8. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION

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

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

9. IMPORTED SOIL

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

imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

10. IMPORTED AGGREGATES

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

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

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

11. USE OF SITE WON MATERIALS

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

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

12. LIGHTING

Prior to beneficial occupation, the development shall be provided with a scheme of safety/security lighting, to include, but not be limited to access points, main doorways and porch areas, car parking area and pathways in accordance with a scheme of detail which shall first have be submitted to and approved in writing by the local planning authority.

Reason: To provide safe and secure access for residents in accordance with policy KP5 of the Cardiff Local Development Plan.

13. LANDSCAPING

The hard/soft landscaped area indicated on the approved plan shall be implemented in accordance with a landscaping scheme which shall first have been submitted to and approved by the Local Planning Authority in writing; the submitted details shall include

- Scaled planting plan.
- Plant Schedule.
- Topsoil and subsoil specification.
- Tree pit section and plan view showing root available soil volumes per tree.
- Planting methodology.
- Aftercare methodology.
- Implementation programme.
- Hard/Loose surfacing schedule.
- Evidence to show that planting won't conflict with services, including drainage.

The scheme shall thereafter be implemented in the first available planting season further to first beneficial occupation of the flats approved.

Reason: To ensure that an appropriate high quality landscaping scheme is implemented in a timely manner in accordance with policy KP5 and EN9 of the Adopted Cardiff Local Development Plan. .

14. LANDSCAPING PRESERVATION

If within 5 years following implementation, any trees, or planting die, or become diseased, or (in the opinion of the Local Planning Authority) are dying and considered likely to die, they shall be replaced with new trees/plants in accordance with a planting specification, methodology and timeframe to be agreed with the Local Planning Authority prior to replacement.

Reason: To ensure for the establishment and maintenance of a quality landscaping scheme for the benefit of the occupants and character and appearance of the conservation area in accordance with policy KP5 and EN9 of the Adopted Cardiff Local Development Plan.

15. MATERIALS AND FINISHES

Prior to beneficial occupation, the development shall be completed in accordance with a palette of materials and finishes which shall first have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure all new external materials and finishes are appropriate to the local context and architectural character of the building which makes a positive contribution to the character and appearance of the Cathedral Road Conservation Area in accordance with policies KP5 and EN9 of the Adopted Cardiff Local Development Plan.

16. CYCLE STORE

The cycle store indicated on the approved plans shall be implemented prior to first beneficial use of the approved flats, and shall thereafter be so maintained.

Reason: To encourage and provide for travel by sustainable modes now and in the future in accordance with the aims of Policy T1 of the Adopted Cardiff Local Development Plan.

17. Any new / replacement / modified windows or doors shall be of a specification and design which shall first have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that any new / replacement / modified windows or doors will preserve and enhance the character and appearance of the Cathedral Road Conservation Area in accordance with policy EN9 of the Adopted Cardiff Local Development Plan

18. Prior to beneficial occupation of the development, the area of the removed infill between No.'s 104 and 106 Cathedral Road shall be made good in accordance with a scheme of detail and methodology of works which shall first have been submitted to and approved by the Local Planning authority in writing.

Reason: To ensure that any making good will preserve and enhance the character and appearance of the Cathedral Road Conservation Area in accordance with policy EN9 of the Adopted Cardiff Local Development Plan

19. Prior to beneficial occupation of the development, the three apex gable roof dormer extensions fronting Sophia Walk must be completed in accordance with a scheme of architectural detailing which shall first have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure that the form and finish of the dormer extensions matches as closely as possible the character of a roof extension of the period of the construction of the main property and contributes positively to the character of the Cathedral Road Conservation Area in accordance with policy EN9 of the Adopted Cardiff Local Development Plan.

RECOMMENDATION 2 : That the developer be advised that to protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in

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

RECOMMENDATION 3 : That the developer be provided with a copy of the comments of Natural Resources Wales, and of the Police Architectural Liaison Officer, but be reminded that any measures they are minded to pursue in respect of flood defences or security may require approval as part of the details required to be submitted in discharge of conditions, or may in themselves require a separate planning permission and should be discussed with the Local Planning Authority prior to execution.

RECOMMENDATION 4 : That the developer be advised that any new connections to the public sewerage system will require the approval of Welsh Water Dwr Cymru; and any modification to surface water discharges from the building may require the approval of the Council as the Sustainable Drainage Authorising Body and should ensure that all proposed drainage systems have secured all necessary approvals.

RECOMMENDATION 5 : That the developer be advised that :
The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

RECOMMENDATION 6 : That the developer be advised that the development may require the approval of the Council as the Sustainable Drainage Authorising Body (SAB Approval); and that enquiry should be made with the Council's drainage division in this regard.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the change of use of three adjoining properties on Cathedral Road, which were formally used as a nursing home, into 18 No. flats. The development includes for the removal of substantial previous additions to the properties, and for the adaptation of the existing buildings, including the use and extension of their rear annexe roof voids for habitable accommodation.
- 1.2 The works include for a shared amenity space, a 16 ½ space vehicle parking area and separate cycle storage/amenity facilities.
- 1.3 The roof adaptations include for the provision of three rear apex roof projections to the NW facing roof slopes of No. 104 and 108 Cathedral Road (6 projections total) together with the provision of 8 rooflights across all three properties.
- 1.4 The fabric to be removed includes for the demolition of a non original two storey link between 104 and 106 Cathedral Road, lower level infilling between those two properties, and the removal of a ground floor extension to the rear of 108 Cathedral Road.
- 1.5 A pedestrian access would be reinstated between 104 and 106 Cathedral Road.
- 1.6 The proposals have been subject to long term negotiation with case officers and multiple amendments; the amended plans now before Committee confirm that there is no longer any proposal to enlarge the rear wings of the property as originally proposed.
- 1.7 Other than in respect or the proposed apex dormer roof extensions, the plans return the properties to the arrangement which existed as originally constructed.

2. DESCRIPTION OF THE SITE AND AREA

- 2.1 The application site is within a traditional Victorian/Edwardian Street characterised by principally semi-detached 'villas' , primarily finished in stone laid in thin courses with Bathstone detailing to quoins, laid as banding, and to window surrounds and bays. Most properties are designed with a projecting rear annexe as mirrored semi-detached pairs.
- 2.2 The application site consists of three buildings, 104 being the northern half of a pair of villas, with a three sided, two storey parapet bay window below a an

apex gable, and 106 and 108 being a semi-detached pair, but more unusually having an arrangement of asymmetrical, rounded, two storey bay windows, under scalloped gables.

- 2.3 The buildings are 'locally listed' as being of local architectural merit, but do not meet the criteria to be recognised as buildings of National Significance. i.e. they are not statutory 'Listed' buildings, and are not protected by any additional regulatory controls.
- 2.4 108 Cathedral Road is bounded by a service lane to the northwest, 'Sophia Walk'. This access joins another lane to the north east which divides the rear of properties on Cathedral Road from Sophia Gardens which is enclosed by a tall stone wall. Properties between 42 and 108 Cathedral road historically had very long rear gardens. Many of these gardens have been divided to allow for separate 'coach house' developments to be formed to the rear. This is true of the application site, and also of nearby properties at 84,90-92, 94-96 and 98-100 Cathedral Road. These are now addressed as numbers 70 to 98 Sophia Walk.
- 2.5 108 Cathedral Road retains 60m of its originally 85 m long plot length. The remaining 25m now forming the curtilage boundary of 98 Sophia Walk, one of a pair of two storey semidetached dwellings with a central undercroft access located to the rear.
- 2.6 To the Northwest (opposite the 108 Cathedral Road side boundary) Sophia Walk abuts the side boundary of 110 Cathedral Road which is of similar character to the application buildings, but which is built on a shorter plot (as are all properties up to number 192 Cathedral Road) to allow for the construction of the more modest two storey terraced side streets between Dyfrig St and Teilo Street. Sophia Walk to the NW of the application site thereafter abuts rear garden boundaries of properties to the southern side of Dyfrig Street. These typically present single storey domestic garage / outbuildings to the lane.
- 2.7 Cathedral Road is a Conservation Area; and the application buildings are typical of those which make up the principal character of the area.
- 2.8 The buildings are recognised as being of Local architectural merit, but are not Statutory 'Listed' buildings.
- 2.9 The area is in the C1 flood zone (benefiting from flood defence infrastructure).

3. PLANNING HISTORY

09/00917 Installation of fume extraction equipment to rear of premises. Granted Aug. 2009.

01/00155 New boundary wall between care home and Mews development to rear Granted Mar. 2001

00/01974 Extension Granted Dec. 2000

99/01852 Demolition rear garage/erection 2 Mews cottages. Granted Mar. 2000.

4. POLICY FRAMEWORK

National Planning Policy

Planning Policy Wales (10th Ed, 2018)

Ch6. Distinctive and Natural Places

The Historic Environment

WG Technical Advice Note(s)

- Technical advice note (TAN) 2: planning and affordable housing – June 2006
- Technical advice note (TAN) 12: design – March 2016
- Technical advice note (TAN) 15: development and flood risk – July 2004
- Technical advice note (TAN) 24: the historic environment – May 2017

Local Planning Policy

Cardiff Local Development Plan 2006-2026

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP7: PLANNING OBLIGATIONS

KP8: SUSTAINABLE TRANSPORT

KP15: CLIMATE CHANGE

KP16: GREEN INFRASTRUCTURE

KP17: BUILT HERITAGE

H2: CONVERSION TO RESIDENTIAL USE

H3: AFFORDABLE HOUSING

H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE

EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT

EN14: FLOOD RISK

T1: WALKING AND CYCLING

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

W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN
DEVELOPMENT

Supplementary Planning Guidance

- Flat Conversions (March 2019)
- Food, Drink And Leisure Uses (November 2017)
- Green Infrastructure SPG :
- Protection And Provision Of Open Space In New Developments

- Planning obligations (January 2017)
- Residential Extensions And Alterations
- Waste Collection & Storage Facilities (October 2016)

5. INTERNAL CONSULTEE RESPONSES

5.1 The Operational Manager (Traffic and Transportation)

Notes that the existing car parking area would be enlarged to include the garden of No. 104 and suggests that the traffic movements associated with the new flats would likely be greater than that of the former care home. On this basis £10,000 is requested as a contribution to allow for the resurfacing, signing and lining of Sohia Walk in the area of the car park access.

The reinstatement of a pedestrian access from the car park to the building entrances on Cathedral Road (between 104 and 106 Cathedral Road is welcomed.

29 cycle spaces (one per bedroom) would be required to meet current guidelines and would need a minimum horizontal footprints of 0.5m and not all be of the vertical/semi-vertical type.

It is not considered that street lighting needs to be introduced on the lane as a result of this development.

5.2 The Operational Manager (Waste Management)

Future site plans need to show the full bin provision, as specified below, can be accommodated within the store, with sufficient space around each receptacle (0.2m on all sides, 0.5m at the front of bulk bins to allow the lifting of the lid). Please ensure the refuse storage area is large enough to accommodate the following recommended provisions for 45 apartments:

Dry Recyclables:	2 x 1100 litre bulk bins
General waste:	2 x 1100 litre bulk bins
Food Waste:	1 x 240 litre bin

Please note, the collection method utilised by Cardiff Council will likely change in the future which could result in different/more receptacles being required for the storage of waste between collections. In light of this, the bin store areas should allow a degree of flexibility in order to be able to adapt to potential collection changes. (We are currently trialling a separate glass collection in certain areas).

A designated area for the storage of bulky waste is now a compulsory element of all communal bin stores. The City of Cardiff Council offers residents a collection service, for items which are too large to be disposed of in general waste bins (i.e. fridges, televisions, mattresses etc.). There must be a designated area where these items can be left, with appropriate access to allow Council collection crews to remove. This area will prevent unwanted waste

being left in the communal bin store or other areas, thereby improving the aesthetics of the site

Communal bin stores should have double doors that open outward with retainers. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided- natural or artificial, and good natural ventilation if completely enclosed.

The developer is advised; as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. The maximum distance we expect crews to pull bins is 25m if the distance from the bin store to the refuse vehicle is further than this then a collection point near the access would have to be designated and details of who would be responsible for moving the bins to and from the collection point would need to be provided.

Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990 and can be purchased directly from the Council. Please contact the Waste Management's commercial department for further information on 02920 717504.

Please refer to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

5.3 **The Operational Manager (Parks and Sport)**

5.4 Suggests that the establishment of permanent residential flats, as compared to the former care home use, will generate an increased usage of public parks and amenities. As such the conversion to residential use would generate a requirement a financial contribution in lieu of the provision of public open space as part of the development. Current supplementary Planning Guidance and POS calculator would indicate that a contribution of £ 30,400 would be required to achieve policy compliance .

5.5 **The Operational Manager (Housing)**

Notes that no affordable housing units are proposed as part of the conversion, and would therefore require a financial contribution in lieu of such provision to support affordable housing needs elsewhere in the City.

The Housing Manager calculates that a contribution of £224,924 would be required to meet policy/supplementary planning guidance calculations in this instance.

5.6 **The Operational Manager (Flood & Coastal Risk Management)** has been consulted, no representations have been received.

5.7 **The Council's Ecologist** has been consulted. No representations have been

received.

5.8 Shared Regulatory Services (Contaminated Land)

In reviewing available records and the application for the proposed development, the site has been identified as a former residential home. Contamination is not known at this site, however the potential for this cannot be ruled out. I would therefore advise the use of the 'unforeseen contamination' condition.

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

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

CONDITIONS

PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION
PC15A IMPORTED SOIL
PC15B IMPORTED AGGREGATES
PC15C USE OF SITE WON MATERIALS and
ADVISORY INFORMATIVE R4

5.9 Shared Regulatory Services (Pollution Control)

The pollution control manager has been consulted. No comments have been received.

6. EXTERNAL CONSULTEE RESPONSES

Welsh Water Dwr Cymru

On the assumption that there will be no alterations to the existing drainage arrangement and that there will be no net increase in surface water generated we have no objection to the above application.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

6.1 Natural Resources Wales

Recognising the particular nature of this application, we have no objection to the proposals.

6.2 Flood Risk

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

6.3 This application presents an opportunity to raise awareness of the flood risk to the current/ future occupiers of the property, incorporate flood resistance/resilience measures into the refurbishment works, and make provisions for flood warning and emergency access/ egress. To aid your decision making, you may wish to ask the applicant to submit an FCA. Alternatively, the Applicant may decide to undertake an FCA for their own benefit.

6.4 The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be appropriate to the scale and nature of the development being proposed. If the building and/or access/egress routes are shown to flood during events up to and including a predicted 0.1% flood event, the FCA should propose suitable and appropriate mitigation measures to reduce the effects and consequences of flooding.

6.5 Flood resistance/resilience measures that could be incorporated into the development include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels. Appropriate measures and advice is set out in the ODPM publication 'Preparing for Floods and information from CIRIA (www.ciria.org/flooding) and the Environment Agency websites (www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'). Please be aware that "Flood Resistance" measures i.e. prevention of floodwaters entering a building, are only recommended in situations where the flood depths do not exceed 600mm.

6.6 We suggest you consult other professional advisors (e.g. Emergency Planners, Emergency Services, Building Control) on the acceptability of proposals and on matters we cannot advise on, such as, emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

6.7 Further Advice to Applicant

6.8 We recommend you consider the future insurability of this development now. Although we have no involvement in this matter we would advise you to review the Association of British Insurers published a paper, 'Climate Adaptation: Guidance on Insurance Issues for New Developments', to help you ensure any properties are as flood proof as possible and insurable. The paper can be found via <http://www.abi.org.uk/content/contentfilemanager.aspx?contentid=24988>

6.9 Bats (European Protected Species)

6.10 We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required.

The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

We therefore have no comments to make on the application, as submitted, with regards to bats. Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

6.11 Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our website for further details.

6.12 South Wales Police

South Wales Police have no objection but feel the design and access statement / planning statement failed to explain how community safety issues were to be addressed through design. As a result South Wales Police make the following recommendations:

- 1 All individual flat entrance doors comply with PAS24 2016 standards reason *to prevent burglary*.
- 2 Any communal entrance doors serving flats should be fitted with audio-visual access control features reason *to prevent unauthorised entry*.

- 3 Any private or rear parking / communal garden areas need to be protected by secure 1.8m min walling/fencing/gating reason *to prevent burglary and theft.*
- 4 Cycle storage should be provided in a secure enclosed cycle storage structure reason *to prevent cycle theft.*
- 5 There should be external utility meter reading facilities at the front building elevations reason *to prevent distraction type offences.*
- 6 All external communal areas should have adequate lighting including access pathway to rear flat (min average of 10 lux for parking area) reason *to prevent crime and provide personal safety.*
- 7 The entrance off the rear parking to courtyard between flats 4 and 5 should be gated (min 1.8m) if there is no gate on rear entrance to prevent access to hidden area and bedroom windows reason *prevent burglary and invasion of privacy.*
- 8 At the front of development design has created a hidden alleyway alongside flat 2, this needs to be gated (min 1.8m) to prevent unauthorised access reason *to prevent burglary and invasion of privacy.*
- 9 The courtyard area with planters at front should be adequately lit (min 10 lux average) reason *to prevent crime and enhance personal safety.*
- 10 There should be appropriate risk assessments carried out to ensure adequate fire prevention, warning and evacuation measures are in place reason *to preserve life.*
- 11 South Wales Police recommend that the development is built to Secured by Design standards which have been proven to reduce crime risk by up to 75% further information on Secured by Design can be found on www.securedbydesign.com

6.13 Cardiff Civic Society

Cardiff Civic Society wishes to object to the number of dwellings proposed by Kestrel Developments in their conversion of Barclay Court, Cathedral Rd from a care home to a residential complex.

We believe that 21 dwellings represents an unacceptable overdevelopment of the site. Cathedral Rd is already hugely congested, and 21 further households will add unreasonable pressure to an area that is at capacity now. Adding so many households to the region, with their associated vehicles, will also create a significant amount of pollution in an area of Cardiff that is currently close to the legal limit for 'nox' pollution.

Cardiff Council is already being sued by Client Earth due to its failure to provide clean air for its citizens, and cannot afford to have further law suits on this matter.

It is clear that the developer is putting profit before the health of the community with this proposal. Cathedral Rd is also a Conservation Area, and overdevelopment of this nature is contrary to the spirit of conservation.

The Civic Society maintained its objection in respect of the latest amended plans consultation.

7 REPRESENTATIONS

7.1 The application was advertised by way of neighbour notification letters, site notices and advertisement in the local press. Those who made representations were also consulted on amended plans.

7.2 Neighbour Representations

7.3 A Neutral comment in respect of the condition of Sophia Walk has been received from the occupier of 112 Cathedral Road.

7.4 Objections have been received from 102 (Owner Occupier); 102 (Dental Practice); 105; and 110 Cathedral Road; 98; 94; 92 and 86 Sophia Walk; and from 100 Clive Road.

7.5 The reasons for objection are cited as

- inadequate parking space proposed;
- inadequate site capacity for car parking;
- likely resulting adverse impact on access to Sophia Walk and surrounding streets for refuse/service/emergency vehicles and patients.
- No resident parking scheme in operation in the area.
- Further degradation of poor surfacing condition of Sophia Walk by construction traffic and future increased vehicle movements
- Impact on the front garden and Acer trees
- Loss of outlook
- Loss of privacy/overlooking
- Loss off sunlight
- Contrary to Policy H6 and KP5, KP17 and EN9
- Construction Traffic (Amenity)
- Extension scale
- Extension design
- Roof extension design
- Not in keeping with Conservation Area
- Out of accord with PPW as does not preserve historic character
- Adverse impact on local businesses
- The majority of works have been completed

8. **ANALYSIS**

8.1 **EIA**

The development has been screened in respect of the T&CP Environmental Impact Assessment Regulations (Wales) 2017 and found not to constitute EIA Development / be likely to have such significant environmental effect as to require the submission of an Environmental Statement to allow the Local Planning Authority to determine this application.

8.2 **Principal Matters**

The principal matters for consideration are the impact of the extensions on the Character and Appearance of the Cathedral Road Conservation Area; and the impact of the development on the amenity of neighbours.

8.3 **Land Use**

The application site falls within the settlement boundary as defined by the LDP Proposals Map and has no specific designation or allocation.

The surrounding area is primarily residential in nature.

The premises were formerly used as a residential care home. The application has therefore been assessed against Policy H6: [Change of Use or Redevelopment to Residential Use].

Policy H6 permits the change of redundant premises or redevelopment of redundant previously developed land for residential use where:-

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

The care home is no longer in use and given the character and context of the area, being predominantly residential and located in a highly sustainable location in close proximity to a range of local services and facilities, including Cathedral Road Local Centre and Cardiff City Centre facilities and being well served by public transport, the application raises no land use policy concerns.

8.4 Good Quality and Sustainable Design

Scale and Massing

Further to revision, amended plans confirm the scheme is now essentially limited to the building envelope of the property as originally constructed. No extensions other than the apex dormer roof projections are proposed. The various substantial non original extensions are removed to be replaced by a courtyard/garden amenity area, and an access pathway reintroduced between 104 and 106 Cathedral Road. This package of works is very welcome, from both a design and conservation perspective.

Amenity of future occupiers

In respect of space standards, The proposed accommodation meets Supplementary Planning Guidance criteria in respect of advisory floorspace standards for the number of bedrooms proposed in each of the flats ranging from the smallest 1 bed flat at 40m² to the largest 3 bed flat at 80m².

The conversion utilises the roof space within the rear annexe wings to provide additional second floor level accommodation. The rear annexe wings of 104 and 106 Cathedral Road face each other at a distance of approximately 6m and the design seeks to mitigate any privacy issues by relating vertical glazing within three apex dormer roof projections at 104 Cathedral Road to four slightly offset in-plane rooflight windows at 106 Cathedral road, these are set into the roofs and provide a separation distance of approximately 7.5m. Given the context, angle of view and positioning of the roof projections/rooflights this is considered to afford an acceptable level of privacy between opposite occupants in the given context, as it is no different or better than the relationship existing between annexe windows at lower levels, or in many other instances in the area.

Also given that the accommodation is market housing, it would be a buyers choice whether this relationship was considered acceptable.

Conversion of existing building

Further to removal of the non-original extensions, which is welcomed, the overlooking relationships within the inner courtyard of the properties are as existing, and as exhibited between many detached and semi-detached pairs of properties along the road consistent with their original build. Although the privacy relationships do not conform with the 10.5m / 21m separation distances between habitable room windows for new build houses suggested in the Council's SPG for residential design, the relationships are considered appropriate and consistent with established relationships in the area.

The flats would be required to achieve a minimum level of sound insulation between adjacent units and adjacent property under current Building Regulations requirements.

8.5 Amenity of residents of nearby properties

Density

In respect of density, the amended drawings indicate a reduction in the overall number of flat units proposed to 18 Total. These comprise,

9x	1 bedroom units
7x	2 bedroom units
2x	3 bedroom units

This would provide a total 29 bedrooms / 20 double beds and 9 single beds. Although it is exceptionally unlikely that each bed would be occupied to capacity, this would provide an absolute maximum of 49 sleeping spaces.

It is noted that a comparison was raised by one of the objectors on an earlier version of the plans to that of the former care home, which it is understood was licensed for 39 residents.

As such when taking into consideration levels of staffing, and general levels of occupation of multi bedroom flat units, it is not considered likely that there would be a discernible difference in terms of levels of occupation between that of the former care home use and the residential scheme as amended.

Privacy

In respect of privacy to residents of adjacent properties. The rear annexe projection of 108 Cathedral Road would face the rear annexe projection of 110 Cathedral road at a distance of approximately 10.8m. Both property annexes contain large windows as existing. The provision of additional apex dormer windows to the northern roof slope of 108 Cathedral Road above the existing windows but at a distance of approximately 11.8m is not considered to unduly impact on the existing relationship between the two properties.

The distance between the rear bay windows within the application property and the Boundary/window plane of the properties in Sophia Close to the rear is approximately 38m and 50m respectively. There is not considered to be any adverse privacy relationship at this level of separation.

Noise

The expected noise/activity levels emitted from the proposed flats is not considered likely to be materially different to that emitted from the care home. To achieve Building Regulations compliance, the premises will need to be adequately insulated to mitigate against noise transference between flats and between adjoining properties.

8.6 Historic Environment

Policies KP17 and EN9 apply

Specific objections to the design of the larger extensions originally proposed are noted, however these have now been removed from the scheme at the planning officer's request.

Specific objection to the roof projection proposals from neighbours on historic environment grounds remain.

It is noted that three of the centrally ridged roof gable presentations would be inward facing and not highly visible from public land. It was considered whether the pitch of the roofs might be increased to appear more Victorian, but this would increase the overall height of the roof projections, and the current proposal was therefore considered to provide an acceptable balance of height and massing.

Although Victorian and Edwardian properties often included skylights in their design, a proliferation of rooflights was not characteristic of the period of construction. In this respect the placement of rooflights on roof slopes less easily viewed from public land is considered appropriate and acceptable, and the use of apex dormers on slopes with a greater public view more appropriate.

The impact of the presentation of a further three apex dormers to the NW facing annexe roof slope of 108 Cathedral Road, toward the Sophia Walk access lane/side elevation of 110 Cathedral Road has been considered. The gables would be visible from the Sophia Gardens end of the access lane, but would not be visible from Cathedral Road, as the annexe wings are set far back into the return of the main building. As this is the case, the gables are not considered to adversely impact on the character or appearance of the area as experienced from the principal highway.

The Gables would also be visible across rear gardens if viewed from Dyfrig Street, at a distance of circa 45m. At this distance the gables are not considered to be overly domineering features, and are not in any event uncharacteristic of many features on the rear of buildings in the area, nor if considered against historic apex gable projections which define the character of some terraces, such as Dyfrig Street itself. As this is the case the apex dormer projections are not considered unduly harmful to the character of the area. A condition relating to the architectural detailing of the gables is also recommended to attempt to ensure that the gables have an appropriately historic character. The planning Officer is aware that the carcass of the gables has been erected in recent weeks, and the agent advised that this is both premature and at risk, and may require revision to achieve appropriate detailing.

Façade changes to Cathedral Road.

The proposals to remove the infill between 104 and 106 Cathedral Road are generally welcomed. The works will require cleaning and making good of the returns of the infill at upper levels. The retention of the arched opening at ground

floor level, whilst not thought original, is not objectionable.

Overall, the removal of the infill and rear extensions to the application properties and their effective replacement with a small number of roof extensions in secondary planes of the buildings is considered to have a neutral impact in terms of the historic environment which policies KP17 and EN9 of the LDP seek to preserve.

The execution/making good of these works can be controlled by condition.

8.7 Tree preservation/protection

A large street tree is located on the footway in front of 108 Cathedral Road; and a large TPO tree exists within the front garden of 102 Cathedral road which has a canopy overhanging 104 Cathedral road and potentially both have root structures which may extend into the application site. There is also a group of young maple trees within the front garden of the application site.

The Council's tree officer has commented that whilst the development does not appear to impact on any trees directly, harm could result to trees on third party land, It would seem reasonable therefore to seek the establishment of protective fencing during construction works to ensure no storage or excavations are undertaken under the canopy spreads of these trees.

The Tree Officer has suggested standard Tree Protection / Arboricultural Method Statement conditions be applied, and this can be accommodated and would take effect from the time any planning permission were granted .

8.8 Sustainable Transport

Policies KP8, and T1 apply, the above policies seek to direct development to sustainable locations and where modes of travel which are more sustainable than combustion engine vehicles are practical and encouraged.

The site is in a very sustainable location for residential use, being within metres of the Cathedral Road district centre and its shopping offers and amenities; and also within easy walking distance of the Canton shopping area and the town centre; and also to city wide and national transport interchanges located there and within Sophia Gardens.

Neighbour objections citing a lack of car parking space for residents is noted, but not concurred with. The revised scheme provides for a mix of 16 car parking spaces, room for a motorcycle, and 29 cycle spaces. This is considered acceptable in this location where local services and facilities can easily be accessed by walking. The Car parking ratio of a maximum of one parking space per unit is also confirmed as policy compliant.

Further objection comments suggest that the development will effect an increased demand for already inadequate available on street car parking spaces in the surrounding area. It is accepted that there is a potential to this,

however the existing levels of demand is evident and will likely make potential residents reassess their need for a car as well as the appropriateness of the property if they only deem property with a dedicated car parking facility a necessity. There is nothing to suggest however that the 16 space allocation for 18 units in a city centre location is an inadequate provision.

Service Vehicle Access Difficulties

Objection has been raised on the basis that the development will exacerbate existing access difficulties for service and emergency vehicles caused by increased demand for car parking spaces in Sophia Walk and the surrounding streets. Sophia Walk and surrounding streets are noted to be adopted highways with existing traffic orders and finite capacity. Any breach of traffic orders, or obstruction of the highway would be a matter for traffic / law enforcement officers. There is nothing inherent in the proposals which would suggest that conversion of the property to flats would be more likely to exacerbate any access or manoeuvring difficulties for service vehicles in the lane.

Highway Improvements

The Transportation Officer's comments are noted as is the request for a financial contribution toward improvement works to Sophia Walk. Neighbour comments and objections have also stated concern over the impact of the development on the condition of the lane in terms of potential damage caused by construction vehicles and generally in respect of potentially increased usage.

The applicant has agreed to the payment of £10,000 to offset any necessary highway works.

The Planning Officer has noted however that the lane is an adopted highway and falls to be maintained by the Council through general revenues. Although the surface condition of the lane is not perfect, and poor in places, it is not considered that any increased usage of the lane as might occur as a consequence of the development would warrant the payment of a financial contribution to the Local Authority.

However In respect of the potential for the development to cause damage to the lane as a consequence of the movement of construction vehicles, the request for a commuted payment toward resurfacing of the highway is considered to meet relevant planning tests of relevance reasonableness and proportionality.

8.9 Walking and Cycling

The scheme has been altered to provide a covered cycle storage facility between No's 104 and 106 Cathedral Road. The storage facility benefits from passive overlooking by residents and is positioned in an area generally screened from view of the General public. The agent confirms that the scheme will accommodate 29 cycle spaces in accordance with Supplementary Planning Guidance ratios. This can be secured in perpetuity by means of condition.

8.10 Climate Change/Flooding

Policies KP15 and EN14 apply. The area has flooded historically, but is well established residential area of the City and has for many years also benefitted from additional flood defences to the Taff River.

The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk.

General residential usage is classified as a highly vulnerable use; but there is evidently precedent of the property being used for care home purposes by arguably persons of even greater vulnerability than is proposed immediately prior to this application proposal. It would therefore be perverse to consider such a use unacceptable in principle in these properties.

It is noted that NRW confirm no objection to the proposal but rather unusually suggest that as it is located within the 1% (1 in 100 year) annual probability fluvial flood outlines of the River Taff, that the application presents an opportunity to raise awareness of the flood risk to future occupiers of the property, to incorporate flood resistance/resilience measures into the refurbishment works, and make provisions for flood warning and emergency access/ egress in the event of an extreme flooding event.

As such the applicant was reasonably requested to undertake a flood consequences assessment/plan.

The assessment confirms that TAN 15 indicates (para 6.2) that new development should only be permitted within zone C1 if determined by the planning authority to be justified in that location against relevant criteria.

The relevant criteria are as follows:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and
- iii. It concurs with the aims of PPW and meets the definition of previously developed land; and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered.

The conclusion of the assessment is that the site complies with the criteria outlined in TAN 15 in regard to justification for the location of development. In that it is located in a residential settlement boundary within the LDP; it conforms with the definition of previously developed land and critically that the site level

(approximately 8.0m AOD) is above the impounded water level of 7.5 m and should protect the development in all but an extreme flooding event.

The planning officer is therefore satisfied that the applicant is aware of the potential for flooding and has the opportunity to consider implementing flood defence measures into the fabric of the building; and to advise future occupiers of the potential for flooding accordingly. This is reflected in a secondary recommendation of this report and the development considered justified in this location on this basis.

8.11 Affordable Housing

Policy H 3 in combination with the Council's adopted Supplementary Planning Guidance would require 20% of the accommodation provided in a brownfield conversion to be provided as affordable accommodation.

The Housing Managers comments are noted and also the request for a financial contribution in lieu of on-site affordable housing provision.

The developer has been advised of this but has indicated that the scheme is not able to support such a contribution along with other contributions requested. The developer has provided a viability appraisal to confirm this, but has also suggested a contribution which they would offer to try and achieve some of the Council's Planning Policy Objectives as outlined in section 9 of this report.

8.12 Provision Of Open Space

Policy C5 applies and seeks to ensure an appropriate level of public open space is provided in new build development and in residential conversions. Where no provision of Public Open Space can be made on site, a financial contribution is sometimes acceptable in lieu of such provision calculated against the formulae provided in the Council's Adopted Supplementary Planning Guidance. The Parks Officer has confirmed that a financial contribution would be acceptable in this instance in order of £30,400.

The developer has been advised of this but has indicated that the scheme is not able to support such a contribution along with other contributions requested. The developer has provided a viability appraisal to confirm this, but has also suggested a contribution which they would offer to try and achieve some of the Council's Planning Policy Objectives as outlined in section 9 of this report

8.13 Waste Management Facilities

Policy W2 applies. The scheme makes adequate provision for waste storage in the form of a bin store located adjacent to the vehicle access to the property off Sophia Walk. The capacity and location appear policy compliant and the storage facility can be required and maintained by means of condition.

8.14 Other Matters Raised By Objectors

- *No resident parking scheme in operation in the area.*

Residents may approach the Transportation Department to enquire as to the potential for the implementation of a resident parking scheme at any time, and any request would be considered on its merit.

- *Loss of outlook*

As amended the scheme would realise a lesser mass of building than existing and would not impact on outlook from neighbouring residences.

- *Loss of sunlight.*

In comparison with previous iterations, this scheme would have very little impact on shadow casts to surrounding properties, given that the dormer projections do not exceed the ridge of the annexe roofs.

- *Construction Traffic (Amenity)*

Generally acceptable levels of nuisance as maybe caused by construction activities are regulated by Section 60 of the Pollution Control Act 1974. This would apply as it is applied to all development in the city. There is nothing in the scheme to suggest that the context would warrant departure from the regulations as generally applied.

- *Adverse impact on local businesses*

This objection was lodged in respect of suggested impact on levels of available car parking space for operators and clients of local businesses. As indicated elsewhere in the report, the development proposes an acceptable level of off street parking for the development proposed. Short term on street parking is available locally, and public transport options are available. The development is not considered likely to have such an adverse effect on local business operations as to warrant the refusal of permission.

- *The majority of works have been completed*

It is understood that refurbishment works to the properties have been ongoing for some time. Members are advised that Internal remodelling would not in itself require planning permission; however an Officer of the department confirmed in mid-June that external alterations which require planning permission had been undertaken to 108 Cathedral Road. The applicant has been advised that these works are entirely at risk and would be subject to consideration of enforcement action should planning permission not be obtained. If this were to be the case, Members are advised that the works would have to be considered to be causing demonstrable harm to warrant the service of an enforcement notice.

- *Development will add to/be affected by 'nox' pollution levels.*

Air quality is a concern of the Local Authority who are working to improve levels in worst affected areas of the City. In this particular instance, this area of Cathedral Road is not in an air quality management area. The development is for residential use in a number of buildings previously used for residential use. The development will accommodate 16 car parking spaces over three plot widths and will replace, on the basis of photographic record, 8 previous spaces provided over 2 plot widths. This is a relatively small increase in potential off street car parking capacity, and unlikely to significantly impact on nox levels. It is also hoped that given the sustainable location, that occupiers would also choose more sustainable modes of travel in this location, irrespective of off street car parking provision.

Cathedral Road is a busy road, but in this location does not become congested outside of peak hours, It is also not subject to traffic light control, or traffic movement limitations in the area immediately outside of the application premises and so would not ordinarily see traffic stopped or waiting with engines running as might take place at major junctions or interchanges, and residents would not be subject to elevated nox levels as are more typical in such locations.

A recommendation to refuse planning permission for a flatted development in place of a former care home use on air quality grounds is therefore not considered justifiable in this instance.

- *Overdevelopment is contrary to the spirit of conservation.*

The development as amended is not considered to constitute overdevelopment

9. **Section 106 Matters**

- 9.1 The Developer has been advised of the requests for contributions to be made in respect of Highway Improvements, Affordable Housing and Public Open Space totalling £ 265,324 but has indicated that the scheme is not sufficiently viable to meet these requests.
- 9.2 The developer agreed to provide the sum of £10,000 requested by the Transportation Officer for improvement works to Sophia Walk.
- 9.3 As such the developer was asked to submit a viability appraisal and to pay the Council's costs in acquiring an independent assessment of the submitted figures by the District Valuer. This has been undertaken and confirmed by the District Valuer who concludes that the scheme will only achieve a breakeven point at much reduced profit expectation of 12% (20 % being the normally aspired margin) where no contributions would be paid.
- 9.4 Further to this the Planning officer has enquired whether the developer might make some contribution toward the Council's Planning Policy Objectives, and

the developer in recognising the Council's Objectives has offered a payment of £40,000 [total], agreed to be paid in two stages (upon sale of the 9th and 18th units or in any event within 2 years of the date of any planning permission as may be granted, whichever is the sooner). The applicant had also agreed to a much reduced period in which to implement any permission for the change of use, being 18 months as opposed to 5 years, to provide assurance that the development would be implemented within a reasonable timescale of the valuation. However as works have progressed in the intervening period this would seem somewhat academic.

- 9.5 Such obligations are offered by means of a legally binding Unilateral Undertaking.
- 9.6 Given the above, in consideration of the District Valuer's conclusions, and in respect of the currently elevated costs of development and uncertain future market, It is the Planning Officer's recommendation that the Committee accept the £40,000 financial contribution on the terms indicated
- 9.7 For member's information. If £10,000 were ring-fenced for highway improvements, a pro-rata allocation of the remaining £30,000 against the other two service area requests would equate to an allocation of :

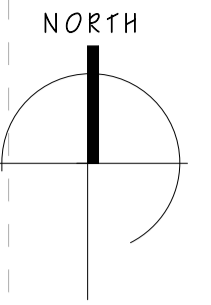
Affordable Housing	£ 26,425
Public Open Space	£ 3,575
Highway Improvements	£ 10,000

The service areas concerned have confirmed their agreement to these allocations should committee be minded to approve the development as recommended.

10. **Conclusion.**

The proposal as amended/limited by condition, results in the sustainable and efficient use of a redundant care home for residential purposes and with an acceptable balance of building modifications which have due regard to the special interest of the Conservation Area and neighbouring amenity.

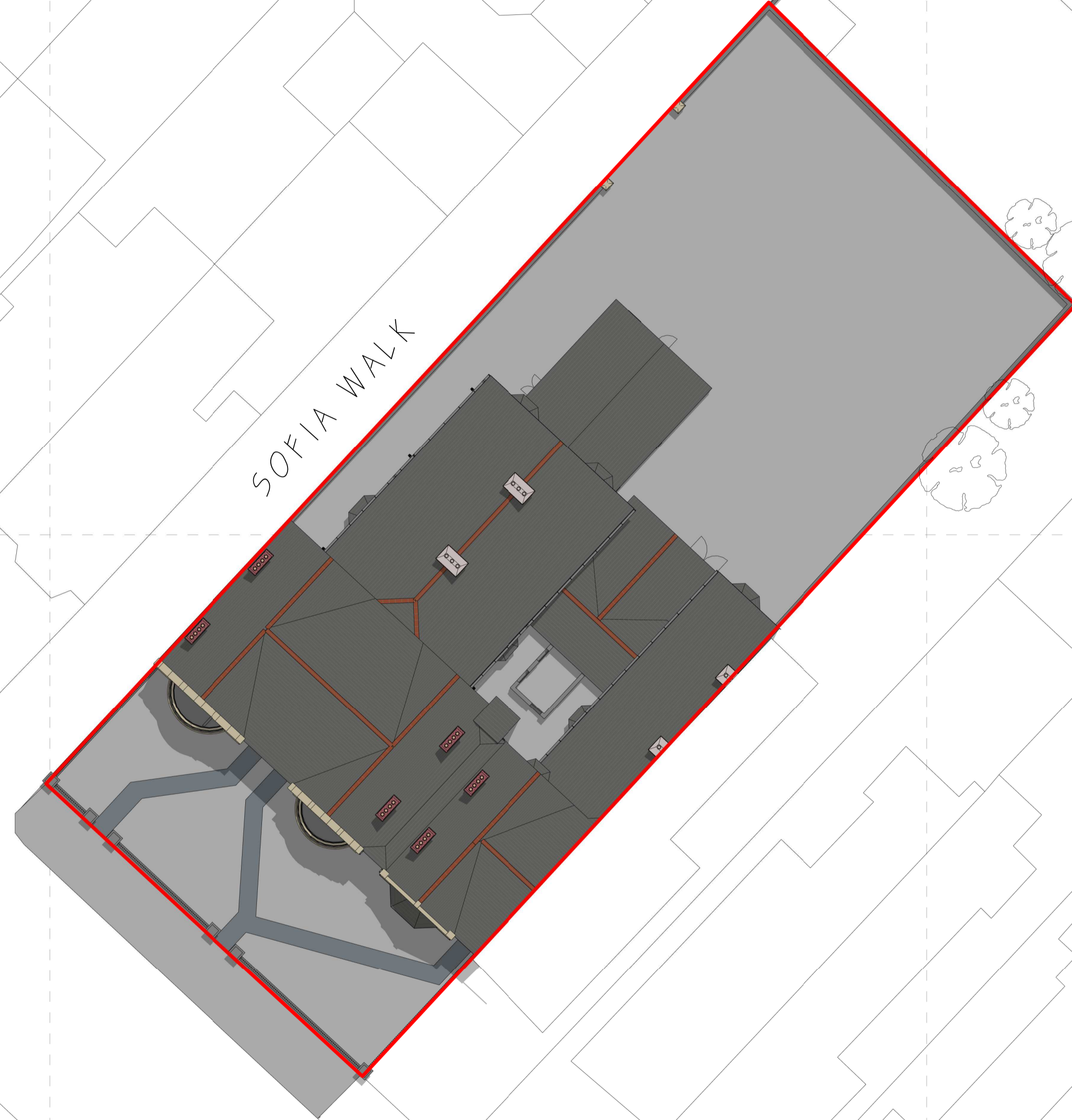
The Granting of Planning Permission subject to the acceptance of a legally binding unilateral undertaking; and appropriate conditions as indicated is recommended.



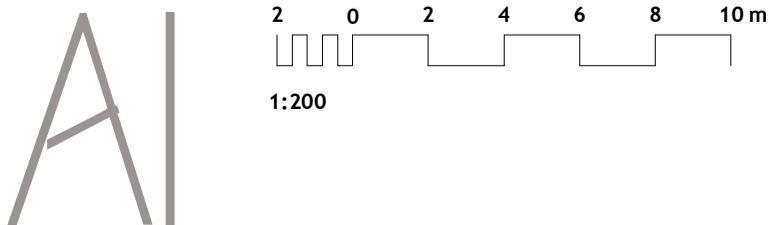
DYFRIG STREET

SOFIA WALK

CATHEDRAL ROAD



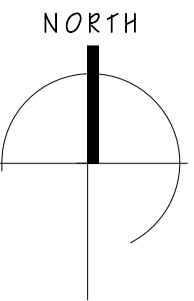
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Rev:
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Date: 27.03.19
Drawn: PP

Job Ref: 19/045
Project: 104-108 CATHEDRAL ROAD
PONTICANNA, CARDIFF

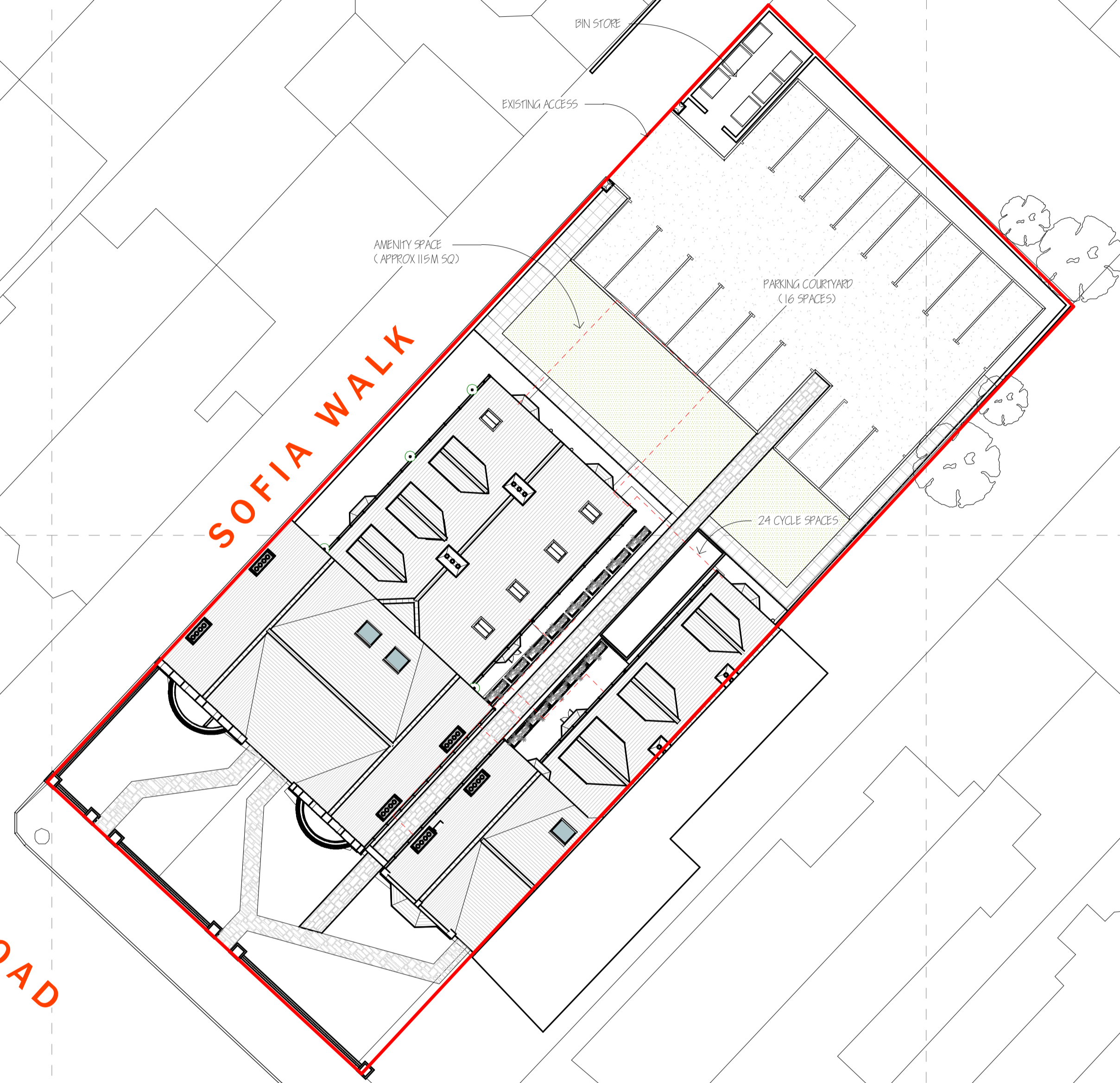
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PLANNING	● CONSTRUCTION	
DESIGN	AS BUILT	



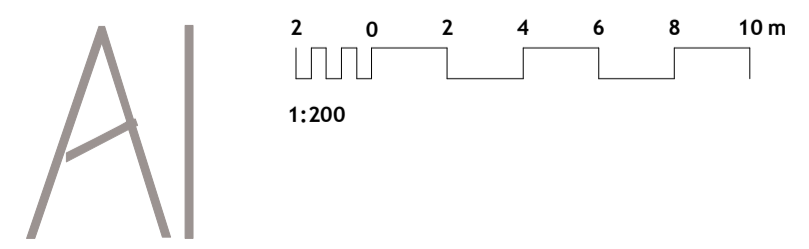
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SOFIA WALK

CATHEDRAL ROAD



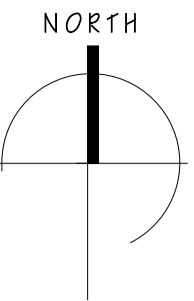
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Rev: E
Scale: 1:200
Date: 27.03.19
Drawn: PP

Job Ref: 19-045
Project: 104-108 CATHEDRAL ROAD
PONTICANNA, CARDIFF

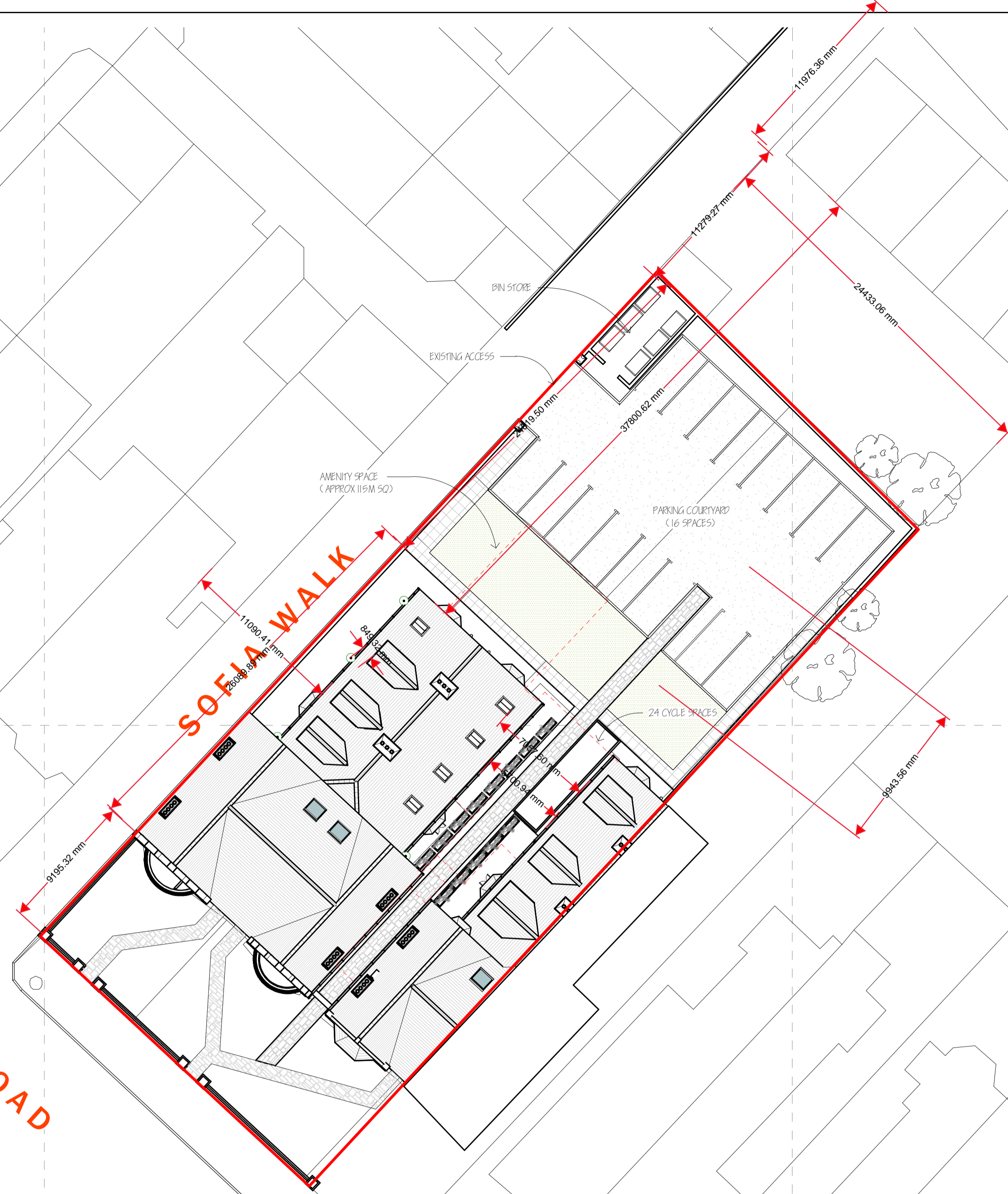
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DESIGN	AS BUILT	



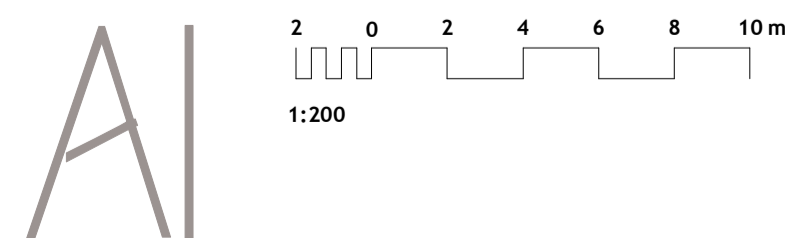
DYFRIG STREET

CATHEDRAL ROAD

SOPIA WALK



PROPOSED SITE PLAN
1:200



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Dwg No: 005
Rev: E
Scale: 1:200
Date: 27.03.19
Drawn: PP

Job Ref: 19-045
Project: 104-108 CATHEDRAL ROAD
PONTICANNA, CARDIFF

PRELIMINARY	TENDER	
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DESIGN	AS BUILT	



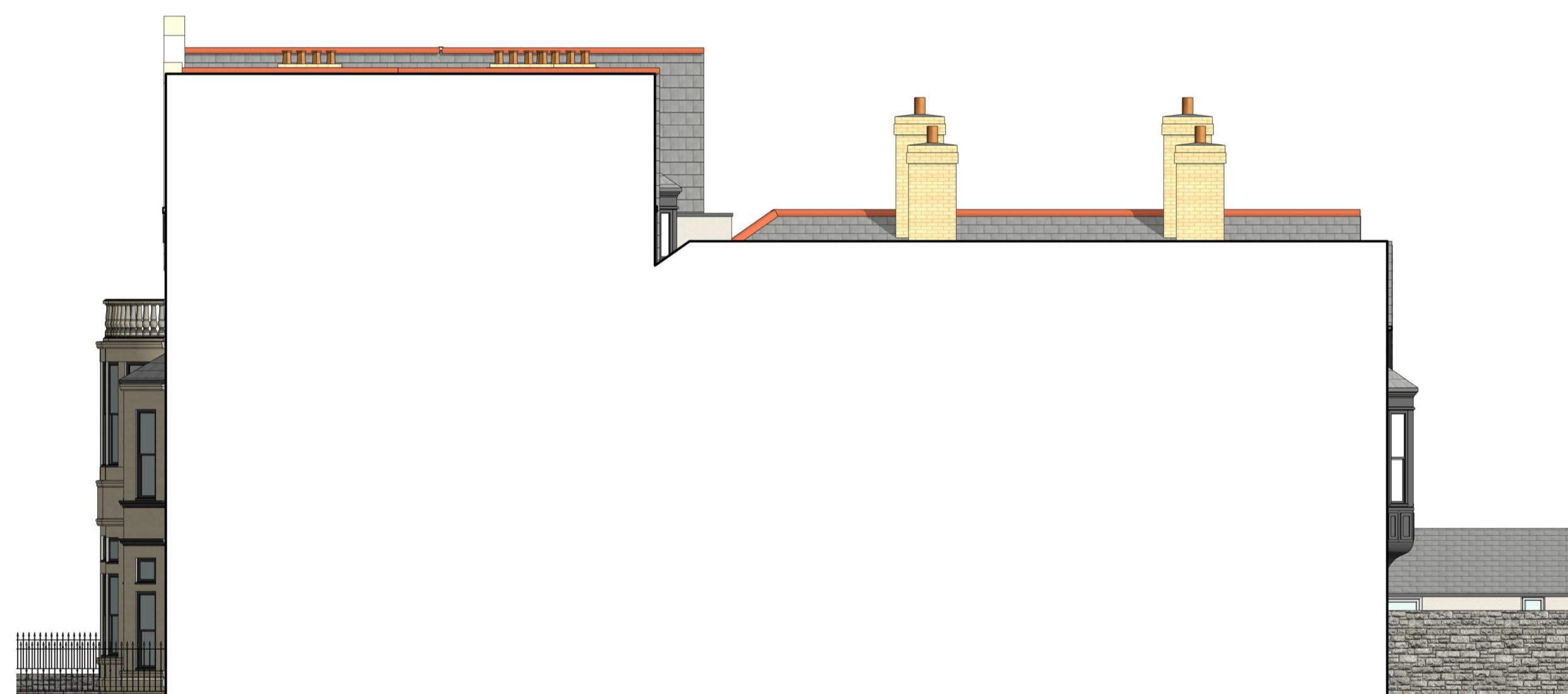
01 EXISTING FRONT ELEVATION
1:100



02 EXISTING SIDE ELEVATION
1:100



03 EXISTING REAR ELEVATION
1:100



04 EXISTING SIDE ELEVATION
1:100

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Title: EXISTING ELEVATIONS
Dwg No: 006
Rev:
Scale: 1:100
Date: 27.03.19
Drawn: PP

Job Ref: 19/045
Project: 104-108 CATHEDRAL ROAD
PONTICANNA, CARDIFF

PRELIMINARY	TENDER	
PLANNING	● CONSTRUCTION	
DESIGN	AS BUILT	



0 | PROPOSED FRONT ELEVATION
1:100

A3

Title: PROPOSED FRONT ELEVATION
 Dwg No: 010
 Rev: E
 Scale: 1:100
 Date: 27.03.19
 Drawn: PP

Job Ref: 19-045
 Project: 104-108 CATHEDRAL ROAD
 PONTCAUNNA, CARDIFF

PRELIMINARY		TENDER	
PLANNING	●	CONSTRUCTION	
DESIGN		AS BUILT	



0 | PROPOSED REAR ELEVATION
1:100

A3

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 Rev: G
 Scale: 1:100
 Date: 27.03.19
 Drawn: PP

Job Ref: 19-045
 Project: 104-108 CATHEDRAL ROAD
 PONTCANNA, CARDIFF

PRELIMINARY		TENDER	
PLANNING	<input checked="" type="checkbox"/>	CONSTRUCTION	
DESIGN		AS BUILT	

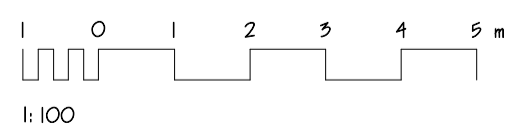


0 | PROPOSED GROUND FLOOR PLAN
1:100



02 | PROPOSED FIRST FLOOR PLAN
1:100

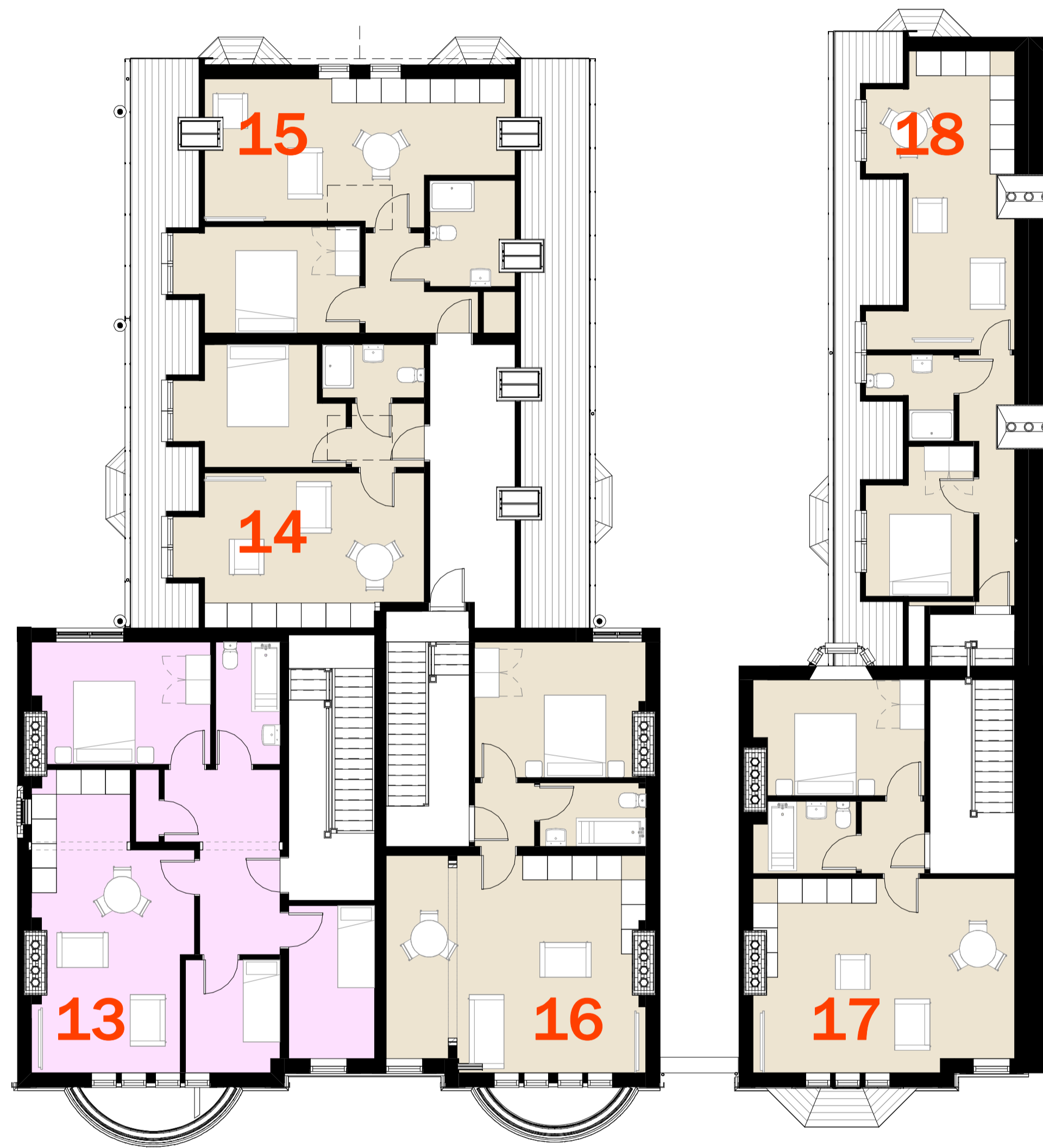
AI



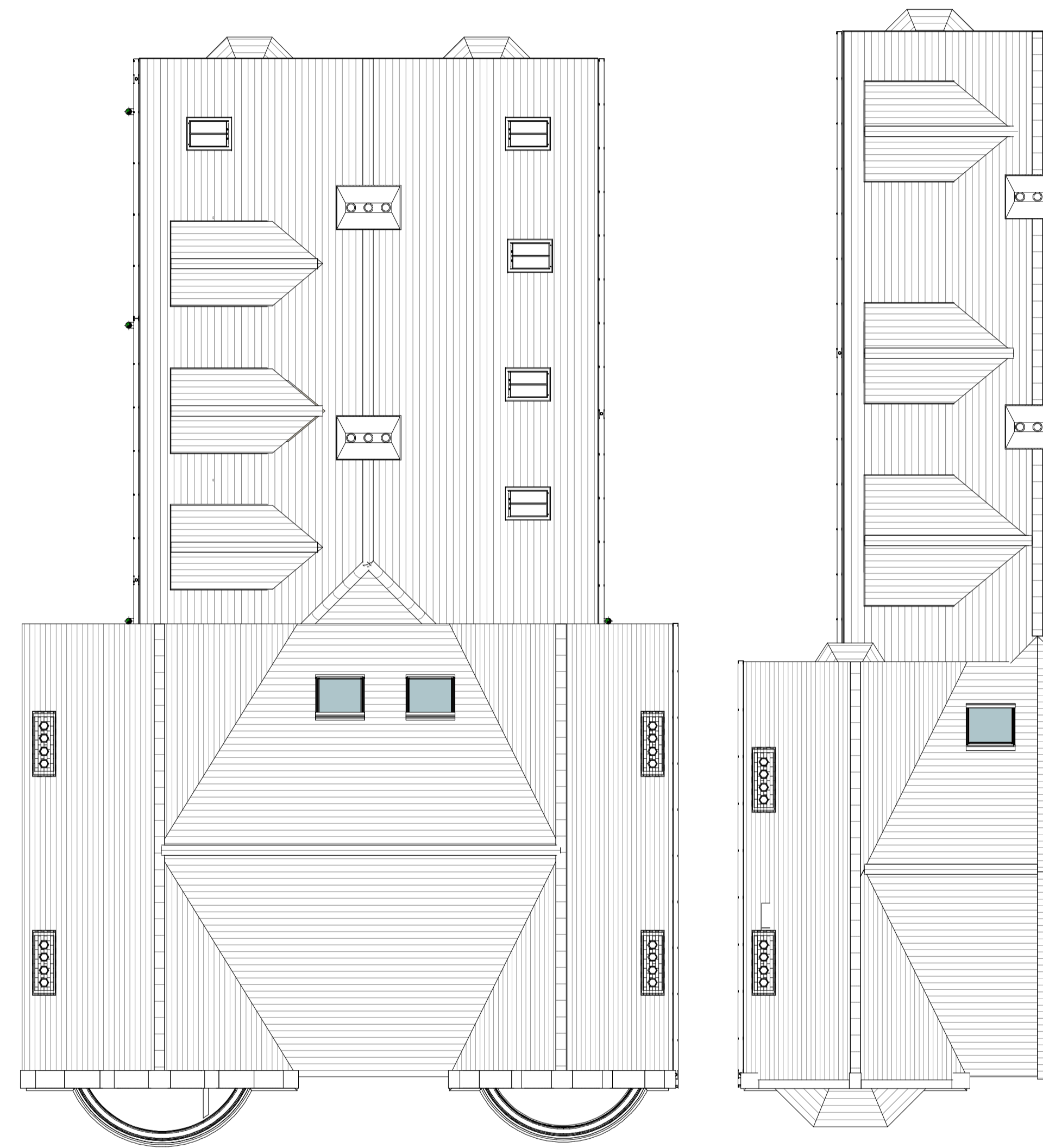
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 Dwg No: 008
 Rev: 1
 Scale: 1:100
 Date: 27.03.19
 Drawn: PP

Job Ref: 19-045
 Project: 104-108 CATHEDRAL ROAD
 PONTICANNA, CARDIFF

PRELIMINARY	TENDER	
PLANNING	● CONSTRUCTION	
DESIGN	AS BUILT	



01 | PROPOSED SECOND FLOOR PLAN
1:100



02 | PROPOSED ROOF PLAN
1:100

AI

Title: PROPOSED SECOND & ROOF PLAN
 Dwg No: 009
 Rev: A
 Scale: 1:100
 Date: 27.03.19
 Drawn: PP

Job Ref: 19-045
 Project: 104-108 CATHEDRAL ROAD
 PONTICANNA, CARDIFF

PRELIMINARY	TENDER	
PLANNING	● CONSTRUCTION	
DESIGN	AS BUILT	