

## LOCAL MEMBER, AM & MP OBJECTIONS & PETITION OF OBJECTION

COMMITTEE DATE: 14/10/2020

APPLICATION No. **19/01956/MJR** APPLICATION DATE: 25/07/2019

ED: **RIVERSIDE**

APP: TYPE: Full Planning Permission

APPLICANT: Cathedral Gardens Ltd

LOCATION: 37-39A CATHEDRAL ROAD, PONTCANNA, CARDIFF, CF11 9XF

PROPOSAL: DEMOLITION OF 39A CATHEDRAL ROAD AND REAR ANNEXES OF 37-39 CATHEDRAL ROAD. CONVERSION OF 37 - 39 CATHEDRAL ROAD TO RESIDENTIAL USE, CONSTRUCTION OF 2 NEW APARTMENT BUILDINGS AND 3 NEW TOWNHOUSES, THE RETENTION OF OUTBUILDING IN CLASS B1 USE AND ASSOCIATED CAR PARKING, LANDSCAPING, ACCESS AND ANCILLARY WORKS

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**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 paragraphs 9.4 and 9.5 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. The development shall be carried out in accordance with the following approved plans and details unless otherwise expressly required by the ensuing conditions:
  - a) Site Location Plan (drawing no SL00)
  - b) Existing Site Plan (drawing no SL01)
  - c) Existing Elevations 1 of 2 (drawing no PE100)
  - d) Existing Elevations 2 of 2 (drawing no PE101)
  - e) Existing Basement & GF Plans (drawing no PP100 Rev A)
  - f) Existing FF&SF Plans (drawing no PP101 Rev A)
  - g) Basement & Ground Floor Demolition Plans (drawing no DP11)
  - h) First & Second Floor Demolition Plans (drawing no DP12)
  - i) Existing outhouse office building (drawing no PP 1000)
  - j) Proposed Site Plan (drawing no SL102 Rev I)

- k) Context Site Plan (drawing no SL103 Rev E)
- l) Proposed GF Plan (drawing no PP101 Rev E)
- m) Proposed 1F Plan (drawing no PP102 Rev D)
- n) Proposed 2F Plan (drawing no PP103 Rev C)
- o) Proposed 3F Plan (drawing no PP104 Rev E)
- p) Proposed Roof Plan (drawing no PP105 Rev A)
- q) Proposed outhouse office building (drawing no PP1001 Rev A)
- r) Block C Elevations (drawing no PE10 Rev C)
- s) Block A Elevations (drawing no PE101 Rev F)
- t) Townhouse Elevations (drawing no PE102 Rev C)
- u) Block B Elevations (drawing no PE103 Rev D)
- v) Proposed Talbot Street Elevation (drawing no PE104 Rev D)
- w) Proposed Cathedral Rd Street Elevation (drawing no PE105 Rev D)
- x) Proposed Rear Lane Elevation (drawing no PE106 Rev D)
- y) Aerial View (drawing no PE201 Rev C)
- z) 3D View Down Talbot St (drawing no PE202 Rev C)
- aa) Site Sections to Properties along Ryder St (drawing no PS01 Rev F)
- bb) Site Section (drawing no PS03 Rev B)
- cc) Proposed Section Block A – Section A (drawing no PS04 Rev A)
- dd) Proposed Section Block A – Section B & C (drawing no PS05 Rev A)
- ee) Site Section (drawing no PS107 Rev D)
- ff) Block A – Stone Cladding Height / Coursing (drawing no CD02)
- gg) Typical External Wall Types (drawing no CD03 Rev A)
- hh) Block C – Window Schedule (drawing no 30 C01 Rev B)
- ii) Flood Risk Assessment (Austin Partnership, dated July 2020 Revision E Final)
- jj) Proposed Site Plan and Retaining Wall Details (drawing no 10 Rev C)
- kk) Proposed Drainage Plan (drawing no 11 Rev B)
- ll) Cathedral Gardens Drainage Strategy and Design Statement (ref CDGA-9841- Rev P1)
- mm) Proposed Drainage Layout (drawing no 100 Rev P5)
- nn) Tree Survey and Tree Constraints Plan (Treescene Arboricultural Consultants, 3<sup>rd</sup> June 2019)
- oo) Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan for 30 Cathedral Rd (Treescene dated 17th Sept 2020)
- pp) Tree Protection Plan (09/2020)
- qq) Arboricultural Impact Assessment drawing (09/2020)
- rr) Diagram 1. No dig construction method
- ss) Landscape Specification and Management Plan (TDA updated August 2020)
- tt) Detailed Soft Landscape Proposals (drawing no TDA.2518.01 Rev 1 03.09.20)
- uu) Tree Pit in Rain Garden (drawing no TDP.2518.02)
- vv) Tree Pit in Soft Landscape (drawing no TDA.2305.03)
- ww) Survey for Bats and Nesting Birds, prepared by David Clements Ecology Ltd, dated February 2020

The following drawings are not approved and do not form part of the permission:

- xx) Block A – Partial Plan, Section & Elevation (drawing no PS06)
- yy) Timber Window Details (drawing no CD01 Rev B)

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt.

## **PART 2: CONDITIONS TO BE DISCHARGED**

### **ARCHITECTURAL DETAILS**

3. Notwithstanding the provisions of condition 2, no above-ground development, except for demolition, shall commence until a scheme showing the architectural detailing of the Cathedral Road and Talbot Street elevations of Block A and the Talbot Street elevation of the Townhouses has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details prior to occupation of the development hereby permitted.

Reason: To ensure a satisfactory finished appearance to the building and to ensure that the character of the conservation area is preserved.

### **WINDOWS AND INSET BALCONIES**

4. Notwithstanding the provisions of condition 2, details of the proposed windows and doors within the retained villas (to a minimum scale of 1:10 including elevations; vertical and horizontal sections with larger scale details to sufficiently describe the proposed units and how they compare to the existing windows) and details of the proposed inset balconies of the retained villas shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the conversion works within the retained buildings. The development shall be carried out in accordance with the approved details prior to occupation of the retained villas.

Reason: To ensure that the character of the conservation area is preserved or enhanced.

### **MATERIALS**

5. Notwithstanding the provisions of condition 2, no above-ground development, except for demolition, shall commence until a scheme and samples of the external finishing materials (to also include a sample panel of no less than 1m x1m of the natural stone, brickwork and mortar proposed for Block A which shall be made available to the Local Planning Authority for inspection on Site) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the stone cladding proposed shall constitute natural Bath stone and not reconstituted stone, and the bricks permitted in discharge of this condition for Block A, Block B and the townhouses shall all be imperial, a stock brick (as opposed to wire-cut) and laid in Flemish bond. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the development hereby permitted. Reason: To ensure a satisfactory finished appearance to the development.

#### EXISTING OUTHOUSE/ OFFICE BUILDING

6. Notwithstanding the provisions of condition 2, details of the bi-fold timber garage doors proposed within the existing outhouse/ office building, to a minimum scale of 1:20 and showing the doors in their 'folded' and closed position, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of any of the residential units hereby permitted. Reason: To ensure a satisfactory finished appearance to the development.

#### BOUNDARY TREATMENT

7. Notwithstanding the provisions of condition 2, no above-ground development, except for demolition, shall commence until a scheme for the retention and repair of the existing stone boundary wall has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, details of proposed new railings, new stone piers and new gates and details of how the works will take place without harm resulting to trees proposed for retention or proposed new trees. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the development hereby permitted.  
Reason: To ensure a satisfactory finished appearance to the development.

#### REFUSE STORAGE

8. Notwithstanding the provisions of condition 2, no above-ground development, except for demolition, shall commence until a scheme showing details (including plans, elevations and proposed materials) of the proposed refuse storage facilities for the townhouses and office building have been submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities approved in discharge of this condition and the refuse facilities for Blocks A, B and C detailed on the Proposed Site Plan (drawing no SL102 Rev I) shall be provided before the development is brought into beneficial use and shall be thereafter retained for future use. No waste shall be stored within the garden areas fronting Cathedral Road at any time and the access paths from the communal bin store to the kerbside for collection shall be at least 1.5m wide, clear of obstruction and of a smooth surface with no steps.  
Reason: To ensure appropriate waste management and ensure a satisfactory finished appearance to the development.

#### FOOTWAY IMPROVEMENTS

9. Prior to the beneficial occupation of the development hereby permitted, a scheme of environmental improvements to the footway on Cathedral Road, Talbot Street, and to the service lane to the rear of the site for a distance equating to the perimeter of the site, shall be provided in accordance with a scheme of detail which shall first have been submitted to and agreed in writing by the local planning authority. The scheme shall address, but not be limited to, matters of site access, footway repairs, resurfacing of the service lane, including as required the renewal or resetting of sunken or damaged paving, kerbs, channels and edging, lighting, and signing as may be

required, and the provision of a drop kerb onto Talbot Street to facilitate refuse collection.

Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.

#### REAR ACCESS GATE/ JUNCTION

10. Notwithstanding the provisions of condition 2, no above-ground development, except for demolition, shall commence until details showing the access with the rear lane and how the vehicle entry gate will operate shall be submitted to and approved in writing by the Local Planning Authority, to include information on how pedestrians and cyclists will be able to gain suitable access at this location. The approved details shall be implemented prior to beneficial occupation of the development hereby permitted.

Reason: To ensure that adequate provision is made for pedestrians, cyclists and vehicles.

#### GROUND GAS PROTECTION

11. Prior to the commencement of the construction phase of the development hereby permitted, a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. If no protection measures are required then no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. \* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

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

#### CONTAMINATED LAND MEASURES – ASSESSMENT

12. No development shall take place, except for demolition, until an assessment of the nature and extent of contamination and a report of its findings is 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' (2012), 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

13. No development shall commence, except for demolition, until 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 has been 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 2012), 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

14. 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 hereby permitted. 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 2012), 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

15. 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

16. 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

17. 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

18. 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.

#### CEMP

19. Prior to the commencement of development including any works of 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 hoarding and enclosure, site access, the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, a plan showing the location of the storage of plant and materials (which shall avoid any areas proposed for attenuation and SuDS features and harm to trees), wheel washing facilities, measures to control the emission of dust and dirt during demolition and construction and a scheme for the re-use/recycling/disposal of waste resulting from demolition and construction works. The CEMP shall be adhered to throughout the demolition and construction period. Reason: To manage the impact of construction in the interests of highway safety, protection of the environment and public amenity.



#### AIR QUALITY ASSESSMENT

20. No above ground development shall take place, except for demolition, until an air quality assessment and scheme of any necessary mitigation measures for the operational phase of the development has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be based on an approved Scope of Works and Methodology for the assessment of air quality for the operational phase which shall be submitted to and approved in writing by the Local Planning Authority in partial discharge of this condition. The development shall be completed in accordance with the approved details prior to beneficial occupation of the development hereby permitted.

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

#### ROAD TRAFFIC NOISE

21. Prior to the commencement of above ground development, except for demolition, 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 private 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.

#### CYCLE PARKING

22. Notwithstanding the provisions of condition 2, details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be fully implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces 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.

### **PART 3: COMPLIANCE CONDITIONS**

#### BATS AND BIRD MITIGATION AND ENHANCEMENT

23. The recommendations in respect of bats set out in paragraphs 5.1.1 to 5.1.16 (inclusive) and in respect of nesting birds set out in paragraphs 5.21 to 5.2.4 (inclusive) of the Survey for Bats and Nesting Birds, prepared by David Clements Ecology Ltd, dated February 2020 shall be implemented in full accordance with the approved details and the features shall be retained and maintained during the lifetime of the development.

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).

#### TREE PRESERVATION AND LANDSCAPE IMPLEMENTATION

24. All trees within the site shown for retention on the plan submitted with the application shall be preserved and maintained in accordance with the approved details and no development, including demolition, shall commence and no equipment, plant or materials shall be brought onto the site for the purposes of development until the trees shown for retention have been protected in accordance with the approved details. The hard and soft landscape works shall be carried out in accordance with the approved details prior to the beneficial occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority in discharge of this condition. Any retained or planted trees or plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their death with others of the same size and species and to the same specification as approved, unless the Local Planning Authority gives written consent to any variation in discharge of this condition.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and because the trees are of value in the local environment and should be protected and maintained in the interests of visual amenity.

#### FOUL AND SURFACE WATER DRAINAGE

25. No dwelling hereby permitted shall be occupied until the drainage scheme for the site has been completed in accordance with the submitted details and the foul and surface water drainage (including SuDS) shall be retained and maintained in perpetuity. No new connection shall be made to the brick work sewer in Cathedral Rd.

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/controlled waters.

#### ELECTRIC VEHICLE CHARGING

26. Prior to the beneficial occupation of any dwelling hereby permitted, a scheme for the provision of electric vehicle charging shall be implemented, which shall include – as a minimum – that 10% of parking bays designated for the flats shall be provided with dedicated electric vehicle weatherproof charging points and that each townhouse shall be provided with one electric vehicle dedicated charging point or installation of passive wiring to allow a future charging point connection.

Reason: To promote the use of electric vehicles in line with the Council's Guidance for Developers.

### CAR PARKING

27. The car parking spaces shall be laid out in accordance with the approved plans and a maximum of 1 car parking space shall be assigned to each townhouse hereby permitted.

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

### PREVENTION OF ROOF TERRACES

28. The proposed green roof of Block B shall not be used at any time as a roof terrace and access shall only be permitted to the green roof for the purpose of maintenance and means of escape in an emergency.

Reason: To protect the amenities of adjoining neighbours.

### NESTING BIRDS

29. No removal of hedgerows, trees, scrub or shrubs shall take place between 1st March and 15th August inclusive unless otherwise approved in writing by the Local Planning Authority.

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

### PRIVACY MEASURES

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), the following measures shown on the plans identified in condition 2 shall be implemented prior to occupation of the development hereby permitted and shall be retained thereafter:

- Block B – a 1.7m high privacy screen shall be provided to the end balconies at ground, first and second floors on the side elevation facing Ryder St dwellings
- Block B – a full height privacy screen shall be provided to the communal walkways at ground, first and second floors on the side elevation facing Ryder St dwellings
- Block B – the 3 no windows shown on the rear elevation shall be obscured and fixed
- Raised communal garden – a min 1.75m balustrade shall be provided as a means of enclosure and the proposed hedge planted behind that
- The gated external passageway running to the side of flat C03 shall be accessed for maintenance only and shall not be used as a common shared footway by future residents
- The bedroom and bathroom windows on the side elevation of flat C01 (shown on elevation 5 of drawing no PE10C) and the bathroom window of flats C02, C06 and C10 (shown on SW elevation of drawing no PE10C) shall be obscurely glazed and retained as such in perpetuity.

Reason: To protect the amenities of future residents and adjoining neighbours.

## FINISHED FLOOR AND SITE LEVELS AND FLOOD WALL

31. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (Revision E). The Finished Floor Level of the ground floor of the townhouses, Block A and Block C and the ground levels of the pedestrian and vehicular accesses, car park and amenity space across the site shall be finished in accordance with the levels shown on the Proposed Site Plan (drawing no SL102Rev1), Proposed Site Plan and Retaining Wall Details' (drawing no 10 C) and the conclusions of the Flood Risk Assessment (Revision E). The retaining wall and raised access to the car park, which is designed to protect the car parking area from flooding, shall be implemented in accordance with the approved plans prior to occupation of the development hereby permitted and shall be maintained and retained for the lifetime of the development.

Reason: In line with the recommendations of the approved Flood Risk Assessment (Revision E) to mitigate flood risk.

## FLOOD ACCEPTABILITY MEASURES

32. Prior to beneficial occupation of the development hereby permitted, new residents shall be advised of the flood risks and consequences, flood emergency plans and procedures, and the NRW early flood warning alert system. Flood emergency plans and procedures shall be put in place for future occupiers prior to occupation of the first residential unit.

Reason: To ensure that new residents are aware of the potential for the property to be affected in the scenario of an extreme flooding event.

**RECOMMENDATION 2:** The developer is respectfully reminded of condition 2 attached to Conservation Area Consent 16/001818/MJR (CAC, which requires that no Demolition shall take place until such time as evidence is provided to the Local Planning Authority that a Contract has been let for the redevelopment of the site in accordance with a valid planning permission.

Reason: Demolition in isolation would adversely affect the character and appearance of the Cathedral Road Conservation Area and may result in a gap site to the further detriment of that area.

**RECOMMENDATION 3 :** 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 4 :** 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 licence. 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 5:** That the developer be aware of the advice from the Operational Manager Transportation that future residents of the site would not be eligible for residential parking permits on the local roads adjacent to the site.

**RECOMMENDATION 6:** The highway works condition and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and the Local Highway Authority

**RECOMMENDATION 7:** That the developer be advised of the following advice from NRW which applies to the development hereby permitted **including any works of demolition:**

**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/permitsandpermissions/protected-species-licensing/european-protected-specieslicensing/information-oneuropean->

[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 or Natural Resources Wales has informed the applicant in writing that such a licence is not required. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application. We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

**RECOMMENDATION 8:** The developer/ applicant is advised of 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.co](http://www.dwrcymru.co). 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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

**RECOMMENDATION 9:** The applicant be advised that 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. Individual 140L/240L wheeled bins can be purchased directly via waste management at (029) 2071 7500. Bulk supply of 140L wheeled bins, or 660L/1100L wheeled bins should be ordered via our bin order form located at [www.cardiff.gov.uk/wasteplanning](http://www.cardiff.gov.uk/wasteplanning).

**RECOMMENDATION 10:** The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to

company / business names). Cardiff Council's Bilingual Cardiff team ([BilingualCardiff@cardiff.gov.uk](mailto:BilingualCardiff@cardiff.gov.uk)) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

**RECOMMENDATION 11:** 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 12:** That the developer be advised of the advice received from South Wales Police.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This is an application for full planning permission, as amended, for the demolition of the former vicarage building at 39A Cathedral Rd and the rear annexes of 37-39 Cathedral Rd, the conversion of 37 – 39 Cathedral Rd to residential use (Block C), the construction of 2 new purpose built apartment buildings (Blocks A and B) and 3 new townhouses, the retention of an outbuilding in Class B1 use and associated car parking, landscaping, access, sustainable drainage features and ancillary works.
- 1.2 As amended, the development would deliver 33 flats (16 x 1 bed, 17 x 2 bed) and 3 x 4 bed townhouses, in a scheme comprising:
- The demolition of the 2 storey former vicarage building at 39A Cathedral Rd and the rear annexes of 37 and 39 Cathedral Rd
  - Conversion of the 3 storey historic villas at 37-39 to provide 11 new flats with landlord area (Block C), with alternations including inset balconies, a new rooflight and window repairs and alterations
  - New build apartments (Block A) over 3 - 4 floors with a lower ground floor to provide 12 flats fronting Cathedral Road, incorporating bin, bulky waste and cycle store (14 spaces) with front entrance off Cathedral Rd and rear access from Talbot St
  - Three townhouses (3 storey) fronting Talbot Street, with front and rear gardens, first floor roof terraces and bike sheds, front doors and bin store accessed off Talbot St and rear access
  - New build apartments (Block B) with 10 flats provided over 3 - 4 floors with a lower ground level for access and undercroft car parking, accessed via Cathedral Rd and Talbot St, with balconies, a private set-back roof terrace and a green roof (non-accessible)
  - Ramped/undercroft car parking with stepped and lift access and providing 23 no car parking spaces and a further 42 no cycle parking spaces (total of 56 cycle parking spaces)
  - A landscaping scheme, including a central landscaped deck, amenity spaces along the Cathedral Rd frontage, to the rear of the block B and the townhouses, sustainable drainage features (including rain gardens and soakaways) and planting

- Tree proposals, comprising the loss of 4 no category 'C' individual Conservation Area trees T4, T8, T9, T10, 1 no category 'C' group of Conservation Area trees G7, the retention of the large TPO purple beech T11 at the rear of the site and 'B' category tree T3 and 'C' category trees T2, T5, T6 on the Cathedral Rd frontage and the planting of x7 new trees (including x1 very large tree (*Quercus palustris*), x2 large trees (*Acer x freemanii* 'Armstrong'), X2 medium trees (*Ligustrum japonicum*) and x2 small trees in planters (*Cornus controversa* 'Variegata')
  - The retention of the garage building in Class B1 use and proposals for a bi-fold timber garage door to be installed in front of the existing doors.
- 1.3 The ramped / undercroft car park would be provided to the rear of the site, accessed via a ramp to an adopted service lane that runs between Talbot St and Hamilton St. Pedestrian access would be via Cathedral Rd, Talbot St and the rear lane. Access from the basement car park to the residential accommodation would be secured both by a platform lift and stairs. A total of 23 car parking spaces would be provided. 56 cycle parking spaces would be provided for the apartments (50 bedrooms in total) and each town house would have a bike shed in their rear garden. A management company would be set up to deal with maintenance and upkeep of internal and external communal areas.
- 1.4 The planning application, as initially submitted, proposed 51 flats and comprised:
- Conversion of No's 37-39 to provide 11 new flats (Block C)
  - New build apartments (Block A) over 4 storeys to provide 23 flats fronting Cathedral Road and Talbot Street, incorporating bin and cycle store (80 spaces)
  - New build apartments (Block B) over 3 – 5 storeys to provide 17 flats
  - Surface level car parking (26 spaces) accessed via rear lane and 80 cycle parking spaces
  - More limited amenity space and SuDS, and a landscaping scheme that proposed the loss of all bar 3 trees on site and a single replacement tree.
- 1.5 Five sets of amended plans/additional have been submitted and subject to public consultation (highlighted in bold below) as officers sought amendments to reduce the scale and massing of development, amend the architectural form and detailing, and resolve technical issues and inconsistencies in respect of trees and landscaping, flood-risk and SuDS. A further submission was submitted to DCWW, NRW and drainage colleagues only to progress drainage matters. The description has been amended to reflect the amended schedule of accommodation.
- 1.6 The **August 2019 submission** solely encompassed the submission of the Exploratory Geotechnical and Geo-environmental Investigation (April 2019) as additional information.
- 1.7 The **December 2019 submission** included the following key amendments:
- Reduction in the number of apartments from 51 flats to 33 flats and 3 townhouses



- Removal of the annex to block A and its scale and massing reduced to reflect the villas at no 37 – 39. Amendment to gable pitch to reflect adjoining properties and Bath stone bays introduced. Footprint amended to reflect Victorian villas in terms of plot width, rhythm and depth into the site
- A terrace of 3 contemporary townhouses with their own gardens introduced to the rear of block A, in place of the previously proposed annexe, with a reduced scale and massing
- Block B detached from the existing Villas at 37 – 39 Cathedral Rd, and reduced in length and height (with main roof sitting below the ridge line of the existing villas)
- The amenity space to the rear of block B increased in size and a central raised landscape deck introduced
- Amended landscape proposals, including the continued loss of all bar 3 trees on site and x 8 new trees
- Amended SuDS proposals and a revised FCA (Revision D)
- Creation of ramped/basement car parking area and reduction in parking spaces from 26 to 24 and 53 cycle parking spaces.

1.8 Whilst not subject to public consultation, a January 2020 submission – comprising an amended drainage ‘Proposed Site and Ground Floor Plan’ (19.4340 02 Rev H) and letter was submitted to address the NRW concerns raised following the December 2019 submission, and issued to NRW, DCWW and the Council’s drainage team only. Additional information on flood compensation storage (letter dated 24/02/20) was submitted to address NRW concerns and issued to NRW and the Council’s drainage team.

1.9 The **February 2020** submission included the following key amendments:

- Removal of roof lights from Block A and provision of architectural details
- Amended landscaping plan (rev B) – removal of all trees on site except for the copper beech and 11 new trees
- Amended SuDS proposals
- Car parking spaces reduced from 24 to 23 spaces, with 55 cycle parking spaces and a platform lift
- Revised Survey for Bats and Nesting Birds (February 2020)

1.10 The **March 2020** amended plans submission included the following amendments:

- architectural detailing
- increase to 56 cycle parking spaces
- Amended landscaping and SuDS details.

1.11 The **September 2020** amended plans submission included the following amendments:

- Amended tree and landscaping, FCA and SuDs details to address inconsistencies and conflicts between built development, trees and SuDS
- Minor amendments to buildings, including addition of lift shaft overruns to Block A and B, architectural detailing and amendments to address privacy matters and drawing inconsistencies.

- 1.12 The application is supported by the following documents, as amended:
- Application drawings, including drainage and SuDS details, landscape proposals, architectural details (timber windows, stone cladding, external wall types, window schedule, cycle parking details)
  - a Pre-Application Consultation (PAC) report (Savills, July 2019)
  - Design and Access Statement (DAS), as amended (John Wotton Architects, Revision L)
  - Planning Statement (Update) (Savills, November 2019)
  - Schedule of Accommodation (revised 15.11.19)
  - Exploratory Geotechnical and Geo-environmental Investigation (Earth Science Partnership, April 2019, ref ESP.7095b.3143)
  - Flood Risk Assessment (Austin Partnership, Revision E, July 2020)
  - Transport Summary Note (Update) (Savills, November 2019)
  - Tree Survey and Tree Constraints Plan (Treescene Arboricultural Consultants, 3<sup>rd</sup> June 2019)
  - Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan for 30 Cathedral Rd (Treescene dated 17<sup>th</sup> Sept 2020)
  - Tree Protection Plan (09/2020)
  - Arboricultural Impact Assessment drawing (09/2020)
  - Landscape Specification and Management Plan (TDA updated August 2020)
  - Survey for Bats and Nesting Birds, prepared by David Clements Ecology Ltd, dated February 2020
  - Viability Statement (Savills, revised December 2019)
- 1.13 In addition to the statutory pre-application consultation for major applications, the application was subject to a discretionary pre-application enquiry prior to formal submission.
- 1.14 A Conservation Area Consent application (19/01957/MJR) was initially submitted and withdrawn as site benefits from CAC 16/001818/MJR, consented 12/01/2017 and which runs for 5 years, expiring 12/01/2022.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a rectangular parcel of brownfield land located on a prominent corner of Cathedral Rd and Talbot St, opposite the main entrance to Sophia Gardens. It is occupied by 3 buildings (nos 37, 39 and 39A), associated car parking, a number of trees (9 individual trees including TPO trees T11 and T5, and a group of trees G7) and amenity space. A street tree lies outside the site adjacent to Cathedral Rd. Vehicular access to the site is via the rear lane and pedestrian access from Cathedral Rd and Talbot St.
- 2.2 All buildings on the site have been vacant for approx 3 years and were last used as offices owned by Church in Wales. Nos 37 and 39 are fine, semi-detached, three storey Victorian townhouses with rear extensions, including single and two storey flat roof modern extensions. The properties have been linked with connecting extensions. No 39A is a two storey, red brick built house constructed in the early twentieth century as a rectory. It was converted to office use in the

later part of the twentieth century and a two storey reception area and ramped corridor added to link 39A to no 39.

- 2.3 The site benefits from planning permission 16/01817/MJR, and associated CAC 16/01818/MJR, for the demolition of 39A Cathedral Rd and the low quality modern rear extensions to the rear of no 37 -39, the construction of a new 3 storey office building, the conversion of no 37-39 from offices back to residential use (12 flats) and associated highway and ancillary works. This was not implemented, with offices remaining the established use. The CAC 16/001818/MJR was consented 12/01/2017 and runs for 5 years, expiring 12/01/2022.
- 2.4 The site is bound to the NW by Talbot St, to the NE by Cathedral Rd, to the SE by no 35 Cathedral Rd and to the SW by the rear service lane that extends between Talbot Street and Hamilton Street, beyond which lies a terrace of two storey residential dwellings at Ryder Street. Talbot St is identified as a secondary route on the Council's Integrated Network Map of cycling routes. Third party objections and other representations detail concerns over traffic, congestion and parking problems and related matters on Talbot St and adjoining streets (see section 7).
- 2.5 The site is located within the Cathedral Road Conservation Area and in an area characterised by diverse architectural styles, which juxtaposes fine and richly detailed traditional Victorian villas and religious buildings with modernist concrete office buildings and extensions of varying form and quality. Cathedral Rd is recognised as one of the finest Victorian streets in Britain. There is a mix of residential and employment uses within the vicinity.
- 2.6 No 33-35, adjacent to the site, is a modern office building with five storeys of office accommodation on the front elevation and three storeys of office accommodation in the projecting rear flank that is positioned above a two-storey car park at basement and ground floor level. (This was subject to application 18/02150/MJR for an extensions to the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floor to accommodate 14 apartments, which was refused and a subsequent appeal dismissed.) No 31 Cathedral Road is a 4 – 9 storey 1970s office building which has been converted into flats (under pp 13/00918/MJR) and subsequently extended on the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floors to form 5 additional flats (16/00181/MJR).
- 2.7 There is a grade II listed telephone box outside no 39A on Cathedral Rd. There are also a number of statutory listed buildings to the SE of the site, comprising nos 15, 17, 19, 21, 23, 15, 17-29, 20 and 22 Cathedral Rd and the former synagogue, which form part of a group of fine Victorian houses at the south end of Cathedral Rd. The properties are included in the list 'as part of a special group of late Victorian houses together with the former synagogue', noted to be 'perhaps the best example of their type remaining in Cardiff'.
- 2.8 There are a number of locally listed buildings in the vicinity of the site, including those opposite at nos 24 – 30 Cathedral Road and the terraces on both sides of Cathedral Rd to the NW of the site. A scheduled monument – GM173 Dominican Friary - lies approx. 415m to the east of the development. The Gd II

registered historic park and garden Sophia Gardens (PGW (Gm( 21 9CDF) lies approx 70m to the east of the development, with the grade 1 listed Cardiff Castle and Bute Park (PGW (Gm) 22 (CDF)) lying approx 223m to the NE.

- 2.9 The application site is located at the south-eastern end of Cathedral Rd, to the west of the City Centre in a highly sustainable location, well served by public transport and within walking and cycling distance of a wide range of education, employment, retail and community facilities.
- 2.10 The application site falls within a flood risk area. It falls entirely within Zone C1 as defined by the DAM referred to under TAN 15 and the site is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff.

### 3. **RECENT PLANNING HISTORY OF RELEVANCE**

#### **Site History**

- 3.1 13/02351/DCI – Replacement of full height boundary wall with half height wall and railings, and forming new vehicle access to existing car park – approved 06/01/2014

16/01817/MJR – Proposed demolition of 39a cathedral road (the old vicarage) and construction of a new purpose built office building, the conversion of existing offices at 37 - 39 cathedral road to residential use and associated highway and ancillary works – approved 12/12/2017

16/001818/MJR (CAC ) - Proposed demolition of 39a cathedral road (old vicarage) and ancillary demolitions relating to the construction of a new build office building, the conversion of existing offices at 37-39 cathedral road to residential use and associated highway and ancillary works – consented 12/01/2017 and runs for 5 years, expiring 12/01/2022.

19/01957/MJR (CAC) - Demolition of 39a cathedral road and rear annexes of 37-39 cathedral road – withdrawn.

### 4. **POLICY FRAMEWORK**

#### Local Policy

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

Key Policies:

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP6: NEW INFRASTRUCTURE

KP7: PLANNING OBLIGATIONS

KP8: SUSTAINABLE TRANSPORT

KP12: WASTE

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

EN8: TREES, WOODLANDS AND HEDGEROWS

EN9: CONSERVATION OF THE HISTORIC ENVIRONMENT

EN10: WATER SENSITIVE DESIGN

EN11: PROTECTION OF WATER RESOURCES

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

C3: COMMUNITY SAFETY/ CREATING SAFE ENVIRONMENTS

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

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:

Green Infrastructure (approved November 2017)

Infill Sites (approved November 2017)

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

Planning Obligations (approved January 2017)

Residential Design Guide (approved January 2017)

Safeguarding Business and Industrial Land and Premises (approved November 2017)

Waste Collection and Storage Facilities (approved October 2016)

Cathedral Road Conservation Area Appraisal (2007)

Provision of Electric Vehicle Charging Points in New Developments: Guidance for Developers (November 2018)

### 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 Statements of particular relevance contained within PPW 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 (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)*
- *...higher densities and mixed-use development should be encouraged in areas highly accessible by public transport (para 4.1.37)*

- *To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development (para 4.1.39)*
- *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)*
- *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 protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function (para 6.4.25)*
- *The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development (6.6.18)*
- *Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle... Design for multiple benefits and green infrastructure should be secured wherever possible (6.6.19)*
- *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 2: Planning and Affordable Housing (2006)
- 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)
- WG Summary of what TAN 15 requires for highly vulnerable development (houses) to be considered acceptable
- TAN 18: Transport (2007)
- TAN 21: Waste (2014)
- TAN 24: The Historic Environment (2017)

Section 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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**

### **Responses received in respect of the original and August 2019 (Site Investigation report) submission:**

- 5.1 **Neighbourhood Regeneration** requested a financial contribution of off-site community facilities to meet the needs of the new population, amounting to **£45,613.96**, assessed on the basis of 19 one bed flats and 32 two bed flats.
- 5.2 **Parks Services** noted that the highway lime tree outside of the property is unlikely to be affected by the development and that the amount and quality of amenity space for residents appears limited. They request an on-site open space requirement of 0.20ha or an off-site contribution of **£85,390** the use of which would be confirmed at the s106 stage.
- 5.3 **Housing Strategy** sought a 20% on-site affordable housing provision of 10 units, but that if it is concluded that this cannot be successfully delivered, a financial contribution of **£794,136** in lieu of 10 units (4 x 1bed & 6 x 2 bed).
- 5.4 The **OM Transportation** advised:
  - A minimum of 83 secure and accessible cycle spaces is needed of an appropriate type including some Sheffield stands



- The provision of 26 car parking spaces is acceptable in principle, but concerns are raised that the first two spaces would be hard to manoeuvre into and that layout amendments are needed to prevent vehicles parking in other areas (eg aisles)
- Whilst noting that the site is currently accessed via the rear lane and accepting that travel patterns will be different with 100% residential use, they would require appropriate parking restrictions to be introduced on the bellmouths of the northern/ southern extents of the lane and around onto Talbot St / Hamilton St, to ensure safe access can be maintained without parked cars causing concerns. It is suggested that this can be secured through a s106 financial contribution of £12,000 to include the costs of the TRO process.
- They would expect the existing condition 23 (Footway Improvements) attached to 16/01817/MJR to be re-applied to any permission.

5.5 In response to objections received from third parties, the OM Transportation advised:

- *The site access is an existing junction, and the changes proposed are minimal and the amount of car parking is reducing on-site, and we would therefore not seek a Stage 1 Safety Audit. In any case, a contribution from the development to introduce parking restrictions at the northern/southern extents of the lane should help to ensure safe access.*
- *Given there is a reduction in on-site car parking supply of around 30% in comparison with the extant permission, and the relative scarcity of adjacent on-street parking, it is not considered that the proposal is likely to have significant traffic issues in comparison with the consented development. It should also be noted that vehicle parking standards are maximums and that technically no vehicular parking is required.*
- *The existing rear lane will be capable of accommodating some emergency vehicles (albeit possibly not the very largest), although at the location of the gate there is a wider area available for a fire tender to operate. Generally the details of fire vehicle access to buildings is more a matter for Building Regulations*
- *It is not considered that servicing/refuse deliveries would cause undue issues, especially considering the existing/consented use of the site and our request for funding of additional parking restrictions to protect junctions.*

5.6 **Waste Management** advised that:

- the bin storage area is not large enough and that a designated area for the storage of bulky waste is now compulsory
- Standard advice is provided for the design of communal bin stores.

5.7 **The Flood and Coastal Risk Management Team** agreed that it would be acceptable to recommend a foul drainage condition only and an advisory notice relating to the need for separate SAB approval.

5.8 The Council's **Tree Officer OBJECTED** and provided detailed advice, summarised as follows:

- Subject to the submission of a satisfactory Arboricultural Method Statement and Tree Protection Plan, the development appears unlikely to result in unacceptable harm to retained TPO trees (T5 and T11) or Conservation Area tree (T4).
- the development involves the loss of x6 individual Conservation Area trees, including a 'B' category lime (T3), and one group of Conservation Area trees (G7) without offering compensatory planting, other than a single tree positioned to the east of the pedestrian access off Cathedral Road where it will be located in a highly constrained, unsuitable bed.
- Given the character of the Conservation Area, defined in part by its trees, and the need to secure canopy cover in a busy part of the city, they advise that at least x9 new trees can and should be accommodated, and provide detailed advice on species and planting specifications.
- Request a detailed, upfront landscape scheme to include evidence that services, including drainage, will not conflict with planting, a scaled planting plan, plant schedule, tree pit section, topsoil and subsoil specification, planting methodology, aftercare methodology and implementation programme.
- concludes that, in the absence of upfront plans and specifications that address these comments satisfactorily, the proposed development will neither preserve nor enhance the character of the Conservation Area, noting that the character of the Cathedral Road Conservation Area is defined to a significant extent by its mature tree cover and under-storey trees and shrubs on property frontages. Advises that the loss of trees, including a 'B' category lime, and the failure to show adequate mitigation or enhancement tree planting is fit for purpose, is evidence of the failure of the development to preserve or enhance the character of the Conservation Area. The pre-application advice given as part of PA/19/0001/MJR suggested suitable spaces and species that would enable the development to preserve/enhance, but this advice has not been taken on board in drawing up the current submissions.

5.9 The **County Ecologist** provided the following summarised advice:

- supports the methodology and conclusions drawn in the Bat Survey Report that the recorded activity comprises summertime day-roosting by non-breeding bats, possibly by individual associated with one or other of the large maternity roosts which area recorded in the vicinity, with bats detected in no 37 and having previously been detected in no 39, but not 39A
- the roost constitutes a 'low risk case', such that NRW do no need to be consulted with the proviso that the recommendations of a 'suitable' Bat Survey Report are implemented
- To be a 'suitable bat report' the report should be amended to include specific details of mitigation and compensation proposals in the short and long term, making reference to the construction details, and the opportunity taken to incorporate enhancement measures
- A new statutory duty, set out in section 6 of the Environment (Wales) Act 2016 requires public bodies such as Cardiff Council to seek to maintain and enhance biodiversity and, in so doing, to promote the resilience of ecosystems, in the exercise of their functions

- the development should incorporate enhancement measures and that an appropriate level of enhancement provision would be 4 x bat boxes for crevice-dwelling bats, 4 x swift boxes, 2 x double House Martin cup and 2 x House Sparrow terrace, with the Applicant's ecologist to advise on appropriate make, model and positioning.

5.10 **Pollution Control (Contaminated Land)** raised no objection, subject to conditions to the recommended conditions and advisory notice.

5.11 **Pollution Control (Air)** recommended a condition to require an Air Quality Assessment at the development and operational stage, with an air quality scope of works to be agreed.

5.12 **Pollution Control (Noise)** recommended to conditions to control road traffic and construction noise, and an informative in respect of construction site noise.

**Responses received in respect of the August 2019 (1<sup>st</sup> amended submission - Site Investigation report only)**

5.13 **Flood and Coastal Risk Management Team** – no response received.

**Responses received in respect of the December 2019 (2<sup>nd</sup> amended plans submission)**

5.14 **Housing Strategy** sought a 20% on-site affordable housing provision of 7 units or a revised financial contribution of **£535,920** in lieu of 7 units (4 x 1bed & 3 x 2 bed) if on-site provision cannot be successfully delivered,.

5.15 **Neighbourhood Regeneration** sought an amended contribution of £35,582.14 towards off-site community facilities.

5.16 **Parks Services** advised that the impact on street trees needs to be considered, that the amount and quality of amenity space remains limited and raise concerns over the potential impact of SuDS on the RPA of trees. Requested a revised s106 contribution of **£65,158** towards off-site public open space.

5.17 The **Council's Tree Officer** again **OBJECTED** to the proposals and provided detailed advice, summarised as follows:

- Objects to the proposed development given it will result in unacceptable harm to trees of amenity value.
- Notes the proposed drainage plan incorporates 'rainwater garden infiltration systems' to the NW and SE corners of the site and that the former will compromise the RPAs of the retained trees, advising that it is not clear what these comprise, probably T5 and T3 or T5 and T4. Any replacements for these trees would suffer a significant constraint on their root available soil volume (RASV). Notes that two replacement trees seem to have been 'shoe-horned' in to offset losses rather than forming part of a coherent landscape design and provides planting suggestions.
- Tree T11 will see a new foul water sewer encroaching within its RPA – this should be designed out.
- Requires full details of the 'landscaped deck' and provides further planting and specification advice for the site, noting that if their comments are

followed the development should be able to accommodate x9 new trees whilst retaining x 3 existing.

5.18 The **County Ecologist** advised that the bat survey submitted as part of the amended submission is the same as that originally submitted and that his original comments still stand.

5.19 **The OM Transportation** advised:

- Cycle parking - A minimum of one cycle space is required per bedroom and more specification details needed. Queries whether the only means of accessing the Block B cycle area is via the rear lane and what means there would be for pedestrians/ cyclists to enter the car park area.
- Car parking - The rear car parking area has been amended to a ramped/basement arrangement, with 18 spaces for the flats and 2 each for the townhouses, with the latter noted to be contrary to the SPG standards and requiring amendment. Notes the 2 spaces nearest to the gate are difficult to access.
- Accessibility - There is a concern over the accessibility of the site by users with mobility issue, in that there appears to be no way for them to access the buildings other than by using stairs or having to use the ramp and rear lane. Queries how the sliding gate would be operated.
- Refuse – notes that there is a path from the bin store to Talbot St where refuse servicing will take place, but queries how it would be accessed, who would be responsible for moving the bins, whether a dropped kerb is proposed on Talbot Street (as there is currently unrestricted parking where the bins would be wheeled out).
- Notes that whilst the site is currently accessed via the rear lane (albeit that travel patterns will be different with 100% residential use), they seek appropriate parking restrictions on the bellmouths of the northern / southern extents of the lane and on Talbot and Hamilton Streets, to ensure safe access can be maintained without parked cars causing concerns and that this be secured by a s106 contribution (£12,000 to include the cost of the TRO process).
- They expect existing condition 23 (footway improvements) of the extant 16/01817/MJR permission to be re-applied to any permission.

5.20 **Waste Management** confirmed the plans are acceptable. In response to the query from the OM Transportation, they confirmed that providing the bins are no further than 25m from the bin store to the kerb (approx 20m), that the path is a min of 1.5m wide (the Agent confirms the path width is 1.5m) and there is a drop kerb, this is acceptable.

5.21 **Pollution Control (Contaminated Land)** advised that their comments remain as initially advised.

5.22 **The Flood and Coastal Risk Management Team** – no response received.

**Responses received in respect of January / February 2020 (3<sup>rd</sup>) amended plans submission**

- 5.23 **Waste Management** advised the plans are acceptable and confirmed they have no further observations or objections.
- 5.24 **Flood and Coastal Risk Management Team** – no comments were received in respect of the January 2020 submission comprising an amended drainage ‘Proposed Site and Ground Floor Plan’ (19/4340 02 Rev H) and letter submitted to address the NRW concerns raised following the December 2019 submission, and issued to NRW, DCWW and the Council’s drainage team only or February 13 2020 submission.
- 5.25 **Flood and Coastal Risk Management Team** – Further to the 13 February 2020 consultation, the FCRM Team **OBJECTED** and recommended that the application be refused, advising that there is insufficient information to determine whether the site can be adequately drained and that, whilst the applicant has engaged in the SAB process, the SAB would look to refuse the SAB application in its current form. They requested a statutory standards compliance statement and advised the developer to engage further with the SAB in pre-application discussions.
- 5.26 Further to a case officer request for further explanation, the FCRM Team advised 27/02/20 that key issues are the proximity of infiltration systems to buildings as per building regulations, practical access to the SuDS features for maintenance as per the national standards, achieving full treatment train effect as per the national standards and a concern that the undercroft car park would remove flood storage and exacerbate flood risk offsite, as per the national standards.
- 5.27 Further advice was provided, summarised as follows:
- The proposals would not be SAB compliant
  - The underground car park with surrounding ‘bund’ means the area will cease to function as flood storage, removal of flood storage will potentially exacerbate flooding and flood risk elsewhere in the vicinity of the site.
  - The ramp into the undercroft may result in additional flood risk to the undercroft area if the SuDS feature intended for the ramp fail and exceedance routing would be into the car park area.
  - The proposals would need to integrate amenity /public open space more closely to achieve the principle of making the best use of available land through multifunctional usage of public spaces and public realm and this will need to be evidenced in a detailed landscape plan
  - *National Standard 2. Hydraulic Control* - It is unclear from the current information how the necessary level of the attenuation will be achieved. Secondly it appears that failure of the SuDS system on the car park ramp will result in exceedance flow to the car park area. It is unclear what measures are available to manage this eventuality.
  - *National Standard 3. Water Quality* - It is understood that recent proposals appear to show trees emplaced in clean stone soakaways, located on the Cathedral Road frontage of the site. Cardiff Council SAB generally do not accept this type of soakaway when other, more effective designs are available.

- *National Standard 6; Construction, Operation and Maintenance* - The proposals would have to demonstrate how plant and equipment would access the site. This is particularly relevant to the individual plot soakaways for the townhouses, it is envisaged by the SAB that access to these relatively small areas will be difficult given the boundary walls and local on-street parking habits.
- *Building Regulations* - It is understood the individual plot soakaways are less than 5.0m from the proposed townhouses. This is prohibited by Building Regulations.

5.28 **Flood and Coastal Risk Management Team** – Further to the 24 February 2020 consultation, the FCRM Team advised that the applicant has provided insufficient and conflicting detail relating to either flood risk or surface water drainage proposals and that it is difficult to assess the potential impact of the proposed development in respect of flood risk management measures and recommend the application is deferred, noting:

- They require information regarding the flood wall design and maintenance over its lifetime
- A significant issue with the SAB pre-application is the density of the development
- A statutory standards compliance statement is required
- The developer should continue to engage further with the SAB in pre-application discussions leading to a formal application.

5.29 The **Council's Tree Officer** provided detailed advice, summarised as follows:

- Implementation of development will see all but one of the existing trees within the site removed. This means x7 category 'C' (low quality and value) individual trees, x1 category 'C' group and x1 category 'B' (moderate quality and value) lime T3 will be lost. Trees of 'C' categorisation should not unduly constrain development whereas 'B' category trees should be retained and protected unless overriding design considerations necessitate removal and the loss is successfully mitigated by new planting. The only retained tree is the large TPO purple beech T11 at the rear of the site.
- A total of x11 new trees are to be planted, comprising x3 that are of large, long-lived species tolerant of the predicted impacts of climate change; x6 small-medium broad leaved evergreen trees comprising x4 to the Cathedral Road frontage and x2 *Ligustrum japonicum*, one each either side of the rear access and x2 small deciduous trees to be planted into containers located in the central landscape deck.
- Advises that there remains significant uncertainties around the planting specification and detailed advice is provided in respect of pruning, stock quality, species, advice in respect of tolerance to climate change, required root available soil volumes (RASV), soil specifications etc
- raises concern that the adequacy of the soil beneath the pavers to the Cathedral Rd frontage is unknown, noting that the area is currently sealed by pavers so it is assumed the soil is compacted, poorly aerated, dry and lacking organic matter and that roots from the street lime T1 could be exploiting soils beneath the pavers (the Root Protection Area RPA is shown to impinge into the area) resulting in conflict. Advises that trial investigations

should be undertaken to establish if roots are present, with advice provided as to the way forward, including a Arboricultural Method Statement and landscape specification, site specific section and plan views showing the RASV for new trees and root barriers that will be required to protect structures.

- Raises further concerns about and provides advice in respect of soils, RASV, planting specifications, securing appropriate tree quality from nurseries and implementation.
- Advises that evidence should be provided to show that no services, including drainage, will conflict with planting.

5.30 The Tree Officer subsequently provided advice on the use of conditions, noting that the applicant needs to demonstrate upfront what the RASV for each tree will be and the means by which this will be achieved, that there must be no services including drainage that constrain the RASV, and that the scale of this development and the tree losses proposed merit a detailed, upfront landscape scheme informed by all the requested assessments, rather than reliance on conditions. They emphasised the importance that any landscape plan (planting plan) is supported by specifications sufficient to demonstrate that what is shown on plan is deliverable. As an example of the importance of this, they note that a 'B' category tree is being lost to be replaced by two new trees, but there is no tree pit detail for these new trees that satisfactorily shows that they will have access to sufficient root available soil, in a SuDS or 'normal' soft landscape context, to support healthy long-term growth. Provide advice on the level of detail required.

5.31 The **County Ecologist** had no objection to revised February 2020 bat survey report and requested a condition to secure the report recommendations in respect of bats and nesting birds.

5.32 The **OM Transportation** advised that:

- The proposed wall-mounted cycle parking for the townhouses would be unacceptable, but details could be conditioned.
- The revised cycle parking for the apartments (some wall mounted in store; majority as Sheffield stands in car park) is an improvement, but notes fixing points are not shown and access is constrained by 2 of the car parking spaces.
- The parking layout is acceptable, other than the cycle parking concerns as above. It is welcomed that a platform lift is proposed to overcome mobility issues. The vehicle entry gate into the car park would need to be fully accessible by pedestrians and cyclists, and I would seek further details of this (could be conditioned).
- accept that Waste raise no issues and presume that the refuse vehicle would manage if a car was parked on Talbot Road adjacent to the bin store route.

5.33 **Waste Management** advised that plans detailing waste storage are acceptable and that facilities must be retained for future use for waste storage and confirm they have no further observations or objections to the proposed development.

**Responses received in respect of March 2020 (4<sup>th</sup>) amended plans submission**

- 5.34 **Waste Management** advised that plans detailing waste storage are acceptable. They note that they would collect the communal bins from the bin store and return them, that the townhouses would present their own bins on Talbot St and that the office would have a commercial collection and that it would be up to them to arrange a collection point when they take out the commercial contract, noting that it is presumed that the small amount of waste for the office would be collected from the bin store.
- 5.35 The **OM Transportation** had no objection subject to conditions to require cycle parking, details of the access with the rear lane and how the vehicle entry gate would operate, and footway and environmental improvements on Cathedral Rd, Talbot St and the rear lane (as per condition 23 of 16/01817/MJR) and a financial contribution of £12k to be secured via s106 agreement to include costs of the TRO process for appropriate parking restrictions to be introduced on the bellmouths of the northern/southern extents of the rear access lane, and on Talbot/Hamilton Streets, to ensure safe access can be maintained without parked cars causing concerns.
- 5.36 In response to a third party query re deliveries, they advised that deliveries can be accommodated on Cathedral Road (outside peak times, as denoted by the signs), on Talbot Rd and via the rear lane (although larger delivery vehicles may not practically be able to access this), noting that there is already delivery vehicle use/allowance at the site via the existing commercial use, and that there is extant permission for some residential units, and thus the net amount of additional delivery vehicles is not anticipated to be significant.
- 5.37 The **County Ecologist** repeated their previous advice that recommendations for bat mitigation, habitat compensation and enhancement and measures to help nesting birds, set out in the report, should be secured by condition.
- 5.38 **Pollution Control (Noise)** had no objection, and advised that a noise assessment is required, either upfront or by condition to control road traffic and live music noise in the area, and a condition to control construction noise dust and vibration, and an informative in respect of construction site noise and piling. Pollution Control (Noise) subsequently advised that if piling is to be carried out, this needs to be covered by the CEMP / conditions.
- 5.39 The **Tree Officer OBJECTED** again, and provided detailed advice summarised as follows:
- Notes that the Applicant's covering letter advises that the 'B' category lime T3 on the Cathedral Road frontage is to be removed, but that this is not clearly backed up by submitted plans and there is no Arboricultural Impact Assessment to clarify the position, but accepts that this is the case.
  - This being the case, advises that they do not support the removal of T3, since 'B' category trees should be retained as part of development unless overriding design considerations necessitate their removal and their loss can be fully mitigated by new planting. Advises they do not consider the loss of T3 to enable pedestrian access an overriding design consideration,



also noting that the loss of T3 is not mitigated because no new planting is proposed in a similar position and the space for such is not available in any event due to the access and the retained 'C' category trees. It will be noted that the 'C' category trees can only be expected to make a limited and short-term impact on amenity and therefore their retention at the same time as losing a large 'B' category does not preserve or enhance the character of the Conservation Area and does not preserve or enhance a sustainable urban forest.

- Notes that although the retained 'C' category trees on the Cathedral Road frontage are no longer threatened by the construction of large rain gardens, they will see encroachments within Root Protection Areas (RPAs) by a path, drainage and small rain gardens. Similarly, the retained, off-site street lime may see encroachment into its RPA by a French Drain. There is no Arboricultural Impact Assessment, Method Statement or Tree Protection Plan that considers these encroachments or precautionary measures proposed to ensure significant harm does not result. Advises that drainage and rain gardens should be positioned to avoid RPAs if possible, but if not, the method of installation requires explanation to demonstrate that unacceptable harm won't result.
- Advises that they do not consider the planting of x4 Ilex 'Nellie R. Stevens' opposite the retained street tree (also a lime) mitigation for the loss of T3 since these trees are physically distant from T3 and this Ilex is a much smaller tree than the lime. Notes no evidence has been presented to show how these trees can be planted and grow successfully without significant harm resulting to the street lime. The in-situ soils may be extensively exploited by lime roots such that pit planting within the nominal RPA of two of the four Ilex may result in significant root damage or loss. If the in-situ soils need to be removed because they are degraded or contaminated then the process of removing and replacing this soil may result in significant root damage or loss. There are likely to be methods available to minimise damage in different contexts, but the applicant hasn't presented these and leaving such matters to discharge of conditions invites the risk that what is shown on plan is not achievable without significant harm to the street lime resulting.
- Advises that it should be possible to plant two of the x4 Ilex 'Nellie R. Stevens' outside of the RPA of the street lime, thereby avoiding significant harm and that this might reasonably be considered successful mitigation for the loss of existing low quality trees but not for the loss of T3.
- Advises that the specifications for new planting, particularly planting soils, remain unsatisfactory and provides detailed advice.
- Concludes that the proposed development is considered contrary to EN8 and does not preserve or enhance the character of the Conservation Area. The submission proposes the loss of a 'B' category tree but does not mitigate its loss and provides insufficient evidence to demonstrate that harm won't result to retained trees within and adjoining the site, also noting that details of landscaping are not fit for purpose.

5.40 The **Flood and Coastal Risk Management Team** OBJECTED on the following summarised grounds:

- Drawing/document notes state that the SuDS features will depend on architect's final specifications, which is unacceptable.
- FCA - The latest FCA (Revision D) is based on superseded information and can't be relied upon
- Maintenance and operation - The cover letter confirms that the management plan is yet to be completed, contrary to A4.16 of TAN15, which requires consideration of maintenance early on.
- Escape / evacuation routes – there is insufficient information about escape routes to satisfy the requirements of A1.12 of TAN 15.
- Flood defences - As noted by NRW in their comments of 03/01/20, the proposals fails to meet A1.14 of TAN 15 as it has not been demonstrated that the retaining wall around the car park is structurally designed as a flood defence structure with an appropriate management scheme.
- Off-site flood risk exacerbation – clarification is required to demonstrate the absence of flood risk elsewhere.
- Flood mitigation measures – the designs are not sufficiently environmentally sympathetic, with an over reliance on below ground solutions, contrary to policy EN14
- Effect on quantity and quality of surface waters – note that: the proposal is entirely dependent on infiltration but no extensive BRE365 tests have been submitted (only favourable falling head tests), no evidence is submitted to confirm that the ground will not be compacted during the construction process and the undercroft SuDS feature does not include any water quality treatment features.
- Soakaways – raises concerns over soakaway design, including that the proposals would conflict with the Building Regs requirement that soakaways should not be within 5m of buildings, that a ground water monitoring well has been established to assess but no data returned from it yet to assess water table levels and further detail is needed on the viability of the excavation of the undercroft parking facility.
- Storage volume – it has not been demonstrated that the soakaways are large enough.
- Welsh Government Statutory National SuDS Standards (SNSuDSS) –the applicant cannot demonstrate how the latest plans meet the Statutory Standards for SuDS, contrary to WLGA guidance on implementation of schedule 3, paragraph 2.49. The LLFA confirm they requested a statutory standard compliance statement 23/1/20 and none has been provided and advise that a SAB application made on this basis would almost certainly be rejected, noting that the lack of modelling, detailing and conflicting material mean the development cannot be assured to drain adequately and may cause harm both to the development and potentially offsite also.
- In summary, confirm they offer a fundamental drainage objection and request clarification that the development does not pose a flood risk.

**Responses received in respect of September 2020 (5<sup>th</sup>) amended plans submission**

- 5.41 The **Council's Tree Officer** has no objection to the amended submission and requested tree reports (AIA, AMS, TPP) dated 03/09/20 with comments summarised as follows:

- No works would take place within the RPA
- X7 new trees are proposed as part of development and these represent an enhancement to the Conservation Area. They will comprise x1 very large tree (*Quercus palustris*), x2 large trees (*Acer x freemanii* 'Armstrong'), X2 medium trees (*Ligustrum japonicum*) and x2 small trees in planters (*Cornus controversa* 'Variegata'). This planting more than offsets the loss of existing low quality trees and improves species diversity and age class structure, both important elements in achieving a sustainable tree population.
- In terms of the objections received in term of tree loss and climate change, I would say that the scheme requires the removal of a small number of low quality and value trees that should not be a significant constraint to development and that are not considered to represent significant trees in terms of mitigating the predicted impacts of climate change. The development incorporates the planting of X7 new trees and this planting more than offsets the loss of existing low quality trees and improves species diversity and age class structure, both important elements in achieving a sustainable tree population and mitigating the predicted impacts of climate change. The *Quercus* and *Acer* in particular are tolerant of extremes of soil moisture and dryness, conditions that may become more frequent with climate change. The *Ligustrum* is a broad leaved evergreen and consequently offers year round visual amenity benefits and interception/storage of pollutants. Taking the objection literally, it would mean that not a single tree on any development site anywhere in Cardiff or Wales generally could be removed since this would in their view contravene the Environment Act and PPW. This would lead to an imbalanced age class structure (ageing tree population), lack of species diversity including species well-adapted to deal with the predicted impacts of climate change, potential hazards and potentially catastrophic pest and disease outbreaks.

5.42 The **Flood and Coastal Risk Management Team** – SuDS Approval (SAB/F/0024 – 2037081) was granted 30/09/20, and the FCRM Team confirm that the same drainage details have been submitted under planning and SAB, that it's a good design and advise that if there is SAB approval and no objection from NRW accepted by the SAB as legitimate, then all is fine to progress from a drainage perspective. In response to NRW's comments and further to the clarification of retaining wall calculations, they also confirm that the proposed design of the flood/retaining wall to the car park is more than adequate to hold back a full head of water from the outside ground to its top.

## 6. **EXTERNAL CONSULTEE RESPONSES**

### **Responses received in respect of the original submission:**

6.1 **DCWW** advise that:

- *foul water will drain to the public sewer whilst it is proposed that sustainable drainage will be used for the disposal of surface water*
- *it is unclear what sustainable drainage features will be used and whether a connection is required to the public sewer.*
- *In the absence of a comprehensive surface water drainage strategy and/or SAB application under Schedule 3 of the Flood and Water Management Act, they request a condition to require a drainage scheme for the site to be*

*submitted and approved to provide for the disposal of foul, surface and land water.*

Standard advice is provided about connections to the public sewer. DCWW subsequently agreed that it would be acceptable to for the condition to deal with foul drainage only, given that the development requires SAB approval.

6.2 **NRW** (09/09/19) confirm no objection to the initial submission or site investigation report consultation in respect of Flood Risk and European Protected Species, subject to an informative being attached in respect of bats and the need for a European protected species License.

6.3 The **Wales Victorian Society and Welsh Historic Gardens Trust** **OBJECT** advising that:

*An application for this site was refused earlier this year and this replacement application should be refused now, for all of the reasons that many have already cited, regarding scale, massing and particularly the deleterious effect on the character of this very important Conservation Area.*

*The consent to demolish the Vicarage granted in December 2017 established the principle of a 3 storey replacement for the Vicarage building, constructed mostly in brick with stone detailing (the Vicarage may have been built in brick but it was an unusual finish in a road lined with stone villas and any replacement should reflect this).*

*PPW Chapter 6 and TAN 24 states that the historic character of the area should be taken into account in the management of change, to sustain local distinctiveness and a sense of place. Also to ensure that any new development accords with the Area's special architectural and historic qualities and, engages with the Conservation Principles as outlined in TAN 24 (1.11 and 1.26 notably) and TAN 12. The latter requiring that the design should respect and respond to the local context.*

*Along the road from this proposal are nine Grade II Listed Buildings, across the road are two Grade II Listed Buildings, which back onto a Registered Park. The importance of the architectural and historic setting for any development here is therefore really significant and not to be ignored.*

*Since The Historic Environment (Wales) Act 2016 came into force Heritage Impact Assessments are usually required to be undertaken as part of Conservation Area consent. This is to ensure that the local distinctiveness and character that give an Area its unique identity of place has been fully understood and informs new development design (TAN 12 and 24). This is definitely not the case here and begs the question whether an HIA was undertaken?*

*This proposal also fails to fulfil the requirements of:  
Policy KP5 of the Cardiff LDP for good quality design.  
Policy EN9 as it does not demonstrate that it preserves or enhances the local character of this very significant Conservation Area.*

*What remains of the Victorian part of Cathedral Road is considered to be one*

*of the finest roads of Victorian Villas in the country, with a number of Listed Buildings along it. Its designation in 1972 occurred after a campaign led by Lincoln Hallinan and notable members of the Victorian Society. It's a poor reflection on how some in Cardiff value their heritage that this proposal has been submitted. It is overbearing, too intensively developed, totally unsympathetic to its context and a poor pastiche of the grandeur displayed by what would be its older neighbours. And where are the Gardens?*

*This part of Cardiff was developed by the Bute Estate who demanded quality design and detailing for the larger grander houses along Cathedral Road and the smaller ones in neighbouring streets. The outstanding quality and coherence achieved in the housing stock developed by the Bute Estate should be protected, promoted and act as a guide to what we really need in Cardiff and that is design of an excellent quality that befits a City that wants to be seen as world class.*

*Finally the submission of this application has not been well advertised nor was the pre application consultation in June /July 2019.*

6.4 **South Wales Police** provide design recommendations in respect of specifications for doors, windows, use of audio visual access control, appropriate lighting of parking areas, provision of enclosed and secure cycle storage and secure bin storage, and advising that secure fencing gating should be used to prevent people accessing the rear parking area from the front of the development.

6.5 **Cadw** – no response received.

**Responses received in respect of the August 2019 (1<sup>st</sup> amended submission - Site Investigation report only)**

6.6 **DCWW** advise 09/09/19 they have no further comment and refer back to their previous letter dated 19/8/19.

**Responses received in respect of the December 2019 (2<sup>nd</sup>) amended plans submission**

6.7 **DCWW** note:

- the proposal is to drain foul water to the mains sewer utilising an existing drainage connection with surface water discharging to soakaways and rain gardens
- that the development requires SAB approval and that they can comment further under that application
- they have no objection to the communication of foul flows to the public sewer and welcome the reuse of existing drainage, but note the foul drainage crosses multiple boundaries and serving multiple properties and would therefore need to be offered for adoption for them to assess under the Water Industry Act. They advise that the drainage layout may alter as part of this assessment and it would be the applicant's obligation to amend/ revise any planning permission.

- Recommend a condition to require that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the sewerage network and advisory notices in respect of public sewer connections.

6.8 **NRW** (03/01/20) have **significant concerns** and recommend permission is only granted unless further information is provided to demonstrate that the risks and consequences of flooding can be managed to an acceptable level, noting the following key points:

- *The FCA (revision D) confirms that the finished floor level for all the buildings is to be set at 7.92m AOD and the car parking area is to be set at 6.50mAOD. Based on these levels, we can advise:*
- *The buildings are predicted to be flood free in a 1% (1 in 100 year) plus climate change flood event and are therefore in accordance with the criteria in Table A1.14 of TAN15. The building could flood to a depth of 320mm in a 0.1% (1 in 1000 year) flood event, which is in accordance with Table A1.15 i.e. <600mm.*
- *The car parking areas are predicted to flood to a depth of 1400mm and 1740mm in a 1% plus climate change flood event and 0.1% flood event respectively. Maximum velocities are predicted to be in the order of 0.65m/s. These depths and velocities are not in accordance with the acceptability criteria given in Tables A1.14 and A1.15 of TAN15.*
- *The proposed site plan also indicates the amenity areas of the townhouses are to be set at 7.77mAOD and are therefore predicted to flood to a depth of 130mm and 470 mm in a 1% plus climate change flood event and 0.1% flood event respectively.*
- *The existing basements are not referred to within the FCA. It remains unclear what the intention is for these parts of the buildings.*
- *We note the FCA has considered the potential for impacts on flood risk elsewhere, as a result of the proposed development. We are satisfied with the information provided in this regard.*
- *We understand that the buildings to be converted already benefit from an extant planning permission for residential use and that the car parking areas also have consent for 12 spaces in association with residential use (16/01817). However, the amended car park levels proposed for this application are different (lower) to those granted under the extant permission.*
- *The PAC report indicates that the levels provided in the FCA version C were the same as in the extant permission. We therefore advised in our letter dated 9 September 2019 that the car parking areas were predicted to flood to a depth of 320mm and 640mm in a 1% plus climate change flood event and 0.1% flood event respectively. This was based on the car parking area being set at 7.6mAOD as stated in the FCA revision C.*
- *As indicated above, it is now proposed that the car parking areas be lowered, below the level granted under the extant permission, and are predicted to flood to a depth of 1400mm and 1740mm in a 1% plus climate change flood event and 0.1% flood event respectively. This is a difference of 1080mm and 1100mm respectively.*
- *We also are unclear as to the ground level at the vehicular access point. The proposed site plan shows 7.88mAOD whilst the proposed site and*

*ground floor plan indicates 8mAOD. The predicted flood level is 7.90m AOD for the 1% plus climate change flood event.*

- We note that the FCA revision D indicates the car parking area would be protected from flooding by a retaining wall that ties into higher areas of ground above 8mAOD. If it is proposed that this is to be a flood defence structure, it will need to be demonstrated that it is structurally designed for this purpose with an appropriate management scheme in place. A breach assessment of this flood defence structure will need to be included in any updated FCA.*
- Given the above, the proposal is not compliant with criteria A1.14 of TAN 15. We therefore seek revised plans and FCA which demonstrate no increase in the level of risk beyond that already accepted as part of the extant permission.*
- They note the bat and bird report has not changed and reiterate their previous advice in respect of European Protected Species.*

6.9 **Cadw** – no response received.

**Responses received in respect of January / February 2020 (3<sup>rd</sup>) amended plans submission**

6.10 **DCWW** (03/02/20) confirm they have no further comments (in respect of 14 Jan consultation).

6.11 **DCWW** (04/03/20), further to 13 February 2020 consultation, advise they have no objection to the foul water strategy on the strict understanding that the existing private drainage within the site can be reused and that no connection is required to the brick work sewer in Cathedral Rd. They advise that surface water can be addressed as part of the SAB application, acknowledge that SuDS features are proposed and would appreciate details on the volume of surface water being removed from the existing building and the proposed discharge rate in the developed scheme, and request an advisory note in respect of connections to the public sewer be included within any consent.

6.12 **NRW** (10/2/20) further to information published 14/01/20 and 23/01/20 advise they continue to have **significant concerns** and would object unless further information is provided to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15, noting:

- the two site plans submitted show different ground levels for the amenity areas of the townhouses. We assume that the latest plan, ref SL102 Revision C by John Wotton Architects, showing the proposed amenity areas set at 7.90m AOD is the correct plan to consider.*
- We have also considered the letter dated 13 January 2020 by Austin Partnership, in particular the information relating to the proposed wall structure and raised access to exclude flood water. However, we seek further information in this regard, to demonstrate that these mitigation measures would not increase flood risk elsewhere. Should satisfactory information be provided to demonstrate that the proposals would not increase flood risk elsewhere, we advise that your Authority will need to satisfy itself that the proposed wall and raised access will be appropriately*

*designed and maintained, such that they function as intended for the lifetime of the development.*

- *European Protected Species - We reiterate our advice in our letter dated 9 September 2019.*

6.13 **NRW** (09/03/20), further to consultations on additional information of 13/02/20 and 24/02/20 advise they continue to have **significant concerns** and would object unless further information is provided to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15, noting:

- *We refer you to our previous response dated 10 February 2020 regarding the wall structure and raised access to exclude flood water. We reiterate that your Authority will need to satisfy itself that the proposed wall and raised access will be appropriately designed and maintained, such that they function as intended for the lifetime of the development.*
- *We note the additional information available on your website with a published date of 24 February 2020, namely an email from Howard Austin, regarding flood compensation storage. We have considered the content of this email and are satisfied that the proposal is unlikely to impact flood risk elsewhere.*
- *With reference to our response dated 3 January 2020, we remain concerned about the proposed development levels for the amenity areas and accesses adjacent to Talbot Street, which may be at risk of flooding, as noted in the Austin Partnership letter dated 13 January 2020. These areas should be designed to be flood free in a 1% plus climate change flood event to comply with TAN15. However, we recognise there is an extant permission (16/0817/MJR) for the site and as such, as a minimum, these areas should be set no lower than the levels granted under the extant permission. We therefore require further information to demonstrate that the levels of these areas will be raised at or above 7.9mAOD or no lower than the levels granted under the extant permission 16/0817/MJR.*
- **European Protected Species** - *We have considered the updated report entitled '37-39 Cathedral Road, Cardiff, Glamorgan Surveys for Bats and Nesting Birds' version 3, dated February 2020 by David Clements Ecology LTD, published on your website on 12 February 2020. We confirm our advice as set out in our response dated 9 September 2020 remains unchanged.*

6.14 The **Wales Victorian Society and Welsh Historic Gardens Trust OBJECT**, reiterating their previous comments and adding that if the Cathedral Road Conservation Area Group were still in existence this totally inappropriate application would never have got past the pre-application consultation stage. They note that Cardiff's heritage, which adds enormously to its distinctiveness, appeal and character, is now constantly under threat by these intensive, insensitive developments and this needs to stop, especially in this case, as it is on one of the finest Victorian roads in Britain. They also note the huge concern about development on flood plains, noting that developments post 2008 are not able to access government flood insurance in the event of flooding, which blights whole areas and mostly affecting innocent purchasers. They also note



the increased traffic generated will add to the already high levels of pollution along the main portals into Cardiff centre.

**Responses received in respect of March 2020 (4<sup>th</sup>) amended plans submission**

- 6.15 **Cadw** confirm they have no comments to make, advising it is unlikely that there will be any effect on the settings of the scheduled monuments or the registered historic park and gardens owing to intervening topography, buildings and vegetation.
- 6.16 **DCWW** (06/04/20) advise they have no objection to the foul water strategy on the strict understanding that the existing private drainage within the site can be reused and that no connection is required to the brick work sewer in Cathedral Rd. They advise that surface water can be addressed as part of the SAB application, acknowledge that SuDS features are proposed and would appreciate details on the volume of surface water being removed from the existing building and the proposed discharge rate in the developed scheme, and request an advisory note in respect of connections to the public sewer be included within any consent.
- 6.17 **NRW** (07/04/20) advise they continue to have **significant concerns** and would object unless further information is provided to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15, noting:
- *The Site and Ground Floor Plan 19/434002 Rev Q shows some ground levels below 7.9m AOD, specifically amenity areas and accesses adjacent to Talbot St, noting that as such it appears that the information in the letter confirming external areas have been amended above 7.9m is inconsistent with the amended plans.*
  - *There is an inconsistency between the amended plans in respect of FFL and ground levels. Drawing 267 SL102\_F 'Proposed Site Plan' with a published date of 20/3/20 shows the previous new build FFL of 7.92mAOD and three townhouse amenity areas at 7.9mAOD, not the amended figures of 7.95mAOD and 7.93mAOD respectively.*
  - *Therefore our significant concerns remain and we refer you to our previous response dated 9/03/20. In summary:*
  - *your Authority will need to satisfy itself that the wall and raised access (proposed for the purpose of excluding flood water) will be appropriately designed and maintained, such that they function as intended for the lifetime of the development.*
  - *We remain concerned about the proposed development levels for the amenity areas and accesses adjacent to Talbot Street. Further information is required to demonstrate that the levels of these areas will be raised at or above 7.9mAOD or no lower than the levels granted under the extant permission 16/0817/MJR. All plans and documents submitted should be consistent with each other.*
  - *European Protected Species - We have considered the updated report entitled '37-39 Cathedral Road, Cardiff, Glamorgan Surveys for Bats and Nesting Birds' version 3, dated February 2020 by David Clements Ecology LTD, published on your website on 12 February 2020. We confirm our*

*advice as set out in our response dated 9 September 2020 remains unchanged.*

6.18 NRW further advised:

- *We note proposed ground levels are higher than existing (and were not specified by the extant permission) therefore we have no concerns in this regard. Although there is inconsistency in plans, provided FFLs are set at or above 7.9mAOD, we have no concerns.*
- *As advised previously, it is for your Authority to satisfy itself that the wall and raised access (proposed for the purpose of excluding flood water) will be appropriately designed and maintained, such that they function as intended for the lifetime of the development.*

### **Responses received in respect of September 2020 (5<sup>th</sup>) amended plans submission**

6.19 **DCWW** raise no objection, noting that the connection is to the on-site private combined sewer which is acceptable in principle and confirm that they are happy with the drainage condition on this basis.

6.20 **NRW** confirm they have no objection and provide the following advice:

- *Flood Risk - We have considered additional information on your website, including an updated 'Flood Risk Assessment' by Austin Partnership Consulting Engineers dated July 2020 Revision E. We note the updated Flood Risk Assessment includes the latest flood modelling figures. We note the extant permission for the site and that proposed ground levels were not specified by the extant permission. Provided finished floor levels are set at or above 7.9mAOD, we have no concerns.  
As advised previously, it is for your Authority to satisfy itself that the wall and raised access (proposed for the purpose of excluding flood water) will be appropriately designed and maintained, such that they function as intended for the lifetime of the development.*
- **European Protected Species** - *We confirm our advice as set out in our response dated 9 September 2020 remains unchanged.*

6.21 The **Wales Victorian Society and Welsh Historic Gardens Trust** **OBJECT** and advise that it's now becoming difficult to assess this totally inappropriate application because of the number of documents to sift through, that there seems to be very little engagement with addressing the numerous concerns expressed in the past and re-iterate their initial objection (replicated in full in para 6.3).

6.22 **Cadw** raise no objection and confirm that the submission does not alter the advice given previously, that it is unlikely that there will be any effect on the settings of the scheduled monuments or the registered historic park and gardens and that they have no comments to make.

## **7. REPRESENTATIONS**

7.1 The application was publicised by press and site notices, and neighbours and Local Members were consulted.

- 7.2 A 139 signature-strong **petition of OBJECTION**, has been received, objecting to the demolition of the former vicarage and development of 37 – 39A Cathedral Rd on grounds that *'the proposal represents a massive overdevelopment of the space, and will mar the Cathedral Rd Conservation Area due to the unsympathetic nature of the design. A development of this kind will cause noise and light pollution, whilst the increased traffic associated with so many dwellings will impact negatively on air quality and congestion.'*

**Responses received in respect of the original and August 2019 additional information submission (Site Investigation report only):**

- 7.3 In response to the initial and August 2019 consultation, 140 letters of objection / representations were received from owners/occupiers of the following addresses: 4 Plas Gwynt Mansions at 30 Cathedral Rd, 41-43, 44, Flat 2 72A, 103, 156 Cathedral Road, 2, 30, 32, 34, 36, 38, 40, 42, 46B, 52, 54, 68, 90 Ryder St, 63, 68, 82, 96, 98, 140, 151 Kings Road, 3, 4, 7, 21, 23, 17, 18, 19, 20, 22, 23, 26, 28, 30, 31, 32, 37, 42, 43, 44, 47, 55 Talbot St, 3 Talbot Place, 6, 19, 22, 31, 36 Plasterton Gardens, 9 Plasterton Place, 15, 19, 26, 71 Plasterton Avenue, 17 Severn Grove, 10 Severn Rd, 15 Pontcanna Place, 16, 47, 58, 80 Hamilton St, GGF 37 Conway Rd, 13 Syr David's Av, 93 Farleigh Rd, 14 Berthwin St, 7 Iestyn St, 16 Clive Rd, 15 Kyveilog St, 109a Ninian Park Road, 5 Westmoreland St, 52 Harold St (Adamsdown), 64 Africa Gardens (Gabalfa), 3 Ludlow Close (Grangetown), Glan y Morfa (Welshpool), the Chair of the Friends of Plasterton Gardens, and the Civic Society and 37 of undisclosed addresses, who raised the following summarised objections / points:

*Use / Principle of Development*

- Support for the change of use, additional housing and redevelopment of the vacant site
- the Vicarage should be re-used, not demolished
- The flats are unsuitable for families and there is an oversupply of small flats in the area – fewer larger flats would be better
- Preference for bungalows and a mixed used, rather than purely residential

*Heritage and Design*

- Cardiff as a capital city needs to maintain a higher standard of conservation - planning and council departments are allowing developers to destroy Cardiff's beauty and history
- Overdevelopment on a serious scale, contributing to future slums
- Unsympathetic, incongruously modern, cheap and nasty, prison-like, ugly design, devoid of architectural merit, of insufficient quality, driven by profit and cost minimisation, without regard for community fabric and historical context and lacking in a sense of place
- Harm to the character of Cathedral Rd, one of the finest Victorian Streets in Britain that attracts visitors to the city
- Harm to the Conservation Area from over dominant, inappropriate design, density, massing, scale and height, detailing, colour palette and materials, and lack of respect for established plot sizes, the street scene, building lines and the street rhythm, contrary to the Cathedral Rd Conservation Area Appraisal

- Harm to Conservation Area from huge annexes – the Appraisal requires developments to respect established plot size and garden layout. The annexe has similar proportions to the rear extension of 33 – 35 Cathedral Rd - the annexes at 31-37 are an eye-sore, were built before the Conservation Area was designated and should be seen as a caution to future building and not as a precedent
- Concern over the use of red brick, when most buildings are stone-fronted
- The building would be more acceptable if Pennant and Bath stone were used, with sliding sash timber windows, detailed/carved stone work, feature porches and doorways in Bath stone, welsh slate roof tiles, patterned and detailed brick work
- It is possible to construct high quality Bath stone carving and dressing within a development budget and there are still working bench stone masons in Cardiff who could carry out this work
- Harm to the registered historic park at Sophia Gardens and its entrance
- Insufficient green or garden area, contrary to the Appraisal that former garden areas should be maintained
- Failure to address the long term plan for the coach house/ outbuilding intended as a short term sales office
- Harm to the Conservation Area from loss of trees
- Inadequate consideration of sustainability measures - need for more emphasis on energy efficient building design and renewable energy, electric car charge points and sufficient cycle parking.

#### *Access, Transport, Waste and Pollution*

- Exacerbation of existing traffic and congestion, particularly along Talbot St and at Cathedral Rd / Talbot St junction and events days, leading to increase in access problems particularly by emergency and refuse vehicles, emissions, air and carbon monoxide pollution and consequent health problems, rat running and road safety problems, particularly for children, noting that the 20mph speed limit is unenforced
- Inadequate car parking provision, leading to severe parking problems, conflict and problems with delivery and service traffic, and access by emergency vehicles - it is impossible to park in a residents' space after 6pm as they are all full and residents have to park quite a distance away
- Impact of lack of parking on local businesses that need customer parking
- Unrealistic to think that residents will be encouraged to use public transport by restricting parking
- The proposed rear lane entrance is inappropriate and will create significant traffic and highway safety problems for all users- there are no pavements or road signs and the rear lane has substandard visibility, is narrow and unlit with no passive surveillance. Objectors report near-misses crossing the rear lane
- The section of Talbot Street between Cathedral Rd and Ryder St where the access is proposed is often gridlocked and operating as a single way carriageway, due to parked cars, with the passing of oncoming vehicles already very difficult

- The entrance to the rear lane will require an adequate visibility splay to ensure road safety - this will result in double yellow lines around the entrance and further loss of parking
- The extent of existing double yellow road markings on Talbot St at Cathedral Rd junction is currently too short and causes issues due to limited passing space at signal control junction area
- The application requires a Stage 1 Road Safety Audit
- Electric charging points should be installed in some of the spaces
- Inadequate cycle parking
- Talbot St is a designated Cycle Route and resulting traffic congestion and emissions will be harmful to cyclists, including children cycling to school
- Traffic, access, highway safety, general nuisance and security problems during construction phase
- Concern that increased use of the rear lane 24/7 will increase levels of noise, air and particulate pollution and affect the structural stability of Ryder St properties and assumption that the state of their building in terms of cracking will be monitored during and after build by an independent council source to ensure any adverse effects are dealt with
- Exacerbation of air pollution problems in the area, including to Caste St / City Centre Air Quality Management Zone which is likely to fail legal compliance targets for 2021 for NOx levels. Evidence must be produced to verify that UK Air Quality Management Objectives have been satisfied prior to determination
- Increase in obstruction of pavements from bins on collection days, particularly for people with mobility impairments
- Absence of a Waste Strategy Plan – query as to how would be responsible for moving the bins and bags onto Talbot Street and where would they be left

#### *Amenity and other social considerations*

- The local area is already overpopulated, overused and at capacity
- Increased pressure on already stretched local services and facilities, including schools and medical centres
- Lack of provision for local facilities eg affordable housing, medical centre, schools, shops or restaurants that would improve the neighbourhood
- Media reports have highlighted the failure of developers to honour section 106 obligations – with 25 Cardiff developments having £21m s106 contribution requirements and only £3.75m being received, mostly through reductions in affordable housing contributions. The requirement for s106 obligations on this scheme should be absolute
- Harm to local community, living environment, well-being and quality of life, contrary to the Well-being of Future Generations (Wales) Act
- Harm to amenity from light and noise pollution, congestion and disturbance
- Impact on social cohesion, local identity and community from a project aimed more at corporate profit than social gain
- Impact from rental apartments and flood of Air B and B usage
- Impact on Welsh language

- Harm to amenity from a loss of privacy to gardens and habitable rooms of Ryder St dwellings from overlooking from tall buildings, fifth floor roof terrace, windows and balconies
- Overbearing and oppressive impact on adjoining occupiers from size, height, scale, siting and close proximity and loss of views
- Loss of light and overshadowing to Ryder street properties and gardens, leading to harm to amenities and well-being
- It is noted that a plan is submitted calculating the 25 degree obstruction angle from no 40 Ryder St, but it is noted that nos 30 and 32 Ryder St (with bi-fold doors) and other houses protrude a further 2m +, and that the 25 degree rule would not be met here
- Harm to amenities of future occupiers from inadequate living environment, landscaping, and provision of private amenity space and public open space
- Proximity to parkland should not qualify as access to green spaces as this discriminates against many people's inability to access such spaces
- Loss of existing gardens
- Flat sizes are below minimum size guidelines
- Increased noise and disruption and conflict with permanent residents if occupied by students, changing the character of the area
- Harm to the Cathedral Rd area as a sustainable neighbourhood
- Negative impact on property prices and Council tax revenues
- Harm to the local economy resulting from harm to character of the area
- Failure to evidence how Well-being goals are met.

#### *Green Infrastructure and Drainage*

- Loss of rear gardens and trees and consequent harm to visual amenity, pollution levels, ecology, quality of life and the Conservation Area, against a background of loss of too many trees in the locality, leading to further failure on the Council's part to adhere to statutory Clean Air standards and prevent harm to public health and childhood asthma deaths
- Potential for damage to retained trees
- Impact of tree losses on climate change and the Climate Emergency, noting that mature trees must be preserved and that loss of mature green infrastructure cannot be mitigated by 'replacement planting', as such planting will not mature within a normal human lifespan
- Increased flood risk from increased pressure on drains and increased surface water runoff
- Flooding assessment is unconvincing
- Increase in pressure on the sewerage system / lack of information on the impact on the sewerage system – sewers are already overloaded and can smell badly during heavy rain periods
- Concern that the development would not be permitted under SuDS due to the lack of permeable materials given the ratio of build area
- Bat roosts and bird nesting sites need addressing.

#### *Process*

- The Council has made no attempt to discourage this wholly inappropriate application and it's consideration of this proposal is 'utterly hypocritical' and inconsistent, with the objectors noting that they have minor applications (for

solar panels, new windows etc) refused on grounds of harm to the Conservation Area

- The Council has a duty to represent the people and their interests
- Lack of community wide information and discussion by the developer, such as leafletting or public meetings
- Question whether an environmental assessment, a health impact assessment, asbestos assessment and Welsh language impact assessment have been undertaken
- Extension to consultation period requested, given the 'cynical move' by the developers to launch it in during the key holiday period (31<sup>st</sup> July – 28 August) and over a bank holiday and when there are no surgeries with local councillors
- Concern that local councillors were not consulted during the PAC stage – a mandatory requirement – denying the local community a chance to discuss the development prior to submission of the application – and noting that this failure needs to be addressed before the application can continue.
- The application contravenes over 60 of the Council's planning rules (including KP4, KP5, Tall Buildings SPG, Cathedral Rd Conservation Area Appraisal, T5, Manual for Streets, EN9, EN13, T1, KP18, Waste SPG, C1, KP2, Cardiff Residential Design Guide, Historic Environment (Wales) Act 2016), Infill Sites SPG and is contrary to the Well-being of Future Generations Act
- The area is not a Strategic Area for Development (KP2) and there is no strategic need for the development - the development may detract from the Council's stated objective to develop the City Centre
- The coach house has had its original doors removed and glass front installed and is being used as an office, querying what enforcement action will be taken.

7.4 **Cllrs Gordon and Singh OBJECT** to the application and request it be refused on grounds of

- High density and overbearing massing of the proposed blocks of flats on neighbouring properties
- Damage to the character and heritage of the Cathedral Rd Conservation Area, noting:

*There was no opposition to the 2016 approved development for a 3 storey, 1700m<sup>2</sup>, office building, similar in style to the existing houses on Cathedral Road and conversion of Numbers 37 to 39a to 12 flats. We recognise that this is a key site, in the increasingly popular area of Pontcanna, will be developed. The scale of this proposed development, in terms of height and sheer bulk, both on the Cathedral Road frontage, and at the rear to provide 51 flats is, in our view, totally unacceptable.*

*The proposed scheme does not follow the Cardiff LDP principles of good design where development should fully respect its local context and integrate with the adjoining areas. The proposed development harms the unique character of Cathedral Road. It is not an appropriate density for an area characterised by Victorian terraced houses. The designation of the Cathedral Road Conservation Area in 1972 gave formal recognition to its historical and architectural quality. Cathedral Road is the best example of a late Victorian street in Cardiff and the*

*adjoining streets are fine examples of smaller late Victorian terraced villas. In the LDP Key Policy KP5 i - the layout, scale, form, massing, height and density should be in scale with the surrounding streets like Talbot Street, Ryder Street and Cathedral Road itself. These blocks of flats will rise over and completely overshadow the rear of houses in Ryder Street in particular. With regard to KP5vii we have concerns as to whether the old sewerage system will cope with such a large new development.*

*Another concern is over the potential loss of the protected Copper Beech tree that is in the corner of site near the rear lane leading off Talbot Street. It is a mature tree with a beautifully shaped canopy. Though scheduled to remain in the plans we are concerned that the root system will get damaged by the construction vehicles and loading of materials and machinery brought on to the site.*

*The name of the development - 'Cathedral Gardens' is rather a misnomer as there is no green landscaping to be seen on the plans. The space between the blocks of flats all being taken up with hard standing for the 26 car parking spaces. In addition the mature beech tree, mentioned above, is at risk of root damage and subsequent removal, as too are the mature trees currently on the Cathedral Road frontage. Ahead of planning permission being granted the developers have converted a small garage advertising the development, presumably to become the site / sales office. A scheme of courtyards and town houses / flats built to the same roof ridge height of Cathedral Road houses would complement the existing neighbourhood. There is great opposition from our constituents to this proposal, from neighbours directly affected by the scale of the buildings, and residents of the wider Pontcanna community who wish to see the Cathedral Road Conservation Area enhanced by sensitive, high quality design and detail.*

**7.5 Mark Drakeford AM and Kevin Brennan MP OBJECT** on the following grounds

- The density of development – introducing an additional 51 dwellings at this small site – some of which would have two bedrooms – represents significant overdevelopment
- Damage to the character of Cathedral Road – the proposed design is not in keeping with neighbouring properties and the historic character of Cathedral Rd
- Environmental Impact – there are a number of mature trees at this site, which falls within a Conservation Area. The development poses a threat to the trees, with no significant landscaping proposed.

**Responses received in respect of the December 2019 (2<sup>nd</sup>) amended plans submission**

**7.6** In response, 51 letters of objection / representations were received from owners/occupiers of the following addresses: 41/43, Flat 1 at 86, 190 Cathedral Rd, 30, 32, 36, 38, 40, 54, 60, 62, 72, 94, 98 Ryder St, Carriage House Talbot St, 13, 15, 18, 19, 26, 28, 30, 32, 37, 42 Talbot St, 3 Talbot Place, 9, 36 Plasturton Gardens, 5 Plasturton Place, 49, 151 Kings Rd, 104 Llanfair Rd, 93 Farleigh Rd, 14 Berthwin St, Glan Y Morfa Llangadfan (Welshpool), the Civic Society and 10 of unspecified address. Many objections re-state previous



objections (which are not repeated below), with many noting their previous objections have not been addressed. The following new issues are raised:

- Although the amended plans are not as extreme, they are still unacceptable and do not give due consideration to the Conservation Area, local residents or the effect on local infrastructure
- The modern townhouses harm the Conservation Area
- Harm to the Conservation Area from Block B to the rear, which is still too bulky, rectilinear and overbearing. Concern that it will be used as a precedent to future work at the rear of Cathedral Rd properties, north of Talbot St
- The redesigned blocks A (including townhouses) and B show minor acknowledgement to detailing and use of high quality materials, but architecturally belong in Cardiff Bay not here. The developer needs a complete rethink.
- the privacy, outlook and well-being of Ryder St residents would still be harmed, particularly by the amended Annex B – despite its reduced height, from rear windows, balconies and potentially the roof garden. Whilst balconies on rear extensions now face inwards to the courtyard those on the end will still overlook Ryder St
- The site is still overdeveloped and too high density, and the number of flats, whilst reduced, still unacceptable, causing issues with parking, pollution (air, noise and light), congestion and pressure on existing infrastructure
- Query as to why the townhouses have 2 parking spaces
- Concern over traffic impact of refuse collection from Talbot St
- Concern over noise impact from proposed vehicle entry gate
- The decision not to retain the trees on the boundary is unjustifiable given the Climate Emergency and air quality/health issues and their importance for biodiversity
- The green space indicated in the plans is misleading
- Lack of assessment on the effect of the development on the water table and nearby drainage
- Question as to where the volume of water would go that would collect in the undercroft car park area and what effect it would have
- Agree that mitigation measures can be provided for roosting bats and nesting birds
- Request for the consultation period to be extended as plans were unavailable regularly on 15/12/19.

7.7 **Cllr Gordon OBJECTS** to the amended plans, advising that, despite the reduction in the number of units, the bulk of the buildings are overbearing and impact negatively on neighbouring properties and that the choice of brick work is out of keeping with the Cathedral Rd Conservation Area.

#### **Responses received in respect of February 2020 (3<sup>rd</sup>) amended plans submission**

7.8 112 letters of objection / representations were received from owners/occupiers of the following addresses: 71, 41/43, 67, 85, 197 Cathedral Rd, 2, 26, 28, 29, 30, 31, 32, 34, 36, 38, 40, 52, 54, 72, 74, 88, 90, 94, 98 Ryder St, 4, 13, 18, 19, 28, 29, 34b, 39, 40, 47 Talbot St, 3 Talbot Place, 16, 58 Hamilton St, 27 Severn

Grove, 63, 151, 174 Kings Rd, 93 Farleigh Rd, 6, 15, 31 Plasturton Av, 8, 9, 13, 14, 19, 22, 26 Plasturton Gardens, Friends of Plasturton Gardens, Member of the Pontcanna Cycle Group, 3, 5, 9 Plasturton Place, 72 Windway Rd, 7 Pitman St, 75, 83 Conway Rd, 16 Clive Rd, 14 Berthwin St, Glan Y Morfa Llangadfan Welshpool, the Civic Society and 39 of unspecified address. These re-state previous objections, which are not re-stated here, and new issues:

- The original plans were extreme, the second amended plans un-acceptable and the third set do not show hardly any changes at all
- None of the comments submitted have been addressed and all previous objections should be considered
- The SuDS strategy is a token gesture– recent storms have highlighted the need for proper flood prevention and sustainable drainage
- Effect on flood risk, ground water levels and drain water flooding from the development and underground parking area, with a need to assess the capacity of existing and proposed drains, noting that drains in the area continually overflow, flooding roads and pavements
- Impact on cycle to school route
- Lack of emphasis on sustainability, with no electric car charge points, insufficient cycle parking and lack of consideration of renewable energy
- The height of block B has increased and there are drawing inconsistencies
- Dismay that the Council has encouraged the proposal to go this far; it is a waste of Council and residents time and resources fighting such an unreasonable proposal
- The Council should reject the application instead of allowing the developer to submit slightly amended plans in the hope of wearing down local residents' resistance
- Query as to whether the previously submitted petition is still valid
- The back lane access will harm access to residents' garages accessed off the lane
- Servicing and access will be impossible leading to increased litter and harm to street scene from unsightly number of refuse collection bins
- The Council seems more interested in reaping s106 financial benefits
- The Talbot St elevation is particularly unsympathetic, notably the red brick and asymmetrical positioning of the unsightly large windows with black frames. The Cathedral Rd elevation is more sympathetic in incorporating a natural stone colour, but is still a significant departure from the architectural style in the Conservation Area
- The proposed loss of trees would contravene section 6 of the Environment (Wales) Act 2016 and green infrastructure policy in PPW (6.2.1, 6.2.4) and approving the application would be to fail to give weight to the environmental and social benefits of trees and PPW. The Council's Climate Emergency Declaration is a material planning consideration and the Council needs to consider the role the trees play as carbon sinks for emissions, particularly as replacement trees would not reach maturity in a timeframe that would offset the effects of climate change. Awarding permission would pave the way for legal action
- The whole debacle stinks of mis-representation and corruption.

- 7.9 **Cllr Gordon and Cllr Singh OBJECT** to the development. Whilst welcoming the modest reduction in the overall size of development and the number of units, and the sloping roof-line, they object on the following summarised grounds:
- Negative impact on the Cathedral Rd Conservation Area -overdevelopment and totally out of character. The design of the elevations and proposed materials do not enhance the Conservation Area.
  - The red brick colour is totally out of place - the red brick used along Cathedral Rd is dark red and elevations broken up with architectural detailing and decorative features. The Talbot St and Cathedral Rd elevations should be faced with a sympathetic render or ideally Pennant sandstone.
  - Loss of 7 mature trees would be visually and environmentally harmful. The canopy has great value in fixing carbon and mitigating the effects of climate change and air pollution. The replacement trees will not replace the carbon reduction capacity for many years.
  - The very narrow access to the rear of the site with poor sight lines will be dangerous for people on bikes, foot and in cars.
  - Increased traffic movements and pressure on on-street parking. The amount of parking is in line with Council SPG but in reality there will be residents with more cars. Lack of parking is the main reason people move out of Pontcanna and residents are very worried about the impact of more demand on available road space for parking.

**Responses received in respect of March 2020 (4<sup>th</sup>) amended plans submission**

- 7.10 54 letters of objection / representations were received from owners/occupiers of the following addresses: 162 Cathedral Rd, Carriage House, Talbot Street, 4, 13, 18, 23, 28, 30, 32, 39, 42, 59 Talbot St, 3 Talbot Place, 2, 26, 30, 32, 34, 36, 40, 66, 68, 72, 94, 98 Ryder St, 1, 5 Plasturton Place, 6, 9, 19, 35 Plasturton Gardens, 7 Pitman St, 27 Springfield Place, the Civic Society and 13 of unnamed address. These re-state previous objections together with the following additional points made:
- Anger that the application is being progressed during the Covid-19 pandemic, when local meetings cannot be progressed, residents are self-isolating, can't get to a post box and are worried and sick
  - The amendments are negligible and all previous objections stand - developers have ignored local concerns
  - Question why the developer is being permitted to submit minor revised plans to initiate a fresh round of consultation, with a concern that the developer is trying to wear residents' resistance down, that it nulls and voids previous objections and almost amounts to harassment
  - Request that additional time is granted/the deadline is extended indefinitely / until after the lock-down / the application put on hold in light of the Covid-19 pandemic
  - Objectors should be allowed to speak at planning committee, but this is unlikely to be allowed in this climate as procedures can't be followed
  - Allowing people to move around urban spaces safely should be of paramount importance as cities look to recover from the Covid-19 crisis –

physical distancing will become the norm and needs to be considered without impacting on pollution.

- Climate change should be at the forefront of any new design and should support green ethical decisions
- Impact on flooding - During the recent flooding the drains in Talbot Street/ Cathedral Road were already at absolute capacity- dirty water from the drains was flooding pavements. In Sophia Gardens the river burst it's banks, posing a serious flooding risk. We need more areas of green space to soak away water, not more concrete.
- Block B is particularly intrusive/overbearing, should be no more than 2 storeys high and set back further from the lane and will still be visible to residents within the Conservation Area, if not from Cathedral Rd
- Impact on future well-being of residents
- Query as to where bins will be stored and left for collection, with concern over impact on environmental health and that the pavement or road will be blocked, as happens elsewhere
- Several telecommunications cabinets are positioned in front of the proposed townhouses and moving these will disrupt existing residents
- Traffic and cycle access - concern that the covering letter suggest that transport officers are happy with the scheme, query as to how safety can be ensured, whether the transport officer visited the site, and request that their report should be made public
- The DAS states there are 24 parking spaces, but there are 23.
- Concern over the noise and vibration impact of any pile-driving undertaken during construction, and risk of structural damage to properties, further to experience of pile-driving at 27 -29 Cathedral Rd in March which was reported to cause houses to shake and cracks to open.

### **Responses received in respect of September 2020 (5<sup>th</sup>) amended plans submission**

7.11 110 letters of objection / representations were received from owners/occupiers of the following addresses: Castle Court 6 Cathedral Rd, 162, 224 Cathedral Rd, 3, 4, 7, 13, 18, 19, 21, 22, 28, 29, 30, 32, 39, 42, 43, 44, 47, 59 Talbot St, 3 Talbot Place, 30 Hamilton St, 3, 30, 32, 34, 36, 38, 40, 42, 52, 54, 62, 80, 92, 94 Ryder St, 5, 7 Plasturton Place, 6, 19, 22 Plasturton Gardens, 49, 55, 63, 88, 140, 151 Kings Rd, 15 Pontcanna Place, 19 Mayfield Av, Flat 4 Caernarvon Court Conway Rd, 14, 16 Berthwin St, 69 Glamorgan St, 90 Llanfair Rd, 93 Farleigh Rd, 32 Gd Floor Penhill Rd, 27 Springfield Place, 23 Maldwyn St, 23 Lily St, 73A, 289 Cowbridge Rd East, 4 St Philbert St, 34 Wyndham Rd, 16 Clos Hendre and the Civic Society and 30 of un-named address. These re-state previous objections, which are not re-stated here, and the following new summarised objections and representations:

- The developers haven't acknowledged or addressed residents' concerns again – there is little change and the submission suggests this is a 'done deal', with queries raised about the relationship between councillors and senior staff with big developers
- The design would become tired and dated within a few years
- The plans do look nice
- The lift shaft adds additional bulk to Block B

- Noise impact from sliding vehicle entry gate
- Impact on structural viability of neighbouring properties from use of lane
- Limited access for utility services and lack of assessment of impact on electrical and water supply, and sewerage network, and future disruption when adequate infrastructure is installed
- Impact on daylight to Ryder St properties from height of new build
- The introduction of 1.7m privacy screens and obscure glazing to prevent overlooking to Ryder St is a token gesture, noting they can be removed and that enforcing their retention will fall to local residents and put pressure on Council resources
- Impact on safety from overlooking of Ryder St dwellings
- The Civic Society confirm that their lawyers still assert that the proposed development would have a severely detrimental impact on the character of the Cathedral Rd Conservation Area and would in no way protect or enhance the area's heritage
- The Vicarage building is one of a kind in the area if not Cardiff
- Question whether the Cathedral Rd Conservation Area group is still in place and if they have commented
- There is no need for new flats; there are over a 1000 long term empty properties in Cardiff and most of the flats will remain empty
- Cumulative impact with 3 other major developments under construction in the area (former care home on Cathedral Rd, and schemes on Sophia Close and Hamilton St)
- Increase in traffic and pollution on Cathedral Rd and other streets from the closure of Castle St and on-going issues arising from the Covid-19 pandemic
- Pandemic has highlighted the need for climate change, liveable spaces, enhanced living standards, physical distancing and safer movement around urban spaces to be given priority over development viability and working from home will increase the impact of the development on health and well-being
- Impact on flooding from new residents and increased paving, and concern that the flood wall will cause water to run into the street, noting that highway drains can't cope and that Talbot St and Cathedral Rd flood
- Noise pollution, littering, rats and anti-social behaviour have increased
- The Council is not adhering to the Historic Environment (Wales) Act 2016
- Fear of precedent and non-compliance by local residents and new developers
- The office building needs to be demolished to improve sight lines
- Mitigation for exacerbating parking pressures should include 100% residential parking for existing residents along Talbot St and Ryder St, query about what control measures would be in place to prevent over parking and use of residents' parking
- Section 106 financial contributions for affordable housing should be an absolute requirement, with no negotiation post approval
- Impact of new buildings on peace and wildlife enjoyed in local gardens

7.12 **Cllr Gordon OBJECTS** to the development, as follows:

*I object to the latest amended plans under the Local Development Plan Key*

*Policy KP 5: Good quality and sustainable design. I do not feel the plans respond to the local character and context of the Cathedral Road Conservation Area. The layout, scale, form, massing, height and high density will impact on the built heritage of the grand late Victorian street scene of Cathedral Road.*

*I support the large number of residents living near this proposed development who have sent in their objections, particularly residents in Ryder Street, Talbot Street and Cathedral Road. The concerns are mainly about the scale, massing and overbearing form of the rear extensions on the rear of properties in Ryder Street. Several residents also raise concern about the possible structural damage to their properties from the pile driving and preparation of the site. KP x. states that development should not have an undue effect on the amenity of neighbouring occupiers and should connect positively to the surrounding community.*

*I am pleased to see in the amended Arboricultural Impact Assessment, that 4 category C trees T1 T2 T5 and T6 are to be retained. They will need maintenance attention as there is a lot of overgrown ivy on them. The tree canopy which makes this an attractive and ecologically important corner with Talbot Street will remain intact.*

## 8. **ANALYSIS**

8.1 The key issues for consideration are:

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

8.2 As noted in section 2, all buildings on the site have been vacant for approx 3 years and were last used as offices owned by Church in Wales, and the surrounding area is a mix of residential and commercial uses, including offices. The site falls within the settlement boundary, as defined by the LDP proposals map and has no specific designation or allocation. As such, the vacant offices are afforded no protection in land use policy terms and there is no objection to the loss of office floorspace.

8.3 Policy H6: Change of Use or Redevelopment to Residential Use provides a framework for the assessment of proposals for the redevelopment of previously developed land for residential purposes within settlement boundaries. In terms of policy H6 criterion (i), there is no overriding need to retain the existing office use and no overriding alternative land use requirement, noting: that the office use is not afforded any policy protection, the need for new housing, and that the principle of the loss of office use, the demolition of 39a Cathedral Road and the proposed residential use of nos 37-39 Cathedral Rd and their conversion to flats has been previously established with the grant of planning permission 16/01817/MJR. In addition, given the location of the proposal within the settlement boundary in a highly sustainable location in close proximity to the city and well served by public transport, and the context and setting of the surrounding area, the application raises no land use policy concerns. This consideration applies also to the proposed retention of the B1 use within the garage/outhouse for use as an office, noting that this is the established use of

the building, as the garage is B1 by virtue of being associated with the existing B1 use of the whole site. The acceptability of the proposal in terms of its impact on the amenity of future residents (criterion ii) and the operating conditions of existing businesses (criterion iii), the accessibility of community and transportation facilities (criterion iv) and risks to end users from land contamination (criterion v), is considered further below.

*(ii) Design and Impact on Heritage Assets*

- 8.4 Section 2 identifies the heritage assets that are relevant to the consideration of the application. These include the site's location within the Cathedral Road Conservation Area, the grade II listed telephone box outside no 39A on Cathedral Rd, a number of grade II listed buildings to the SE of the site, a number of locally listed buildings in the vicinity of the site, a scheduled monument – GM173 Dominican Friary - approx 415m to the east of the development, the Gd II registered historic park and garden Sophia Gardens (PGW (Gm) 21 9CDF) approx 70m to the east of the development and the grade 1 listed Cardiff Castle and Bute Park (PGW (Gm) 22 (CDF)) approx 223m to the NE. None of the buildings within the site are statutory listed buildings.
- 8.5 Given the site's location within the Cathedral Rd Conservation Area, there is a requirement under Section 72 (1) of Planning (Listed Buildings and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Further to Section 66(1) of Planning (Listed Buildings and Conservation Area) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority is required to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.6 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), amongst other things, requires that all new development should be of a high quality, sustainable design and should satisfy various criteria, including criterion (i) of '*responding 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*'. The Council's Infill Sites SPG and Residential Design Guide are also relevant.

**Impact on the Cathedral Road Conservation Area**

- 8.7 The Cathedral Road Conservation Area Appraisal identifies the character of the Conservation Area and provides guidance for its protection and is a material consideration. The following extracts of the character analysis are considered particularly relevant:

*A Distinctive Quality of Place (section 3.1).*

*The area's distinctive quality is derived from its historic road layout, and the ambitious development undertaken by the Bute Estate. Cathedral Road was designed as a grand avenue. Though plot size and layout were prescribed, the*

*Estate offered architectural freedom in design and materials. A more standardised approach to house type and design was adopted in the layout of the streets behind Cathedral Road, showing a hierarchy of design to reflect land value, and social class too.*

*Terraced houses predominate. The most common house plan shows two rooms on each floor, with a lesser and plainer extension lying behind. There is often a paired front door arrangement creating a unified rhythm along the street. Terraces are often composed as one elevation, with higher gables placed in the centre and at each end to provide visual emphasis.*

*The key to the area's quality is the relationship of houses with the road.*

*Building lines are continuous with no outward projection to the façade other than bay or porch. Low front walls, dividing walls and gate piers are all designed to contribute to composed street facades.*

#### *The Presence of Landmark Buildings and Landscape Features (section 3.2).*

*The most imposing houses and building groups lie on Cathedral Road and here distinctive roof forms and elevations are shown to their best advantage. There are few landmark buildings save those where a contrast in building style distinguishes house or building groups. The former synagogue, St Mary's at the top of Talbot Street and the Presbyterian Church on Cathedral Road are the exceptions. Elsewhere, definition and variety is created by building detail and ornamentation or by the dramatic skylines created by distinctive roofs and bays.*

#### *High quality or unusual materials (section 3.4)*

*The widespread use of Pennant as the dominant building stone gives the area its special character. It is of good quality and laid in regular courses with a rock face finish and thin mortar joints. It is usually partnered by Bath stone dressings in bays, window cornices and parapets. The grander the house or terrace, the more decorative is the use of Bath stone.*

*Brick has also been used in the Conservation Area either as the main facing or in dressings and external walls. It is often used to contrast or complement Pennant in a lively multicoloured pattern. Half timbered gables or upper floors and bays often supplement and exaggerate this design approach.*

*Natural slate roofs are important too, though a significant number now have artificial slate. They are steep, often with prominent or hipped gables rising flush from the wall face. This is a common feature in end of terrace units where roof form adds definition to the street frontage too. Gables are often decorated by fretted bargeboards, finials and parapets. Above, chimneys rise in ranks to define plot rhythm and building layout. The overall effect creates a strong geometric urban layout, with long vistas and distinctive sky lines.*

- 8.8 Section 3.5 of the Appraisal reports on the high quality architectural detailing that characterises the Conservation Area, in respect of stonework, joinery, doors, porches, railings and boundary walls, and roofs, chimneys and dormers, giving Conservation Area its characteristic richness.
- 8.9 Section 4.1 provides a detailed assessment of a sub-area of Special Character from Cowbridge Road to Sophia Close, within which the application site sits. It is notable in highlighting the dominant and intrusive appearance of the adjacent site:



- *This is an important tree lined route leading north from the city,*
  - *Buildings are largely in commercial use,*
  - *There are some modern building which are intrusive in the street scene for example the petrol station, and two very dominant high rise blocks at 31-37 Cathedral Road.*
  - *A number of properties have substantial office extensions to the rear.*
- 8.10 The Appraisal lists a number of issues that affect this sub-area, of which the following are considered to be particularly relevant:
- Anonymity, and loss of local identity through commercial users by day, and abandonment by night,
  - Poor maintenance of forecourts and open garden areas
  - Car parking on streets and in gardens detracts from the character of the area
  - Some substantial extensions to the rear of buildings undermine the integrity of built form and the aspect west from Sophia Gardens
  - Pressure of higher residential densities
  - Gardens and railings have been removed and forecourts paved.
- 8.11 The Appraisal also identifies a number of ‘enhancement opportunities’, of which the following are considered particularly relevant:
- Reinstatement of front gardens as development opportunities arise
  - Reinstatement of front and rear boundaries to redefine the area’s historic layout
  - Scope for the return of residential uses to appropriate sites
  - Scope for enhancement to the aspect to Sophia Gardens
  - Removal of parking from rear gardens
  - A reduction in the scale of rear extensions.
- 8.12 The Framework for Action (section 5) identifies a number of opportunities presented by the appraisal, including the need to maintain the special character of the existing Cathedral Rd Conservation Area and to ensure that new developments are well integrated. Amongst a list of issues to address are: continued pressure to alter and extend buildings and gardens, continued pressure for street parking and disruption to traffic as a result, continued traffic congestion both within side streets and on Cathedral Rd and a conflict between retaining the quiet ambiance of the area and its popularity as an inner city residential area, leading to higher densities.
- 8.13 Appendix 1 of the Appraisal document provides guidance on development in the Conservation Area in respect of detailed elements of the built form. Section 15 on Extensions and New Development is particularly relevant. This advises that *‘whether a traditional or contemporary design approach is adopted, the success of new developments and extensions to existing buildings in the conservation area will require an understanding of its special interest’* and notes that they will be *‘required to preserve or enhance the character and appearance of the conservation area by respecting the area’s historic context’*. It is noted that this can be expressed in: existing vertical and horizontal rhythms in the built form, retaining important views and vistas in and out of the conservation

area, respecting the existing land uses, reinforcing the existing hierarchies of public and private space, using materials and architectural details which are as high in quality as those used in existing buildings and respecting established plot size and garden layouts within the conservation area.

8.14 The proposals have followed a lengthy pre-application and application process, where hundreds of objections have been received, officer concerns have been raised and attempts made to overcome them through multiple revisions. When considered as a whole and subject to the recommended conditions, it is considered on balance that the scheme would meet the test of preserving the character or appearance of the Conservation Area, would also deliver key enhancements and meet the related requirements of policies KP17, EN9 and KP5 (i), taking the following matters into consideration:

- *Demolition of the vicarage* - The principle of the demolition of the vacant vicarage building at 39a Cathedral Road and the rear annexes of 37 – 39 Cathedral Rd has been established by the granting of Conservation Area Consent 16/01818/MJR, which is still extant, such that the loss of the former vicarage building and the rear annexes is accepted.
- In considering the acceptability or otherwise of the proposals that would replace the vicarage building, it is recognised that the vicarage building is itself an anomaly, in that it does not conform to the established character of Cathedral Rd. It is of a very different style to the Victorian and Edwardian properties lining Cathedral Rd, particularly in terms of its detailing, scale and massing. Whilst the Vicarage sits quietly in the street scene and provides a comforting, country garden form of architecture within the context of Victorian and Edwardian villas, and is part of Cardiff's history, it is not exceptional or essential to the character of the area and adds to the diversity of styles in the immediate area.
- *Block C* - The vacant, historic villas at 37 and 39 Cathedral Rd would be retained and returned to beneficial use through their conversion to residential use as 11 flats (as Block C), and the low quality, modern rear extensions demolished, all of which is welcomed and represents an enhancement. The return of residential uses to appropriate sites is recognised as an enhancement opportunity in the Conservation Area Appraisal and it is also noted that extant permission has established the principle of the acceptability of conversion of the villas to flats (16/01817/MJR).
- The external alterations proposed to the villas are acceptable, subject to the recommended conditions, and include the insertion of replacement timber sliding sash windows, inset balconies at the rear roof level, a new rooflight, the retention and refurbishment of the existing front door to no 37, a new front door to no 39, the removal/ alteration of some rear windows, and the replacement of existing rain water pipes and render. Rain water goods to the front would be black cast aluminium and those to the rear, black PVC. The insertion of the rear inset balcony to the roof of both villas and the new rooflight would be acceptable, noting that they are relatively discreet, would not be prominent within the roof scape and that the balconies would be subject to a condition to ensure that they are well detailed and use appropriate materials that would recede visually.

Conditions are also recommended to control the detailing of the replacement sash windows and doors.

- Block A - The revised form of the new apartment building Block A, in the prominent corner position of the former vicarage, responds much more positively to the character of the area when compared to previous iterations and is now considered to be acceptable, subject to conditions. The front elevation is designed to reflect the established building line, plot width, the characteristic strong vertical emphasis, the spacing between buildings, the scale, massing, building form and rhythm of gabled villas, and now includes a pedestrian entrance to the front of the building that is typical of the area, all of which are welcome. Whilst contemporary in style, the building form with its dual bay fronted layout and two gables is more responsive of the established character than the vicarage building it would replace and is sympathetic to adjacent buildings in terms of its ridge and eaves height, roof and gable pitch and building footprint. In term of detailing, the building adopts a contemporary interpretation of the stone bays and gabled frontages that are characteristic of the area. The frontage onto Talbot Street is now also acceptable, following a significant reduction in its massing and amended detailing, and now projects back into the site to the same depth as the historic villas.
- The materials proposed for Block A are acceptable, and include brickwork with colour to match the existing, detailed in a Flemish bond, rather than modern stretcher bond, and Bath stone bays rather, than reconstituted stone bays. The use of natural stone, rather than the reconstituted stone initially proposed, is considered essential and the recommended materials condition expressly requires this, for the avoidance of doubt. The materials condition also specifically requires the bricks to be an imperial, stock brick (as opposed to wire-cut) and for them to be laid in Flemish bond, which is also considered essential. Whilst third parties have objected to the use of red brick, it should be noted that both the existing Vicarage building and its replacement approved under pp. 16/01817/MJR were both red brick and that red brick, laid in Flemish bond, is a characteristic of the Conservation Area (eg. 10 Cathedral Rd, 11-13 Cathedral Rd, 6- 8 Pontcanna St, north side of Teilo St, south side of Dyfrig St). It is considered that the existing brick, which the plans propose to match, would be acceptable in principle, as it is muted, has hues of dark grey and brown which tie it to the grey brown pennant and red hues in the polychromatic stone found in the locality (eg the coach house opposite the garage). The black, aluminium frame sliding sash windows proposed for Block A, whilst not in characteristic timber, are also considered acceptable in this instance, noting that they reflect established window proportions, that aluminium windows were approved on the previously consented scheme (16/01817/MJR), that aluminium still allows the delicate frame proportions to be replicated and that the policy approach is to preserve existing timber sash windows, with there being more flexibility for new work or replacement of non-timber or non-sash. Conditions are recommended to control architectural details, windows and materials. The contemporary design of Block A is also considered acceptable in this part of the Conservation Area, noting that the previously approved scheme adopted a contemporary approach and that a number of modern developments have been approved

in the vicinity, including to the rear of 32 Cathedral Rd (18/02601/MMJR) and opposite at 30 Cathedral Rd. Whilst not sitting so quietly in the street scene, it is considered that Block A – subject to the careful detailing and materials required by condition - would make a contribution to the character of the Conservation Area that is equally, if not more responsive, to the surrounding street scape than the scheme approved under pp 16/01817/MJR and, arguably, the vicarage building, particularly given its current state.

- *Town Houses* – The terrace of three town houses fronting onto Talbot Street have been proposed through amended plans to address concerns raised about scale and massing of the annexe initially proposed to the rear of Block A. Their scale and massing is acceptable and appropriately subservient to Block A. Whilst designed as a building in their own right, with an active frontage onto Talbot St, they are appropriately set back from Block A and provide a characteristic strong vertical rhythm. They adopt a contemporary flat roof form, being relatively simply detailed apart from frameless glazed oriel windows which offer a reinterpretation of oriel and bay windows found in the conservation area. A condition is recommended to require full architectural detailing of the Talbot St elevation, to ensure it is delivered to an appropriate quality. Whilst their flat roof form is unusual in the area, it is not unique, with flat roofs present to the rear of 30 Cathedral Rd opposite and also proposed at 32 Cathedral Rd and on the town houses approved at 27 – 29 Cathedral Rd (17/02605MJR). The extent of the horizontal emphasis which normally characterises flat roofs is minimised by the visual interest and rhythm created by the three overhanging asymmetrical canopies and the use of alternating projecting and recessive elements. Overall the town houses are considered to be of an appropriately high design quality. The materials proposed are acceptable, subject to condition, and include walls faced in red brick (to match the existing), light grey through colour render, black slate cladding to front and rear entrances and metal cladding, with black aluminium frame windows and doors. A condition is also recommended to ensure that the bin storage is sensitively designed.
- *Block B* – The design of Block B to the rear of no 37 Cathedral Rd is contemporary, functional in appearance, flat roofed and large. The palette of materials would reflect those used in the townhouses and would be subject to condition, also requiring bricks to be laid in Flemish bond. Whilst, Block B is considerably reduced in both height and length and its roof is now lower in height than the historic villa it sits behind, it is, none-the-less, significantly greater in scale, massing and depth than the annexes that are typically found to the rear of historic villas in similar positions. It also fails to respond to Conservation Area Appraisal guidance, which identifies ‘a reduction in the scale of rear extensions’ as an enhancement opportunity and the need for extensions and new development to respect ‘*established plot size and garden layout*’. Notwithstanding this, it is considered that Block B would not represent a reason to resist the overall scheme, for the following reasons: its overall impact would be limited by its stepped design, its separation from the historic villa, its position deep within and to the rear of the site, the partial screening provided by the existing garage building, proposed townhouses and retained large beech tree, and the very limited

public views towards it. It would not be visible from Cathedral Rd or Hamilton St, and there would only be limited views from Talbot St between buildings and trees. The rear service lane would present the most open, but least sensitive, public views of the site. The backdrop provided by the more substantial office building to the south, is also material to the consideration of the acceptability of Block B in this particular location. The current view into the site from Talbot St is much more open and harmful, taking in the greater expanse of hard surfaced car park across the vacant site, the entirely unsympathetic and larger flank of 35 Cathedral Rd and the unsympathetic, flat roofed modern extensions to the villa at 39 Cathedral Rd. Whilst the poor quality of its larger neighbour at no 35 Cathedral Road does not justify further increase in scale and massing, Block B and the 3 townhouses would block the existing very open and prominent view from Talbot Street across a hard surfaced car park and towards the unsympathetic side elevation of 35 Cathedral Road, which would represent an enhancement. Taking into consideration the above and notwithstanding the concerns noted, it is considered that Block B would not represent a reason to resist the overall scheme.

- Garage – the existing garage building and its established B1 office use would be retained. The proposals to provide a bi-fold timber garage door in front of the unauthorised Upvc doors already installed are considered to be acceptable and a condition is recommended to ensure that these are provided, carefully detailed and retained.
- Landscaping – Whilst the existing grassed area to the side and rear of the vicarage would be lost, the proposed scheme would provide a greater area of soft landscaping than both the existing situation and the approved scheme 16/01817/MJR, which would represent an enhancement to the Conservation Area. The scheme provides a courtyard design, with a raised central landscaped terrace. The existing harmful, paved forecourt to the front of 37-39 Cathedral Rd would be removed and a landscaped front garden reinstated, complete with new tree planting to reflect the traditional historic treatment of front gardens. This is welcomed, with the Conservation Area Appraisal document citing the reinstatement of front gardens as an enhancement opportunity. The landscaping scheme would also include landscaped open space to the front of block A, to the front and rear gardens of the town houses, to the south of the town houses, to the rear of Block B and a green roof to Block B. The application would remove a prominent expanse of tarmac / parking from public views from Talbot Street which represents a further enhancement. It would also obscure approx. half of the parking spaces by locating them below ground level under the landscaped deck and Block B. This is welcomed and represents a further enhancement, as the CAA identifies '*car parking: on streets and in gardens detracts from the character of the area*' as an issue. A condition is recommended to control the detailed design and aftercare of the landscaping and tree planting. In this way, the scheme would also address the identified issue in the CAA of 'poor maintenance of forecourts and open garden areas'.
- Further to provision of additional information, it has also been demonstrated to the Tree Officer's satisfaction that the development would not harm the existing street tree (a C category lime) outside the site on Cathedral Rd, as

initially feared, and that it would retain both the prominent copper beech tree on the Talbot St frontage and trees to the Cathedral Rd frontage which contribute so much to the Conservation Area, and which, together with substantial new tree and other planting, would represent an enhancement of the Conservation Area (see further detail below).

- The boundary wall to the front and sides of 37 – 39A would be retained, with new entrances created, with the details of the new gates and railings (to match existing) controlled by condition to ensure careful detailing. The retention of existing railings and introduction of new railings to match the existing is welcomed, particularly given the removal of railings is identified as an issue in the CAA.
- As noted above, the proposal would bring about '*the return of residential uses*' identified as an enhancement opportunity in CAA and also help address the identified issues of '*anonymity, and loss of local identity through commercial users by day and abandonment by night*'. The CAA also notes that 'pressure of higher residential densities' is an issue, but none of the technical consultees have identified any concerns that would indicate any unacceptable impacts in this instance that would be sufficient to justify an alternative recommendation.

8.15 Taking into consideration the above factors and when considered as a whole and subject to the recommended conditions, it is considered that the scheme is acceptable in design terms and would meet the test of preserving the character or appearance of the Conservation Area and also includes a number of proposals that would enhance the character and appearance of the Conservation Area.

8.16 It is considered that the scheme would satisfy LDP policy KP5, the Infill Sites SPG and Cardiff Residential Design Guide and is acceptable in wider design terms, noting in particular that it would bring a vacant site back into beneficial use, would add vibrancy throughout the day, would be accessible to all users and sustainably located, would provide a legible environment that is easy to get around, would provide a climate responsive design in respect of trees, flood prevention, SuDS proposals and EV charging (required by condition), and would promote the efficient use of land as a scarce resource and add to urgently needed housing land supply. The effect on the amenity of future and neighbouring occupiers is considered further below.

#### **Impact on the setting of Grade II listed buildings and locally listed buildings**

8.17 The setting of the statutory and locally listed buildings is characterised by the scale, form and materiality of buildings along Cathedral Rd. For reasons noted above, the development is considered to preserve the Cathedral Rd street scene and it is also considered that the way in which the listed and locally listed buildings along it are experienced – both in terms of views towards and views out from windows within – would be preserved, such that the development is not considered to have a harmful impact on the setting of those buildings.

**Impact on scheduled monument, historic parks and gardens**

- 8.18 The proposal would not harm the scheduled monument 'GM173 Dominican Friary' or its setting, or the registered historic park and gardens Sophia Gardens and Cardiff Castle and Bute Park or their setting, taking into consideration the form, scale and massing of the development, the separation distances involved, and intervening development and mature trees. It is also noted that Cadw have confirmed they have no objection.

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

- 8.19 Policy KP5 seeks to ensure that 'no undue effect on the amenity of neighbouring occupiers' results from development. The Council's Infill Sites SPG and Residential Design Guide introduce a number of design criteria for assessing impact on residential amenity, including an assessment for ambient light using the 25 degree rule, a min of 10.5m between developments and adjacent gardens and a min of 21 metres between facing windows at upper floors to ensure acceptable privacy. The proposal has been assessed against the above criteria and it is considered that the scheme would not result in any demonstrable loss of light, or privacy or harm as a result of overbearing outlook, taking into consideration the proposed conditions and separation distances. It is noted that the townhouses would be separated from the rear annexe of 40 Ryder Street by approx 28m and their rear garden by approx 15.8m, that Block B would be separated from the rear annexe of no 32 Ryder St by approx 28m, from its rear extension by approx 25m and from its rear garden by approx 14.2m, that the windows on the rear elevation of Block B would be obscured and fixed (and conditioned to be retained as such), that the green roof on Block B would be prevented from being used as a roof terrace by condition, and that overlooking from balconies would be prevented by means of a privacy screen required by condition. Whilst the privacy screens are not strictly necessary to protect privacy, taking into consideration the separation distances, they are recommended in light of the perception of harm to amenity from overlooking evident from the representations raised, which is capable of being a material consideration. There would not be any harm to residential amenity as a result of unacceptable overshadowing given the orientation of the buildings and separation distances involved.
- 8.20 Amenity of future occupiers – The internal floor area of all flats, and the outlook from and natural daylight to all habitable rooms is considered acceptable. There would not be any harm from loss of privacy from overlooking, given the approx 22.6m separation distances between the townhouses and Block B and the 16m separation distance to their rear gardens and the recommended condition.
- 8.21 The town houses would have their own private amenity space, comprising back gardens of 43m<sup>2</sup> – 45m<sup>2</sup>, as well as front gardens. The 33 apartments would have access to communal space to the rear of block B (approx 100m<sup>2</sup>), between the townhouses and the proposed office building (approx 256m<sup>2</sup>) and to a raised landscaped deck of approx 133m<sup>2</sup>, totalling 489m<sup>2</sup> against a total requirement of 355m<sup>2</sup>, assessed against the Residential Design Guide standard. Whilst the amenity space to the rear of the site would not be ideal,

as it is not particularly private and or easily accessible, it is accepted that overall the provision of amenity space would be acceptable, noting the more limited provision approved under pp 16/01817/MJR, that 10 of the flats would have balconies and given the site's proximity to residential accommodation to Sophia Gardens and Bute Park to the east and to Plasturton Gardens to the west. Further to comments raised by third parties, the Agent has confirmed that the green roof to Block B would not be available for use as a terrace and this is conditioned, accordingly.

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

8.22 Policy KP5 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'.

8.23 The site is considered to be in a highly sustainable location being located adjacent to a bus and cycle route, cycle infrastructure and close to the city centre. The Managing Transport Impacts (Incorporating Parking Standards) SPG identifies no requirement for off street parking and provision for cycle parking at a minimum ratio of 1 space per bedroom. Notwithstanding the considerable objections raised in terms of the provision of and pressure for car parking and the impact of this on residents' daily lives, Transportation advise that car parking standards are maximums and that technically no car parking is required, such that the proposal for 23 car parking spaces is SPG compliant. The proposal for 56 cycle parking spaces for the flats exceeds the SPG standards, which is welcomed. Amended plans have addressed concerns raised by the OM Transportation over car and cycle parking design/layout, subject to the recommended conditions and the developer has agreed to a condition to require the provision of EV charging in line with Council guidance, which is welcomed. Concerns raised by Transportation over access to the site by users with mobility issues and those requiring wheelchair access have also been addressed, through the provision of a platform lift.

8.24 Whilst objectors have also raised significant concerns over the safety of the access from the rear lane and onto and along Talbot St, the OM Transportation has raised no objection, noting that the site is currently accessed via the rear lane, that the amount of car parking is reducing on-site and that safe access could be maintained through the introduction of appropriate parking restrictions being introduced onto the bellmouths of the northern and southern extents of the lane and around onto Talbot St and Hamilton Street to avoid parked cars causing concerns, such that a Stage 1 Safety Audit would not be required. Parking restrictions would be secured through a s106 financial contribution of £12,000 to include the costs of the TRO process, which the developer has agreed to provide, which is welcomed. Transportation also note that given the



reduction in on-site parking supply in comparison with the extant permission (38 spaces) and the relative scarcity of adjacent on-street parking, it is not considered that the proposal is likely to have significant traffic issues in comparison with the consented development, whilst accepting that travel patterns will be different with 100% residential use. In response to a third party query re deliveries, Transportation advise that deliveries can be accommodated on Cathedral Road (outside peak times, as denoted by the signs), on Talbot Rd and via the rear lane (although larger delivery vehicles may not practically be able to access this), noting that there is already delivery vehicle use/allowance at the site via the existing commercial use, and that there is an extant permission for some residential units at the site.

8.25 The OM Transportation has raised no objection to the scheme on highway safety grounds or on local highway capacity, subject to conditions to secure footway improvements (to Cathedral Road, Talbot St and to a section of the service lane to address site access, footway repairs, resurfacing of the service lane, edging, lighting and signing) and to control car and cycle parking and how the vehicle entry gate into the rear car park would operate, which the developer has agreed to.

8.26 Waste Management have confirmed that the refuse details, as amended, are acceptable and that they have no objection, noting that the Council would collect the communal bins for the apartments and return them, that the townhouses would present their own bins on Talbot St and that the office would arrange a commercial collection. It is noted that the path from the bin store to Talbot St meets the 1.5m wide standard and that a drop kerb to Talbot St would be secured by condition. A condition is also recommended to retain refuse storage for future use.

*(v) Impact on the natural environment and climate change*

8.27 Policies KP15, KP16, EN7 and EN8 seek to ensure that green infrastructure is protected and that the effects of climate change associated with such loss are mitigated.

8.28 *Impact on existing trees*- The impact of the development on trees has been a significant concern to officers since pre-application stage, and has been the subject of detailed advice, subsequent revisions and multiple objections from the tree officer and third parties, with particular concerns raised over the loss of trees, failure to show adequate mitigation or enhancement tree planting, conflict between trees and drainage/services, inadequate planting and soil specification insufficient to demonstrate that what is shown on plan is deliverable and inconsistent plans. However, the landscape submission has now been designed in conjunction with SuDS/ SAB specialists, with the previous conflicts between the built development, trees and SuDSS addressed and, further to the latest submissions, the Tree Officer has no objection, subject to the recommended conditions. As noted above, the application would involve the loss of 4 no category 'C' individual Conservation Area trees T4, T8, T9, T1 and one category 'C' group of Conservation Area trees G7, the retention of the large TPO and B category purple beech T11 at the rear of the site, the retention of the 'B' category lime tree T3 and 'C' category trees T2, T5, T6 on

the Cathedral Rd frontage and the planting of x7 new trees (including x1 very large tree (*Quercus palustris*), x2 large trees (*Acer x freemanii* 'Armstrong'), X2 medium trees (*Ligustrum japonicum*) and x2 small trees in planters (*Cornus controversa* 'Variegata') and has now demonstrated the absence of harm to the street lime tree T1 outside the site. The retention of the two holly trees (T2 and T6), the lime (T3) and the cherry (T5) would maintain the tree canopy that is characteristic of the Conservation Area and this will be further enhanced by the 2 large acers, with understorey planting, proposed in front of the historic villas along the Cathedral Rd frontage. The Tree Officer has concluded that the 7 new trees represent an enhancement to the Conservation Area, which more than offsets the loss of existing low quality trees and the tree and landscaping proposals are welcomed.

8.29 Third party objections have been raised in respect of the impact of tree losses on climate change, with a view held that mature trees must be preserved and that loss of mature green infrastructure cannot be mitigated by replacement planting on grounds that such planting will not mature within a timeframe that would offset the effects of climate change. This position is not accepted and the Tree Officer has advised that the proposed new tree planting would improve species diversity and age class structure, both of which are important elements in achieving a sustainable tree population and mitigating the predicted impacts of climate change. They advise that *Quercus* and *Acer* in particular are species that are tolerant of extremes of soil moisture and dryness, conditions that may become more frequent with climate change, and that the *Ligustrum* is a broad leaved evergreen which consequently offers year round visual amenity benefits and interception/storage of pollutants. They advise that a literal interpretation of the objections raised on grounds of climate change would mean that not a single tree on any development site anywhere in Cardiff or Wales generally could be removed and that this lead to an imbalanced age class structure (ageing tree population), lack of species diversity including species well-adapted to deal with the predicted impacts of climate change, potential hazards and potentially catastrophic pest and disease outbreaks.

8.30 *Protected Species* - The consideration of any impact on protected species is essentially related to the potential for bats and harm to nesting birds and in this regard a survey for bats and nesting birds has been undertaken and an updated report (dated Feb 2020) of findings and recommendations submitted. The comments of and absence of objection from NRW and the County Ecologist are noted, and officers are content that such mitigating measures as will be necessary to ensure for the favourable conservation status of protected species can be appropriately controlled by means of of a statutory license and by the recommended planning conditions, which include both mitigation and enhancement measures.

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

8.31 SRS have raised no objection with regard to contaminated land, subject to conditions, all of which are duly recommended. Similarly, no objection has been received in respect of air, light or noise pollution, subject to conditions to require a supporting air quality assessment (construction and operational phases), to control road traffic and live music noise for future occupiers, and to control

construction site noise, dust, piling and vibration via a Construction Environmental Management Plan. SRS also recommend an advisory notice setting out hours for noisy construction works and advising that the applicant should seek approval for any proposed piling operations. These conditions and advisory notice are duly recommended, with the exception that the recommended CEMP condition is proposed to extend to the control of dust and dirt only, in line with the model condition wording set out in Welsh Government Circular WGC 016/2014 and noting that there are other legislative regimes to control noise, piling and vibration, that the principle of non-duplication set out in Planning Policy Wales should be maintained, that the impact of piling and vibration on property damage is not a planning matter and that the advisory notice recommended by SRS extends to construction noise and piling operations.

*(vii) Water Resources, Drainage and Flood Risk*

- 8.32 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 dispose of surface water by means of a sustainable drainage system which would ultimately connect to the public sewer. Proposed sustainable drainage features include the use of permeable paving to the lower level carpark, rain gardens to the front of the three town houses and retained villas, a green roof and an underground attenuation storage crate. SAB approval, that is consistent with the drawings submitted under planning, was granted 30/09/20 for the site, demonstrating that the site can be viably drained and meet the statutory SuDS standards. From a planning perspective, Drainage colleagues have advised that the drainage is a good design and have no objection. This is a welcome ending to a lengthy process involving objections from drainage colleagues and multiple amendments. It is proposed to convey foul discharge to the DCWW combined sewerage network and DCWW have no objection to either the surface water or foul drainage proposals, subject to the recommended condition.
- 8.33 From a flood perspective, it is noted that the site falls entirely within Zone C1 as defined by the DAM referred to under TAN 15. All residential premises are classed as 'highly vulnerable development' in the TAN 15 precautionary framework identifying the vulnerability of different land uses to flooding and zone C is defined as a 'high risk area'. TAN 15 states that development should only be permitted within Zone C1 if determined by the planning authority to be justified in that location. A flood risk assessment has been submitted to assess and mitigate the risks from flooding.
- 8.34 The Welsh Government 'Summary of what TAN 15 requires for highly vulnerable development (houses) to be considered acceptable' sets out the following justification criteria:
- 1) *Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) **AND***
  - 2) *Its location is necessary to assist a local authority regeneration initiative or strategy, or contribute to key employment objectives, necessary to sustain an existing settlement or region **AND***

- 3) *The site meets the definition of previously developed land (i.e. is not a Greenfield site) and concurs with the aims of Planning Policy Wales (ie. the presumption in favour of sustainable development) **AND***
- 4) *A Flood Consequences Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable'.*

8.35 Assessed against these criteria:

- 1) the area is developed and served by significant infrastructure, with the FCA (section 7) noting that the area benefits from flood alleviation measures in the form of reinforced earth embankments to the Taff and the Cardiff Bay barrage
- 2) the site is necessary to assist a LA regeneration strategy, in that the site constitutes a windfall site within the LDP settlement boundary and forms part of the strategy for achieving the level of growth during the plan period proposed under KP1 of the LPD
- 3) The site is a brownfield site / previously developed land.
- 4) A FCA supports the application.

8.36 A flood risk assessment has been submitted that demonstrates that flooding can be acceptably managed. NRW note that they have no concerns provided finished floor levels are set at or above 7.9m AOD and a condition is recommended to ensure that this and the other recommendations of the FCA are implemented. It is noted that part of the flood strategy is to protect the lower car park area from flooding by a retaining wall and raised access. In response to NRW's advice that it is for the Authority to satisfy itself that the wall and raised access would be appropriately designed and maintained, the Council's drainage engineer has confirmed that this would be the case and a condition is recommended to ensure that the wall and raised access are retained and maintained for the lifetime of the development. The FCA sets out further mitigation measures to manage flood events, and a further condition is recommended to ensure that future occupiers are made aware of the flooding risks and consequences, and that flood emergency plans and procedures are put in place for future occupiers, in line with the TAN 15 criteria.

*(viii) Response to third party and other objections and representations*

8.37 The objections raised by third parties and other objectors have been carefully considered. The following comments are provided in respect of matters raised that have not been addressed in the above analysis:

- The 21 day consultation period accords with national guidance and deadlines are put in place to allow LPAs to determine applications as expediently as possible in accord with national guidance. That said, responses can still be considered before a recommendation is made, even after the initial consultation deadline where a report has not been completed.
- The PAC report notes that Cllrs Wild, Gordon and Singh were consulted by a letter sent by email on 3<sup>rd</sup> June 2019.
- Guidance on rights to speak at Planning Committee is available on the Council's website.

- The Cathedral Rd Conservation Area Group no longer convene.
- The responsibility for the safe development of the site rests with the developer. Damage to properties from traffic and construction is not a planning matter.
- Impact on house prices is not a planning matter.
- The application would not trigger the need for planning obligations in respect of health and schools, in line with the Planning Obligations SPG.
- There is no LDP policy requirement to undertake a Welsh language impact assessment. Pls see the advice for developers in 'Recommendation 10' to contribute to the use of the Welsh language and the Thriving Welsh Language well-being goal.
- There is no requirement to undertake an asbestos assessment or health impact assessment as part of a planning application.
- It is considered that a condition to prevent the use of any dwelling as an Air B&B property would fail the tests for the use of conditions
- The Tall Buildings SPG does not apply as the development is not double the height of surrounding properties or significantly taller in terms of actual height and number of floors.
- Regarding the unauthorised works to the garage/outbuilding, enforcement have been advised of the unauthorised uPVC doors currently in place. Given the application includes details for bi-fold doors to address the matter, it would not be expedient to take any enforcement action until such time as the application has been determined. The bi-fold doors are considered to be acceptable, as noted above, subject to the recommended condition.
- Heritage Impact Assessments are not required when applying for planning permission, including for development in a conservation area and within the setting of a listed building, scheduled monument or registered historic park and garden.

***(ix) Other Legal Considerations***

- 8.38 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 and it is noted that SWP have raised no objection, subject to recommendations. Whilst many are building control matters, the proposed scheme and recommended conditions would address those relating to the provision of secure cycle and bin storage and means of enclosure.
- 8.39 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. Amended plans have been submitted to provide platform lift to ensure that the basement car park is accessible to all and that both level and stepped access is now available to the rear gardens of the three town houses.

- 8.40 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, taking into consideration the above analysis. There is significant overlap between the well-being goals the Act puts in place and national and local planning policy, given the central role of planning in delivering sustainable development. The key issues that have formed material considerations in the determination process are pertinent to the stated well-being goals of the Act.
- 8.41 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 and in the recommended conditions.
- 8.42 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 which 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.
- 8.43 Environmental Impact Assessment – The works are not a Schedule 2 development for the purposes of assessment under the EIA regulations and are not considered to have any significant environmental effects warranting the submission of an Environmental Statement.

## 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 **£648,660**, broken down as follows and calculated in accordance with Council policy and guidance:

- **£535,920** towards off-site affordable housing
- **£35,582** towards off-site community facilities
- **£65,158** off-site towards Public Open Space
- **£12,000** for parking restrictions to be introduced on the bellmouths of the northern / southern extents of the lane, and on Talbot / Hamilton Streets to ensure safe access can be maintained without parked cars causing concerns (to include costs of the TRO process).

In addition, the Applicant has been asked to undertake a scheme of environmental / footway improvements to Cathedral Rd, Talbot Street and the rear lane, to be secured by condition, which they have agreed to.

- 9.3 To assist the consideration of planning obligations, the Applicant provided a Viability Statement (December 2019) prepared by Savills which concluded that the scheme has reduced significantly in density from the 51 units to 36 units, which has impacted negatively on scheme viability and that the imposition of the Section 106 contributions would make the scheme unviable and undeliverable. 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 27/04/20, confirmed that the scheme would not achieve a competitive return expected for a development of this nature if a planning obligation payment was required and suggest that, if the authority is minded to grant permission on the basis of no contributions that a timescale for delivery is agreed which, if not met, triggers a viability review.
- 9.4 Notwithstanding the viability exercise carried out by the Applicant and verified by the District Valuer, the developer has agreed to provide a planning obligation of **£12,000** (to include the costs of the TRO process) towards appropriate parking restrictions to be introduced on the bellmouths of the northern / southern extents of the rear access lane, and on Talbot / Hamilton Streets, to ensure safe access can be maintained without parked cars causing concerns.
- 9.5 Further to the advice of the DV, the planning obligation should also require a further viability assessment to be undertaken in the event that the construction of the ground floors of Blocks A and B and the townhouses has not substantially commenced within 24 months of the issue of the planning permission to allow the financial contributions to be reassessed.
- 9.6 It is considered that the above planning obligation 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.

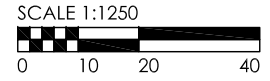
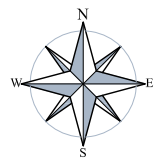
## 10. **CONCLUSION**

- 10.1 Based on the above and having considered all representations and material matters raised, 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 and issues raised through consultation satisfactorily addressed.

- 10.2 In considering the application, officers have sought numerous amendments to reduce the scale and massing of the development, to introduce materials and enhancements to the built form in recognition of the sensitivity of the surroundings and to satisfactorily resolve technical issues in respect of trees, flood-risk and SuDS. The impact on heritage matters has been assessed in detail within the report, with the consideration being that, despite some concerns with respect to block B, the scheme would meet the test of preserving the character or appearance of the Conservation Area overall, that there would be a number of enhancements to the Conservation Area and that the scheme would preserve the setting of Grade II listed and locally listed buildings, scheduled monuments and registered historic parks and gardens.
- 10.3 The proposal would also bring wider benefits, in terms of bringing a vacant site, that has been derelict for over 3 years, into beneficial use with associated regeneration benefits, would promote the efficient use of land, make a positive contribution to the local housing land supply, achieve a resource efficient and climate responsive design, in the proposed retention of trees and planting of new trees, and the extent of soft landscaping and SuDS proposals and provision of EV charging. The delivery of environmental and footway improvements to Cathedral Rd, Talbot St and the rear lane are also welcomed and would be secured by condition.
- 10.4 It is recommended that planning permission be granted, subject to the recommended conditions and relevant parties entering into a planning obligation.





| rev | note | date |
|-----|------|------|
|     |      |      |

**PLANNING**

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T: 029 2022 6757

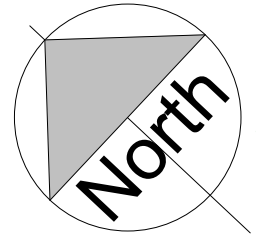
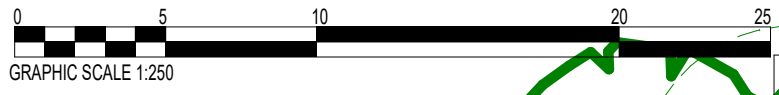
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**Cathedral Gardens Ltd**

**37-39 Cathedral Rd  
CARDIFF**

title  
**Site Location Plan**

| job no.     | dig no. | rev      |            |
|-------------|---------|----------|------------|
| 267         | SL00    | -        |            |
| scale       | date    | drawn by | checked by |
| 1:1250 @ A4 | Dec '18 | -        | -          |



- LEGEND:**
- Site Application Boundary
  - Existing trees to be retained
  - Existing trees RPA
  - Existing trees to be removed
  - New trees.
  - New shrubs planting.
  - Denotes areas of turfed grass.
  - Denotes areas of precast concrete paving slabs.
  - Denotes areas of groundcover.
  - Denotes area of hardwood bark chippings.
  - Denotes 1.8m treated timber close boarded fence and gate
  - Rain garden as per structural engineer's drawing
  - Permeable block paving system to lower car parking.
  - Standard block paving.

NOTE: All soft landscaping shown indicatively, refer to landscape architect's dwg no TDA.2518.01 for detail and specification.

| Rev | note   | Date     |
|-----|--|----------|
| I   | Revised to suit planner's comments.  | 02/09/20 |
| H   | Revised following design progression and planner's comments.               | 13/07/20 |
| G   | Trees & external works to front of Block A revised                         | 20/05/20 |
| F   | Soft landscaping revised to suit landscape architect's dwg.                | 19/03/20 |
| E   | Rain gardens added as per SE's dwg.  | 16/03/20 |
| D   | Cycle wall docks added to Block C, dims added, rear of townhouses revised. | 16/03/20 |
| C   | Revised following design progression/ planner's comments.                  | 20/01/20 |
| B   | Office bin store updated.  | 27/11/19 |
| A   | Updated following planners' comments                                       | 14/11/19 |

**PLANNING**

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Cathedral Gardens Ltd.

37-39 Cathedral Rd  
CARDIFF

title  
**Proposed Site Plan**

|         |         |     |
|---------|---------|-----|
| job no. | drg no. | rev |
| 267     | SL102   | I   |

scale (@A3) date drawn by checked by  
1 : 250 July '20 AC JW

Existing gate to be removed prior to installing a dwarf stone wall and black painted galvanised steel railings - all to match existing.

Existing stone wall and new black painted galvanised steel railings along Talbot street and front of existing No.39A along Cathedral Rd to be retained.

Bin store to accommodate:  
8 x 1100L wheelie bins  
2 x 240L wheelie bins for food waste

New black painted galvanised steel gate, height to match existing masonry boundary wall.

New black painted galvanised steel gate, height to match existing masonry boundary wall.

New black painted galvanised steel gate, height to match existing masonry boundary wall.

Existing building to be retained - B1 office use.

Existing masonry wall along the SW boundary to be retained.

New black painted galvanised steel gate, height to match existing masonry boundary wall.

Attenuation storage crates shown dashed - refer to Drainage Layout by CD Gray for further information.

Existing stone wall in front of No.37-39 to be retained. New black galvanised steel railings (height and appearance to match those along Talbot St) to be installed on top of existing stone wall.

Existing stone wall between No 39 & 39A to be retained.

Existing stone wall to be demolished prior to installing 1.8m close boarded gate/ timber posts.

Existing stone wall between No.37 and neighbouring property (No.35) to be retained.

Permeable paving to lower level car parking area.

Entrance to car park



KEY:

- 2B4P PENTHOUSES
- 2B4P APARTMENTS
- 2B3P APARTMENTS
- 1B2P APARTMENTS

Area Schedule (GIA) 0F

| Name | Area               | Type  |
|------|--------------------|-------|
| A01  | 110 m <sup>2</sup> | 2B4P  |
| A02  | 63 m <sup>2</sup>  | 2B3P  |
| B01  | 68 m <sup>2</sup>  | 2B3P  |
| B02  | 48 m <sup>2</sup>  | 1B2P  |
| B03  | 48 m <sup>2</sup>  | 1B2P  |
| C01  | 99 m <sup>2</sup>  | 2B4P  |
| C02  | 55 m <sup>2</sup>  | 1B2P  |
| C03  | 51 m <sup>2</sup>  | 1B2P  |
| TH01 | 82 m <sup>2</sup>  | 4B8P* |
| TH02 | 82 m <sup>2</sup>  | 4B8P* |
| TH03 | 82 m <sup>2</sup>  | 4B8P* |

| E   | Revised to suit planner's comments.                          | 02/09/20 |
|-----|--|----------|
| D   | Revised following design progression and planner's comments. | 13/07/20 |
| C   | Revised following design progression/ planner's comments.    | 20/01/20 |
| B   | Office bin store updated.                                    | 27/11/19 |
| A   | Updated following planners' comments                         | 14/11/19 |
| Rev | note   | Date     |

PLANNING

Greyfriars House, Greyfriars Road, Cardiff CF10 3AL  
 T: 029 2022 6757  
**JOHN WOTTON ARCHITECTS**  
 E: studio@johnwottonarchitects.com  
 W: www.johnwottonarchitects.com

Cathedral Gardens Ltd.

37-39 Cathedral Rd  
 CARDIFF

title  
 Proposed GF Plan

| job no.     | drg no.  | rev      |            |
|-------------|----------|----------|------------|
| 267         | PP101    | E        |            |
| scale (@A3) | date     | drawn by | checked by |
| 1 : 200     | July '20 | AC       | JW         |



- 33-39 Cathedral Rd
- Previously approved scheme
- Previous proposal by JWA

|     |   |          |
|-----|---|----------|
| D   | Block A dormer over liftshaft added.                      | 20/08/20 |
| C   | Updated following design progression                      | 04/03/20 |
| B   | Revised following design progression/ planner's comments. | 20/01/20 |
| A   | Updated following planners' comments                      | 14/11/19 |
| Rev | note  | Date     |

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PLANNING

Cathedral Gardens Ltd.

37-39 Cathedral Rd  
CARDIFF

title  
**Proposed Talbot Street Elevation**

|             |         |                     |
|-------------|---------|---------------------|
| job no.     | drg no. | rev                 |
| 267         | PE104   | D                   |
| scale (@A3) | date    | drawn by checked by |
| 1 : 150     | Feb '20 | AC JW               |



●●●●●●●● Previously approved scheme

●●●●●●●● Previous proposal by JWA

|     |   |          |
|-----|---|----------|
| D   | Front boundary revised to suit latest site plan.          | 02/09/20 |
| C   | Front boundary revised to suit latest site plan.          | 20/08/20 |
| B   | Updated following design progression                      | 04/03/20 |
| A   | Revised following design progression/ planner's comments. | 20/01/20 |
| Rev | note  | Date     |

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**PLANNING**

Cathedral Gardens Ltd.

**37-39 Cathedral Rd  
CARDIFF**

title  
**Proposed Cathedral Road  
Street Elevation**

|             |         |            |
|-------------|---------|------------|
| job no.     | drg no. | rev        |
| 267         | PE105   | D          |
| scale (@A3) | date    | drawn by   |
| 1 : 150     | Feb '20 | AC         |
|             |         | checked by |
|             |         | JW         |



●●●●●●●● Previously approved scheme

●●●●●●●● Previous proposal by JWA

|     |  |          |
|-----|--|----------|
| D   | Revised to suit planner's comments.                          | 02/09/20 |
| C   | Revised following design progression and planner's comments. | 13/07/20 |
| B   | Revised following design progression/ planner's comments.    | 20/01/20 |
| A   | Updated following planners' comments                         | 14/11/19 |
| Rev | note   | Date     |


 Greyfriars House, Greyfriars Road, Cardiff CF10 3AL  
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**PLANNING**

Cathedral Gardens Ltd.

37-39 Cathedral Rd  
CARDIFF

|                              |          |                     |
|------------------------------|----------|---------------------|
| title                        |          |                     |
| Proposed Rear Lane Elevation |          |                     |
| job no.                      | drg no.  | rev                 |
| 267                          | PE106    | D                   |
| scale (@A3)                  | date     | drawn by checked by |
| 1 : 150                      | July '20 | AC                  |



——— 33 Cathedral Rd  
 ..... Previous proposal by JWA

|     |  |          |
|-----|--|----------|
| D   | Revised to suit planner's comments.                          | 02/09/20 |
| C   | Revised following design progression and planner's comments. | 13/07/20 |
| B   | Revised following design progression/ planner's comments.    | 20/01/20 |
| A   | Updated following planners' comments                         | 14/11/19 |
| Rev | note   | Date     |

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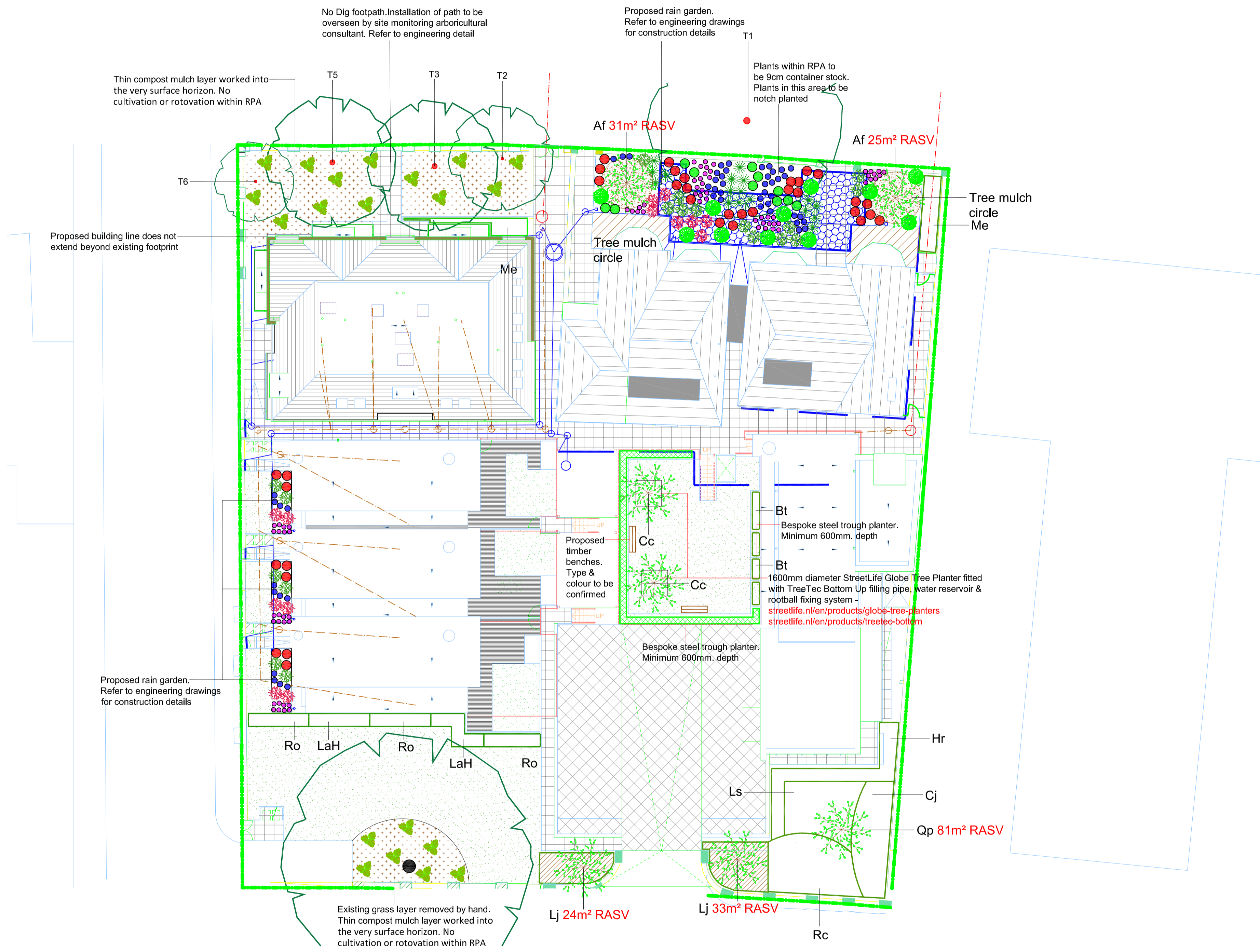
**PLANNING**

Cathedral Gardens Ltd.

37-39 Cathedral Rd  
CARDIFF

title  
 Site Section

|             |          |                     |
|-------------|----------|---------------------|
| job no.     | drg no.  | rev                 |
| 267         | PS107    | D                   |
| scale (@A3) | date     | drawn by checked by |
| 1 : 150     | July '20 | AC                  |



**SOFT LANDSCAPE KEY:**

- EXISTING TREES TO BE RETAINED
  - PROPOSED ORNAMENTAL TREE PLANTING (Refer to schedule for species)
  - PROPOSED SHRUB PLANTING (Refer to schedule for species/densities)
  - PROPOSED FERN PLANTING (Refer to schedule for species/densities)
  - PROPOSED GRASS TURF (Areas to be turfed with Rotawn Medallion)
  - PROPOSED ORNAMENTAL HEDGEROW (Areas to be turfed with Rotawn Medallion)
  - PROPOSED GROUNDCOVER (Refer to schedule for species/densities)
  - PROPOSED HARDWOOD BARK CHIPPINGS
- RAIN GARDEN PLANTING (density as shown)**
- Dryopteris filix-mas (30-40 Con 2-3L (CON 9cm within RPA of retained Lime)
  - Helleborus foetidus (30-40 Con 2-3L (CON 9cm within RPA of retained Lime)
  - Calamagrostis brachytricha (30-40 Con 2-3L (CON 9cm within RPA of retained Lime)
  - Skimmia japonica 'Fragrans' (male) (30-40 Con 2-3L (CON 9cm within RPA of retained Lime)
  - Juncus effusus (30-40 Con 2-3L (CON 9cm within RPA of retained Lime)
  - Carex pseudocyperus (30-40 Con 2-3L (CON 9cm within RPA of retained Lime)
  - Leucothoe Scarletta 'Zeblid' (30-40 Con 2-3L (CON 9cm within RPA of retained Lime)
  - Lychnis flos-cuculi (30-40 Con 2-3L (CON 9cm within RPA of retained Lime)

**PLANT SCHEDULE**

**ORNAMENTAL TREE PLANTING**

| ABBREV | SPECIES                        | DENSITY  | HEIGHT/GIRTH | ROOT CONDPOT SIZE | TOTAL |
|--------|--------------------------------|----------|--------------|-------------------|-------|
| Af     | Acer x freemanii 'Armstrong'   | AS SHOWN | 12-14 (g)    | RB                | --    |
| Cc     | Cornus controversa 'Variegata' | AS SHOWN | 16-18 (g)    | RB                | --    |
| Lj     | Ligustrum japonicum            | AS SHOWN | 12-14 (g)    | RB                | --    |
| Qp     | Quercus palustris              | AS SHOWN | 16-18 (g)    | RB                | --    |

**SHRUB PLANTING**

| ABBREV | SPECIES                             | DENSITY | HEIGHT/GIRTH | ROOT CONDPOT SIZE | TOTAL |
|--------|-------------------------------------|---------|--------------|-------------------|-------|
| Bt     | Berberis thunbergii 'Orange Rocket' | 4 sqm   | 30-40 (h)    | CON               | --    |
| Cj     | Camellia japonica 'Desire'          | 2 sqm   | 30-40 (h)    | CON               | --    |
| Hr     | Hebe rakaiensis                     | 5 sqm   | 30-40 (h)    | CON               | --    |
| Ls     | Leucothoe Scarletta ('Zeblid')      | 5 sqm   | 30-40 (h)    | CON               | --    |
| LaH    | Lavandula angustifolia 'Hidotee'    | 5 sqm   | 30-40 (h)    | CON               | --    |
| Me     | Mahonia eu. ganpi. 'Soft Caress'    | 4 sqm   | 30-40 (h)    | CON               | --    |
| Rc     | Rhododendron 'Cunning_White'        | 4 sqm   | 30-40 (h)    | CON               | --    |
| Ro     | Rosmarinus officinalis              | 4 sqm   | 30-40 (h)    | CON               | --    |
| Sh     | Sarcococca hookeriana digyna        | 4 sqm   | 30-40 (h)    | CON               | --    |
| Si     | Skimmia japonica Rubella            | 4 sqm   | 30-40 (h)    | CON               | --    |

**FERN PLANTING**

| ABBREV | SPECIES               | DENSITY  | HEIGHT/GIRTH | ROOT CONDPOT SIZE | TOTAL |
|--------|-----------------------|----------|--------------|-------------------|-------|
| AS KEY | Polystichum setiferum | AS SHOWN | --           | CON               | 9cm   |

**HEDGEROW PLANTING**

| ABBREV | SPECIES            | DENSITY     | HEIGHT/GIRTH | ROOT CONDPOT SIZE | TOTAL |
|--------|--------------------|-------------|--------------|-------------------|-------|
| AS KEY | Buxus sempervirens | 5 per lin/m | 40-60 (h)    | CON               | --    |

**GROUNDCOVER**

| ABBREV | SPECIES                | DENSITY | HEIGHT/GIRTH | ROOT CONDPOT SIZE | TOTAL |
|--------|------------------------|---------|--------------|-------------------|-------|
| AS KEY | Pachysandra terminalis | 5 sqm   | 30-40 (h)    | CON               | --    |

*Cornus controversa 'Variegata'* to be planted & anchored in accordance with TreeTec manufacturers instructions  
*Acer x freemanii 'Armstrong'* to be planted in accordance with TDA.2518.02  
*Ligustrum japonicum* & *Quercus palustris* to be planted in accordance with TDA.2518.03

**NOTES:**  
 Existing retained trees to be protected in accordance with BS5837:2012. Protection measures to be implemented prior to any construction operations on site  
 Drawing was produced in colour at a scale of 1:200 @ A1. Do not rely on monochrome or scaled copies

|   |                  |     |          |
|---|------------------|-----|----------|
| I | Footpath amended | AMP | 03.09.20 |
|---|------------------|-----|----------|

TDA  
 THE GRANARY  
 NEWLAND FAWR FARM  
 LLANGAN  
 CF35 5DN  
 TEL: 01446 789367

CLIENT  
**CATHEDRAL GARDENS LTD**

|                               |                       |  |
|-------------------------------|-----------------------|--|
| DRAWING NUMBER<br>TDA.2518.01 | SCALE<br>1:200 @ A1   |  |
| DRAWN<br>RHC/AMP              | DATE<br>NOVEMBER 2019 |  |

PROJECT  
**CATHEDRAL GARDENS**

DRAWING TITLE  
**DETAILED SOFT LANDSCAPE PROPOSALS**