

10th June 2015

22330800

To: Members of the Council

Dear Councillor

Planning Committee

Wednesday 17th June 2015 in Committee Room 4, County Hall, Atlantic Wharf, Cardiff (meeting starts at 2.30.p.m.)

I attach a copy of the schedule of Development Control Applications which will be considered at this meeting of the Planning Committee.

The plans relating to the applications will be available for inspection at the County Hall, during the whole of Tuesday and Wednesday morning preceding the Committee.

Unless otherwise stated in the report, Planning Committee has delegated powers to determine the applications in the schedule. Planning Committee (but not an individual member) can also refer a matter to another committee or to the Council for a resolution. However, Council cannot move an amendment to a recommendation relating to a planning application or make a recommendation relating to a planning application and can only refer a matter back to Planning Committee on one occasion, after which Planning Committee shall decide the matter.

Please now note that if any requests for site visits are acceded to by the meeting, such site visits will take place during the afternoon of Wednesday 15th July 2015. If you submit a request for a site visit, you must include in your submission -

(a) a choice of at least two starting times for the site visit that you are requesting, each of which must be at least 45 minutes apart; and (b) the reasons why you believe that such a site visit is necessary.

If you fail to provide any choices of starting times for the site visit that you've requested, it will be assumed that you will be available to attend such a site visit at any time of the day, regardless of what time it starts.

The Clerk to the Council will circulate the Agenda for the meeting to the Members of the Planning Committee separately.

Yours sincerely



Head of Planning

**CARDIFF COUNTY COUNCIL
PLANNING COMMITTEE**

**THE REPORTS OF THE CHIEF STRATEGIC PLANNING AND ENVIRONMENT
OFFICER**

**LIST OF DEVELOPMENT APPLICATIONS FOR CONSIDERATION BY THE
PLANNING COMMITTEE ON 17th JUNE 2015 AT 2.30PM**

AREA	PAGES
STRATEGIC	1 - 103
NON STRATEGIC	104 - 158
HOUSEHOLDER	THERE ARE NO HOUSEHOLDER APPLICATIONS ON THE JUNE AGENDA



CARDIFF LOCAL DEVELOPMENT PLAN

When regard is to be had to the Development Plan the Council's decision must be made in accordance with the Plan unless material considerations indicate otherwise.

The Development Plan for the administrative area of Cardiff remains the City of Cardiff Local Plan (1996), the South Glamorgan (Cardiff Area) Replacement Structure Plan (1997) and the South Glamorgan (Cardiff Area) Minerals Local Plan together with the approved Mid Glamorgan County structure Plan incorporating Proposed Alterations No.1 (September 1989)

In accordance with statutory procedures, the Council prepared and placed on deposit a Unitary Development Plan (to 2016) in October 2003. It has never been formally abandoned but agreement was reached with the Welsh Assembly Government in May 2005 to cease work on the UDP and commence work on a new Local Development Plan prepared under the provisions of the Planning and Compulsory Purchase Act 2004.

On the 28 April 2009 Cardiff Council placed the Cardiff Local Development Plan 2006-2021 on deposit for public consultation. On the 30th November 2009, following consideration of the responses to consultation, the submission draft was submitted to the Welsh Assembly Government for examination.

However, in the light of the significant reservations expressed at an Exploratory Meeting by the Inspectors appointed to carry out the examination and their recommendation that the Local Development Plan be withdrawn from the examination, the Council duly withdrew the LDP on the 12 April 2010.

Cardiff Council is currently preparing a new Local Development Plan. The Cardiff Local Development Plan 2006 -2026 was placed on deposit for public consultation on 15 October 2013. Policy on the weight to be attached to policies in emerging plans is contained in paragraph 2.6.2 of Planning Policy Wales Edition 5 November 2012 as follows:

'In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at

deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'

Unless a draft policy or proposal is a material consideration it should not be taken into account when making decisions: it is strictly irrelevant and if it is given weight in reaching a decision, that decision may be successfully quashed in the High Court.

Since the deposited UDP has not been abandoned, its policies and proposals may be a material consideration in a given case, but the weight which can be attached to the UDP, and any statement of policy including the statutory Development Plan should be determined in the light of the following principal considerations:-

- The degree to which later statements of national planning policy and the Wales Spatial Plan make the policy out of date and suggest a decision should be taken otherwise than in accordance with it;
- The degree to which the policy is out of date or has been superseded by other material considerations;
- The level and nature of any objection to a UDP or other draft policy.

Table 1.1: Existing Development Plans covering the Cardiff County Area	
Cardiff County Area	
Cardiff Deposit Unitary Development Plan (to 2016)	<i>The Plan was placed on deposit in October 2003 and agreement was reached with Welsh Assembly Government in May 2005 to cease work on the plan and commence work on a new Local Development Plan.</i>
City of Cardiff Area (part of the County of South Glamorgan until April 1996)	
South Glamorgan (Cardiff Area) Replacement Structure plan 1991-2011	<i>Adopted April 1997</i>
City of Cardiff Local Plan (including Waste Policies)	<i>Adopted January 1996</i>
South Glamorgan (Cardiff Area) Minerals Local Plan	<i>Adopted June 1997</i>
Pentyrch Community Area (part of the County of Mid Glamorgan and Borough of Taff Ely until April 1996)	
Mid Glamorgan County Structure Plan incorporating Proposed Alterations No. 1	<i>Approved September 1989</i>
Mid Glamorgan Replacement Structure Plan	<i>Modifications to the Plan including recommendations of the EIP Panel approved by Mid Glamorgan County Council in January 1996 but not adopted in respect of the Pentyrch Community Area.</i>
Glamorgan County Development Plan (Area No. 2)	<i>Approved March 1963</i>
Mid Glamorgan Minerals Local Plan for Limestone Quarrying	<i>In June 1996 Cardiff County Council resolved to approve the Plan as modified by the Inspector's Report, for development control and other planning purposes, but the Plan was not adopted in respect of the Pentyrch Community Area.</i>

PLANNING COMMITTEE - 17th JUNE 2015

Page No.	App No.	Location	Description	Decision	Officer
1	14/01445/DCO	HOWELLS SCHOOL, CARDIFF ROAD, LLANDAFF, CARDIFF, CF5 2YD	THE CONSTRUCTION OF A 325SQM TWO STOREY SPORTS PAVILION WHICH INCLUDES A LINK LOBBY CONNECTION TO THE EXISTING SPORTS HALL. THE DEMOLITION OF CIRCA 17 LINEAR METERS OF 1.6M HIGH, DRY STONE WALLING, AND THE FORMING OF AN OPENING TO THE SOUTH EAST ELEVATION OF THE EXISTING SPORTS HALL	REF	OTW
22	14/01563/DCO	HOWELLS SCHOOL, CARDIFF ROAD, LLANDAFF, CARDIFF, CF5 2YD	CONSTRUCTION OF 61M x 43M FLOODLIT 3G SYNTHETIC TURF SPORTS PITCH AND NON-FLOODLIT MACADAM NETBALL AND TENNIS COURTS FOR SCHOOL USE MONDAY TO FRIDAY 08:00-19:00 AND SCHOOL AND SELECTED COMMUNITY GROUP USE ON SATURDAYS 10:00-18:00 WITH NO USE ON SUNDAYS AND BANK HOLIDAYS PLUS ASSOCIATED WORKS	REF	OTW
38	14/01752/DCO	HOWELLS SCHOOL, CARDIFF ROAD, LLANDAFF, CARDIFF, CF5 2YD	THE CONSTRUCTION OF A 325SQM TWO STOREY SPORTS PAVILION WHICH INCLUDES A LINK LOBBY CONNECTION TO THE EXISTING SPORTS HALL.THE DEMOLITION OF CIRCA 17 LINEAR METERS OF 1.6M HIGH, DRY STONE WALLING, AND THE FORMING OF AN OPENING TO THE SOUTH EAST ELEVATION OF THE EXISTING SPORTS HALL.	REF	OTW
59	15/00087/MJR	LAND ADJACENT TO DRAKE WALK, ATLANTIC WHARF	PROPOSED 5 STOREY OFFICE BUILDING WITH UNDERCROFT PARKING, RE-ROUTING OF PUBLIC RIVERSIDE WALKWAY AND RENOVATION OF EXISTING DOCK FEEDER FOOTBRIDGE	106	LAD
79	15/00328/MJR	CHURCHILLS HOTEL, 3 LLANDAFF PLACE, CARDIFF ROAD, LLANDAFF, CARDIFF, CF5 2AE	CONVERSION OF THE EXISTING GRADE II LISTED HOTEL INTO A PAIR OF SEMI-DETACHED HOUSES AND DEMOLISHING THE MODERN EXTENSIONS TO THE REAR, LEAVING THE BUILDING IN ITS ORIGINAL STATE. DEMOLITION OF THE DETACHED HOTEL ANNEX BUILDING AT THE REAR OF THE SITE AND THEN ERECTION OF 7 NEW DWELLINGS IN THE GROUNDS OF THE HOTEL	106	RJC

PLANNING COMMITTEE - 17th JUNE 2015

Page No.	App No.	Location	Description	Decision	Officer
104	14/02192/MNR	6 LUCAS STREET, CATHAYS, CARDIFF, CF24 4NZ	DEMOLITION OF EXISTING GARAGE & ERECTION OF NEW BUILD DEVELOPMENT TO FORM 9 NO. FLATS	REF	OJH
118	15/00301/MNR	LAND NORTH OF HEOL GOCH, PENTYRCH, CARDIFF	RESERVED MATTERS APPLICATION FOR 47 DWELLINGS AT LAND NORTH OF HEOL GOCH FOLLOWING OUTLINE APPLICATION 13/00836/DCO	PER	OJH
146	15/00839/MNR	314 CAERPHILLY ROAD, BIRCHGROVE, CARDIFF, CF14 4NT	CHANGE OF USE FROM CURRENT COLD FOOD TAKEAWAY, WITH PERMISSION FOR COOKING ON THE PREMISES, TO A3, PERMITTING COOKING ON THE PREMISES AND SALE OF COLD AND HOT FOOD TAKEAWAY FOR CONSUMPTION OFF THE PREMISES.	PER	OMR

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 17/06/2015

APPLICATION No. 14/01445/DCO APPLICATION DATE: 30/06/2014

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Girls' Day School Trust
LOCATION: HOWELLS SCHOOL, CARDIFF ROAD, LLANDAFF, CARDIFF, CF5 2YD

PROPOSAL: THE CONSTRUCTION OF A 325SQM TWO STOREY SPORTS PAVILION WHICH INCLUDES A LINK LOBBY CONNECTION TO THE EXISTING SPORTS HALL. THE DEMOLITION OF CIRCA 17 LINEAR METERS OF 1.6M HIGH, DRY STONE WALLING, AND THE FORMING OF AN OPENING TO THE SOUTH EAST ELEVATION OF THE EXISTING SPORTS HALL

RECOMMENDATION: That planning permission be **REFUSED** for the following reasons:

1. The proposed pavilion, by reason of the partial demolition of the curtilage listed wall enclosing the existing school buildings and its siting within the playing fields beyond the remaining curtilage-listed wall, would neither preserve nor enhance the character and appearance of the Cardiff Road Conservation Area, contrary to the provisions of Policy 3 of the City of Cardiff Local Plan (January 1996) and Policy 2.53 of the deposit Unitary Development Plan (October 2003).
2. The proposed pavilion, by reason of the partial demolition of the curtilage listed wall enclosing the existing school buildings and its siting within the playing fields beyond the remaining curtilage-listed wall, would harm the setting and special interest of the wall and the setting of the Grade II* Howells School, contrary to the provisions of Policy 2.51 of the deposit Unitary Development Plan (October 2003).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the construction of a 325 square metre two-storey sports pavilion which includes a link lobby connection to the existing sports hall at Howell's School, Cardiff Road, Llandaff.
- 1.2 The application includes the demolition of approximately 17 metres of a 1.6 metre high listed wall, and the formation of an opening to the south-east elevation of the existing sports hall.

- 1.3 The pavilion would be sited within the existing playing fields belonging to Howell's School. The applicant confirms, by letter dated 24th August 2014, that the primary use of the space in the pavilion will be for school purposes during the day. This will range from meetings for groups of students, rehearsing plays and performances, assemblies, parents meetings, sports briefings, careers fairs and staff training. The current space within the main school buildings is used extensively and the pavilion will provide much needed additional accommodation. The pavilion will also be used to entertain visiting sports teams for tea and refreshments after matches. If the synthetic turf pitch has been let to external parties, within the times stated, it is possible that they would also use the space for refreshments after the matches. They do not plan to let the pavilion as a party venue, that is not its purpose.
- 1.4 The application proposes hours of use from 08:00 – 22:30 Monday to Saturday and 08:00 – 19:00 on Sundays.
- 1.5 The proposed two-storey pavilion comprises, at ground floor, two changing rooms including showers, disabled w.c. staff w.c. and shower, plant and store rooms and lobby linking the pavilion to the sports hall. The first floor comprises a multi-purpose space comprising 108sqm, 18sqm office, 14sqm kitchen and a 41sqm viewing balcony to the southeast and south west elevations.
- 1.6 The pavilion has a flat roof design and would have an overall height of approximately 7.6 metres, a maximum width of approximately 17.3 metres, extending a maximum of 10.5 metres beyond the existing listed wall into the playing field. The pavilion would be finished in natural stone at ground floor with glazing and reconstituted stone to first floor.
- 1.7 The building is designed to optimise daylight throughout the year. Solar control glazing and overhangs are designed to minimise solar gain in the summer months and maximise it during the winter months to provide passive heating. High efficiency lighting controls, energy efficient underfloor heating, high performance glazing and PV panels to the roof to maximise energy efficiency.
- 1.8 The development would result in the demolition of approximately 17 metres of the existing stone wall, which forms a boundary between the school buildings and the playing fields.
- 1.9 A Norway Maple tree ('C' category) is proposed to be removed and a replacement tree to be planted elsewhere on site, in a location to be agreed. One further 'B' category tree in close immediately northeast of the siting would require lateral pruning to facilitate construction.
- 1.10 There are 264 car parking spaces within the school grounds which would remain unchanged by the proposed development. Primary access to the school is via Cardiff Road. A secondary vehicular access/egress exists on Pencisely Road.
- 1.11 The application is supported by the following:

- (i) A statement of community involvement;
- (ii) Sustainability Statement;
- (iii) Design and Access Statement;
- (iv) Biodiversity Report;
- (v) Quotation for Tree works.

1.12 The application has been amended/supplemented as follows:

- (i) The north elevation of the pavilion, originally comprised of brick at ground floor level, have been amended to stone walling to match the existing stone wall (November 2014);
- (ii) Arboricultural Impact Assessment (November 2014);
- (iii) Noise Impact Assessment (August 2014);
- (iv) Rationale for the proposed location of the Sports Pavilion (March 2015).

2. **DESCRIPTION OF SITE**

- 2.1 The pavilion would be sited within the playing fields of Howell's School, immediately south-east of the existing school buildings.
- 2.2 The playing fields are adjoined by existing dwellings to the north-east, south-east and south-west boundaries and the existing Churchill's Hotel to the north-east.
- 2.3 The site is located within the Cardiff Road Conservation Area.
- 2.4 The original school building (1858-9) forms a large portion of the main building and was Grade II* Listed in 1975. The boundary wall separating the school buildings from the playing fields is also afforded protection as a listed building by virtue of its age and ancillary function within the curtilage of the Grade II* Listed Howells School.

3. **SITE HISTORY**

- 3.1 11/01773/W: Permission sought in October 2011 for the installation of eight new sets of sculptural gates. Withdrawn prior to determination in November 2011.
- 3.2 11/01772/W: Permission refused in January 2012 for the installation of eight new sets of sculptural gates for the following reasons:
 - 1. *The proposed gates, by reason of their siting, design and colour would be incongruous and alien features that would cause serious harm to the character and appearance of the Cardiff Road Conservation Area, contrary to the provisions of Policy 3 (Development in Conservation Areas) of the City of Cardiff Local Plan (January 1996), Policy 2.53 (Conservation Areas) of the deposit Unitary Development Plan (October 2003) and the Cardiff Road Conservation Area Appraisal (2006).*

2. *The proposed gate Nos. 1 & 2, by reason of their siting, design and colour would be incongruous and alien features that would cause serious harm to the setting and character of the original Howell's School building and lodge, contrary to the provisions of Policy 11 (Design and Aesthetic Quality) of the City of Cardiff Local Plan (January 1996) and Policy 2.51 (Statutory Listed Buildings) of the deposit Unitary Development Plan (October 2003).*
- 3.3 09/00957/W: Permission sought in June 2009 for the addition of a steel multi-fenced court to the rear of Howell's School 6th Form, called "Bryntaff House" also the addition of access paving to this area. Withdrawn prior to determination in June 2009.
- 3.4 08/02632/W: Permission granted in January 2009 for removal of existing external escape staircase and replacement with new external escape staircase.
- 3.5 04/00407/W: Listed Building Consent granted in June 2004 to widen opening in boundary wall and create new opening in boundary wall.
- 3.6 04/00387/W: Permission refused in April 2004 for replacement fire escape stairs for the following reason:
 1. *The proposed replacement fire escape stairs, by virtue of its elevated siting, scale and design, would introduce a visually obtrusive structure onto the side and rear of this semi-detached property, which is located within Cardiff Road Conservation Area.*
- 3.7 03/00488/W: Conservation Area Consent granted in May 2003 to demolish stable block in grounds of Junior Department.
- 3.8 03/00445/W: Permission granted in June 2003 for two-storey teaching block, extension over music department, extension to junior assembly hall, new car parking off Pencisely Road and new access, remodelling existing junior department to include nursery relocated from senior school.
- 3.9 95/01759/W: Permission granted in April 1996 for extension to provide sports hall and conversion of existing gymnasium to provide ancillary accommodation.
- 3.10 95/01758/W: Listed Building Consent granted in May 1996 for extension to provide sports hall and conversion of existing gymnasium to provide ancillary accommodation.
- 3.11 90/00005/W: Listed Building Consent granted in April 1990 for removal of flues and reposition roof vents and insert roof lights in the roof of the former laundry/dry building.
- 3.12 90/00004/W: Permission granted in February 1990 for roof lights and reposition roof vents in the roof of the former laundry/dry building.
- 3.13 89/00332/W: Permission granted in June 1989 for construction of Junior Assembly Hall Served, chair store junior music room ten music practice rooms 4 individual music teaching rooms and on the first floor an orchestra rehearsal

room.

- 3.14 86/002012/W: Permission granted in January 1987 for 4 windows into ground floor craft room, construction of external staircase to enable upper floor to be used as a north light studio.
- 3.15 86/01991/W: Permission granted in January 1989 to rebuild existing gate pier and wall.

4. **POLICY FRAMEWORK**

4.1 Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas

4.2 Planning Policy Wales, Edition 7 (July 2014).

4.3 Technical Advice Notes (TANs):

- 5 Nature Conservation and Planning (2009)
- 10 Tree Preservation Orders (1997)
- 11 Noise (1997)
- 12 Design (2014)
- 16 Sport, Recreation and Open Space (2009)

4.3 South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011 (April 1997):

- EV1 Towards Sustainable Development
- MV1 Location of New Developments
- MV11 Parking
- MV13 Equality of Access
- B1 Conservation of the Built Environment
- C7 Woodland and Hedgerows

4.4 City of Cardiff Local Plan (January 1996):

- 3 Development in Conservation Areas
- 11 Design and Aesthetic Quality
- 12 Energy Efficient Design
- 17 Parking and Servicing Facilities
- 18 Provision for Cyclists
- 19 Provision for Pedestrians
- 20 Provision for Special Needs Groups
- 45 Sport, Recreation and Leisure Facilities

4.5 Deposit Unitary Development Plan (October 2003):

- 1A General Principles for the Location of Development
- 1B Achieving Good Design
- 1I The Historic Environment

- 1K Movement and Transport Priorities
- 1N Car Parking
- 2.20 Good Design
- 2.24 Residential Amenity
- 2.45 Trees, Woodlands and Hedgerows
- 2.51 Statutory Listed Buildings
- 2.53 Conservation Areas
- 2.57 Access, Circulation and Parking Requirements
- 2.64 Air, Noise and Light Pollution

4.6 Relevant Supplementary Planning Guidance:

Access, Circulation and Parking Standards (January 2010)

Trees and Development (March 2007)

Waste Collection and Storage Facilities (March 2007)

4.7 Cardiff Road Conservation Area Appraisal (2006).

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The **Operational Manager, Transportation**, has no objection to this application, subject to a condition requiring a construction management plan.

5.2 The **Operational Manager, Environment (Contaminated Land)**, recommends that, should there be any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. They recommend relevant conditions regarding contaminated land measures, imported aggregates, and the use of site won materials, and advisory notes regarding radon gas protection, contamination and unstable land.

5.3 The Council's **Tree Officer** advises that an Arboricultural Impact Assessment and Tree Constraints Plan are provided, but no Tree Survey. He considers that a Tree Survey in accordance with BS 5837:2012 is required. In any event the submitted information demonstrates that the proposed development will incur into the Root Protection Area and current branch spread of a 'B' category tree T9, and will interfere with the future crown development of T9 and the 'B' category T7. He therefore considers that the constraints trees place on design have not been sufficiently considered and he concludes that the proposed development will result in unacceptable harm to trees of amenity value.

5.4 The **Operational Manager, Waste Management**, advises that an additional sports hall will lead to an increase in the volume of waste produced which should either be reflected in an increase in refuse storage capacity or an increase in the frequency of refuse collections. She requests that the agent/applicant is reminded that a commercial contract is required for the

collection and disposal of all commercial waste, as advised in the Waste Collection and Storage Facilities Supplementary Planning Guidance.

- 5.5 The Council's **Ecologist** has been consulted and any comments will be reported to Committee.
- 5.6 The **Operational Manager, Environment (Noise & Air)**, recommends conditions to control amplified music, hours of operation, plant noise, and future kitchen extraction together with an advisory note regarding construction site noise.
- 5.7 The Council's **Access Officer** has been consulted and any comments will be reported to Committee.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Welsh Water** recommends drainage conditions in the event planning permission is recommended.

7. **REPRESENTATIONS**

- 7.1 **Councillor Richard Cook**, on behalf of a number of residents of Dulwich House and Pencisely Road, objects to the application for the following reasons:

- (i) Intensification of use – the sports pavilion and pitches are designed to be used not just by school pupils but by ‘carefully selected groups.’ This would increase the noise and light pollution to neighbouring properties. If Committee are minded to approve the application a condition should be inserted to limit the times of use to a time agreed with the neighbours, but less than the times of 08.00 – 21.00h on weekdays, 09.00-18.00h on Saturdays and 09,00-17.00h on Sundays;
- (ii) Cardiff Road Conservation Area Appraisal 2006 – The Appraisal states that ‘The school remains an architectural focus in the Conservation Area.’ and that ‘Any new buildings should be designed to harmonise in form and scale with the area’. Also, ‘Local identity can be protected and enhanced in new development by respecting significant views in and out of the Conservation Area.’ The listing of a building places a duty on the Local Planning Authority to consider the impact of development on the setting of a listed building. He considers that this development has a seriously detrimental impact on the setting of the listed Howells school.
- (iii) Pavilion – the pavilion seems to be designed more for use as a venue to be hired out to external groups rather than a sports pavilion for use of the school pupils eg: the first floor of the pavilion has a multi-use space with kitchen. A single storey building would be far more acceptable to local residents and would not have such an adverse impact on the Conservation Area and intensification of use. If the Committee is minded to approve the application a condition should be inserted to limit the times of use to a time agreed with the neighbours, but less than the

proposed times of 08.00-22.30h on weekdays, 08.00-22.30h on Saturdays and 08.00-19.00h on Sundays which are un-neighbourly;

- (iv) Access and egress – the applicant states that the access for vehicles will be from Cardiff Road and not from the gates onto Pencisely Road. A condition should be inserted to forbid use of the Pencisely Road gates, as use of these gates would adversely impact on the residents of Pencisely Road.

7.2 The proposals were publicised in the press and by site notice under Sections 67 and 73 of the Planning (Listed Building and Conservation Areas) Act 1990, being a development affecting the setting of a Listed Building and affecting the character and/or appearance of a Conservation Area.

7.3 A petition of 136 signatures objecting to the proposals has been submitted.

7.4 Approximately 35 letters of objection have been received on the amended proposals from the occupiers of 12, 45, 49 Palace Road, 1 Llandaff Place, 62, 63, 64, 66, 68, 70, 74 Pencisely Road, 45 Penhill Close, 5, 6 Dulwich House, 1A and 2A The Mews, together with unaddressed emails. The grounds for objecting are summarised as follows:

- (i) Increased traffic and car parking at the rear of the school on Palace road and Pencisely Road which is already congested at school times;
- (ii) Commercial use of the pavilion suggests an income generating motive rather than educational motive;
- (iii) First floor balcony is excessive in its extent and openings will cause noise disturbance resulting in harm to neighbour amenities which is not addressed by the noise report;
- (iv) Applicant has not engaged with local community;
- (v) Security concerns;
- (vi) Anti-social behaviour outside of school hours;
- (vii) Damage to wildlife e.g. bats, owls and foxes will lose habitat;
- (viii) Reduced hours to 19:00 mid-week is welcomed although this does not address weekend usage therefore concerns regarding noise disturbance remain;
- (ix) Pavilion design is not in keeping with the area, is a large and imposing building, out-of-scale development and is poorly designed;
- (x) Loss of privacy through overlooking from first floor balcony;
- (xi) Depreciation in property values;
- (xii) Would not preserve or enhance the character and appearance of the Cardiff Road Conservation Area;
- (xiii) Increased strain on an already busy traffic network;
- (xiv) No additional parking provision is proposed leading to overspill parking in the locality;
- (xv) Disputes elements of the 'Statement of Community Involvement.';
- (xvi) The Local Development Plan (C4) gives guidance on the provision of sports development and open space;
- (xvii) Demolition of listed wall is not acceptable;
- (xviii) Pavilion interrupts important views of the listed buildings;

- (xix) Hours of use should be limited to be consistent with those proposed for the pitch;
- (xx) Supporting documents confirm existing courts would be used for parking;
- (xxi) Alternative siting adjacent to the sports hall would be the ideal solution therefore the proposal is unnecessary;
- (xxii) The proposals should read with the proposed astroturf pitch as one development;
- (xxiii) Loss of historic views of the Grade II Listed Building, which was built over 150 years ago. The school forms an important part of the area's built heritage;
- (xxiv) Levelling and drainage to playing field adjacent to 1 Llandaff Place with protected trees to the boundary. Proposals are unclear on likely impacts;
- (xxv) Any tennis courts being used for car parking should be re-surfaced and used for their original purpose;
- (xxvi) The submission of amendments indicates the failing of the original application to adequately consult local neighbours and take into consideration the impact of the proposed development upon the local neighbours, to recognise the setting of the School within a conservation area; or to appreciate the adverse impact of the development upon the Grade II listed buildings;
- (xxvii) Welcomes the conclusion of the noise report that use of the proposed pitch and court be in line with current school use of the sports fields, resulting in no use outside daylight hours (thus there being no requirement for floodlights) and no use on Sundays or Bank Holidays at all and limited use by Howell's School on a Saturday for matches;
- (xxviii) Intensification of use of school grounds;
- (xxix) Loss of light to private gardens;
- (xxx) Modern pavilion ruins the vista;
- (xxxi) School already contributes to the community with commercial use of its indoor sports facilities;
- (xxxii) Lack of understanding of local conditions and needs by London-based architects and planners;
- (xxxiii) School consultation was disappointing
- (xxxiv) Queries the meaning of 'selected community group use' and how this will be determined
- (xxxv) Section 66 of TP(LB&CA) Act 1990 confirms the Council has a duty to have special regard to the desirability of preserving the setting of adjacent listed buildings including those on Cardiff Road and Howells School itself;
- (xxxvi) S72 places a duty on the Council to give special attention to preserving or enhancing the character or appearance of the Conservation Area;
- (xxxvii) Playing fields form an integral part of the school's setting, largely unchanged since Victorian Times. They are significant and important component of the conservation area in an otherwise built up environment;
- (xxxviii) Not currently subject to excessive noise during the school day however use by external groups in holiday periods has caused unacceptable levels of noise and disturbance;

- (xxxix) Requests a committee site visit;
- (xl) The benefits of the development are outweighed by the consequences and the planning application should not be granted;
- (xli) Loss of tree.

- 7.5 **Sport Wales** has no objection to the proposed development on the basis that the proposal will not result in a net loss of sporting facilities.
- 7.6 The **Welsh Lacrosse Association** advises that the existing grass pitch is marked out for lacrosse and is the right dimensions. They request clarification from the school whether remaining grass areas will remain available for lacrosse as the proposed 3G is small and not of sufficient size.
- 7.7 The **Cardiff Civic Society** objects to the proposals, considering that they would be unsympathetic and would therefore compromise the integrity of the Conservation Area. Furthermore, the astro turf and floodlighting, plus the noise associated with a high level of evening and weekend use, will cause disturbance to local residents. The proposals will attract a significant number of users, thus creating further traffic congestion in an area that can barely cope with current traffic levels.
- 7.8 The **Llandaff Society** has no objection to this application in principle, however it suggests that the (flat) roof line proposed is inadvisable in the context of the South Wales climate.
- 7.9 The **Landaff Conservation Group** views the application as a gross, significant and major overdevelopment of the school which will adversely impact upon the Conservation Area. They consider that the breaking of an important, historic listed wall that delineates the school complex from its playing fields should not be permitted. They consider that the design of the pavilion does not enhance or add to the quality of the Conservation Area and is an obtrusive unsympathetic structure in relation to its surroundings.

8. **ANALYSIS**

- 8.1 The key issues for the consideration of this application are the design and appearance of the proposed pavilion building, the removal of part of the listed wall, the impact upon the character and appearance of the Cardiff Road Conservation Area and its setting with the listed building, its relationship with neighbouring occupiers, the impact upon existing trees and consideration of third party representations.

Design and Appearance

- 8.2 The proposed pavilion building matches the width of the existing sports hall and, at two storeys in height with a flat roof, is considered to be of an appropriate height and scale within the context of the wider school site. The shape and general positioning of the building appears to have been dictated by the existing stone wall running through the site.

- 8.3 While the pavilion building would have a contemporary overall aesthetic, the materials proposed are considered to be complimentary to the existing materials evident within the school grounds. The incorporation of stone wall detailing on the ground floor is welcomed and it is noted its extent has been increased to the ground floor north elevation through amended plans.
- 8.4 Although there are no objections to the proposals in respect of the building's design and appearance, this must be weighed against other material considerations.

Heritage

- 8.5 There are three main issues for consideration in respect of heritage matters: the demolition of approximately 17 metres of the listed boundary wall, the impact upon the setting of the listed building, and the impact upon the character and appearance of the conservation area.
- 8.6 Members are reminded that Section 66 of The Planning (Listed Buildings and Conservation Areas) 1990 places a statutory duty on the Local Planning Authorities to have special regard to the desirability of preserving the setting of adjacent listed buildings including those on Cardiff Road and Howells School itself. Section 72 places a statutory duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Boundary Wall

- 8.7 As noted within the CADW List Description and the Design and Access Statement (DAS) accompanying the application, the original school building was completed in 1859. Archive Town Plans from 1880 indicate that the walling proposed for demolition is contemporary with the oldest part of the school. Aerial photos show the wall in place in 1923.
- 8.8 This stone wall has therefore defined the southerly extent of the built element of the Howell's School site since from its earliest period. Later southerly additions to the original school, including Big Hall (c.1899), the gymnasium (built between 1901-1920) and more recent sports hall (1997) have respected this boundary. The wall appears to remain relatively unaltered from that shown in 1880, with the exception of an opening opposite Big Hall (presumably created with its construction c.1901), a further new opening to the north east and another that was widened c.2004 (both under LBC 04/407).
- 8.9 No statement of significance has been submitted as part of the proposal, however it is considered that, together with its intrinsic evidential, historical and aesthetic value as curtilage-listed original fabric, the presence of this walling is considered to positively contribute to the setting of the Listed Building when viewed from the south and south west, meaning that it has group value as part of a designed landscape.
- 8.10 With reference to proposals to demolish listed buildings, Circular 61/96

paragraph 92 states:

“The Secretary of State would expect authorities to address the following considerations in determining applications where the proposed works would result in the total or substantial demolition of the listed building, or any significant part of it:

- i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Less favourable levels of rents and yields cannot automatically be assumed. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In those cases where it is clear that a building has been deliberately neglected, less weight should be given to the costs of repair;*
- ii) the adequacy of efforts made to retain the building in use. This should include the offer of the unrestricted freehold of the building on the open market at a price reflecting the building’s condition (the offer of a lease would normally reduce the chances of finding a new use for the building); and*
- iii) the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretary of State takes the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. Even where it is thought that the proposed works would bring substantial benefits for the community, it will often be feasible to incorporate listed buildings within the new development, and this options should be carefully considered: the challenge presented by retaining listed buildings can be a stimulus to imaginative new design.”*

8.11 To address these criterion it is considered that:

- i) Whilst there is agreement that the wall is listed, the planning agent representing the applicant considers that the wall’s importance is relative to the context and places a lower importance on its significance and importance. It is considered, despite the planning agent’s conclusions in November 2014 that the wall “has been subject to considerable demolition, reconstruction and repair over time”, it appears to be in good condition and is substantially intact (with the exception of a stretch adjacent to the science block, removed presumably when that was constructed and possibly prior to Howells being listed in 1975). There appears to be no evidence to support the applicant’s statement that the original alignment of the wall has changed, as it emanates from the gable end of the outbuilding evident in photographs dating from 1880. Therefore the demolition of the listed building is not considered to be justified;*
- ii) no information regarding efforts to retain the wall have formed part of the case to demolish it and no information has been provided. The adequacy of efforts to retain the wall therefore do not form part of the justification for its demolition;*

iii) the DAS describes some preliminary options that led to the submitted proposal, and the supporting documents received in November 2014 and March 2015 contain further justification of the siting and details of the future plans to re-configure the school buildings, bringing the sixth form centre across Cardiff Road and into the main school site. It is noted that the positioning of the pavilion has been chosen to maximise views to the proposed pitches and to allow a connection into the existing sports hall, but also with consideration to the various constraints faced by the school in terms of its capacity and future expansion of science facilities within the area to the south west of the sports hall. However, the change of material on the northern elevation or justification put forward for the position of the pavilion are not considered to be sufficient to warrant the demolition.

8.12 In summary, very little reference is made in the documents of any consideration in the proposals of the preservation of the wall, its own setting, or the setting of the listed school building, which forms the architectural focus of the Cardiff Road Conservation Area, as noted in the adopted appraisal. It is therefore considered that development of the proposals has not benefitted from a robust assessment of character or significance.

8.13 The amended proposal seeks to mitigate the loss of the wall by facing the new pavilion in stone at ground floor level. This is not considered to be sufficient to overcome the harm to the evidential, historical or aesthetic value of the listed wall or the harm to the setting of the listed school building, particularly the relationship of the wall to views of the Big Hall from the south. The aesthetic value of the wall, together with its function as a defining boundary feature with a strong relationship between school buildings and open space to the south, are considered to positively contribute to the character and appearance of the conservation area from elevated private views into the site from surrounding buildings, views from the sports pitches and within the boundary wall itself (these are mostly 'private' views, given the use of the site as a school), together with longer-range views from Pencisely Road.

8.14 It is considered that the loss of the wall, or its replacement or obscuration by a building, would neither preserve nor enhance the character or appearance of the conservation area.

Pavilion Siting

8.15 The DAS notes that the design rationale for the building has been driven by the desire to provide a facility with various specific functions that links to the proposed synthetic pitches and existing sports hall and provides spectator views over those facilities. The position appears to have been chosen to maximise the viewing potential, locating the balcony as close to the synthetic pitch as possible.

- 8.16 All previous extensions have been within the original perimeter of the school buildings. The 1997 sports hall was positioned, scaled and architecturally detailed with some respect to historic landscape and assets present at the school. It was accordingly designed in a way that, at the time, was considered to harmonise with the character of the listed building, particularly Big Hall to the northeast. The current proposal seeks to link to this building, but would obscure the gable end of the sports hall.
- 8.17 The views from Pencisely Road, together with views from buildings overlooking the space would alter were development to proceed. Properties on Llandaff Place and properties to the west on Pencisely Road enjoy views into the conservation area from the rear of their houses. It is considered that the character and appearance of the conservation area would not be preserved by a building positioned within or south of the historic walling into this previously undeveloped area.
- 8.18 The pavilion is considered to represent a significant change to the character of this part of the conservation area and the setting of the listed school and curtilage-listed wall. The development is considered to introduce an urban character to this historically open and undeveloped area, to the detriment of its character and appearance.

Residential Amenity

- 8.19 It is noted that that Operational Manager, Environment (Noise & Air) has no objection to the proposed development, subject to relevant conditions to control amplified music, hours of operation, plant noise, and kitchen extraction (see paragraph 5.6).
- 8.20 It is noted that the proposed building would be sited approximately 36 metres from the boundary of properties on Pencisely Road and approximately 51 metres from 'The Mews', to the rear of Llandaff Place. Whilst the concerns of neighbouring occupiers regarding noise impact are noted, it is considered that, through the imposition of relevant conditions, their amenities could be adequately safeguarded and therefore a reason for refusal would not be sustainable.
- 8.21 It is also considered that, in view of the separation distances between the proposed pavilion and neighbouring occupiers, no unacceptable loss of privacy would occur through overlooking into private properties.

Tree Impact

- 8.22 It is noted that the development would result in the loss of one 'C' category tree and would require future pruning to two 'B' category trees. Whilst the comments of the Council's Tree Officer in paragraph 5.8 are noted, it is considered that there are insufficient grounds to justify refusal of permission as satisfactory replacement planting could be secured through a condition.

Outstanding Third Party Representations

8.23 In respect of issues raised during the consultation process which have not be addressed in this report:

- (i) the applicant has confirmed that external users of the pavilion would access the facility from Cardiff Road, via the main school entrance, and not from Pencisely Road;
- (ii) the motive behind the submission of the application is not material to the determination of the application, which must be considered on its planning merits;
- (iii) the engagement by the applicant with the local community is not a pre-requisite to the determination of an application. The processing of an application ensures a full consultation with neighbouring occupiers and statutory consultees;
- (iv) concerns regarding security and anti-social behaviour are noted however the site is private and any external users would receive access with the permission of the school. This is considered to be a matter for the school to enforce and is not a justifiable reason to refuse permission;
- (v) the Council's Ecologist does not consider that the proposed pavilion would result in unacceptable harm to wildlife;
- (vi) loss of property values is a private matter, not a material consideration;
- (vii) it is not considered that the development would result in an unacceptable increase in traffic, mindful that the school grounds provide adequate car parking and any external users would access the grounds outside of peak hours;
- (viii) the deposit Local Development Plan has not been formally adopted and therefore cannot yet be relied upon for development management purposes;
- (ix) alternative options for siting the building cannot be promoted under this application, which must be considered on its own merits;
- (x) whilst the associated application for the creation of an astroturf pitch with associated floodlighting and fencing is a relevant consideration, each proposal forms a separate application and each must be determined on their own merits;
- (xi) No levelling or drainage works to the playing fields are proposed as part of this application;
- (xii) 'Selected community group use' confirms that the school, as owner of the site, would authorise use of the pitch by external groups;
- (xiii) The existing commercial use of other facilities within the school grounds outside of school hours is noted;
- (xiv) The request for a Committee Site Visit is noted;
- (xv) The existing pitches marked out on the playing fields would not be affected by the proposed pavilion.

Equalities Impact Assessment

8.24 This assessment recognises the public sector equality duty (Section 149 Equality Act 2010) and aims to demonstrate that, from an equality perspective, due regard has been given to any actual or potential differential impact of the

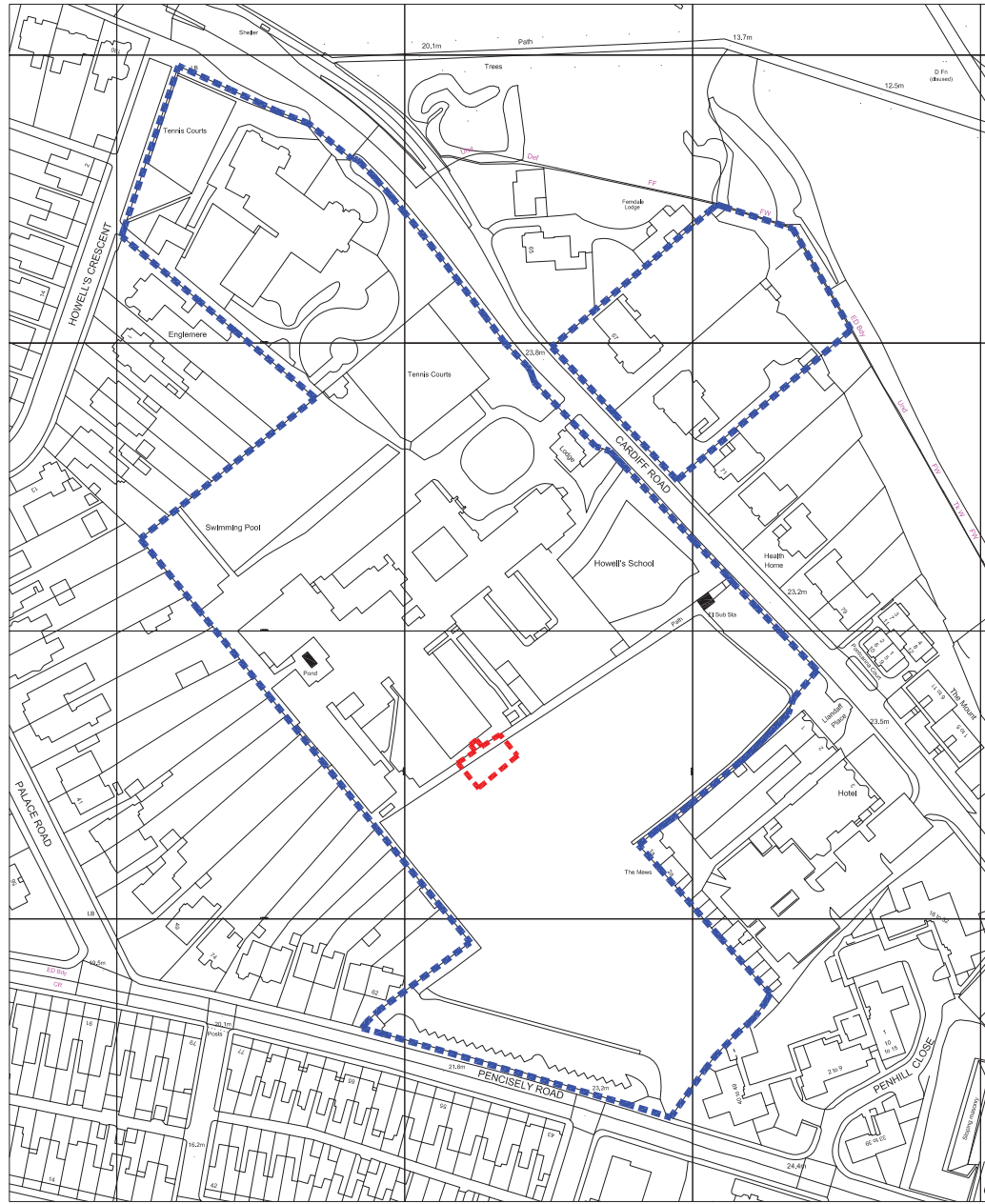
application on the needs of those with protected characteristics.

- 8.25 Notice of the application via the weekly list was sent to the Cardiff & Vale Coalition of Disabled People, now Diverse Cymru, and the Council's Access Officer has been consulted.
- 8.26 It is considered that there will be no apparent abnormal differential impact on relevant equality strands.

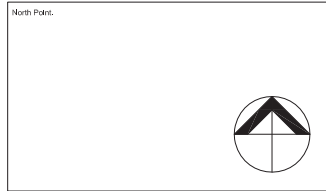
Conclusions

- 8.27 It is considered that, although the proposals would provide enhanced sporting facilities for the school and selected community groups, this benefit is outweighed by the harm that would occur to the Cardiff Road Conservation Area and the setting of the listed wall and listed school buildings. The proposals are considered to neither preserve nor enhance the character or appearance of the Cardiff Road Conservation Area, would harm the setting and special interest of the curtilage-listed walling and would harm the setting of the Grade II* Howells School, contrary to national and local planning policies and other relevant guidance.
- 8.28 It is therefore recommended that permission be refused.

Notes
 Copyright: All rights reserved.
 This drawing must not be reproduced without permission.
 This drawing must not be scaled. Dimensions are in millimetres unless specified.



Ordnance Survey, (c) Crown Copyright 2014. All rights reserved. Licence number 100022432



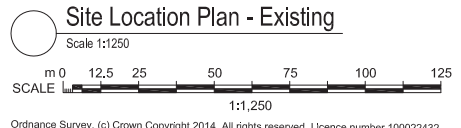
Key Plan.

Site Boundary - - - - -
 Property in the ownership of the applicant - - - - -

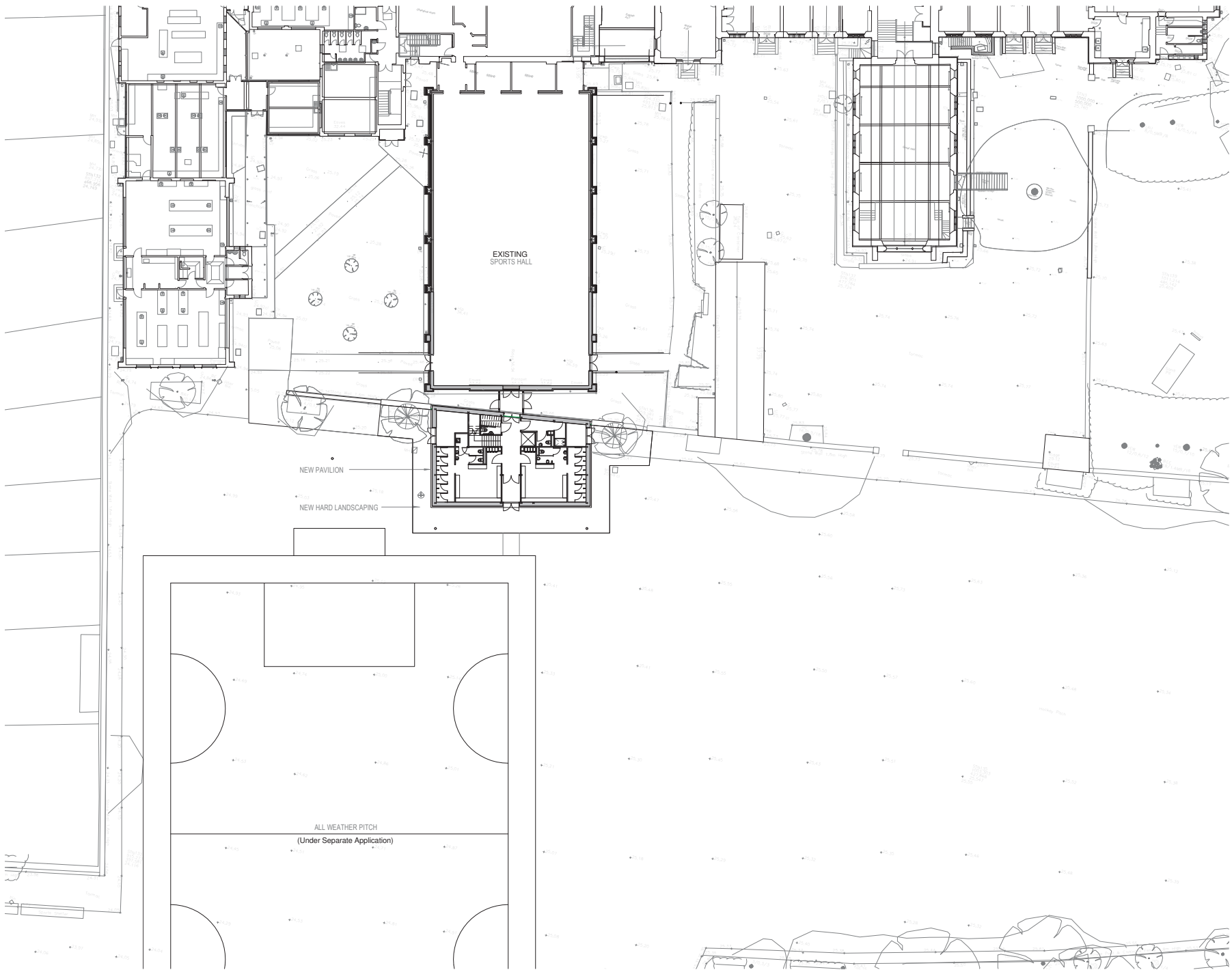
Rev	Date	Revision Note	By	Check

EWITM
 EillsWilliams
 Architects

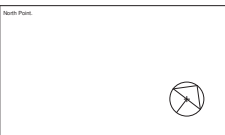
151 Rosebery Avenue
 London
 EC1R 4AB
 T: +44 (0)20 7841 7200



Job title Howell's School Llandaff							
Drawing title Site Location plan							
Status Planning	File Name	X-Ref File X OS Plan Complete					
Drawn by F. Foley	date 30.06.2014	checked by	date	Scale at A2 1250	Scale at A4 5000		
Job No. 1912	CRF cat. AE(0-)	Draw No. 00	Revision -				
Contractors Drawing No.							



Notes
 Copyright: All rights reserved.
 This drawing must not be reproduced without permission.
 The drawing must not be scaled. Dimensions are in millimetres unless specified.



Rev.	Date	Rev. Note	By	Check

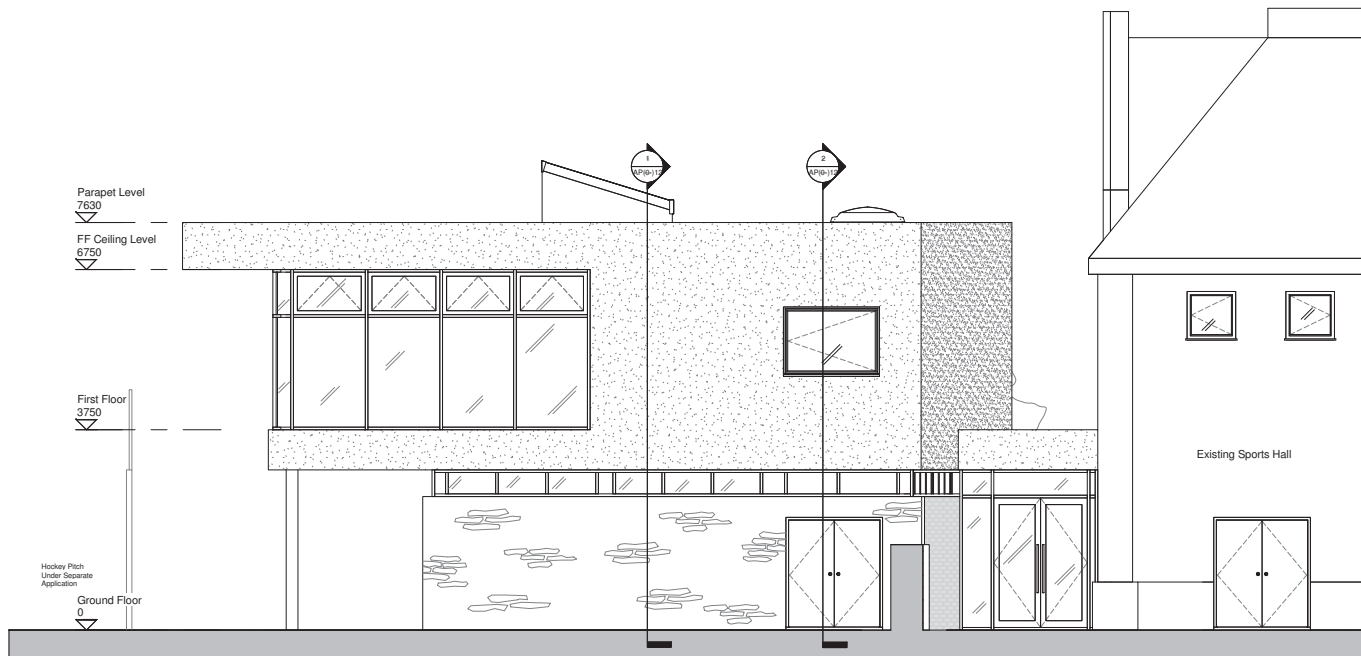
EWITM
 Ellis Williams
 Architects

151 Rosebery Avenue,
 London
 EC1R 4AB
 T: +44 (0)20 7841 7200

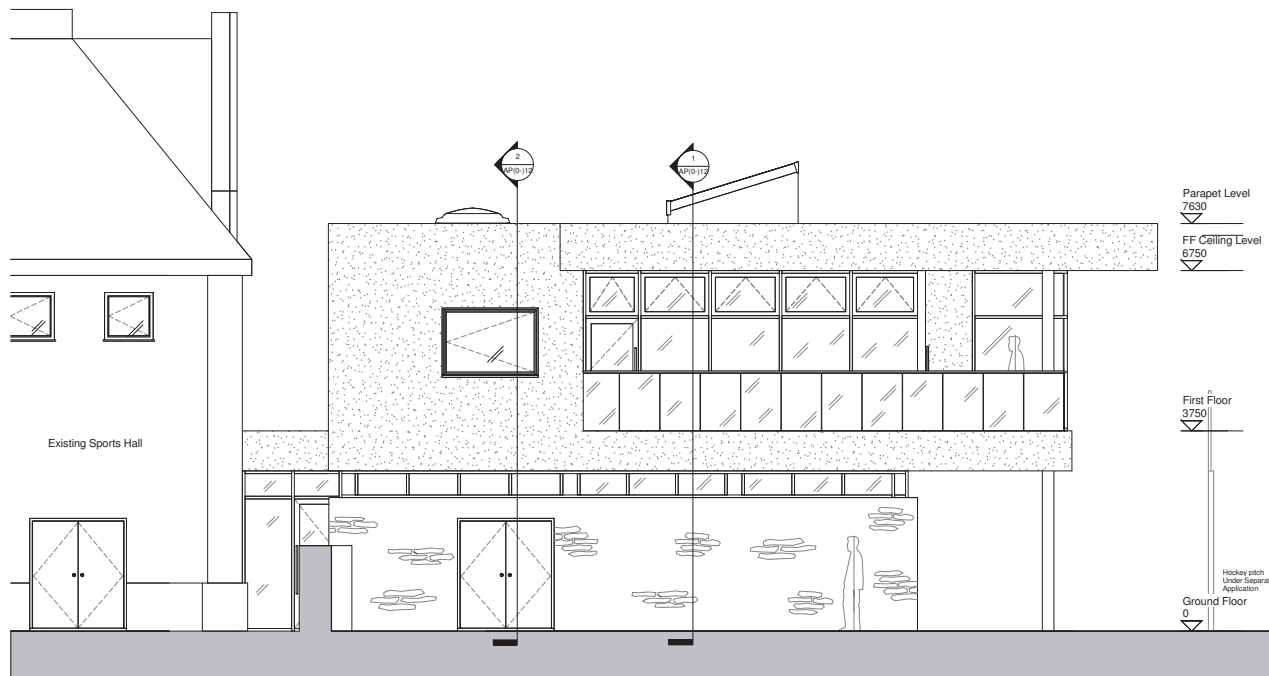
<p>Job No: The Pavilion at Howell's</p> <p>Client: Site Plan - Proposed</p>				
<p>Planning</p>				
Drawn by	Date	Checked by	Scale in A1	
F. Foley	June 2014		1 : 200	
1912	AP/0-02			

1 Site Plan
 1 : 200

SCALE



1 East Elevation
1 : 50



2 West Elevation
1 : 50



Notes
Copyright: All rights reserved.
This drawing must not be reproduced without permission.
The drawing must not be scaled. Dimensions are in millimetres unless specified.



Dry Stone Wall



Brick



Reconstituted Stone



Glazing

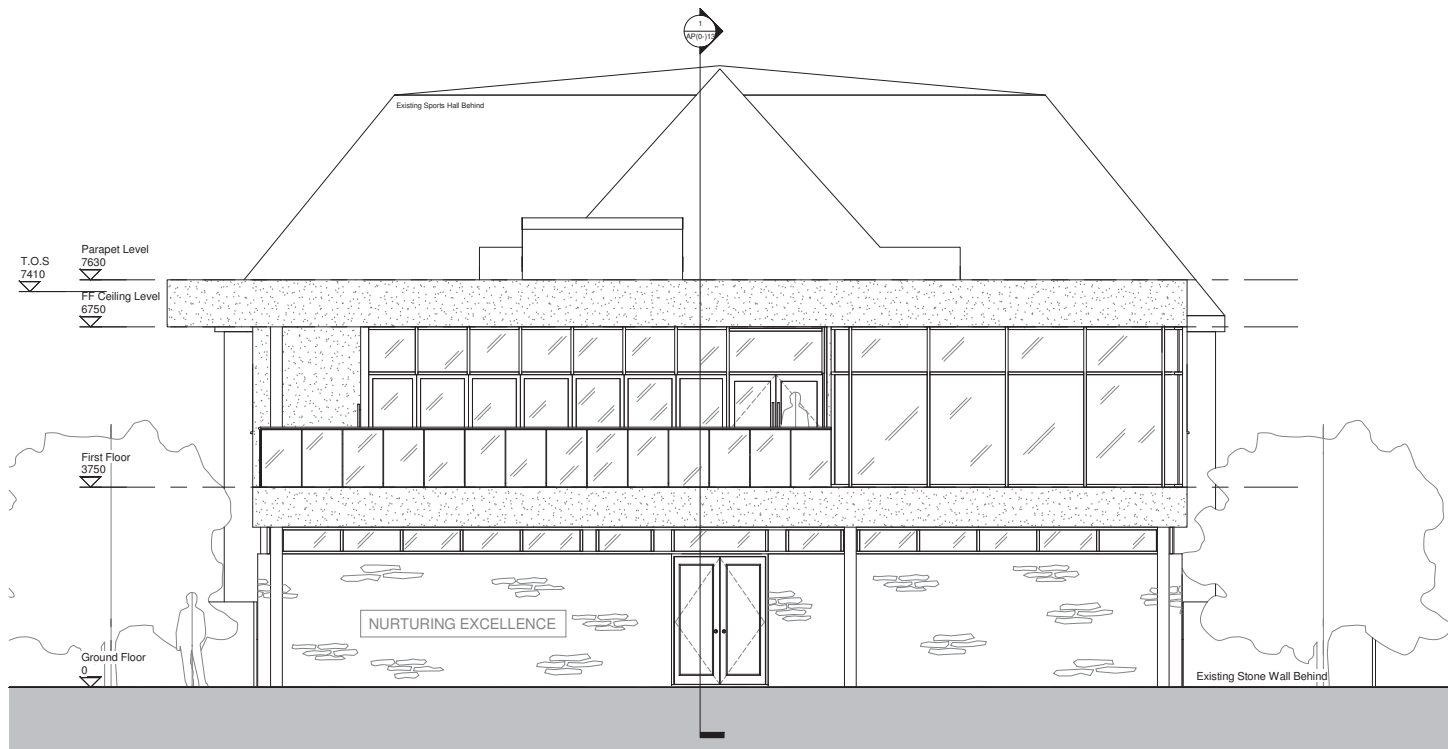
Material Legend
1 : 50



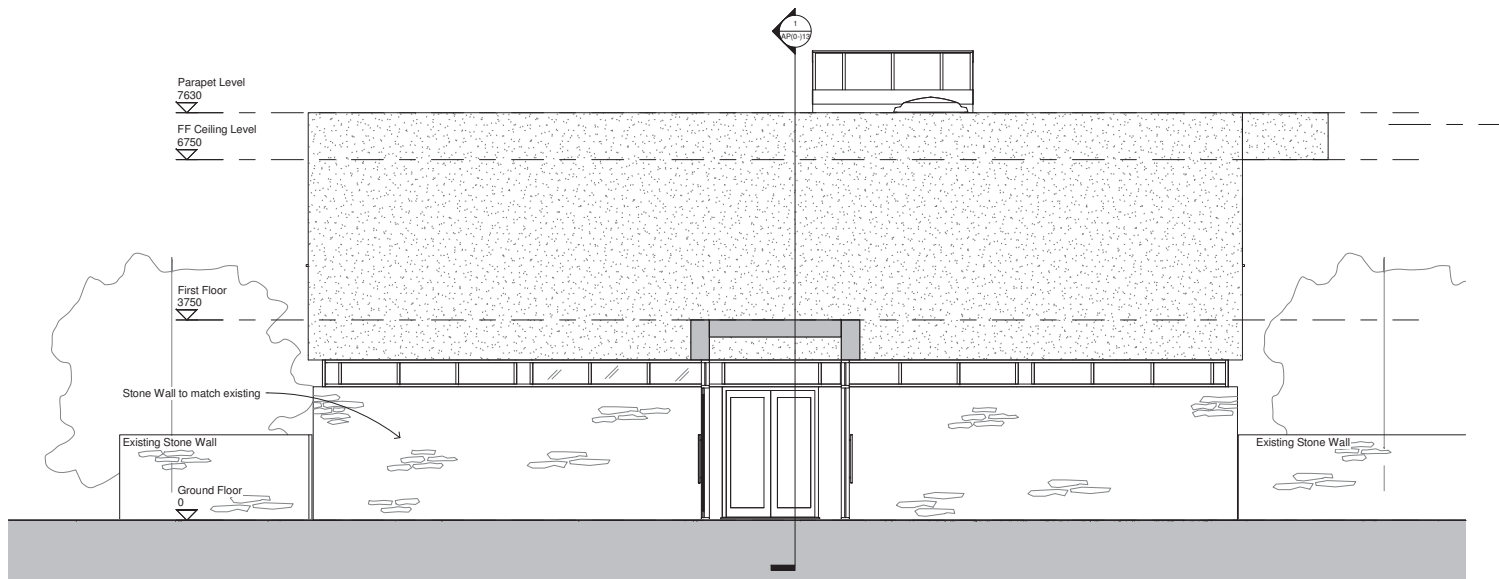
Rev.	Date	Rev. Note	By	Check

EWITM
Ellis Williams Architects
151 Rosebery Avenue,
London
EC1R 4AB
T: +44 (0)20 7841 7200

Project Name			
The Pavilion at Howell's			
Drawing Title			
East & West Elevations - Proposed			
Drawing Date			
June 2014			
Drawn by	Scale	Checked by	Scale in A1
F. Foley	1 : 50		1 : 50
1912	AP(0)-11		



1 South Elevation
1 : 50



2 North Elevation
1 : 50



Notes
Copyright: All rights reserved.
This drawing must not be reproduced without permission.
The drawing must not be scaled. Dimensions are in millimetres unless specified.



Dry Stone Wall



Reconstituted Stone



Glazing

Material Legend
1 : 50

North Point
+

Key Plan

A 1 (14-10-20) Ground floor glazing to match existing stone wall

Rev.	Date	Rev. Note	By	Check
------	------	-----------	----	-------

EWITM
Ellis Williams
Architects

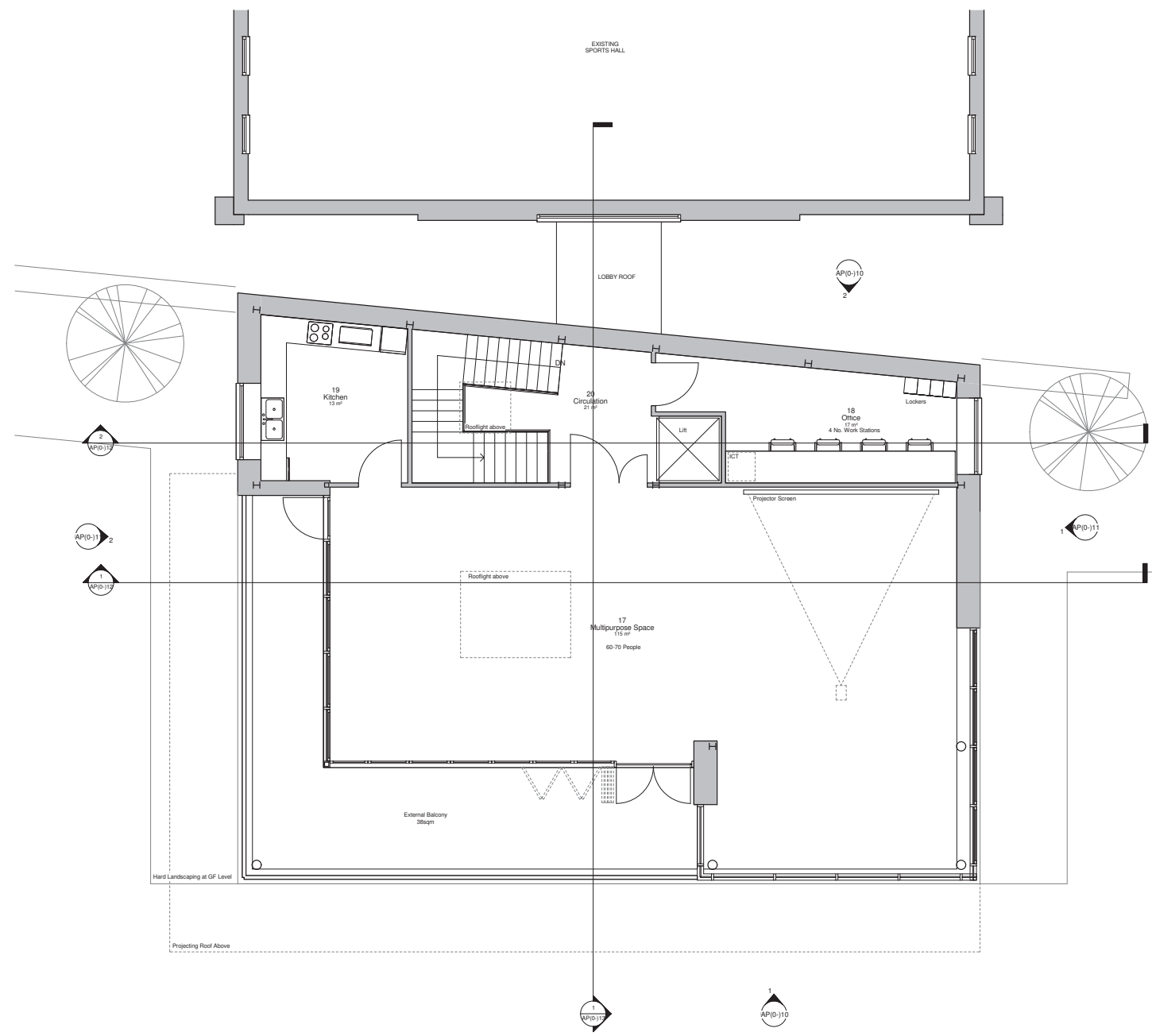
151 Rosebery Avenue,
London
EC1R 4AB
T: +44 (0)20 7841 7200

Job No: 1912
Project: The Pavilion at Howell's
Drawing: North & South Elevations - Proposed
Scale: A1

Drawn by: F. Foley	Date: June 2014	Checked by:	Scale: A1
Project: 1912	Client: AP(0)-10	Revision:	Sheet: A

Copyright: Ellis Williams Architects

Notes
 Copyright: All rights reserved.
 This drawing must not be reproduced without permission.
 The drawing must not be scaled. Dimensions are in millimetres unless specified.



1 First Floor Plan
 1 : 50
 SCALE 0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5

North Point

Key Plan

Rev.	Date	Rev. Note	By	Check

EWITM
 Ellis Williams
 Architects

151 Rosebery Avenue,
 London
 EC1R 4AB
 T: +44 (0)20 7841 7200

JOB NO.				
The Pavilion at Howell's				
DRAWING				
First Floor Plan				
PLANNING				
Drawn by	Date	Checked by	Scale as A1	
F. Faley	June 2014		1 : 50	
1912	AP(0)-04		REVISION	
Copyrighted Drawing Inc.				

COMMITTEE DATE: 17/06/2015

APPLICATION No. 14/01563/DCO APPLICATION DATE: 01/07/2014

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: The Girls' Day Schools Trust
LOCATION: HOWELLS SCHOOL, CARDIFF ROAD,
LLANDAFF, CARDIFF, CF5 2YD
PROPOSAL: CONSTRUCTION OF 61M x 43M
FLOODLIT 3G SYNTHETIC TURF SPORTS PITCH AND
NON-FLOODLIT MACADAM NETBALL AND TENNIS
COURTS FOR SCHOOL USE MONDAY TO FRIDAY
08:00-19:00 AND SCHOOL AND SELECTED
COMMUNITY GROUP USE ON SATURDAYS
10:00-18:00 WITH NO USE ON SUNDAYS AND BANK
HOLIDAYS PLUS ASSOCIATED WORKS

RECOMMENDATION : That planning permission be **REFUSED** for the following reasons :

1. The fencing and floodlighting columns surrounding the synthetic turf sports pitch and the proposed fencing surrounding the macadam courts, by reason of their height and siting would neither preserve nor enhance the character and appearance of the Cardiff Road Conservation Area, contrary to the provisions of Policy 3 of the City of Cardiff Local Plan (January 1996) and Policy 2.53 of the deposit Unitary Development Plan (October 2003).
2. The fencing and floodlighting columns surrounding the synthetic turf sports pitch and the proposed fencing surrounding the macadam courts, by reason of their height and siting would harm the setting of the Grade II* Howells School, contrary to the provisions of Policy B1 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011 (April 1997) and Policy 2.51 of the deposit Unitary Development Plan (October 2003).
3. The synthetic turf sports pitch, macadam courts, and fencing, by reason of their siting in close proximity to neighbouring properties and the hours of use, would cause unacceptable harm to the amenities of these residents due to noise disturbance from pitch users, contrary to the provisions of Policy 2.64 of the deposit Unitary Development Plan (October 2003).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the construction of a 61 metre by 43 metre floodlit 3G synthetic turf sports pitch and non-floodlit macadam netball and tennis courts at Howell's School, Cardiff Road, Llandaff.
- 1.2 The proposed pitches would be used by the school Monday to Friday 08:00 – 19:00 and selected community group use on Saturdays 10:00 – 18:00 with no use on Sundays and Bank Holidays.
- 1.3 The synthetic turf pitch would measure 43 metres by 61 metres and would be sited approximately 4.52 metres from the rear boundaries of 62, 64 & 66 Pencisely Road.
- 1.4 The 6 no. proposed floodlighting columns to the synthetic turf pitch have been amended to a retractable design to enable the columns to be lowered when not in use. The columns would be 2.5 metres high when not in use, extending to 11 metres high when used.
- 1.5 The powder coated mesh fencing enclosing the synthetic turf pitch has been amended from 3 metres high to the northeast and southeast elevations to a reduced height of 1.2 metres. The fencing has been reduced in height from 4.5 metres to 3 metres to the northwest and south west elevations. Synthetic grass covered kickboards have been introduced to replace the wooden kickboards originally proposed to reduce noise impacts.
- 1.6 The proposed macadam courts would measure 40.6 metres by 36.6 metres and would be sited approximately 3.12 metres from the rear boundary with Churchill's Hotel and approximately 5.2 metres from the boundary with properties on Penhill Close. It would be enclosed by 3 metre powder coated mesh fencing to all four sides.
- 1.7 The proposed levelling and drainage works to the natural turf pitch northeast of the proposed synthetic turf pitch have been deleted from the application.
- 1.8 There are 264 car parking spaces within the school grounds which would remain unchanged by the proposed development. Primary access to the school is via Cardiff Road. A secondary vehicular access/egress exists on Pencisely Road. However, the school has confirmed that the car park accessed from Pencisely Road will not be used by community groups, who would use the main school car park accessed off Cardiff Road.
- 1.9 The application is supported by a design and access statement, a lighting impact study, and lighting specifications.
- 1.10 The application has been supplemented by a Noise Impact Assessment (September 2014).
- 1.11 Members are advised to note that planning permission and listed building consent is currently being sought for the demolition of approximately 17 metres

of a curtilage wall and the construction of a two-storey sports pavilion adjacent to the proposed synthetic sports pitch. These applications are also being reported to this Committee (refs. 14/01445/DCO and 14/01752/DCO).

2. **DESCRIPTION OF SITE**

- 1.1 The playing fields are adjoined and overlooked by existing dwellings to the north-east, south-east and south-west boundaries and the existing Churchill's Hotel to the north-east. The school buildings are immediately northwest, beyond the curtilage wall.
- 1.2 The site is located within the Cardiff Road Conservation Area.
- 1.3 The original school building (1858-9) forms a large portion of the main building and was Grade II* Listed in 1975. The boundary wall separating the school buildings from the playing fields is also listed.

3. **SITE HISTORY**

- 3.1 11/01773/W: Permission sought in October 2011 for the installation of eight new sets of sculptural gates. Withdrawn prior to determination in November 2011.
- 3.2 11/01772/W: Permission refused in January 2012 for the installation of eight new sets of sculptural gates for the following reasons:
 1. *The proposed gates, by reason of their siting, design and colour would be incongruous and alien features that would cause serious harm to the character and appearance of the Cardiff Road Conservation Area, contrary to the provisions of Policy 3 (Development in Conservation Areas) of the City of Cardiff Local Plan (January 1996), Policy 2.53 (Conservation Areas) of the deposit Unitary Development Plan (October 2003) and the Cardiff Road Conservation Area Appraisal (2006).*
 2. *The proposed gate Nos. 1 & 2, by reason of their siting, design and colour would be incongruous and alien features that would cause serious harm to the setting and character of the original Howell's School building and lodge, contrary to the provisions of Policy 11 (Design and Aesthetic Quality) of the City of Cardiff Local Plan (January 1996) and Policy 2.51 (Statutory Listed Buildings) of the deposit Unitary Development Plan (October 2003).*
- 3.3 09/00957/W: Permission sought in June 2009 for the addition of a steel multi-fenced court to the rear of Howell's School 6th Form, called "Bryntaff House" also the addition of access paving to this area. Withdrawn prior to determination in June 2009.
- 3.4 08/02632/W: Permission granted in January 2009 for removal of existing external escape staircase and replacement with new external escape staircase.
- 3.5 04/00407/W: Listed Building Consent granted in June 2004 to widen opening in

boundary wall and create new opening in boundary wall.

- 3.6 04/00387/W: Permission refused in April 2004 for replacement fire escape stairs for the following reason:
1. *The proposed replacement fire escape stairs, by virtue of its elevated siting, scale and design, would introduce a visually obtrusive structure onto the side and rear of this semi-detached property, which is located within Cardiff Road Conservation Area.*
- 3.7 03/00488/W: Conservation Area Consent granted in May 2003 to demolish stable block in grounds of Junior Department.
- 3.8 03/00445/W: Permission granted in June 2003 for two-storey teaching block, extension over music department, extension to junior assembly hall, new car parking off Pencisely Road and new access, remodelling existing junior department to include nursery relocated from senior school.
- 3.9 95/01759/W: Permission granted in April 1996 for extension to provide sports hall and conversion of existing gymnasium to provide ancillary accommodation.
- 3.10 95/01758/W: Listed Building Consent granted in May 1996 for extension to provide sports hall and conversion of existing gymnasium to provide ancillary accommodation.
- 3.11 90/00005/W: Listed Building Consent granted in April 1990 for removal of flues and reposition roof vents and insert roof lights in the roof of the former laundry/dry building.
- 3.12 90/00004/W: Permission granted in February 1990 for roof lights and reposition roof vents in the roof of the former laundry/dry building.
- 3.13 89/00332/W: Permission granted in June 1989 for construction of Junior Assembly Hall Served, chair store junior music room ten music practice rooms 4 individual music teaching rooms and on the first floor an orchestra rehearsal room.
- 3.14 86/002012/W: Permission granted in January 1987 for 4 windows into round floor craft room, construction of external staircase to enable upper floor to be used as a north light studio.
- 3.15 86/01991/W: Permission granted in January 1989 to rebuild existing gate pier and wall.

4. **POLICY FRAMEWORK**

- 4.1 Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas
- 4.2 Planning Policy Wales, Edition 7 (July 2014).

4.3 Technical Advice Notes (TANs):

- 5 Nature Conservation and Planning (2009)
- 10 Tree Preservation Orders (1997)
- 11 Noise (1997)
- 12 Design (2014)
- 16 Sport, Recreation and Open Space (2009)

4.3 South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011 (April 1997):

- EV1 Towards Sustainable Development
- MV1 Location of New Developments
- MV11 Parking
- MV13 Equality of Access
- B1 Conservation of the Built Environment
- C7 Woodland and Hedgerows

4.4 City of Cardiff Local Plan (January 1996):

- 3 Development in Conservation Areas
- 11 Design and Aesthetic Quality
- 12 Energy Efficient Design
- 17 Parking and Servicing Facilities
- 18 Provision for Cyclists
- 19 Provision for Pedestrians
- 20 Provision for Special Needs Groups
- 45 Sport, Recreation and Leisure Facilities

4.5 Deposit Unitary Development Plan (October 2003):

- 1A General Principles for the Location of Development
- 1B Achieving Good Design
- 1I The Historic Environment
- 1K Movement and Transport Priorities
- 1N Car Parking
- 2.20 Good Design
- 2.24 Residential Amenity
- 2.45 Trees, Woodlands and Hedgerows
- 2.51 Statutory Listed Buildings
- 2.53 Conservation Areas
- 2.57 Access, Circulation and Parking Requirements
- 2.63 Contaminated and Unstable Land
- 2.64 Air, Noise and Light Pollution

4.6 Relevant Supplementary Planning Guidance:

- Access, Circulation and Parking Standards* (January 2010)
- Trees and Development* (March 2007)

Waste Collection and Storage Facilities (March 2007)

4.7 Cardiff Road Conservation Area Appraisal (2006).

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The **Operational Manager, Transportation**, has no objection to the application, subject to a condition requiring a construction management plan.

5.2 The **Operational Manager, Environment (Contaminated Land)**, recommends that, should there be any site won recycled material, or materials or soil imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. They recommend relevant conditions regarding contaminated land measures, imported aggregates, and the use of site won materials, and advisory notes regarding radon gas protection, contamination and unstable land.

5.3 The Council's **Tree Officer** does not consider that the new pitch/courts will impact on trees of amenity value. The upgrading of the existing grass pitch referred to in the Design and Access Statement could impact detrimentally on Tree Preservation Orders and Conservation Area trees that bound it. He recommends that an advisory note should be put on any permission, since he assumes the upgrading work itself would not require planning permission.

5.4 The Council's **Ecologist** has been consulted and any comments will be reported to Committee.

5.5 The **Operational Manager, Environment (Noise & Air)** advises that the Noise Impact Assessment dated the September 2014 makes it clear that there are likely to be significant adverse impacts from the development and that any potential mitigation measures are likely to be either impractical or insufficient. He does not consider that the further restriction of operating hours to match similar developments at Radyr Comprehensive or Glantaf will overcome the problem. He therefore recommends that this application should be refused as the noise issues, which are a material consideration according to paragraph 13.15.1 of Planning Policy Wales, appear to be insurmountable. He considers that the construction of the proposed synthetic sports pitch is too close to neighbouring premises to allow their operation without causing significant adverse impact to neighbouring occupiers.

5.6 The Council's **Access Officer** has been consulted and any comments will be reported to Committee.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 **Welsh Water** recommends drainage conditions in the event planning permission is recommended.

7. **REPRESENTATIONS**

7.1 **Councillor Richard Cook**, on behalf of a number of residents of Dulwich House and Pencisely Road, objects to the application for the following reasons:

- (i) Intensification of use – the sports pavilion and pitches are designed to be used not just by school pupils but by ‘carefully selected groups.’ This would increase the noise and light pollution to neighbouring properties. If Committee are minded to approve the application a condition should be inserted to limit the times of use to a time agreed with the neighbours, but less than the times of 08.00 – 21.00h on weekdays, 09.00-18.00h on Saturdays and 09,00-17.00h on Sundays;
- (ii) Cardiff Road Conservation Area Appraisal 2006 – The Appraisal states that ‘The school remains an architectural focus in the Conservation Area.’ and that ‘Any new buildings should be designed to harmonise in form and scale with the area’. Also, ‘Local identity can be protected and enhanced in new development by respecting significant views in and out of the Conservation Area.’ The listing of a building places a duty on the Local Planning Authority to consider the impact of development on the setting of a listed building. He considers that this development has a seriously detrimental impact on the setting of the listed Howells school.
- (iii) Pavilion – the pavilion seems to be designed more for use as a venue to be hired out to external groups rather than a sports pavilion for use of the school pupils e.g.: the first floor of the pavilion has a multi-use space with kitchen. A single storey building would be far more acceptable to local residents and would not have such an adverse impact on the Conservation Area and intensification of use. If the Committee is minded to approve the application a condition should be inserted to limit the times of use to a time agreed with the neighbours, but less than the proposed times of 08.00-22.30h on weekdays, 08.00-22.30h on Saturdays and 08.00-19.00h on Sundays which are un-neighbourly;
- (iv) Access and egress – the applicant states that the access for vehicles will be from Cardiff Road and not from the gates onto Pencisely Road. A condition should be inserted to forbid use of the Pencisely Road gates, as use of these gates would adversely impact on the residents of Pencisely Road.

7.2 The proposals were publicised in the press and by site notice dated 7th August 2014 under Sections 67 and 73 of the Planning (Listed Building and Conservation Areas) Act 1990, being a development affecting the setting of a Listed Building and affecting the character and/or appearance of a Conservation Area.

7.3 A petition of 136 signatures objecting to the proposals has been submitted.

7.4 Approximately 39 letters of objection have been received from the occupiers of

12, 43, 45, 49 Palace Road, 1 & Flat 3, 2 Llandaff Place, 62, 63, 66, 68, 70, 74 Pencisely Road, 45 Penhill Close, 5 Dulwich House, and 1A & 2A The Mews together with unaddressed emails. The grounds for objecting are summarised as follows:

- (i) Increased strain on an already busy road system;
- (ii) No consideration of additional parking provision leading to parking problems in vicinity;
- (iii) No cycle, coach or minibus parking;
- (iv) Disagrees with school's claim of being respectful of its neighbours and avoiding disturbance;
- (v) No information on access to facilities by the local population in accordance with deposit Local Development Plan C4;
- (vi) Concession to opening hours is welcomed however use beyond the length of the school day is greater than considered to be necessary;
- (vii) Macadam courts must be prevented from use as a car park;
- (viii) Existing tennis courts should be resurfaced for their original use and not used for car parking;
- (ix) Structures would result in harm to the Conservation Area;
- (x) Proposals would harm the setting of the listed buildings due to loss of views;
- (xi) Proposals are unnecessary as other under-utilised spaces exist within the school grounds;
- (xii) Harm to residential amenity through noise and light pollution;
- (xiii) Anti-social behaviour by pitch users;
- (xiv) Approximately 7 no. similar floodlit facilities exist within 1 mile;
- (xv) The term 'selected community group use' is uncertain and requires clarification;
- (xvi) Essentially a commercial venture rather than an educational one;
- (xvii) Cost of development is significant therefore it is reasonable to assume commercial venture will finance it;
- (xviii) The noise report incorrectly states the schools currently use the existing playing fields between 08:00 – 19:00;
- (xix) The noise report concludes that the development will have a 'significant impact' upon neighbouring occupiers;
- (xx) External users of the playing fields in school holidays cause noise disturbance to neighbouring occupiers;
- (xxi) Loss of light to neighbouring properties;
- (xxii) Floodlighting columns would be obtrusive;
- (xxiii) Depreciation in property values;
- (xxiv) Increased concerns regarding security;
- (xxv) School consultation has been disappointing;
- (xxvi) School premises are already used by external groups for commercial purposes;
- (xxvii) Playing fields form an integral part of the School's setting
- (xxviii) Adverse impact upon wildlife including bats;
- (xxix) It is requested that Committee undertake a site visit before determining the application;
- (xxx) Seeks confirmation that the Pencisely Road access & egress will not be used by the development;

- (xxxi) Levelling and drainage of fields adjacent to 1 Llandaff Place may result in impact on protected trees;
- (xxxii) Loss of green space and resulting ecological damage.

- 7.5 **Sport Wales** has no objection to the proposed development, on the basis that the proposals will not result in a net loss of sporting facilities.
- 7.6 The **Welsh Lacrosse Association** advises that the existing grass pitch is marked out for lacrosse and is the right dimensions. They request clarification from the school whether remaining grass areas will remain available for lacrosse as the proposed 3G is small and not of sufficient size.
- 7.7 The **Cardiff Civic Society** objects to the proposals, considering that they would be unsympathetic and would therefore compromise the integrity of the Conservation Area. Furthermore, the astro turf and floodlighting, plus the noise associated with a high level of evening and weekend use, will cause disturbance to local residents. The proposals will attract a significant number of users, thus creating further traffic congestion in an area that can barely cope with current traffic levels.
- 7.8 The **Llandaff Society** objects to the proposals on grounds of over-intensification of use, commercialisation extending beyond school hours, loss of valuable grassland playing field setting to historic listed II* school and neighbouring Victorian properties on Cardiff Road, inappropriate floodlighting to the location with associated nuisance to neighbouring character homes, unsightly steel cage fencing redolent of a military concentration camp, and adequacy of existing tennis and netball provision in area adjoining Howell's Crescent progressively being turned over to car parking.
- 7.9 The **Llandaff Conservation Group** views the application as a gross, significant and major overdevelopment of the school which will adversely impact upon the Conservation Area. The floodlighting represents an intrusive and extensive urbanisation of the area and its listed buildings that will not enhance or preserve the character of the area. The proposed hours of use throughout the year by a wide and diverse set of user groups will have an adverse impact on the surrounding area. The enclosure for the MUGA is an unwelcome feature and should not be permitted.

8. **ANALYSIS**

- 8.1 The key issues for the consideration of this application are the design and appearance of the proposed pitch, courts and associated fencing and lighting, their impact upon the character and appearance of the Cardiff Road Conservation Area, their impact upon the setting of the listed building, their relationship with neighbouring occupiers, and consideration of third party representations.

Design and Appearance

- 8.2 The amended proposals have reduced the height of the fencing to 1.2 metres to

the northeast and southeast elevations, and retained the original height of 4.5 metres (3 metres fencing plus 1.5 metres netting) to the northwest and southwest elevations.

- 8.3 It is considered that the sports pitches in themselves are not considered to be objectionable on design grounds, however this must be weighed against their siting and location within the Cardiff Road Conservation Area and the setting of the listed buildings.

Heritage

- 8.4 Members are reminded that the Local Planning Authority, under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act, has a duty in assessing proposals to have special regard to the desirability of preserving the setting of listed buildings. Section 72 of the same Act places a duty on the Local Planning Authority in assessing proposals to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 8.5 As noted within the CADW list description and the Design and Access Statement (DAS) accompanying the application, the original school building was completed in 1859. It is not clear when the playing fields became part of the school facilities, but archive plans and photos indicate that boundary wall to the south defined the extent of the school grounds. The playing fields appear to have been laid out at a later date and then extended to include what were previously gardens to the west of the coach houses behind the, now listed, 1-3 Llandaff Place.

- 8.6 The records therefore indicate that, while the setting and appearance of the listed building may have been compromised or altered by changes in landscaping or the addition of later extensions and buildings adjacent to the western boundary of the site, the area of land accommodating the playing fields has never been developed and has formed part of the open wider setting of the school building since its construction. There are currently no high posts or other structures within the open area and the boundary treatments are limited to buildings, low boundary walls and fences and/or dense vegetation. The open and undeveloped character of the land is considered to positively contribute to both the setting of the school and the wider character and appearance of the Cardiff Road Conservation Area. This contribution stems from views of the site from the southwest through to the southeast (albeit primarily from elevated private views into the site from surrounding buildings), views from within the playing field itself, views out from the listed building and within the immediate surroundings of the school buildings (these are also mostly 'private' views, given the use of the site as a school), together with public views from Pencisely Road.

- 8.7 The application will introduce numerous vertical structures into what is a currently open landscape, which offers clear open vistas from properties surrounding the field as well as Pencisely Road. With the exception of a brief reference to the choice of visually unobtrusive fencing and a specification for

floodlighting which restricts glare or spill into neighbouring properties, no assessment has been provided regarding the visual impact of the proposed fencing or lighting columns upon views within, into or out from the playing fields.

- 8.8 It is considered that the combination of mesh fencing and lighting columns would represent an urbanisation of the space, being easily discernible from numerous private and public viewpoints. The open character of the area would be significantly reduced by the enclosures and the visual and physical relationship between the listed school, curtilage-listed walling and this open space would be significantly reduced, harming the setting of the listed building and walling.
- 8.9 Views of this part of the conservation area from Llandaff Place, the Mews buildings to the rear of Llandaff Place, Pencisely Road and several buildings on the eastern side of Palace Road would be significantly altered. The character and appearance of the site would also be materially altered from public viewpoints on Pencisely Road, with views of open land bordered by buildings or landscaping being interrupted and materially changed with the introduction of mesh fencing and lighting columns. This change is considered to be harmful to the character and appearance of the conservation area and the setting of the listed school.
- 8.10 The harm is considered to be furthered by the change in character after dark, when the lack of lighting or use of the space means that it is presently a quiet and undisturbed area. This darkness and lack of use also contributes positively to the character and appearance of the conservation area after daylight hours. Notwithstanding the reduction in proposed hours of use, the introduction of illuminated conditions and associated activity would be considered to materially and adversely change that character and undermine its distinctive contribution.
- 8.11 It is not considered that the proposals would cause unacceptable harm to the setting of the listed buildings on Llandaff Place or Churchills Hotel, mindful that these listed buildings are screened from views on Pencisely Road.

Residential Amenity

- 8.12 Paragraph 4.4 of Technical Advice Note 16 (Sport, Recreation and Open Space (2009) advises that Local Planning Authorities “...*should assess the compatibility of noise generating recreational and sporting activities with other uses. The siting, location and intensity of use of such activities should be given special regard in order to minimise their impact on the amenity of local residents and on the surrounding area. Local planning authorities need to balance the positive contributions of leisure pursuits to the area and user enjoyment, against local environmental quality and possible nuisance to other people.*”
- 8.13 It is noted that that Operational Manager, Environment (Noise & Air) objects to the amended application as he considers that the noise issues arising from the development appear to be insurmountable and would result in significant adverse impact to neighbouring occupiers (paragraph 5.5). He notes that the submitted noise report confirms that there are likely to be significant adverse

impacts from the floodlit pitch and macadam courts and the proposed mitigation measures are likely to be insufficient.

- 8.14 The siting of the proposed pitches, are considered to be too close to neighbouring premises to allow their operation without causing significant adverse impact upon neighbouring occupiers.
- 8.15 Mindful of the lighting specifications and light spill information accompanying the application, and the amended hours of use being proposed, it is not considered that the proposals would result in an unacceptable harm to the amenities of neighbouring occupiers from floodlight usage.

Tree Impact

- 8.16 It is not considered that this application would result in unacceptable harm to existing trees, as advised by the council's Tree Officer (paragraph 5.3).

Transportation

- 8.17 It is noted that the Operational Manager, Transportation, has no objection to the proposals on parking, access, or traffic grounds (paragraph 5.1).

Outstanding Third Party Representations

- 8.18 In respect of issues raised during the consultation process which have not be addressed in this report:
- (i) The deposit Local Development Plan has not been adopted and therefore is not used for development managements purposes at this stage;
 - (ii) There are no proposals to use the macadam courts for car parking under this application;
 - (iii) Views on the future use of existing tennis courts elsewhere in the school grounds lie outside the scope of this application;
 - (iv) Views regarding the necessity of the proposals and allegations of under-used space elsewhere in the school grounds are noted however this application must be determined on its own planning merits;
 - (v) Concerns regarding anti-social behaviour by pitch users and site security are noted. Given the pitch would be within a private site, this would be a matter for the site owner;
 - (vi) The presence of similar facilities within the locality are noted however this application must be determined on its own merits;
 - (vii) The school would select which 'selected community groups' would be permitted to use the facilities;
 - (viii) The motive for the application is not material to its determination;
 - (ix) Any depreciation in property value is a private matter that is not material to the determination of this application;
 - (x) Comments regarding consultation by the school are noted. However, a full consultation exercise in accordance with the regulations has been undertaken;

- (xi) No objection to the application has been received from the Council's Ecologist;
- (xii) The request for a Committee Site Visit before determination is noted;
- (xiii) It is not considered that the amended proposals would result in an unacceptable loss of light for neighbouring occupiers.
- (xiv) The engineering works to the retained natural turf pitch in the north corner of the playing fields has been deleted from this application.

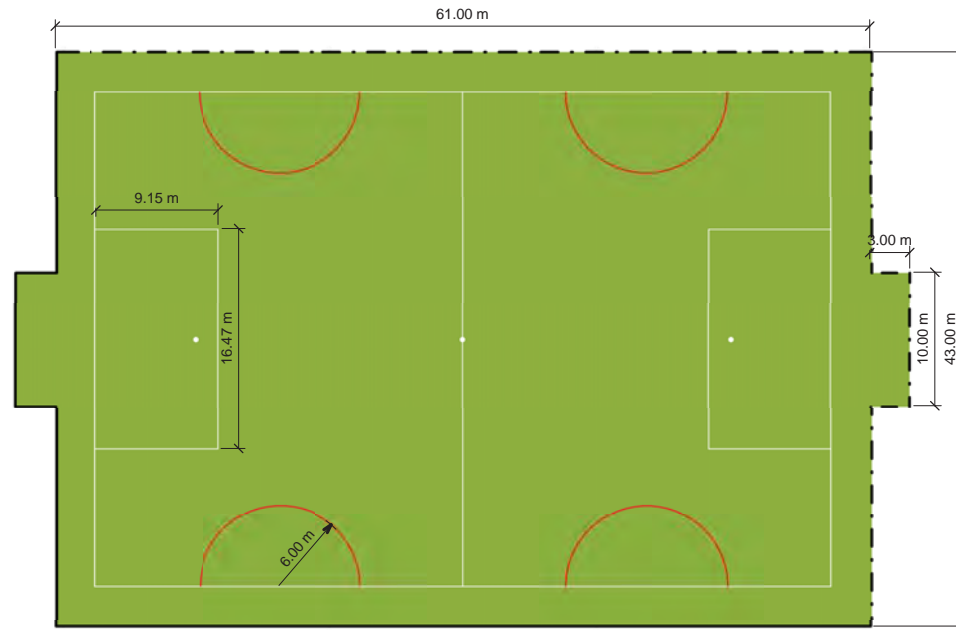
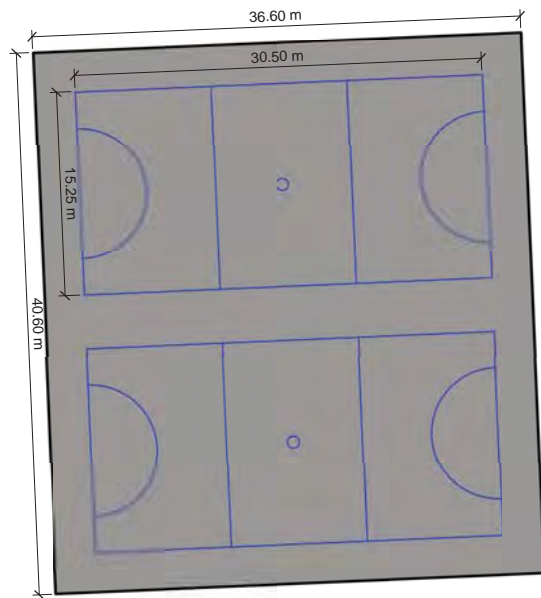
Equalities Impact Assessment

- 8.19 This assessment recognises the public sector equality duty (Section 149 Equality Act 2010) and aims to demonstrate that, from an equality perspective, due regard has been given to any actual or potential differential impact of the planning application on the needs of those with protected characteristics.
- 8.20 Notice of the application was sent via the weekly list to the Cardiff & Vale Coalition of Disabled People, now Diverse Cymru, and the Council's Access Officer has been consulted.
- 8.21 There is considered to be no apparent abnormal differential impact on relevant equality strands.

Conclusions

- 8.22 It is considered that, although the amended proposals would provide enhanced sporting facilities for the school and selected community groups, this benefit is outweighed by the harm that would occur to the Cardiff Road Conservation Area and the setting of the listed wall and listed school buildings. The proposals are considered to neither preserve nor enhance the character or appearance of the Cardiff Road Conservation Area, and would harm the setting of the curtilage-listed wall and the Grade II* Howells School, contrary to national and local planning policies and other relevant guidance.
- 8.23 It is also considered that the proposed pitches, being surrounded by mesh fencing and sited in close proximity to neighbouring dwellings, despite the mitigation measures proposed, would result in unacceptable noise disturbance for neighbouring occupiers.
- 8.24 It is therefore recommended that planning permission be refused for these reasons.

Pitch Layout
Scale 1:200





nottssport 
Synthetic Surfacing / Multi-Sports

Technical Services
Innovation House
Magna Park
Lutterworth
Leicestershire
LE17 4XH
United Kingdom

The Howell's School
Synthetic MUGA
Development

Pitch Layout

Notes:-

3m fencing 
4.5m fencing 

Date	20/02/14
Drawn by	JP
Checked by	JP
NSTHS004	
Scale	As Indicated @ A1
Client Signature	
Date Signed	

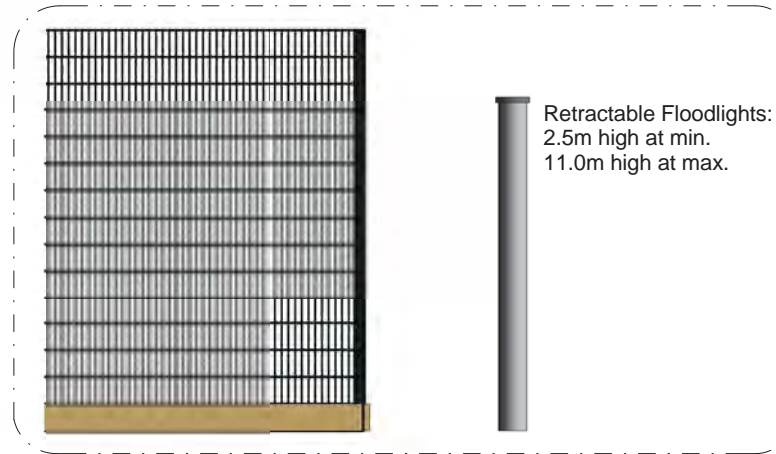
Fencing Plan
Scale 1:500



Fence Detail
NB - Not To Scale



Zoomed In Fencing Elevation
Scale 1:20



Front & Side Fencing Elevation
Scale 1:100



NOTES:-

nottsport Synthetic Surfacing / Multi-Sports
 Technical Services
 Innovation House
 Magna Park
 Lutterworth
 Leicestershire
 LE17 4XH
 United Kingdom

The Howell's School
 Synthetic MUGA
 Development

Fencing Plan,
 Fence Detail,
 Front, Side & Zoomed In
 Fencing Elevations

Date 25/03/15

Drawn by JP

Checked by JP

NSTHS008

Scale As Indicated @ A1

Client Signature
 Date Signed

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 17/06/2015

APPLICATION No. 14/01752/DCO APPLICATION DATE: 23/07/2014

ED: **LLANDAFF**

APP: TYPE: Listed Building Consent

APPLICANT: Girl's Day School Trust
LOCATION: HOWELLS SCHOOL, CARDIFF ROAD, LLANDAFF,
CARDIFF, CF5 2YD

PROPOSAL: THE CONSTRUCTION OF A 325SQM TWO STOREY
SPORTS PAVILION WHICH INCLUDES A LINK LOBBY
CONNECTION TO THE EXISTING SPORTS HALL.THE
DEMOLITION OF CIRCA 17 LINEAR METERS OF 1.6M
HIGH, DRY STONE WALLING, AND THE FORMING OF
AN OPENING TO THE SOUTH EAST ELEVATION OF
THE EXISTING SPORTS HALL

RECOMMENDATION : That, subject to CADW, listed building consent be **REFUSED** for the following reasons:

1. The proposed pavilion, by reason of the partial demolition of the curtilage listed wall enclosing the existing school buildings and its siting within the playing fields beyond the remaining curtilage-listed wall, would neither preserve nor enhance the character and appearance of the Cardiff Road Conservation Area, contrary to the provisions of Policy 3 of the City of Cardiff Local Plan (January 1996) and Policy 2.53 of the deposit Unitary Development Plan (October 2003).
2. The proposed pavilion, by reason of the partial demolition of the curtilage listed wall enclosing the existing school buildings and its siting within the playing fields beyond the remaining curtilage-listed wall, would harm the setting and special interest of the wall and the setting of the Grade II* Howells School, contrary to the provisions of Polcy B1 of the south Glamorgan (Cardiff Area) Replacement Structure Plan 1991 - 2011 (April 1997), Policy 2.51 of the deposit Unitary Development Plan (October 2003).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 Listed building consent is sought for the construction of a 325 square metre two-storey sports pavilion which includes a link lobby connection to the existing sports hall at Howell's School, Cardiff Road, Llandaff.
- 2.2 The application includes the demolition of approximately 17 metres of a 1.6 metre high listed wall, and the formation of an opening to the south-east

elevation of the existing sports hall.

- 2.3 The pavilion would be sited within the existing playing fields belonging to Howell's School. The applicant confirms, by letter dated 24th August 2014, that the primary use of the space in the pavilion will be for school purposes during the day. This will range from meetings for groups of students, rehearsing plays and performances, assemblies, parents meetings, sports briefings, careers fairs and staff training. The current space within the main school buildings is used extensively and the pavilion will provide much needed additional accommodation. The pavilion will also be used to entertain visiting sports teams for tea and refreshments after matches. If the synthetic turf pitch has been let to external parties, within the times stated, it is possible that they would also use the space for refreshments after the matches. They do not plan to let the pavilion as a party venue, that is not its purpose.
- 2.4 The application proposes hours of use from 08:00 – 22:30 Monday to Saturday and 08:00 – 19:00 on Sundays.
- 2.5 The proposed two-storey pavilion comprises, at ground floor, two changing rooms including showers, disabled w.c. staff w.c. and shower, plant and store rooms and lobby linking the pavilion to the sports hall. The first floor comprises a multi-purpose space comprising 108sqm, 18sqm office, 14sqm kitchen and a 41sqm viewing balcony to the southeast and south west elevations.
- 2.6 The pavilion has a flat roof design and would have an overall height of approximately 7.6 metres, a maximum width of approximately 17.3 metres, extending a maximum of 10.5 metres beyond the existing listed wall into the playing field. The pavilion would be finished in natural stone at ground floor with glazing and reconstituted stone to first floor.
- 2.7 The building is designed to optimise daylight throughout the year. Solar control glazing and overhangs are designed to minimise solar gain in the summer months and maximise it during the winter months to provide passive heating. High efficiency lighting controls, energy efficient underfloor heating, high performance glazing and PV panels to the roof to maximise energy efficiency.
- 2.8 The development would result in the demolition of approximately 17 metres of the existing stone wall, which forms a boundary between the school buildings and the playing fields.
- 2.9 A Norway Maple tree ('C' category) is proposed to be removed and a replacement tree to be planted elsewhere on site, in a location to be agreed. One further 'B' category tree in close immediately northeast of the siting would require lateral pruning to facilitate construction.
- 2.10 There are 264 car parking spaces within the school grounds which would remain unchanged by the proposed development. Primary access to the school is via Cardiff Road. A secondary vehicular access/egress exists on Pencisely Road.

2.11 The application is supported by the following:

- (i) A statement of community involvement;
- (ii) Sustainability Statement;
- (iii) Design and Access Statement;
- (iv) Biodiversity Report;
- (v) Quotation for Tree works.

2.12 The application has been amended/supplemented as follows:

- (i) The north elevation of the pavilion, originally comprised of brick at ground floor level, have been amended to stone walling to match the existing stone wall (November 2014);
- (ii) Arboricultural Impact Assessment (November 2014);
- (iii) Noise Impact Assessment (August 2014);
- (iv) Rationale for the proposed location of the Sports Pavilion (March 2015).

2.13 Members are advised to note planning application no. 14/01563/DCO, which is also being reported to this Committee, seeks permission for the construction of a floodlit synthetic turf pitch and tarmacadam netball and tennis courts for school and selected community group use.

2. **DESCRIPTION OF SITE**

1.1 The pavilion would be sited within the playing fields of Howell's School, immediately south-east of the existing school buildings.

1.2 The playing fields are adjoined by existing dwellings to the north-east, south-east and south-west boundaries and the existing Churchill's Hotel to the north-east.

1.3 The site is located within the Cardiff Road Conservation Area.

1.4 The original school building (1858-9) forms a large portion of the main building and was Grade II* Listed in 1975. The boundary wall separating the school buildings from the playing fields is also afforded protection as a listed building by virtue of its age and ancillary function within the curtilage of the Grade II* Listed Howells School.

3. **SITE HISTORY**

3.1 11/01773/W: Permission sought in October 2011 for the installation of eight new sets of sculptural gates. Withdrawn prior to determination in November 2011.

3.2 11/01772/W: Permission refused in January 2012 for the installation of eight new sets of sculptural gates for the following reasons:

- 1. *The proposed gates, by reason of their siting, design and colour would be incongruous and alien features that would cause serious harm to the*

character and appearance of the Cardiff Road Conservation Area, contrary to the provisions of Policy 3 (Development in Conservation Areas) of the City of Cardiff Local Plan (January 1996), Policy 2.53 (Conservation Areas) of the deposit Unitary Development Plan (October 2003) and the Cardiff Road Conservation Area Appraisal (2006).

2. *The proposed gate Nos. 1 & 2, by reason of their siting, design and colour would be incongruous and alien features that would cause serious harm to the setting and character of the original Howell's School building and lodge, contrary to the provisions of Policy 11 (Design and Aesthetic Quality) of the City of Cardiff Local Plan (January 1996) and Policy 2.51 (Statutory Listed Buildings) of the deposit Unitary Development Plan (October 2003).*
- 3.3 09/00957/W: Permission sought in June 2009 for the addition of a steel multi-fenced court to the rear of Howell's School 6th Form, called "Bryntaff House" also the addition of access paving to this area. Withdrawn prior to determination in June 2009.
- 3.4 08/02632/W: Permission granted in January 2009 for removal of existing external escape staircase and replacement with new external escape staircase.
- 3.5 04/00407/W: Listed Building Consent granted in June 2004 to widen opening in boundary wall and create new opening in boundary wall.
- 3.6 04/00387/W: Permission refused in April 2004 for replacement fire escape stairs for the following reason:
 1. *The proposed replacement fire escape stairs, by virtue of its elevated siting, scale and design, would introduce a visually obtrusive structure onto the side and rear of this semi-detached property, which is located within Cardiff Road Conservation Area.*
- 3.7 03/00488/W: Conservation Area Consent granted in May 2003 to demolish stable block in grounds of Junior Department.
- 3.8 03/00445/W: Permission granted in June 2003 for two-storey teaching block, extension over music department, extension to junior assembly hall, new car parking off Pencisely Road and new access, remodelling existing junior department to include nursery relocated from senior school.
- 3.9 95/01759/W: Permission granted in April 1996 for extension to provide sports hall and conversion of existing gymnasium to provide ancillary accommodation.
- 3.10 95/01758/W: Listed Building Consent granted in May 1996 for extension to provide sports hall and conversion of existing gymnasium to provide ancillary accommodation.
- 3.11 90/00005/W: Listed Building Consent granted in April 1990 for removal of flues and reposition roof vents and insert roof lights in the roof of the former laundry/dry building.

- 3.12 90/00004/W: Permission granted in February 1990 for roof lights and reposition roof vents in the roof of the former laundry/dry building.
- 3.13 89/00332/W: Permission granted in June 1989 for construction of Junior Assembly Hall Served, chair store junior music room ten music practice rooms 4 individual music teaching rooms and on the first floor an orchestra rehearsal room.
- 3.14 86/002012/W: Permission granted in January 1987 for 4 windows into ground floor craft room, construction of external staircase to enable upper floor to be used as a north light studio.
- 3.15 86/01991/W: Permission granted in January 1989 to rebuild existing gate pier and wall.

4. **POLICY FRAMEWORK**

4.1 Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas

4.2 Planning Policy Wales, Edition 7 (July 2014).

4.3 Technical Advice Notes (TANs):

- 5 Nature Conservation and Planning (2009)
- 10 Tree Preservation Orders (1997)
- 11 Noise (1997)
- Design (2014)
- 16 Sport, Recreation and Open Space (2009)

4.3 South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011 (April 1997):

- EV1 Towards Sustainable Development
- MV1 Location of New Developments
- MV11 Parking
- MV13 Equality of Access
- B1 Conservation of the Built Environment
- C7 Woodland and Hedgerows

4.4 City of Cardiff Local Plan (January 1996):

- 3 Development in Conservation Areas
- 11 Design and Aesthetic Quality
- 12 Energy Efficient Design
- 17 Parking and Servicing Facilities
- 18 Provision for Cyclists
- 19 Provision for Pedestrians
- 20 Provision for Special Needs Groups
- 45 Sport, Recreation and Leisure Facilities

4.5 Deposit Unitary Development Plan (October 2003):

- 1A General Principles for the Location of Development
- 1B Achieving Good Design
- 1I The Historic Environment
- 1K Movement and Transport Priorities
- 1N Car Parking
- 2.20 Good Design
- 2.24 Residential Amenity
- 2.45 Trees, Woodlands and Hedgerows
- 2.51 Statutory Listed Buildings
- 2.53 Conservation Areas
- 2.57 Access, Circulation and Parking Requirements
- 2.64 Air, Noise and Light Pollution

4.6 Relevant Supplementary Planning Guidance:

- Access, Circulation and Parking Standards* (January 2010)
- Trees and Development* (March 2007)
- Waste Collection and Storage Facilities* (March 2007)

4.7 Cardiff Road Conservation Area Appraisal (2006).

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The **Operational Manager, Transportation**, has no objection to the application, subject to a condition requiring a construction management plan.
- 5.2 The **Operational Manager, Environment (Contaminated Land)**, recommends that, should there be any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. They recommend relevant conditions regarding contaminated land measures, imported aggregates, and the use of site won materials, and advisory notes regarding radon gas protection, contamination and unstable land.
- 5.3 The Council's **Tree Officer** advises that an Arboricultural Impact Assessment and Tree Constraints Plan are provided, but no Tree Survey. He considers that a Tree Survey in accordance with BS 5837:2012 is required. In any event the submitted information demonstrates that the proposed development will incur into the Root Protection Area and current branch spread of a 'B' category tree T9, and will interfere with the future crown development of T9 and the 'B' category T7. He therefore considers that the constraints trees place on design have not been sufficiently considered and he concludes that the proposed development will result in unacceptable harm to trees of amenity value.

- 5.4 The **Operational Manager, Waste Management**, advises that an additional sports hall will lead to an increase in the volume of waste produced which should either be reflected in an increase in refuse storage capacity or an increase in the frequency of refuse collections. She requests that the agent/applicant is reminded that a commercial contract is required for the collection and disposal of all commercial waste, as advised in the Waste Collection and Storage Facilities Supplementary Planning Guidance.
- 5.5 The Council's **Ecologist** has been consulted and any comments will be reported to Committee.
- 5.6 The **Operational Manager, Environment (Noise & Air)**, recommends conditions to control amplified music, hours of operation, plant noise, and future kitchen extraction together with an advisory note regarding construction site noise.
- 5.7 The Council's **Access Officer** has been consulted and any comments will be reported to Committee.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Welsh Water** recommends drainage conditions in the event planning permission is recommended.

7. **REPRESENTATIONS**

- 7.1 **Councillor Richard Cook**, on behalf of a number of residents of Dulwich House and Pencisely Road, objects to the application for the following reasons:
- (i) Intensification of use – the sports pavilion and pitches are designed to be used not just by school pupils but by ‘carefully selected groups.’ This would increase the noise and light pollution to neighbouring properties. If Committee are minded to approve the application a condition should be inserted to limit the times of use to a time agreed with the neighbours, but less than the times of 08.00 – 21.00h on weekdays, 09.00-18.00h on Saturdays and 09,00-17.00h on Sundays;
 - (ii) Cardiff Road Conservation Area Appraisal 2006 – The Appraisal states that ‘The school remains an architectural focus in the Conservation Area.’ and that ‘Any new buildings should be designed to harmonise in form and scale with the area’. Also, ‘Local identity can be protected and enhanced in new development by respecting significant views in and out of the Conservation Area.’ The listing of a building places a duty on the Local Planning Authority to consider the impact of development on the setting of a listed building. He considers that this development has a seriously detrimental impact on the setting of the listed Howells school.
 - (iii) Pavilion – the pavilion seems to be designed more for use as a venue to be hired out to external groups rather than a sports pavilion for use of the school pupils eg: the first floor of the pavilion has a multi-use space with

kitchen. A single storey building would be far more acceptable to local residents and would not have such an adverse impact on the Conservation Area and intensification of use. If the Committee is minded to approve the application a condition should be inserted to limit the times of use to a time agreed with the neighbours, but less than the proposed times of 08.00-22.30h on weekdays, 08.00-22.30h on Saturdays and 08.00-19.00h on Sundays which are un-neighbourly;

- (iv) Access and egress – the applicant states that the access for vehicles will be from Cardiff Road and not from the gates onto Pencisely Road. A condition should be inserted to forbid use of the Pencisely Road gates, as use of these gates would adversely impact on the residents of Pencisely Road.

7.2 The proposals were publicised in the press and by site notice under Sections 67 and 73 of the Planning (Listed Building and Conservation Areas) Act 1990, being a development affecting the setting of a Listed Building and affecting the character and/or appearance of a Conservation Area.

7.3 A petition of 136 signatures objecting to the proposals has been submitted.

7.4 Approximately 35 letters of objection have been received on the amended proposals from the occupiers of 12, 45, 49 Palace Road, 1 Llandaff Place, 62, 63, 64, 66, 68, 70, 74 Pencisely Road, 45 Penhill Close, 5, 6 Dulwich House, 1A and 2A The Mews, together with unaddressed emails. The grounds for objecting are summarised as follows:

- (i) Increased traffic and car parking at the rear of the school on Palace road and Pencisely Road which is already congested at school times;
- (ii) Commercial use of the pavilion suggests an income generating motive rather than educational motive;
- (iii) First floor balcony is excessive in its extent and openings will cause noise disturbance resulting in harm to neighbour amenities which is not addressed by the noise report;
- (iv) Applicant has not engaged with local community;
- (v) Security concerns;
- (vi) Anti-social behaviour outside of school hours;
- (vii) Damage to wildlife e.g. bats, owls and foxes will lose habitat;
- (viii) Reduced hours to 19:00 mid-week is welcomed although this does not address weekend usage therefore concerns regarding noise disturbance remain;
- (ix) Pavilion design is not in keeping with the area, is a large and imposing building, out-of-scale development and is poorly designed;
- (x) Loss of privacy through overlooking from first floor balcony;
- (xi) Depreciation in property values;
- (xii) Would not preserve or enhance the character and appearance of the Cardiff Road Conservation Area;
- (xiii) Increased strain on an already busy traffic network;
- (xiv) No additional parking provision is proposed leading to overspill parking in the locality;

- (xv) Disputes elements of the 'Statement of Community Involvement.';
- (xvi) The Local Development Plan (C4) gives guidance on the provision of sports development and open space;
- (xvii) Demolition of listed wall is not acceptable;
- (xviii) Pavilion interrupts important views of the listed buildings;
- (xix) Hours of use should be limited to be consistent with those proposed for the pitch;
- (xx) Supporting documents confirm existing courts would be used for parking;
- (xxi) Alternative siting adjacent to the sports hall would be the ideal solution therefore the proposal is unnecessary;
- (xxii) The proposals should read with the proposed astroturf pitch as one development;
- (xxiii) Loss of historic views of the Grade II Listed Building, which was built over 150 years ago. The school forms an important part of the area's built heritage;
- (xxiv) Levelling and drainage to playing field adjacent to 1 Llandaff Place with protected trees to the boundary. Proposals are unclear on likely impacts;
- (xxv) Any tennis courts being used for car parking should be re-surfaced and used for their original purpose;
- (xxvi) The submission of amendments indicates the failing of the original application to adequately consult local neighbours and take into consideration the impact of the proposed development upon the local neighbours, to recognise the setting of the School within a conservation area; or to appreciate the adverse impact of the development upon the Grade II listed buildings;
- (xxvii) Welcomes the conclusion of the noise report that use of the proposed pitch and court be in line with current school use of the sports fields, resulting in no use outside daylight hours (thus there being no requirement for floodlights) and no use on Sundays or Bank Holidays at all and limited use by Howell's School on a Saturday for matches;
- (xxviii) Intensification of use of school grounds;
- (xxix) Loss of light to private gardens;
- (xxx) Modern pavilion ruins the vista;
- (xxxi) School already contributes to the community with commercial use of its indoor sports facilities;
- (xxxii) Lack of understanding of local conditions and needs by London-based architects and planners;
- (xxxiii) School consultation was disappointing
- (xxxiv) Queries the meaning of 'selected community group use' and how this will be determined
- (xxxv) Section 66 of TP(LB&CA) Act 1990 confirms the Council has a duty to have special regard to the desirability of preserving the setting of adjacent listed buildings including those on Cardiff Road and Howells School itself;
- (xxxvi) S72 places a duty on the Council to give special attention to preserving or enhancing the character or appearance of the Conservation Area;
- (xxxvii) Playing fields form an integral part of the school's setting, largely unchanged since Victorian Times. They are significant and important

- component of the conservation area in an otherwise built up environment;
- (xxxviii) Not currently subject to excessive noise during the school day however use by external groups in holiday periods has caused unacceptable levels of noise and disturbance;
 - (xxxix) Requests a committee site visit;
 - (xl) The benefits of the development are outweighed by the consequences and the planning application should not be granted;
 - (xli) Loss of tree.
- 7.5 **Sport Wales** has no objection to the proposed development on the basis that the proposal will not result in a net loss of sporting facilities.
- 7.6 The **Welsh Lacrosse Association** advises that the existing grass pitch is marked out for lacrosse and is the right dimensions. They request clarification from the school whether remaining grass areas will remain available for lacrosse as the proposed 3G is small and not of sufficient size.
- 7.7 The **Cardiff Civic Society** objects to the proposals, considering that they would be unsympathetic and would therefore compromise the integrity of the Conservation Area. Furthermore, the astro turf and floodlighting, plus the noise associated with a high level of evening and weekend use, will cause disturbance to local residents. The proposals will attract a significant number of users, thus creating further traffic congestion in an area that can barely cope with current traffic levels.
- 7.8 The **Llandaff Society** has no objection to this application in principle, however it suggests that the (flat) roof line proposed is inadvisable in the context of the South Wales climate.
- 7.9 The **Landaff Conservation Group** views the application as a gross, significant and major overdevelopment of the school which will adversely impact upon the Conservation Area. They consider that the breaking of an important, historic listed wall that delineates the school complex from its playing fields should not be permitted. They consider that the design of the pavilion does not enhance or add to the quality of the Conservation Area and is an obtrusive unsympathetic structure in relation to its surroundings.
8. **ANALYSIS**
- 8.1 The key issues for the consideration of this application are the design and appearance of the proposed pavilion building, the removal of part of the listed wall, the impact upon the character and appearance of the Cardiff Road Conservation Area and its setting with the listed building, its relationship with neighbouring occupiers, the impact upon existing trees and consideration of third party representations.

Design and Appearance

- 8.2 The proposed pavilion building matches the width of the existing sports hall

and, at two storeys in height with a flat roof, is considered to be of an appropriate height and scale within the context of the wider school site. The shape and general positioning of the building appears to have been dictated by the existing stone wall running through the site.

- 8.3 While the pavilion building would have a contemporary overall aesthetic, the materials proposed are considered to be complimentary to the existing materials evident within the school grounds. The incorporation of stone wall detailing on the ground floor is welcomed and it is noted its extent has been increased to the ground floor north elevation through amended plans.
- 8.4 Although there are no objections to the proposals in respect of the building's design and appearance, this must be weighed against other material considerations.

Heritage

- 8.5 There are three main issues for consideration in respect of heritage matters: the demolition of approximately 17 metres of the listed boundary wall, the impact upon the setting of the listed building, and the impact upon the character and appearance of the conservation area.
- 8.6 Members are reminded that Section 66 of The Planning (Listed Buildings and Conservation Areas) 1990 places a statutory duty on the Local Planning Authorities to have special regard to the desirability of preserving the setting of adjacent listed buildings including those on Cardiff Road and Howells School itself. Section 72 places a statutory duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Boundary Wall

- 8.7 As noted within the CADW List Description and the Design and Access Statement (DAS) accompanying the application, the original school building was completed in 1859. Archive Town Plans from 1880 indicate that the walling proposed for demolition is contemporary with the oldest part of the school. Aerial photos show the wall in place in 1923.
- 8.8 This stone wall has therefore defined the southerly extent of the built element of the Howell's School site since from its earliest period. Later southerly additions to the original school, including Big Hall (c.1899), the gymnasium (built between 1901-1920) and more recent sports hall (1997) have respected this boundary. The wall appears to remain relatively unaltered from that shown in 1880, with the exception of an opening opposite Big Hall (presumably created with its construction c.1901), a further new opening to the north east and another that was widened c.2004 (both under LBC 04/407).
- 8.9 No statement of significance has been submitted as part of the proposal, however it is considered that, together with its intrinsic evidential, historical and aesthetic value as curtilage-listed original fabric, the presence of this walling is

considered to positively contribute to the setting of the Listed Building when viewed from the south and south west, meaning that it has group value as part of a designed landscape.

8.10 With reference to proposals to demolish listed buildings, Circular 61/96 paragraph 92 states:

“The Secretary of State would expect authorities to address the following considerations in determining applications where the proposed works would result in the total or substantial demolition of the listed building, or any significant part of it:

- i) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Less favourable levels of rents and yields cannot automatically be assumed. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In those cases where it is clear that a building has been deliberately neglected, less weight should be given to the costs of repair;*
- ii) the adequacy of efforts made to retain the building in use. This should include the offer of the unrestricted freehold of the building on the open market at a price reflecting the building’s condition (the offer of a lease would normally reduce the chances of finding a new use for the building); and*
- iii) the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretary of State takes the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. Even where it is thought that the proposed works would bring substantial benefits for the community, it will often be feasible to incorporate listed buildings within the new development, and this options should be carefully considered: the challenge presented by retaining listed buildings can be a stimulus to imaginative new design.”*

8.11 To address these criterion it is considered that:

- i) Whilst there is agreement that the wall is listed, the planning agent representing the applicant considers that the wall’s importance is relative to the context and places a lower importance on its significance and importance. It is considered, despite the planning agent’s conclusions in November 2014 that the wall “has been subject to considerable demolition, reconstruction and repair over time”, it appears to be in good condition and is substantially intact (with the exception of a stretch adjacent to the science block, removed presumably when that was constructed and possibly prior to Howells being listed in 1975). There appears to be no evidence to support the applicant’s statement that the original alignment of the wall has changed, as it emanates from the gable end of the outbuilding evident in photographs dating from 1880. Therefore the demolition of the listed building is not considered to be justified;*

- ii) no information regarding efforts to retain the wall have formed part of the case to demolish it and no information has been provided. The adequacy of efforts to retain the wall therefore do not form part of the justification for its demolition;
- iii) the DAS describes some preliminary options that led to the submitted proposal, and the supporting documents received in November 2014 and March 2015 contain further justification of the siting and details of the future plans to re-configure the school buildings, bringing the sixth form centre across Cardiff Road and into the main school site. It is noted that the positioning of the pavilion has been chosen to maximise views to the proposed pitches and to allow a connection into the existing sports hall, but also with consideration to the various constraints faced by the school in terms of its capacity and future expansion of science facilities within the area to the south west of the sports hall. However, the change of material on the northern elevation or justification put forward for the position of the pavilion are not considered to be sufficient to warrant the demolition.

8.12 In summary, very little reference is made in the documents of any consideration in the proposals of the preservation of the wall, its own setting, or the setting of the listed school building, which forms the architectural focus of the Cardiff Road Conservation Area, as noted in the adopted appraisal. It is therefore considered that development of the proposals has not benefitted from a robust assessment of character or significance.

8.13 The amended proposal seeks to mitigate the loss of the wall by facing the new pavilion in stone at ground floor level. This is not considered to be sufficient to overcome the harm to the evidential, historical or aesthetic value of the listed wall or the harm to the setting of the listed school building, particularly the relationship of the wall to views of the Big Hall from the south. The aesthetic value of the wall, together with its function as a defining boundary feature with a strong relationship between school buildings and open space to the south, are considered to positively contribute to the character and appearance of the conservation area from elevated private views into the site from surrounding buildings, views from the sports pitches and within the boundary wall itself (these are mostly 'private' views, given the use of the site as a school), together with longer-range views from Pencisely Road.

8.14 It is considered that the loss of the wall, or its replacement or obscuration by a building, would neither preserve nor enhance the character or appearance of the conservation area.

Pavilion Siting

8.15 The DAS notes that the design rationale for the building has been driven by the desire to provide a facility with various specific functions that links to the proposed synthetic pitches and existing sports hall and provides spectator views over those facilities. The position appears to have been chosen to maximise the viewing potential, locating the balcony as close to the synthetic pitch as possible.

- 8.16 All previous extensions have been within the original perimeter of the school buildings. The 1997 sports hall was positioned, scaled and architecturally detailed with some respect to historic landscape and assets present at the school. It was accordingly designed in a way that, at the time, was considered to harmonise with the character of the listed building, particularly Big Hall to the northeast. The current proposal seeks to link to this building, but would obscure the gable end of the sports hall.
- 8.17 The views from Pencisely Road, together with views from buildings overlooking the space would alter were development to proceed. Properties on Llandaff Place and properties to the west on Pencisely Road enjoy views into the conservation area from the rear of their houses. It is considered that the character and appearance of the conservation area would not be preserved by a building positioned within or south of the historic walling into this previously undeveloped area.
- 8.18 The pavilion is considered to represent a significant change to the character of this part of the conservation area and the setting of the listed school and curtilage-listed wall. The development is considered to introduce an urban character to this historically open and undeveloped area, to the detriment of its character and appearance.

Residential Amenity

- 8.19 It is noted that that Operational Manager, Environment (Noise & Air) has no objection to the proposed development, subject to relevant conditions to control amplified music, hours of operation, plant noise, and kitchen extraction (see paragraph 5.6).
- 8.20 It is noted that the proposed building would be sited approximately 36 metres from the boundary of properties on Pencisely Road and approximately 51 metres from 'The Mews', to the rear of Llandaff Place. Whilst the concerns of neighbouring occupiers regarding noise impact are noted, it is considered that, through the imposition of relevant conditions, their amenities could be adequately safeguarded and therefore a reason for refusal would not be sustainable.
- 8.21 It is also considered that, in view of the separation distances between the proposed pavilion and neighbouring occupiers, no unacceptable loss of privacy would occur through overlooking into private properties.

Tree Impact

- 8.22 It is noted that the development would result in the loss of one 'C' category tree and would require future pruning to two 'B' category trees. Whilst the comments of the Council's Tree Officer in paragraph 5.8 are noted, it is considered that there are insufficient grounds to justify refusal of permission as satisfactory replacement planting could be secured through a condition.

Outstanding Third Party Representations

8.23 In respect of issues raised during the consultation process which have not be addressed in this report:

- (i) the applicant has confirmed that external users of the pavilion would access the facility from Cardiff Road, via the main school entrance, and not from Pencisely Road;
- (ii) the motive behind the submission of the application is not material to the determination of the application, which must be considered on its planning merits;
- (iii) the engagement by the applicant with the local community is not a pre-requisite to the determination of an application. The processing of an application ensures a full consultation with neighbouring occupiers and statutory consultees;
- (iv) concerns regarding security and anti-social behaviour are noted however the site is private and any external users would receive access with the permission of the school. This is considered to be a matter for the school to enforce and is not a justifiable reason to refuse permission;
- (v) the Council's Ecologist does not consider that the proposed pavilion would result in unacceptable harm to wildlife;
- (vi) loss of property values is a private matter, not a material consideration;
- (vii) it is not considered that the development would result in an unacceptable increase in traffic, mindful that the school grounds provide adequate car parking and any external users would access the grounds outside of peak hours;
- (viii) the deposit Local Development Plan has not been formally adopted and therefore cannot yet be relied upon for development management purposes;
- (ix) alternative options for siting the building cannot be promoted under this application, which must be considered on its own merits;
- (x) whilst the associated application for the creation of an astroturf pitch with associated floodlighting and fencing is a relevant consideration, each proposal forms a separate application and each must be determined on their own merits;
- (xi) No levelling or drainage works to the playing fields are proposed as part of this application;
- (xii) 'Selected community group use' confirms that the school, as owner of the site, would authorise use of the pitch by external groups;
- (xiii) The existing commercial use of other facilities within the school grounds outside of school hours is noted;
- (xiv) The request for a Committee Site Visit is noted;
- (xv) The existing pitches marked out on the playing fields would not be affected by the proposed pavilion.

Equalities Impact Assessment

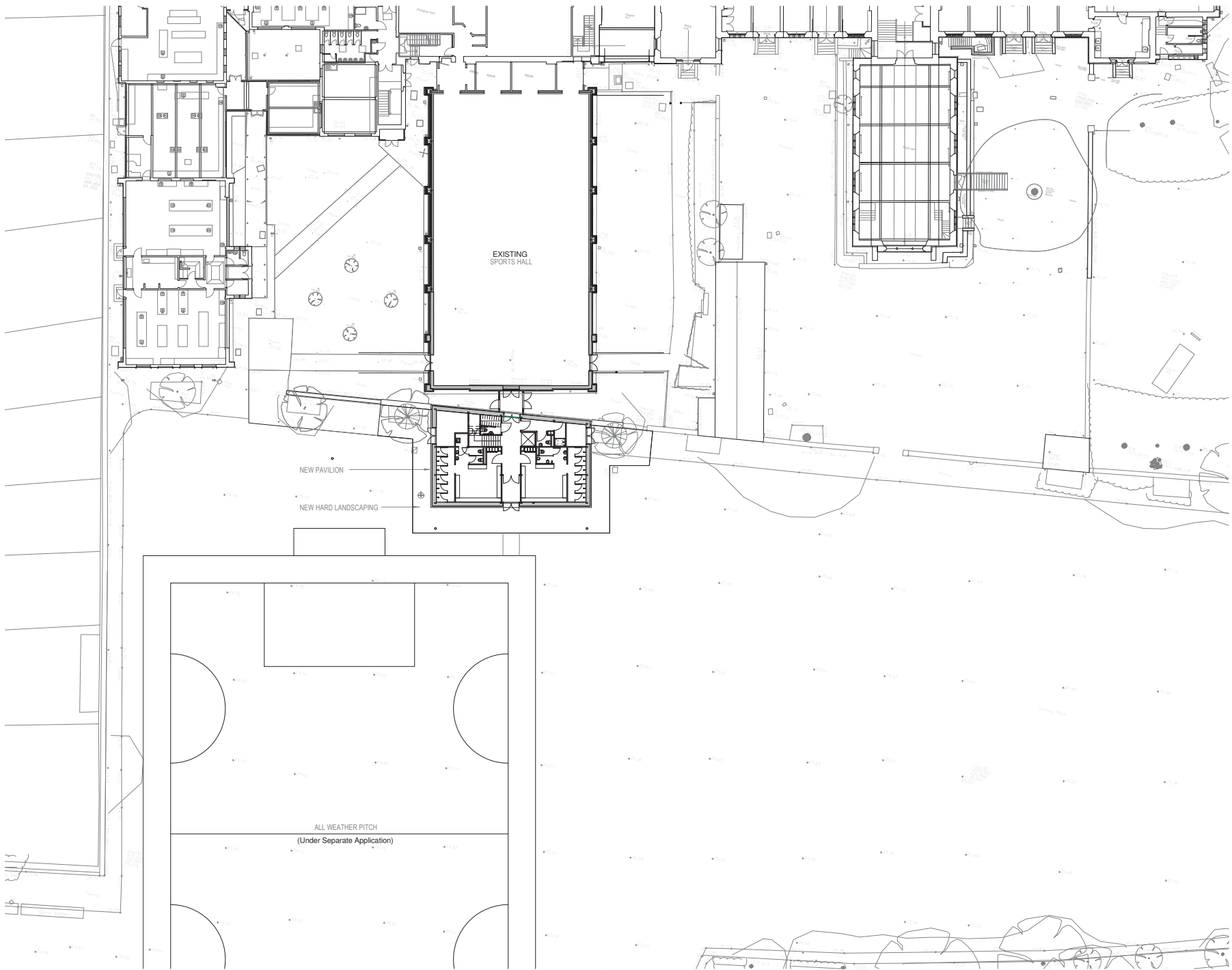
8.24 This assessment recognises the public sector equality duty (Section 149 Equality Act 2010) and aims to demonstrate that, from an equality perspective, due regard has been given to any actual or potential differential impact of the

application on the needs of those with protected characteristics.

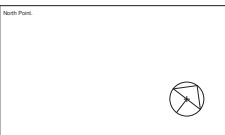
- 8.25 Notice of the application via the weekly list was sent to the Cardiff & Vale Coalition of Disabled People, now Diverse Cymru, and the Council's Access Officer has been consulted.
- 8.26 It is considered that there will be no apparent abnormal differential impact on relevant equality strands.

Conclusions

- 8.27 It is considered that, although the proposals would provide enhanced sporting facilities for the school and selected community groups, this benefit is outweighed by the harm that would occur to the Cardiff Road Conservation Area and the setting of the listed wall and listed school buildings. The proposals are considered to neither preserve nor enhance the character or appearance of the Cardiff Road Conservation Area, would harm the setting and special interest of the curtilage-listed walling and would harm the setting of the Grade II* Howells School, contrary to national and local planning policies and other relevant guidance.
- 8.28 It is therefore recommended that permission be refused.



Notes
 Copyright: All rights reserved.
 This drawing must not be reproduced without permission.
 The drawing must not be scaled. Dimensions are in millimetres unless specified.



Rev.	Date	Rev. Note	By	Check

EWITM
 Ellis Williams
 Architects

151 Rosebery Avenue,
 London
 EC1R 4AB
 T: +44 (0)20 7841 7200

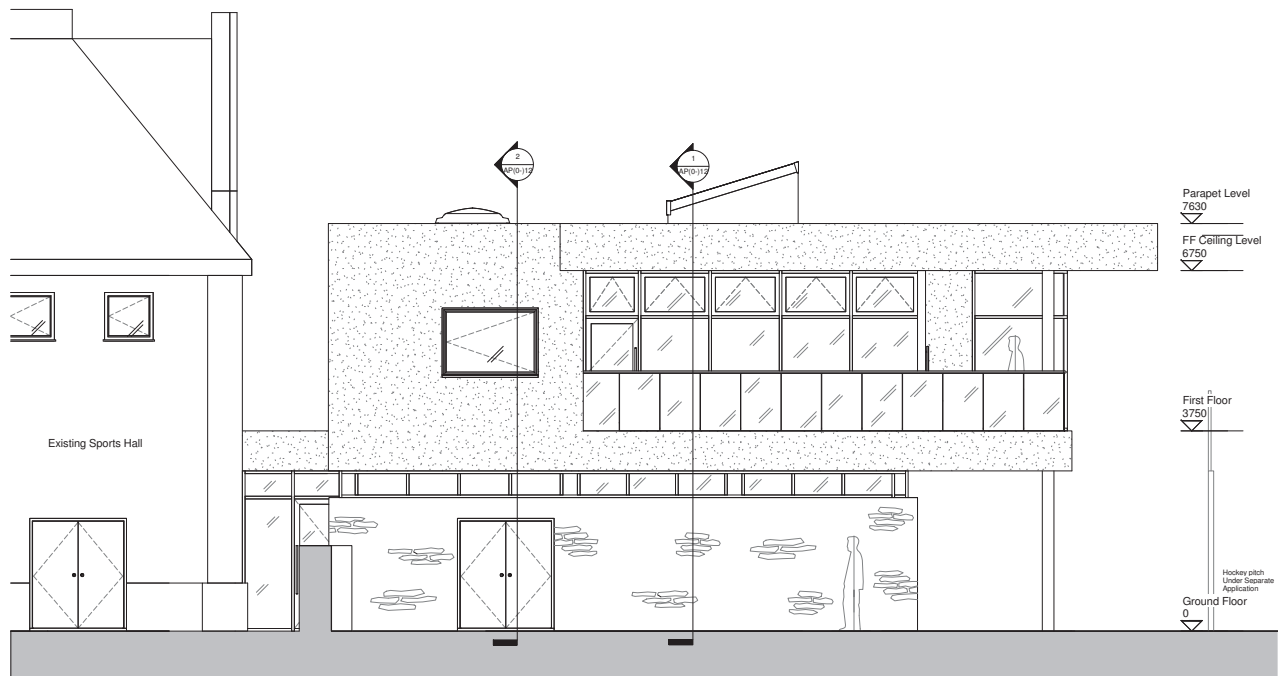
<p>Job No The Pavilion at Howell's</p>				
<p>Client Site Plan - Proposed</p>				
<p>Planning</p>				
Drawn by	Date	Checked by	Scale in A1	
F. Foley	June 2014		1 : 200	
1912	AP/0-02			

1 Site Plan
 1 : 200

SCALE 0 2 4 6 8 10 12 14 16 18 20



1 East Elevation
1 : 50



2 West Elevation
1 : 50



Notes
Copyright: All rights reserved.
This drawing must not be reproduced without permission.
The drawing must not be scaled. Dimensions are in millimeters unless specified.

Dry Stone Wall

Brick

Reconstituted Stone

Glazing

Material Legend
1 : 50

North Point

+

Key Plan

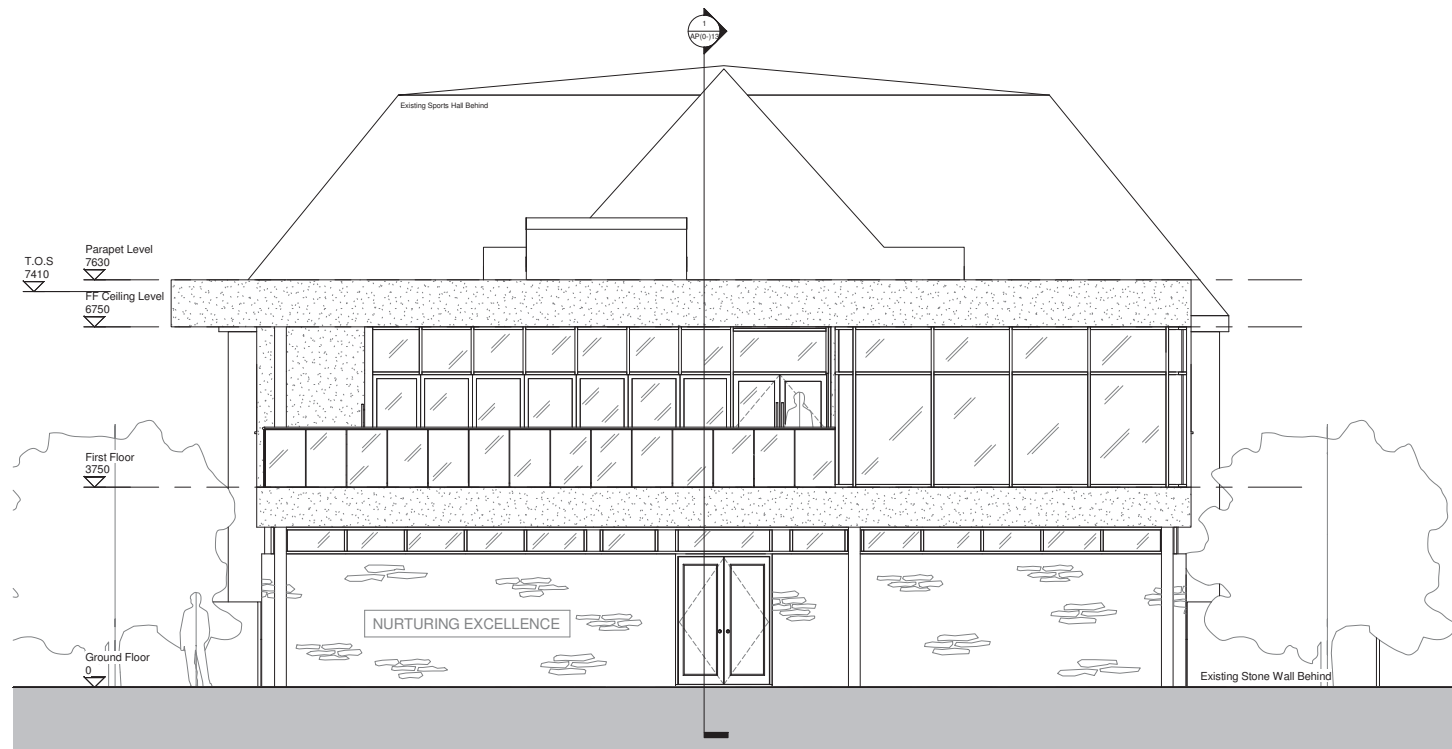
Rev.	Date	Rev. Note	By	Check

EWITM
Ellis Williams Architects
151 Rosebery Avenue, London EC1R 4AB
T: +44 (0)20 7841 7200

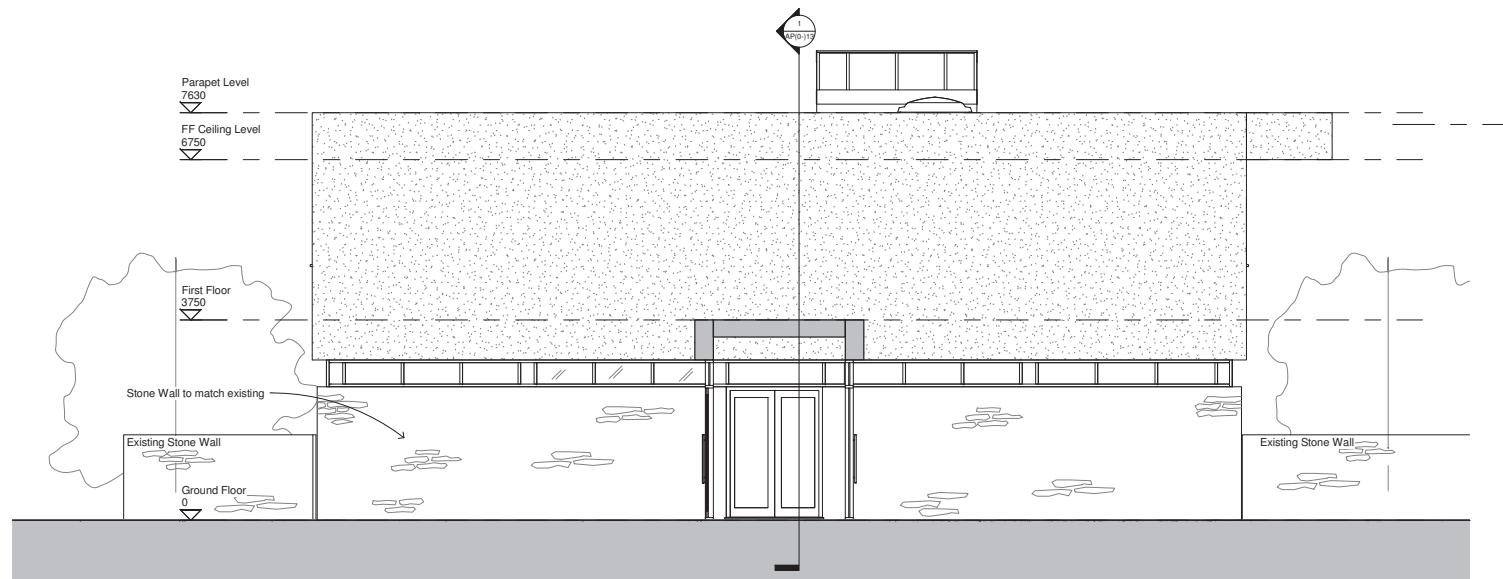
Job No: **The Pavilion at Howell's**
Client: **East & West Elevations - Proposed**
Date Issued: **1912**

Drawn by	Date	Checked by	Scale	Sheet
F. Foley	June 2014		1 : 50	

Drawing Number: **AP(0)-11**



1 South Elevation
1 : 50



2 North Elevation
1 : 50



Notes
Copyright: All rights reserved.
This drawing must not be reproduced without permission.
The drawing must not be scaled. Dimensions are in millimetres unless specified.



Dry Stone Wall



Reconstituted Stone



Glazing

Material Legend
1 : 50

North Point
+

Key Plan

A 1 (14-10-20) Ground floor glazing to match existing stone wall

Rev.	Date	Rev. Note	By	Check
------	------	-----------	----	-------

EWITM
Ellis Williams
Architects

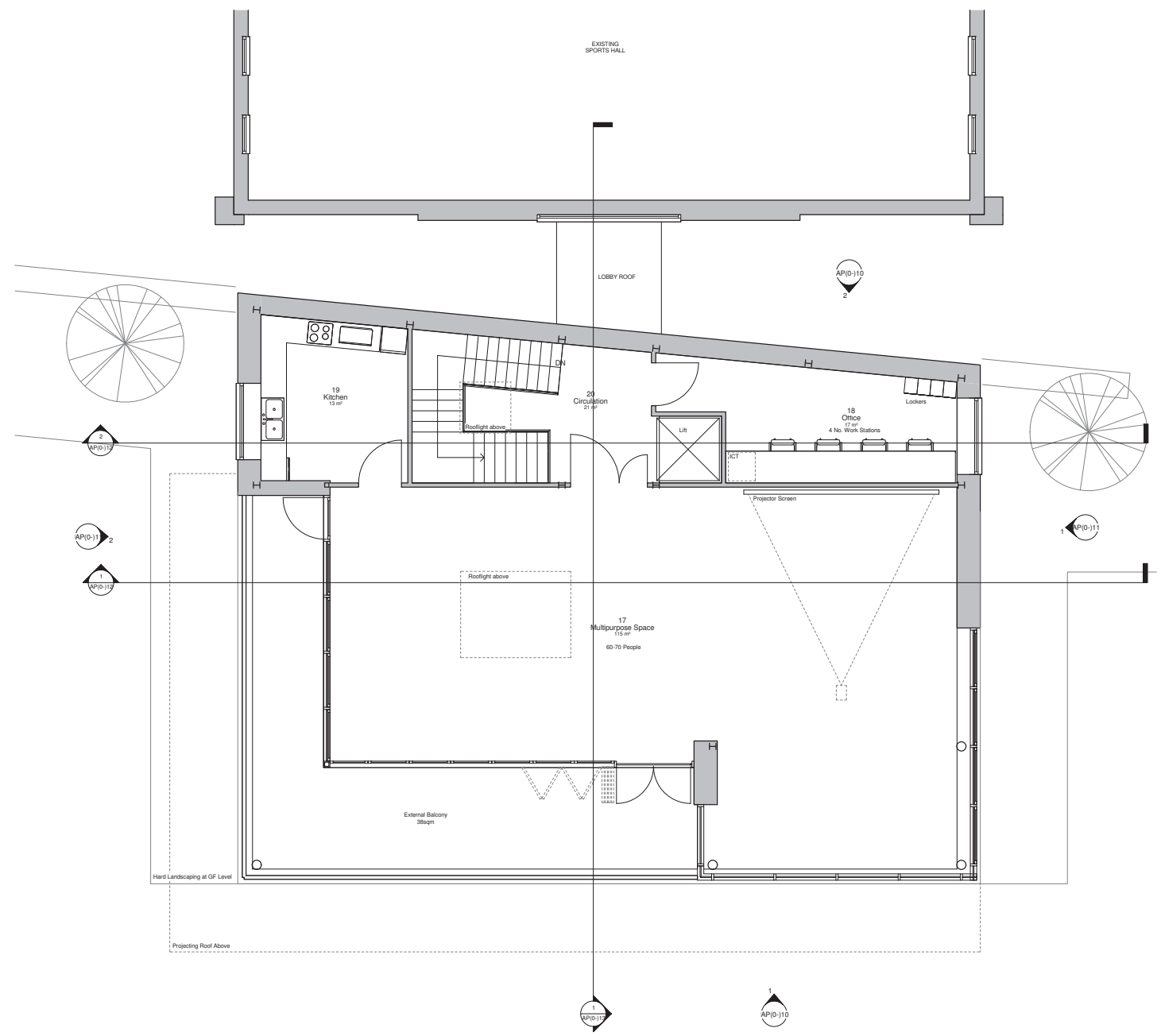
151 Rosebery Avenue,
London
EC1R 4AB
T: +44 (0)20 7841 7200

Job No: 1912
Project: The Pavilion at Howell's
Drawing: North & South Elevations - Proposed
Scale: A1

Drawn by: F. Foley	Date: June 2014	Checked by:	Scale: A1
Project: 1912	Client: AP(0)-10	Revision:	Sheet: A

Copyright: Ellis Williams Architects

Notes
 Copyright: All rights reserved.
 This drawing must not be reproduced without permission.
 The drawing must not be scaled. Dimensions are in millimetres unless specified.



1 First Floor Plan
 1 : 50
 SCALE 0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5

North Point

Play Plan

Rev.	Date	Rev. Note	By	Check

EWITM
 Ellis Williams
 Architects

151 Rosebery Avenue,
 London
 EC1R 4AB
 T: +44 (0)20 7841 7200

JOB NO.				
The Pavilion at Howell's				
DRAWING				
First Floor Plan				
PLANNING				
Drawn by	Date	Checked by	Scale as A1	
F. Foley	June 2014		1 : 50	
1912	AP(0-04)			

COMMITTEE DATE: 17/06/2015

APPLICATION No. 15/00087/MJR APPLICATION DATE: 15/01/2015

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Junction Canal Limited

LOCATION: LAND ADJACENT TO DRAKE WALK, ATLANTIC WHARF

PROPOSAL: PROPOSED 5 STOREY OFFICE BUILDING WITH UNDERCROFT PARKING, RE-ROUTING OF PUBLIC RIVERSIDE WALKWAY AND RENOVATION OF EXISTING DOCK FEEDER FOOTBRIDGE

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of SECTION 106 of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9.1 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans: AL(00)01A; AL(01)01C; AL(01)02B; AL(01)10C; AL(01)11B.
Reason: The plans form part of the application.
3. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area.
4. No development shall take place until a scheme showing the architectural detailing of all building facades has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented.
Reason: To ensure a satisfactory finished appearance to the development.
5. No development shall take place until comprehensive proposals showing how foul and surface water flows from the site will be dealt with have been submitted to and approved by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure an orderly form of development.

6. No development shall take place until details showing the provision of secure, covered long-stay cycle parking spaces and publicly accessible short-stay cycle parking spaces have been submitted to and approved in writing by the LPA. The approved details shall be implemented prior to beneficial occupation. 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 secure parking of cycles.

7. D3D Maintenance of Parking Within Site

8. No part of the development hereby permitted shall be occupied until a scheme for the provision of an adoptable standard, minimum 3m wide, replacement footpath between the building and the Dock Feeder Canal, to tie into the existing network; along with widening and surfacing improvements to the junction with Tyndall Street has been submitted to and approval in writing by the LPA. The works should include as required, but not be limited to retaining structures, full depth footway construction, surfacing, kerbs, edging, drainage, lighting, guardrail/street furniture, soft landscaping and any other matters as may be required as a consequence of the development. The agreed scheme to be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the site.

Reason: To facilitate the provision of acceptable, safe alternative footpath provision to replace that lost as a consequence of the development, and to provide a meaningful connection to the adjacent highway network, in the interests of pedestrian safety.

9. Prior to beneficial occupation a scheme for the new footbridge linking the Waterfront 2000 development with Craiglee Park shall be submitted to and approved by the Local Planning Authority. The scheme shall include the provision of a path link on the applicant's land and the creation of a gated entrance into the Craiglee Park and the provision of a 3m wide path to match existing to link the new entrance to the existing path network in the Park, total approximately 25m length of 3m wide path. The scheme shall be implemented in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of pedestrian movement and amenity.

10. Prior to commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, site hoardings, site access, wheel washing facilities and parking of contractors vehicles. The development construction shall be managed strictly in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity.

11. C4P Landscaping Design & Implementation Pro
12. C4R Landscaping Implementation
13. D4X Tree Protection - Complex Sites with On
14. Prior to occupation an LPA approved scheme for external lighting of the realigned footpath and perimeter of the building shall be implemented.
Reason: In the interests of public safety and amenity.
15. Prior to occupation an LPA approved scheme for CCTV coverage of the realigned footpath and perimeter of the building shall be implemented.
Reason: In the interests of public safety.
16. C5A Construction of Site Enclosure
17. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997 (or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of future occupiers of the development and occupiers of other premises in the vicinity are protected.
18. *Land Contamination Risk Assessment:* Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and an appraisal of remedial options and justification for the preferred remedial option(s).
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 2.63 of the Cardiff Unitary Development Plan.
19. *Submission of Remediation Scheme and Verification Plan:* Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be

undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan

20. *Undertaking of Remediation and Issue of Verification Report:* The remediation scheme as approved by the LPA must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

21. *Identification of Unsuspected Contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

22. *Ground Gas Assessment:* Prior to the commencement of any development works 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 the Local Planning Authority for its approval. Following completion of the approved monitoring scheme and prior to commencement of any development works, the proposed details of any appropriate gas protection measures which may be required 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 to the LPA. All required gas protection measures shall be installed in accordance with the approved details 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.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

23. *Importation of topsoil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

24. *Importation of Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan

25. *Use of Site Won Material:* Any site won recycled aggregate materials 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 reuse. Only material 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 2.63 of the Cardiff Unitary Development Plan.
26. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
27. No site clearance/demolition to take place between 1st February and 15th August 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.

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

RECOMMENDATION 3: The applicant is advised that circa 50% of the proposed building footprint is on/within the adopted public highway (in this case footpath and landscaped embankment) and that this highway will need to be stopped-up by way of an Order under the Town and Country Planning Act 1990 prior to implementation of any permission.

RECOMMENDATION 4: The applicant is advised that in addition to any third party approvals that may be required, the Council will require a Technical Approval in Principle in connection with the revised canal wall/embankment and any retaining structures that will support the adoptable footway. Further details of these requirements can be obtained by contacting Tony Williams, Cardiff Council, Strategic Planning, Highways, Traffic & Transportation,

County Hall, Cardiff. tony.williams@cardiff.gov.uk;

RECOMMENDATION 5: The applicant is advised that the highway works condition and any other works to the existing or proposed public highway (to be undertaken by the developer) are to be subject to an agreement under Sections 38 and/or 278 of the Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 6: The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

RECOMMENDATION 7: That the applicant takes advice from an ecological consultant as to what measures may be appropriate to offset the loss of potential bird and bat nesting/roosting habitat. These measures could include placement of bird nest boxes or bat roost boxes on remaining trees at the site, and incorporation of features into the new building which allow for house-nesting birds such as swifts, swallows and house-martins.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A detailed application for an office development on a landscaped area on the west side of the Brigantine Place office development (Waterfront 2000) parking area, adjacent to the Dock Feeder. The open plan office accommodation occupies the first, second and most of the third floor above an undercroft parking area, with access and circulation located at the north end of the block. A bin and bike store is located at the southern end of the block.
- 1.2 The development requires the stopping up of the adopted footpath and the rerouting of the path further to the west adjacent to the Dock Feeder. The new pedestrian link will be a minimum 3m wide and will link with the existing route to the south via a small area of landscaped amenity space, and to the existing footpath next to the Dock Feeder to the north that leads to Tyndall Street.
- 1.3 The Dock Feeder eastern bank (currently a steep landscaped embankment) will be remodelled and replaced with a stone retaining wall to support the new rerouted footpath link.
- 1.4 Parking is provided for 7 cars including a disabled parking space. Access is direct from the existing parking area. The existing parking arrangements are not affected by the development.
- 1.5 The building is predominantly red brick, dark metal cladding, render and glazing. Unlike its neighbours it has a flat roof with the southern end of the upper storey set back approximately 5m at the southern end. The architecture adopts a modern business park style with bespoke steel mesh panels with featured artwork to the undercroft car parking elevations, and a brise soleil treatment to the canal elevation.
- 1.6 The proposals result in the loss of 13 'B' category (moderate quality and value) trees and a large number of 'C' category (low quality and value) trees that function as linear woodland bounding the dock feeder canal. Limited provision is made for replacement planting (8no. small trees), and space available for replacement planting on site is such that replacing the trees to be lost with trees of equivalent size is not possible in any event.
- 1.7 The trees have formed a dense screen and provide a significant area of landscaping to the western edge of the car park and enhance the pedestrian route. The trees are not protected.
- 1.8 A small landscaped amenity area with raised planters and bench seating is proposed immediately to the south of the building. The amenity area will link the new pedestrian route to the existing Drake Walk pavement.
- 1.9 The proposals include the removal of the closed private bridge (which serves as a maintenance access to the applicant's land on the adjacent embankment) and its replacement (or refurbishment of existing depending on condition) with a new pedestrian bridge linking Craiglee Park and Lloyd

George Avenue with the Waterfront 2000 office development and Schooner Way.

- 1.10 The following information is submitted:
 - Design and Access Statement
 - Tree Survey
- 1.11 Amended plans were received reducing the height and footprint of the building, revising the elevations, and increasing the replacement tree planting. The plans have been consulted on.

2. **DESCRIPTION OF SITE**

- 2.1 The rectangular application site has an area of 0.23ha and is located on the edge of the City Centre Principal Business Area, at the western boundary of the Waterfront 2000 office park. Immediately to the west of the site is the Dock Feeder Canal, to the east is the car park and 12-14 Drake Walk offices, to the north is the northern wing of the office block and the Converted Edward England Wharf residential development to the other side of the Dock Feeder, and to the south is an area of open space adjacent to the Dock Feeder with residential development beyond that.
- 2.2 The site is currently landscaped with a large number of trees and shrubs located in planting beds. The western half of the site is adopted highway and forms part of the network of landscaped walking and cycling routes linking Herbert and Tyndall Street with Schooner Way, Lloyd George Ave., and Cardiff Bay to the south. The site also includes a closed footbridge over the Dock Feeder linking the site to Craiglee Park on the west side of the Canal and the flatted development fronting Lloyd George Avenue.
- 2.3 The immediate area is characterised by a mixture of 2 and 3 storey residential and 4-5 storey office uses, mainly comprising modern development interspersed with the occasional traditional waterside warehouse buildings.

3. **PLANNING HISTORY**

- 88/318R – Planning permission granted in April 1988 for 117,000 sq ft of office development (Waterfront 2000) and associated car parking at land bounded by existing Dock Feeder Canal, LMS Warehouse and Tyndall Street, Atlantic Wharf. This permission required the submission of a landscape scheme.
 - 98/528/C – Outline planning permission granted June 1999 for residential development of approx. 351 units and associated open space, parking, landscaping and retail unit on Lloyd George Ave. This permission is for the land to the west of the Dock Feeder and includes Craiglee Park public open space.
- 3.1 Pre-application discussions were held and focussed on the height, footprint and appearance of the building.

4. **POLICY FRAMEWORK**

The following national planning policy and guidance is considered to be of particular relevance:

4.1 Planning Policy Wales (PPW) 2014: Ch. 7 Economic Development

4.2 The following Technical Advice Notes (TANs) are relevant:

- TAN 12: Design

The following local planning policy and guidance is considered to be of particular relevance:

4.3 City of Cardiff Local Plan (1996)

- Policy 11 Design and Aesthetic Quality
- Policy 17 Parking and Servicing Facilities
- Policy 19 Provision for Pedestrians

4.4 Cardiff Deposit Unitary Development Plan (UDP) (2003)

- Policy 2.20 Good Design
- Policy 2.29 Appropriate locations for new office development.
- Policy 2.45: Trees, Woodlands and Hedgerows
- Policy 2.55 Public Realm Improvements
- Policy 2.57 Access, Circulation and Parking

4.5 Supplementary Planning Guidance

The following Supplementary Planning Guidance (SPG) is of relevance:

- Access, Circulation and Parking Requirements (2010)
- Trees and Development (1997)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Land use: The site is located on existing business and industrial land as identified on the Local Plan and falls just outside the City Centre Principal Business Area. Policies in the Local Plan favour office development in the City-Centre and Bay Area subject to consideration of scale, location, design, amenity and transportation. The site is reasonably accessible by a choice of means of transport and raises no land use policy concerns.

5.2 Transportation: The officer makes the following comments:

5.3 I have attached for information a copy of the highway record showing the adopted public highway shaded pink, with the approximate outline of the building footprint and new canal wall shown. You will note from the plan the minimum area of highway that will need to be stopped-up and area of new footpath required to replace that lost as a consequence of the proposed development. I have also attached a photograph of the area of footway adjacent to Tyndall Street that is also included for improvement in the requested condition. This additional area of footway improvement is required

to facilitate convenient pedestrian access to the existing crossing on Tyndall Street, to accommodate additional footfall generated by the proposed development.

- 5.4 The adopted Access, Circulation and Parking Standards SPG confirms that up to one car parking space per 250 sq/m of GFA may be provided for operational use, amounting to a maximum of 8 spaces for the proposed development; there is no requirement for on-site visitor car parking. I am therefore satisfied that subject to the cycle parking and retention of parking conditions, the application is compliant with adopted parking policy.
- 5.5 It is noted that the site is located within easy walking reach of well served, high frequency bus routes with inbound and outbound stops/services, as well as Cardiff Central Bus Station. Central and Queen Street Rail Stations are also within a level walk, providing local and intercity rail services. The site is also within an easy walk and cycle of the City Centre with the facilities/amenities such a location affords.
- 5.6 S106 contribution: A financial contribution of £3,180 towards the investigation and implementation of new parking control Traffic Orders in Craiglee Drive, Celerity Drive and Vellacott Close as may be required as a consequence of any overspill parking generated by the development. The contribution is required to specifically mitigate any impact on the existing residential area, in the interests of highway safety.
- 5.7 The Transportation Officer is satisfied that the development is policy compliant and will not have a detrimental impact on the use of the surrounding highway network, and therefore have no objection to the application subject to the above conditions, S106 and comments.
- 5.8 Trees and Landscaping: The Council's Tree Preservation Officer comments as follows: The proposed development will result in the loss of 13 'B' category (moderate quality and value) trees and a large number of 'C' category (low quality and value) trees that function as linear woodland bounding the dock feeder canal. No provision is made for replacement planting, and no space is available for such in any event.
- 5.9 In addition to the tree losses, at least 3 'B' category trees are likely to be harmed along with a 'C' category group to enable widening of the canal. The trees in this part of Cardiff Bay are an important visual amenity and wildlife habitat in addition to providing wider environmental benefits in terms of microclimatic amelioration, sustainable drainage and pollution absorption.
- 5.10 The banks of the feeder canal have been deliberately retained for landscaping as part of the residential layout in this area, and provide an important, continuous green infrastructure corridor linking with Atlantic Wharf. Allowing development that blocks this continuity would set a precedent for wider development of the banks of the feeder canal.

- 5.11 In conclusion the Tree Officer considers that the proposed development will result in unacceptable harm to trees of amenity value.
- 5.12 Ecology: The Ecology Officer makes the following comments:
- 5.13 *Impacts upon nature conservation issues*: Based on that information which has been provided, I have concerns about loss of trees and about general effects upon green infrastructure, but Ed Baker has already provided comment on these issues so I need not reiterate them.
- 5.14 Aside from that, I am concerned that there is likely to be an impact upon the general ecological connectivity that the canal and associated vegetation provide. Whilst I recognise that this bankside vegetation is by no means complete along the length of this canal, it will nonetheless provide some ecological connectivity for a range of species of bird, insects and small mammals. In this respect, paragraph 5.2.8 of PPW reads
- 5.15 *'Ways in which the adaptation needs of biodiversity could be considered include identifying the scope for minimising or reversing the fragmentation of habitats and improving habitat connectivity through the promotion of wildlife corridors. Local planning authorities should ensure that development minimises impact within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats'*.
- 5.16 Therefore we should be satisfied that any loss of ecological connectivity is mitigated, such as by alternative planting nearby.
- 5.17 I note that no report on an assessment of the natural environment interests on this site has been provided, other than a tree assessment. This has made it difficult to assess any potential impact of the proposed scheme upon nature conservation interests. Normally, for a proposal where natural habitats would be lost, I would expect to see an assessment of what is present or which can be affected, an assessment of what the effects of the proposed scheme would be, and suggestions of way in which these effects could be avoided, mitigated or compensated for.
- 5.18 *Protected and Priority Species*: Whilst we have no records of specific protected or priority species on this immediate site, this is likely to reflect a lack of survey effort, rather than an absence of species. In my view, there is the potential for nesting birds, and bats, at this site.
- 5.19 We do not normally ask for surveys of nesting birds, but we do normally ask that any vegetation clearance avoids the bird nesting season – i.e. it should be done in autumn/winter.
- 5.20 The dark flight corridor that the trees on this site provide, in combination with other trees in the area, are likely to provide foraging and commuting habitat for bats. Whilst we cannot assess the impact of the loss of these trees in this respect, because a bat flight survey has not been undertaken, any planting of

trees nearby as compensation for those lost is likely, in the long term, to compensate for impacts upon bat flight corridors.

- 5.21 Bats often roost in trees, and there should normally be an assessment of the bat roost potential of those trees to be lost, in accordance with Table 8.4 of the Bat Conservation Trust 'Bat Surveys – Good Practice Guidelines' 2012. However, the trees that are to be affected by these proposals are early- or semi-mature, and thus less likely to have features likely to support bats. Therefore, and taking into account the small size of the site, I do not believe there is enough justification to require full bat surveys in advance or determination of the application. As a precautionary measure, we should advise that trees be inspected for presence of bats by a suitably qualified, experienced and licensed ecologist prior to felling, and that tree works should take place in winter when they are less likely to be used by bats.
- 5.22 A standard Nesting Bird Condition is requested preventing site clearance during the spring/ summer. Note that this does not mean that no vegetation clearance can take place in this period; if a consultant ecologist can evidence that there are no birds nesting in this vegetation immediately (48 hrs) before clearance, then we would normally advise that it can be cleared.
- 5.23 *Enhancement measures:* We should advise that the applicant takes advice from an ecological consultant as to what measures may be appropriate to offset the loss of potential bird and bat nesting/roosting habitat. These measures could include placement of bird nest boxes or bat roost boxes on remaining trees at the site, and incorporation of features into the new building which allow for house-nesting birds such as swifts, swallows and house-martins.
- 5.24 NERC Duty: These comments contribute to this Authority's discharge of its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, wherein: (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat
- 5.25 Highways and Waste Management: The Drainage engineer has not provided comments.
- 5.26 Pollution Control (Noise & Air): Pollution Control has no objections subject to a standard plant noise condition and a standard advisory on construction site noise.
- 5.27 Pollution Control (Contaminated land): No objection subject to standard ground gas protection, suite of contaminated land conditions, and imported and recycled aggregates conditions.
- 5.28 In reviewing available records and the application for the proposed development, the site has been identified as within an area of former industry

and sited over part of the infilled Bute West Dock. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

- 5.29 Additional former landfill/raise sites have also been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.
- 5.30 A recommendation is to be added stating that the Local Planning Authority has determined the application on the information available to it but that the responsibility for carrying out the various tests and for the safe development and secure occupancy of the site rests with the developer.
- 5.31 Waste Management: The Waste Management Officer has no objection.
- 5.32 Parks Services: The Parks Officer has no objection and makes the following comments: I agree with Tree Officer's comments on the loss of the trees and the established green habitat corridor long the dock feeder, although this is outside any Public open space the eastern embankment of the dock feeder does appear to consist of adopted highway.
- 5.33 I would prefer if we can condition it that the developer prepares designs for approval and implements the footpath connecting the footbridge to the existing path network rather than provides an off-site contribution for the work. The work could then be carried out under license on our land as part of the main contract which would be a more efficient method of delivery for such a small section of path.
- 5.34 Clarification should be sought to confirm responsibility for the ongoing long term maintenance and management of the refurbished/ replacement bridge and the connection as far as the boundary of the open space. Parks service would only consider taking over responsibility for the maintenance of the footpath within the curtilage of Craiglee drive open space from the fence to the connection with the existing paths.
- 5.35 I note that the Developer has offered the land owned by them on the western side of the dock feeder to the council. I would confirm that this area does contain Japanese knotweed and parks service would not be interested in adopting this embankment.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Welsh Water: No objection subject to conditions on separate drainage, no drainage of surface water to the public sewer, and a detailed drainage scheme.

- 6.2 NRW: No objection. Advise that Associated British Ports are consulted in relation to the proposed works to the Dock Feeder Canal.
- 6.3 Police Architectural Liaison: South Wales Police have no objection but raise concerns in relation primarily to antisocial behaviour in the area. They recommend adequate lighting, CCTV coverage, and security measures. A copy of their advice has been forwarded to the agent.
- 6.4 Glamorgan Gwent Archaeological Trust: The Trust note that the site lies on the NE corner of the former Bute West Dock. The proposals will therefore require archaeological mitigation which requires the submission of a written scheme of investigation taking into account the nature of the known archaeological resource and the elements of the groundworks that impact on this. A condition has been added to this effect using GGAT's recommended wording.

7. REPRESENTATIONS

- 7.1 The proposals were advertised as a major application in the press and on site, and Local Members and neighbours were consulted. Amended plans were also consulted on for a period of 14 days.
- 7.2 A total of 18 representations were received, primarily from neighbouring Waterfront 2000 businesses and residents of Edward England Wharf, objecting to the application plans on the following grounds:
- Scale and appearance of the office block – too big and not in keeping with its neighbours.
 - Loss of trees and landscaped area and associated visual amenity and habitat for wildlife
 - Rerouting of footpath resulting in a tortuous route of inadequate width and potentially dangerous because of its location adjacent to the dock feeder
 - Negative impact on Dock Feeder Canal
 - Loss of privacy for the residents of Edward England Wharf
 - Reduction in daylighting for the occupiers of the neighbouring offices
 - Impact of increase in traffic on narrow access roads
 - Inadequate parking provision
 - Potential for antisocial behaviour in the undercroft parking space and adjoining areas
 - Disruption, noise and impact on existing parking provision during construction period
 - Insufficient detail on landscaping and boundary treatments
 - Non-compliance with ownership certificate procedures
 - Negative impact on commercial interests of adjoining businesses during construction period
 - Oversupply of offices
- 7.3 A further 3 representations have been received from neighbouring businesses objecting to the amended plans on the same grounds.

8. **ASSESSMENT**

- 8.1 The main issues to be assessed are the scale and design of the building, the loss of the landscaped amenity area and associated trees, and the adequacy and design of the rerouted public footpath and external areas.
- 8.2 Design: The scale of the building has been reduced both in terms of height and footprint, and the appearance of the building and proposed materials amended to be more in keeping with the neighbouring office blocks. The design is acceptable.
- 8.3 Loss of the trees and the landscaped area: The Tree Officer considers that the proposed development will result in unacceptable harm to trees of amenity value. However this needs to be balanced against the fact that the trees are not protected, and the benefits accruing from the provision of additional office space and a replacement footbridge over the Dock Feeder linking the Waterfront 2000 development to Craiglee Park, and the potential to link through the park out onto Lloyd George Avenue.
- 8.4 Policy 2.45 of the UDP states that the visual amenity and habitat value of unprotected trees is related both to size and longevity, with a greater degree of protection afforded to ancient woodlands and veteran trees and hedges. Other trees and woodlands should normally be retained and a tree survey should determine the priorities and practicalities of retention. Where trees are lost compensatory landscaping will be sought.
- 8.5 It is acknowledged in this case that the trees to be lost do offer significant amenity value for the business occupiers of the Waterfront 2000 development and the users of the pedestrian footpath, and that they form part of a green corridor along the dock feeder. A condition has therefore been imposed requiring the applicant to provide detailed landscaping proposals including the planting of new replacement trees on the site, including the west bank of the dock feeder which forms part of the application site.
- 8.6 However the extent of replacement tree planting possible on the application site is limited in extent because of site constraints, and the grant of planning permission is also therefore made conditional on the signing of a Section 106 legal agreement to secure a public open space financial contribution towards off site replacement tree planting (maximum 10) in Craiglee drive open space.
- 8.7 Re-routed footpath and external works: The rerouted footpath is of adequate width. A pre-commencement condition has been added requiring full details of its design, including safety measures and appropriate lighting.
- 8.8 A pre-commencement condition has been added requiring full details of the proposed footbridge over the dock feeder. This includes for the provision of a path link on the applicant's land and the creation of a gated entrance into the park through the existing fencing and the provision of a 3m wide path to match existing to link the new entrance to the existing path network in the Park, totalling approx. 25m length of 3m wide path.

- 8.9 The Ecology Officer raises concerns over the loss of habitat and recommends replacement tree planting in mitigation for the loss of habitat, a standard nesting birds condition, and a recommendation advising enhancement measures to compensate the loss of habitat. A condition and an advisory have been added.
- 8.10 Details of the landscaping and the means of enclosure are required by condition.
- 8.11 Transportation: The number of parking spaces provided and the access arrangements meet policy guidelines and are considered acceptable.
- 8.12 Impact on neighbouring office development in terms of overshadowing/ daylighting is acceptable.

Representations

- 8.13 Objections to the incongruous scale and design of the building, loss of trees/ amenity landscaped area, rerouting and adequacy of pedestrian footpath, insufficient details of landscaping and boundary treatments, and inadequate access and parking provision are addressed above.
- 8.14 Daylighting/ overlooking: The proposals are of a similar scale and sited at right angles to the existing office blocks and will not therefore result in any loss of daylighting for the existing office occupiers, nor will the occupiers of the proposed office block overlook the residents of Edward England Wharf which is located 35m away on the other side of the Dock Feeder.
- 8.15 Anti-social behaviour: This is ultimately a police not a planning matter however it should be noted that a condition is attached requiring details of external lighting of the realigned pedestrian route and the building perimeter, and the installation of CCTV cameras at locations to be agreed with the SWP.
- 8.16 Disruption and noise during construction: There will inevitably be a degree of noise and disruption during the construction period. A condition requires the approval of a construction management plan prior to commencement covering the construction traffic routes, site hoardings, site access, wheel washing facilities and parking of contractors vehicles. A construction noise advisory is also attached to the permission.
- 8.17 Non-compliance with ownership certificate procedures: The applicant confirms that all of the land is owned by Junction Canal Ltd. and that the certification procedure has been properly followed. Competing land interests or disputes are not planning matters.
- 8.18 Impact on neighbouring commercial interests: Loss of custom is not a material consideration in assessing a planning application. Compensation for loss of trade as a result of the building works is not a planning matter. It is a matter between the representator and the applicant.

8.19 Oversupply of offices in the area: The proposals are for an office block in an existing business and industrial area and are policy-compliant.

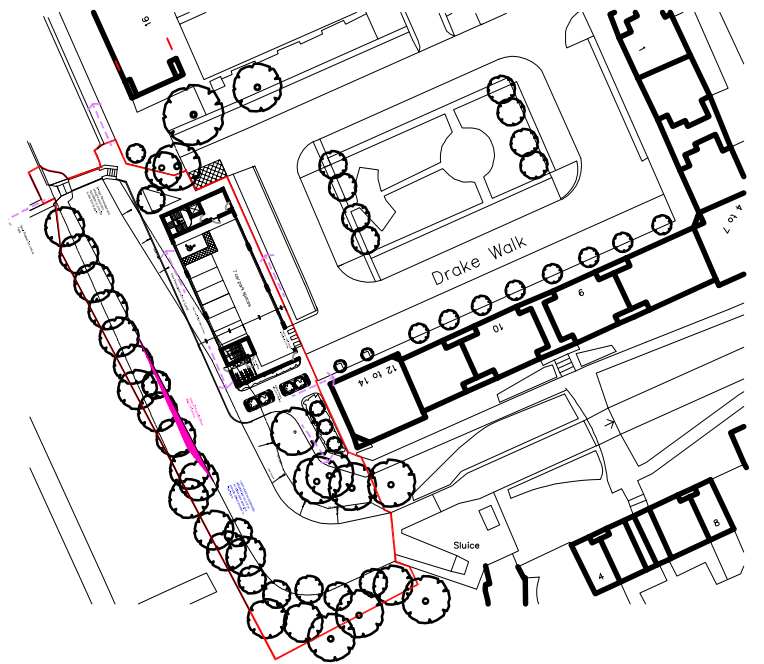
9. **CONCLUSION**

9.1 It is recommended that planning permission be granted, subject to conditions and a section 106 agreement to secure a public open space financial contribution of £5,000 towards replacement tree planting (max. 10no. trees – location and species to be agreed) in Craiglee Park, and a commuted maintenance sum payment for the upkeep of the trees to be agreed; and a financial contribution of £3,180 towards the investigation and implementation of new parking control Traffic Orders in Craiglee Drive, Celerity Drive and Vellacott Close as may be required as a consequence of any overspill parking generated by the development.

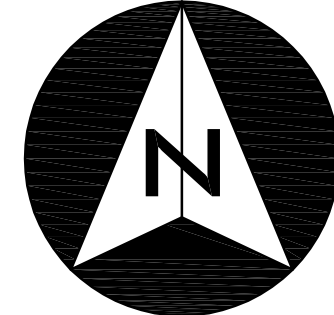
Date	Drawn	Check	Description	Rev.
02/02/15	***	***	Proposed building reduced in scale and plan, Canal foot path widened.	A
23/02/15	***	***	Car parking numbers reduced	B
01/06/15	***	***	Proposed building reduced in scale to increase public open space	C
			Pedestrian Links Added	



Site Plan 1:250



Site Plan - 1:1250

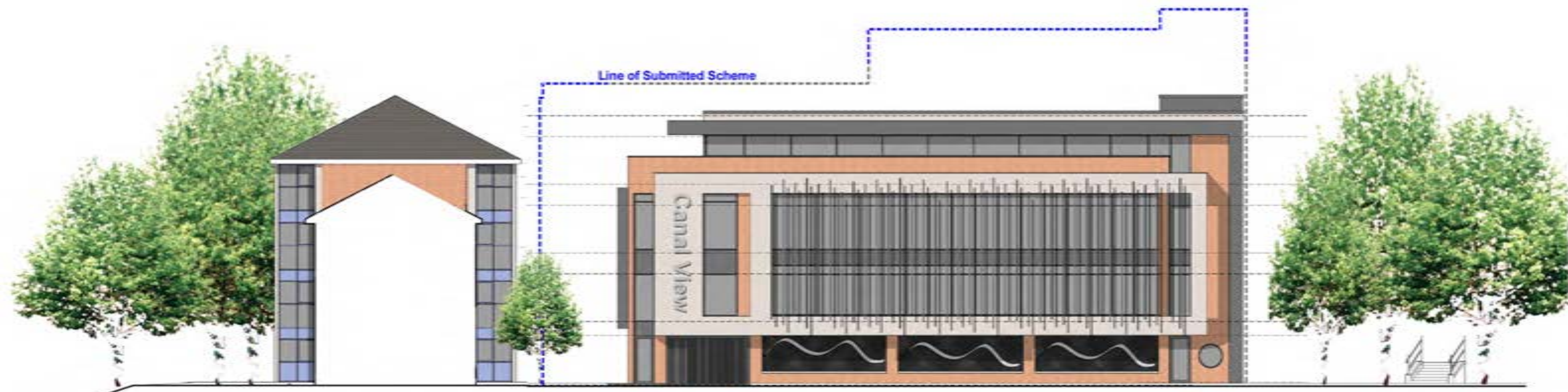


Proposed Office Development at Drake Walk, Waterfront 2000 Junction Canal Ltd.		Job No. 13_051	Rev. C
Title Proposed Site Plans		Dwg No. AL(01)01	
Date 01/08/14	Drawn BK	Scale 1:250 & 1250 @ A3	

CJ Architects Town planners
Environmental & Urban design

Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 5HL. www.cjarchitects.co.uk tel: 029 20452100

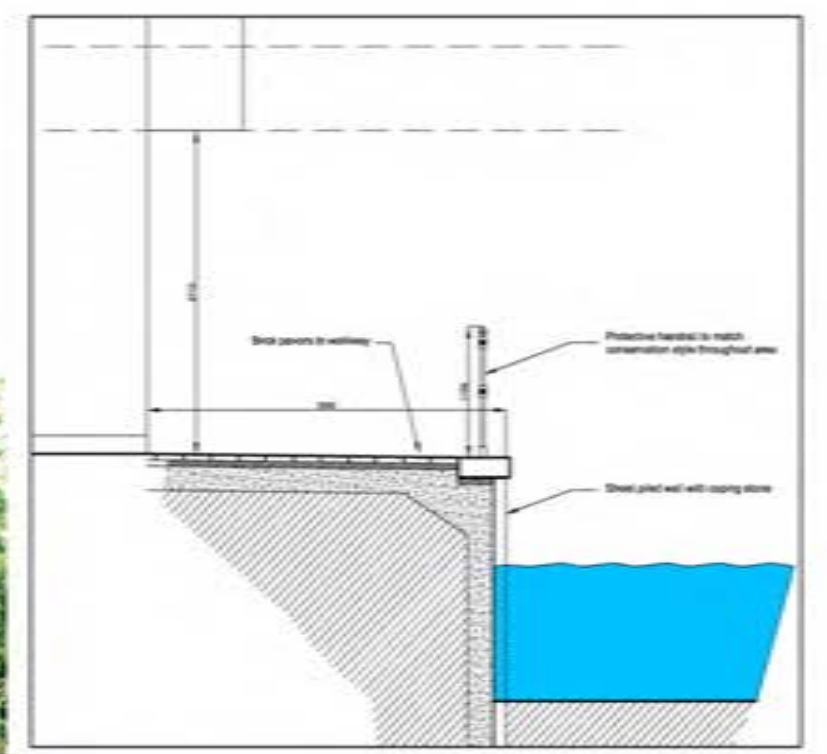
Date	Drawn	Check	Description
20/02/15			Building reduced in scale to accord with planners comments
20/02/15			Building reduced in scale to accord with planners comments
20/02/15			Canal Path Detail Added



Front Elevation (From Drake Walk) : 1:200



Side Elevation : 1:200



Section Thro New Canal Path (NTS)

Proposed Office Development at Drake Walk, Waterfront 2000 Junction Canal Ltd		Job No. 13_051	Rev. C
Title Proposed Elevations		Eng No. ALJ(01)10	
Date 01/05/14	Drawn BK	Scale 1:200 @ A3	

C²J Architects - Town planners
Environmental & Urban design

Unit 16, Commerce Business Park,
North Road, Southport, L35 9EJ

www.c2jarchitects.co.uk
Tel: 0151 2660000

COMMITTEE DATE: 17/06/2015

APPLICATION No. 15/00328/MJR APPLICATION DATE: 26/02/2015

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Churchills Hotel Development Ltd

LOCATION: CHURCHILLS HOTEL, 3 LLANDAFF PLACE, CARDIFF ROAD, LLANDAFF, CARDIFF, CF5 2AE

PROPOSAL: CONVERSION OF THE EXISTING GRADE II LISTED HOTEL INTO A PAIR OF SEMI-DETACHED HOUSES AND DEMOLISHING THE MODERN EXTENSIONS TO THE REAR, LEAVING THE BUILDING IN ITS ORIGINAL STATE. DEMOLITION OF THE DETACHED HOTEL ANNEX BUILDING AT THE REAR OF THE SITE AND THEN ERECTION OF 7 NEW DWELLINGS IN THE GROUNDS OF THE HOTEL

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 Section 9 of this report, planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
 - (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to:
 - human health,

- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / 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 2.63 of the Cardiff Unitary Development Plan.

3. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan

4. The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan

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

Reason: To ensure that any unacceptable risks from land contamination

to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 2.63 of the Cardiff Unitary Development Plan

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

8. 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 2.63 of the Cardiff Unitary Development Plan.

9. Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting photographs should be deposited with National Monuments Record and the Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfield Swansea SA1 6EL. Tel: 01792 655208).
Reason : To ensure that the listed building interior is appropriately recorded at a point in time prior to further adaptation and is appropriately preserved by record for future generations.

10. The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.
Reason: to make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.

11. No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be based on site permeability tests and the capacity of the land to accommodate Sustainable Urban Drainage Techniques and shall include for foul, surface and land drainage run off solutions

No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure for a sustainable drainage solution, and for the integrity and capacity of the sewer network.

12. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –
(1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
(2) a lower rate of between 10 and 17 litres per second against zero back pressure.

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

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no additional windows shall be inserted in the first or second floor levels of the southwest elevation of the dwelling adjacent to the Howell's School boundary, and such windows as are approved shall be of fixed pane construction below a height of 1.8m above internal floor levels and glazed with obscure glass and thereafter be so maintained.

Reason: To ensure adequate privacy between neighbouring uses.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order) no additional windows shall be inserted in the Northwest facing elevation of the dwelling abutting Llandaff Place Access Lane.

Reason: To ensure adequate privacy between neighbouring uses.

15. No development shall take place until a scheme showing the architectural detailing of the building(s) has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved scheme is implemented.

Reason: To ensure a satisfactory finished appearance to the development.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no structure or extension shall be placed within the front gardens of properties fronting Cardiff Road without the express permission of the Local Planning Authority.

Reason: In the interests of tree preservation; Highway and Pedestrian Safety and Visual Amenity in the context of the Cardiff Road Conservation Area.

17. No gates shall be erected to the proposed vehicular access.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site.

18. No vehicles, equipment, plant, materials, or soils shall be brought onto the site for the purpose of development until such time as sufficient and adequate steps have been taken to safeguard all trees on the site shown for retention on the submitted plans; the Lawson Cypress to the fore of

the site (Tree T2); or whose root structure may extend within the site, against damage or injury prior to, or during the development work in accordance with details which shall accord the advice in BS 5837 : 2005 Recommendation for Trees in relation to construction, and which shall first have been submitted to and agreed in writing by the Local Planning Authority .

Reason : To ensure for the protection of the trees during construction; the likelihood of their future health; and the adequacy of measures for their protection.

19. No site works shall be carried out or services laid in such a way as to cause damage or injury to the trees shown for retention.
Reason: The trees are of value in the local environment and should be protected and maintained in the interests of visual amenity
20. No development shall take place until there has been submitted to and approved by the Local Planning Authority a landscaping scheme including details of : (i) planting and retention of trees, shrubs and hedgerows; (ii) means of enclosure; (iii) alterations in ground level and changes to ground conditions; (iv) any retaining features; and (v) other amenity features.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.
21. If within a period of seven years from the date of planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed, dies, or becomes (in the opinion of the local planning authority) seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.
22. If within a period of seven years from the date of first beneficial occupation of any of the residences hereby approved, any tree retained within the site as part of the landscaping proposals, becomes (in the opinion of the local planning authority) seriously damaged or defective, or for any other reason is removed, uprooted, destroyed, or dies, another tree of the same species and of a size to be agreed with the Local Planning Authority prior to provision, shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity.
23. Any operations to prune or lop or crown raise trees required in order to implement this permission shall first be agreed with the local planning authority in writing and shall accord with the British Standard Recommendations for tree work - BS 3998:1989.

Reason: The trees are of value in the local environment and should be protected and maintained in the interests of visual amenity.

24. Notwithstanding the details indicated on submitted drawings, No development shall take place until specific details of the means of site enclosure and boundary treatments have been submitted to and approved in writing by the local planning authority, The means of site and boundary enclosure shall make provision for the maintenance of a masonry boundary to the Howell's school and Cardiff Road Boundaries, and the agreed means of enclosure shall thereafter be constructed in accordance with the approved details prior to the development being put into beneficial use.

Reason: To ensure that the visual amenities of the area are protected and that boundary treatments will preserve and enhance the character and appearance of the conservation area.

25. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area.

26. No dwelling shall be occupied until that part of the road and footpath which provides access to it and all surface water drainage works for the said road have been laid out, constructed and completed (except for the final surfacing) in accordance with the approved plans.

Reason: To ensure an orderly form of development and to make provision for satisfactory access to the dwelling by the future occupants.

27. This consent relates to the application as supplemented by the information contained in the communications from the applicant dated 22nd May 2015 and 4th June 2015 relating to matters of tree protection.

Reason: The information provided forms part of the application.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no structure or extension shall be placed within the curtilage of any dwelling or any alteration or extension made to any roof.

Reason: To ensure for the orderly development of the area in the interests of the visual amenity and privacy between neighbours.

29. The landscaping scheme required by virtue of condition 20 shall have special regard to proposals within the root protection area of the protected Cedar Tree to the front of the site, where no machine excavations or other harmful cultivations, no fertiliser applications likely to transfer to tree roots or impact on mycorrhizal fungi, shall be proposed and where seeding should be specified in preference to turf laying.

Reason : To ensure appropriate regard is had to the presentation of the tree which is of significant amenity value.

RECOMMENDATION 2: That the applicant be advised that all highway works will need to be undertaken in accordance with relevant highways specifications and will be subject to S278 / S 38 agreements.

RECOMMENDATION 3 : The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

1. **DESCRIPTION OF DEVELOPMENT**

- 1.1 Full Planning Permission is sought for the provision of 7 new detached dwellings within the curtilage of the Churchill's hotel on Cardiff Road and for the conversion of the hotel into a pair of semi-detached dwellings.
- 1.2 The works include for a revised access to the land, to a position slightly (approximately 6m) to the North of the existing entry to the site, for tree works including the removal of some trees close to the southern boundary of the site,

and works to remove the currently slabbed surface immediately adjacent to a substantial Cedar tree within the property frontage in order to improve its environment; for the removal of the modern conservatory to the rear of the hotel and also for the removal of the hotel annexe accommodation to the rear (W) boundary of the site.

- 1.3 The new dwellings proposed are of three storey townhouse design finished in a combination of stock brick and render with reconstituted Portland stone detailing in a modern interpretation of classical form incorporating strong verticals and horizontals, projecting window surrounds and square bays.
- 1.4 Each dwelling is proposed to have either two or three off-street car parking spaces, and would have storage capacity for bicycles either in garages of secure rear gardens.
- 1.5 New tree planting is proposed in compensation for those specimens identified to be removed..

2. **DESCRIPTION OF THE SITE**

- 2.1 The site is located within the Cardiff Road Conservation Area, and includes a significant pair of Listed buildings built c1855 in 'Cheltenham style' with stucco render relief detail. The properties are now joined internally and converted to a hotel 'Churchill's' with consequent adaptation and unfortunate modern conservatory and extensions to the rear.
- 2.2 The site also accommodates some faux stable buildings used as annexe guest rooms to the SW boundary with Howell's School playing fields. Part of these buildings may be historic but the majority of the annexe appears to have been constructed in the late 1980s/Early 1990s.
- 2.3 The NW elevation of the building abuts an access lane to 1a and 2a 'The Mews' located to the rear of 1 and 2 Llandaff Place adjacent .
- 2.4 A right of access to 1a and 2a The Mews also exists through the Churchills Car Park for a cart, but this is a legal right and the access point is currently fenced/gated.
- 2.5 To the SE of the building there is an open plan car park for the hotel, landscaped with a slight embankment with trees to the boundary with properties in Penhill Close, being a flatted complex of 49 units over 5 blocks in a modern style.
- 2.6 The site has a significant Cedar tree to its frontage on a raised bed, currently hard surfaced to form a seating area.

3. **SITE HISTORY**

- 3.1 86/38
CONVERSION OF OUTBUILDINGS TO ANNEXE HOTEL
ACCOMMODATION

GRANTED 04/03/1986

- 3.2 90/00428/W
EXTENSION TO ANNEXE AND HOTEL INCLUDING:-
BANQUETING AND CONFERENCE FACILITY DINING ROOM, KITCHEN,
TOILETS AND ADDITIONAL BEDROOM SUITES
GRANTED 23/05/1990
- 3.3 90/00438/W
DEMOLITION OF DINING ROOM
GRANTED 04/05/1990
- 3.4 90/01108/W
STAFF FACILITIES BUILDING AND STORE/TOILET
EXTENSION
GRANTED 26/09/1990
- 3.5 90/01723/W
BOILER HOUSE
GRANTED 06/11/1990
- 3.6 90/01958/W
GAS METER HOUSING AND LOCATION OF SATELLITE DISH
GRANTED 19/12/1990
- 3.7 97/01805/W
REAR EXTENSION TO INCREASE FUNCTION ROOM FACILITIES, RAMP
AND STEPS, PARKING LAYOUT REVISED TO SUIT
REFUSED 05/12/1997
- 3.8 RELATED SITE HISTORY
- 76/01324 Construction of Penhill Close

4. **POLICY FRAMEWORK**

Planning Policy Wales

WG Technical Advice Notes

TAN 1: Joint Housing Land Availability Studies (2006)
TAN 10: Tree Preservation Orders (1997)
TAN 12: Design (2009)

Welsh Office Circular

61:98 / 1:98 Planning and the historic environment

Cardiff Unitary Development Plan Deposit Written Statement 2003

Policy 2.20: Good Design
Policy 2.21: Change of Use or Redevelopment to Residential Use
Policy 2.24: Residential Amenity
Policy 2.26: Provision for Open Space, Recreation and Leisure
Policy 2.45: Trees, Woodlands and Hedgerows
Policy 2.51: Statutory Listed Buildings
Policy 2.53: Conservation Areas
Policy 2.57: Access, Circulation and Parking Requirements
Policy 2.74: Provision for Waste Management Facilities in Development

Cardiff Adopted Local Plan January 1996

Policy 3 Development in conservation areas
Policy 11 Design and aesthetic quality
Policy 17 Parking and servicing facilities
Policy 18 Provision for cyclists
Policy 19 Provision for pedestrians
Policy 27 Conversion to residential use
Policy 31 Residential open space requirement

SPG

Infill Sites Design Guide April 2011
Trees and Development Mar 07
Waste Collection & Storage Facilities Mar 07

Other material considerations

Evidence base for forthcoming LDP
Cardiff Road Conservation Area Appraisal

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Traffic and Transportation

No Objection subject to standard access condition, Maintenance of Car Parking; Cycle Parking Provision and second recommendation that the applicant be advised that all highway works will need to be undertaken in accordance with relevant highways specifications and will be subject to S278 / S 38 agreements.

5.2 Highways (Drainage)

No issues identified

5.3 Highways (Waste)

- Waste must not be stored on the highway
- As standard, each house will be provided with:
- 1 x 140 litre bin for general waste
- 1 x 240 litre bin for garden waste

- 1 x 25 litre kerbside caddy
- Storage space will be required for green bags

Roads will need to be constructed to accommodate 27 ton vehicle manoeuvring.

5.4 Ecology

No issues have been identified.

5.5 Trees and Landscaping

Subject to the development progressing in accordance with the submitted Arboricultural Method Statement (AMS), there should be no unacceptable harm to the cedar. There will be a small incursion into its Root Protection Area (RPA), but the removal of existing hard landscape features (including paving) within its RPA has the potential to improve rooting conditions generally, thereby offsetting any minor losses associated with access construction. However, uncontrolled soft landscaping in the RPA could result in unacceptable harm, and the AMS needs to address this aspect of development in more detail. Turfing operations frequently require significant cultivation and fertilisation, all of which may result in harm to tree roots. The turf itself will compete with tree roots for water, air and nutrients. It is essential therefore that the condition of soil and any surface roots exposed following the lifting of pavers is assessed by an arboriculturist, and remedial works proposed as necessary that will benefit healthy root functioning. The specification for landscaping within the RPA should be tightly worded and controlled – no machine excavations or other harmful cultivations, no fertiliser applications likely to transfer to tree roots or impact on mycorrhizal fungi, seeding rather than turfing etc.

I remain concerned at the lack of provision for large, long-lived tree species as part of new landscaping and I remain concerned that retained trees will impact detrimentally on the usability of amenity space on the southern boundary.

5.6 Pollution Control (Noise and Air)

No Objection subject to Road Traffic Noise Mitigation

5.7 Pollution Control (Contaminated Land)

In reviewing available records and the application for the proposed development, the site has been identified as formerly commercial with uses including hotel with associated vehicle parking. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be

demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Pollution Control requests the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan:

Contaminated land measures – Assessment/remediation and verification plan/remediation and verification/ unforeseen contamination/ imported soils/ imported aggregates/ use of site won materials/ and R4 Contamination and unstable land advisory notice.

Parks

- 5.8 Confirm that as the development provides for no public open space that a contribution of £26,862 would be required for use on projects to be identified in either Llandaff Fields or Thompsons Park.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Glamorgan and Gwent Archaeological Trust

The building known as Churchill's Hotel was constructed in 1840 as a pair of semi-detached houses. Each is listed individually (Cadw Ref 81259 and 81260). The houses, which are grade II listed, retain much of their original external detail. The current application will change the internal layout, and although the current layout is not original, it would be useful to record it as it currently stands. The reason for this is that the internal alterations will not return the layout to the original configuration. Therefore in order to preserve a record of the evolution of this structure we recommend that a condition ensuring that a photographic record is made should be attached to any planning consent that is granted by your Members.

We recommend that a copy of this record should be deposited with the Historic Environment Record curated by this Trust. We therefore suggest that the following condition is attached to any planning consent granted by your Members.

Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved by, the Local Planning Authority. The resulting photographs should be deposited with National Monuments Record and the Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfield Swansea SA1 6EL. Tel: 01792 655208)

In respect of the demolition of extensions to the current building and the modern

annex, and the construction of the new dwellings, there is no archaeological constraint to this work; therefore, we have no objection to the positive determination of the application.

GGAT have provided a guidance document in respect of photographic surveys.

6.2 Welsh Water

Request conditions in respect of foul, surface and land drainage run off and confirm no objection to the development from a water supply perspective.

6.3 RCAHMMW

The remit of the Royal Commission permits us to comment only on the historical significance and context of a monument or structure and on the adequacy or otherwise of the record. Churchill's Hotel was listed for its special interest as a well-designed mid C19th townhouse. I note that listing does not have a description of the interior. It is of course important that the proposed conversion of the listed hotel into a pair of semi-detached houses respects the surviving architectural details. The modern extensions and detached hotel annex proposed for demolition are not noted as having any architectural interest. If consent for demolition is granted we will not need to make a special record of this building.,

7. **REPRESENTATIONS**

7.1 The application has been advertised in accordance with statutory requirements and neighbours and local members have been notified of the application

7.2 Residents

at 1 Llandaff Place regard the proposals positively; particularly in respect of the intention to restore nos. 3 and 4 Llandaff Place to single homes; but on the basis that Plot 7 does not overlook Llandaff Place (to the northwest); that existing rights of way are preserved; that an obligation on a plotholder or plottolders to maintain Llandaff Place; that where Llandaff Place is bounded by stone walls those walls are retained or incorporated; that Llandaff Place is not blocked or used as an alternative entrance or exit for vehicles during construction; that after completion, Llandaff Place is not to be used as an alternative entrance, exit or parking area for vehicles and that no residents has a right to use the lane for storage of any kind.

7.3 Llandaff Society

The Society wishes to register a strong objection to these applications. Whilst reversion of the hotel to 2 residential properties is welcome, loss of the partly original mews would be regrettable. Converting the mews building to housing could provide 2 or 3 smaller houses to counter-balance the more spacious properties formed from the main building. The mews are an integral part of the original layout and would provide a satisfactory "back drop" to the development. However, the proposed 7 new homes would represent over-development of the site.

In addition, the design and location of the detached house proposed on the Cardiff Road frontage is of particular concern. It is set forward of the building line and does not in any sense match or complement the beautiful white rendered Italianate style of the adjacent pair of listed Grade II properties.

Llandaff Conservation Group

There are two few parking spaces for a development of the style and size of properties.

The house situated nearest to the road is pushed too far forward beyond the building line in order to accommodate overdevelopment of the site.

There is a boundary formed of conifers and deciduous trees at present which forms a buffer between this development and the adjoining property, this is likely to be disrupted during the development of the site.

Tree roots should not be damaged or destroyed.

This site forms a green link through to the playing fields behind the plot and this will be disrupted with the proposed development.

The mews buildings at the back of the Churchill's site forms an important boundary with the school field behind. This building is an original mews building and we feel that as much of it as possible should be preserved in its current state with no additional windows. The mews compliments the development behind the other houses in this group i.e 1 and 2 Llandaff place.

8. ANALYSIS

8.1 Environmental Impact Assessment

The Development is not of sufficient scale to be considered a schedule 2 development for the purpose of the Environmental Impact Assessment Regulations 1996 [as amended] and not considered to be likely to have such significant environmental effects as to necessitate the submission of an environmental statement to enable the Local planning authority to determine the application.

8.2 Land Use

The site is shown as an existing housing area within the Local Plan, and there is no objection to the principle of using the land for residential purposes.

8.3 Design

Layout

The development proposes 5 new detached and 2 new semi-detached houses within the car parking area of the Churchill's Hotel and the reversion of the hotel into two semi-detached Villas.

The proposals provide for 6 properties in a 'courtyard' arrangement to the rear of the site, and a further new build detached house fronting Cardiff Road to frame the frontage of the site and balance the converted Hotel frontage.

This is considered an appropriate approach as it allows for the principle of a prestige frontage to be maintained with more intimate setting to the rear.

Concept/Appearance

The design of the seven new build units are influenced by the large scale classical Italianate semi-detached Villas which are the Hotel; but translate that form into a modern Neo-Classical language of slow ridged and hipped roof forms, pediments and occasional gables under strong square/vertical emphasis columns, windows and doors, some with projecting window surrounds or square Bays, expressed eaves (some with dentils), and from a Victorian/Edwardian era, Iron balustrading and lesser small terraced roofs, ornate porch presentations and incorporation of chimneys.

All buildings share a palette of stock (rustic) brick, reconstituted Portland stone, painted render, slate and powder coated aluminium windows and rainwater goods.

The houses to the rear follow a close grain and common building line, and garages are set back and in between houses as subservient structures.

The frontage house to Cardiff Road has a grander stepped approach and projecting central porch under a central Gable, and symmetrically placed two storey square bays to either side. This is considered an appropriate balance to the presentation made by the Hotel which shares a similar architectural language but on a larger scale.

The approach is accepted as architecturally being respectful of, but distinct from the existing Villas. The Planning officer welcomes the concept and the return to a more classical form over the context pieces of 'The Mount' and 'Penhill Close' and more sympathetic to the aesthetic of the adjacent Hotel.

Scale

The current hotel is of a grand scale, with ridge height some 14.5m above Cardiff Road and a combined frontage width of 21m; the new buildings are of an appropriately lesser scale; the proposed frontage building to Cardiff Road having an 11m ridge height, which is considered respectful and maintaining of the hierarchy of the more historic set pieces in the Conservation Area.

The new buildings are not apologetic however, and although subservient in scale are strong compositions which use their architectural form which allows for visually over sized storey heights, window, and façade proportions, to be

greater than a that which would be expected of a standard modern build, and again appropriate to the grand nature of the historic residences and buildings in the area.

The new buildings would also be some 1.5m lower than the adjacent Penhill Close flatted development which are at higher ground level.

8.4 Residential Amenity

The orientation and layout of the new build properties and placement of fenestration within them provides for adequate privacy between adjacent units and between new build units and the hotel.

In respect of the relationship of the new properties with residences within the Penhill Close flat blocks, there are no direct parallel window to window relationships as the Penhill Close flats are constructed on a diagonal axis to Cardiff Road, and it should also be noted that the boundary between the two sites contains a number of trees of varying density.

Oblique views would be available between 2 windows (one at first and one at second floor) in lounge/dining rooms of the North western facing elevation of 16-32 Penhill Close at a distance of between 12 to 15m through tree cover. This is considered an acceptable relationship, and not to unduly compromise the amenity of existing occupiers of the flats who also have an alternative SW facing window to the same room.

There would be a minimum distance of 25m between properties to the rear of the site and residences in the flatted blocks of 1-15 Penhill Close, again with intermittent tree screening and this would be considered more than acceptable..

As this is the case, adequate privacy distances are considered acceptable between neighbours.

8.5 Trees/Landscape

A full arboricultural report is supplied with the application, and has been further supplemented by dialogue between the agent's arboriculturalist, the Council Trees Officer and the Planning Officer.

There are a number of mature trees on the site. The most notable being a very large Cedar to the Cardiff Road frontage of the Hotel; but also some 16 trees along the Southern boundary with Penhill Close, a further 4 decorative/car park trees elsewhere on the site; and a further 9 trees located on the Penhill Close side of the Southern Boundary enclosure.

The retention and mitigation of any potential damage to the specimen Cedar has been a priority throughout the design process, and site investigation works have already been undertaken to understand the root positions of the tree which is currently situated at a raised level, and retained behind an enclosure

which has been slabbed over as a sitting out area in front of the hotel. The proposals look to remove this hard surfacing to allow better irrigation and permeability of the soils around the tree, and the investigation works have also been undertaken to ensure that a revised road position into the site would not have any damaging effect. On the basis of evidence provided, the tree officer is satisfied that this can be undertaken subject to a condition to control the finite detail of future landscape planting and fertiliser use around the tree which might otherwise be detrimental.

The planning officer has considered the townscape value of the trees along the Southern boundary which comprise 1 Category 'U' tree (Unsuitable for retention); 7 category 'B' trees (Moderate retention Value) and 8 category 'C' trees (of low retention value) which although accepted as having a lesser value than the Cedar, none the less add an element of greenery to Conservation area in a historic location and provide some townscape/streetscene value to the forward part of the site..

As submitted the application indicated that 5 category 'B' trees; 4 Category 'C' trees and the category 'U' tree would need to be removed from the boundary of the site with Penhill Close, 3 of the Category 'C' trees being close to the site boundary on Cardiff Road.

The trees officer has expressed concern about the actual and potential loss of 'B' category trees to the southern boundary of the site, which if retained might compromise the use of Garden spaces in the new properties, and the appropriateness of compensatory tree planting, ideally wishing to see some planting of trees with the potential to be significant specimens in planted beds at maturity.

The agent has therefore been asked to reconsider these proposals and as to whether the Larger Category C Cypress to the front of the site, which the planning officer considers of the greater value in the street scene might be retained with appropriate protection measures; careful execution of development, and modest crown lifting. The applicant's arboricultural advisor has indicated that this may be possible but would not wish to guarantee the longevity of the tree, but would accept a condition requiring replacement planting should the tree not survive.

This is acceptable to the planning officer as it shows willing on behalf of the applicant and would ultimately either maintain the tree to the street frontage, or realise a further replacement within a reasonable timeframe.

Detailed landscaping proposals including for potentially hedge boundary treatments and further tree planting can be secured by condition. The future maintenance of trees to the Penhill Close perimeter which would become Garden Trees would be able to be managed by virtue of the need for future residents to obtain planning permission from the Council to Lop or fell the larger specimens because of their location in a Conservation Area. If required or considered under threat the trees could be made subject of a tree protection order.

The agent has been asked to consider the specification for future planting, and this can be subject to condition.

8.6 Historic Environment

Cardiff Road Conservation area was designated in 1975, however since that time, this area has become very much more heavily trafficked, and has seen the development of a number of sites which are buildings 'of their time' but which perhaps do not preserve or enhance either the classical or Gothic character of buildings in the area generally, made up of predominantly Victorian and Edwardian stock.

The Conservation Area itself, therefore displays an eclectic mix of juxtaposed and varied building forms, from red brick houses, to Gothic Schools, Modern Flats and indeed Italianate Victorian Villas.

In this respect, there is not a predominant style or palette to be adhered to, and sufficient variation to allow interpretation.

Overall the proposed design which provide a modern variation of a classical form are considered very much in keeping and sympathetic to the best pieces forming the character of the area.

The detail of conversion of the principal hotel is best considered under the terms of the Listed Building Consent application which parallels this planning application, however the principle of removing the unfortunate rear extensions and conservatory additions is not resisted, and the principle of reverting the properties back into family homes, wholly welcomed.

8.7 Access, Circulation and Parking Requirements

The development will realise a private roadway, with a shared vehicle/pedestrian surface.

The agent advises that it will incorporate a turning area for emergency and refuse vehicles. The current access point will be moved slightly to the north east.

There is sufficient space 'on plot' for cycle storage and a legible footway connection will be provided to Cardiff Road.

The footpath along Cardiff Road is not an adopted highway and is within the control of the applicant and will be maintained.

The existing lane between the hotel and No. 2 Llandaff Place is also within the control of the applicant but there are no works envisaged here and it will, as present not serve the development.

A right of access from the rear of the site in favour of No. 1a and 2a Llandaff Place for a cart entry will be maintained as it is a legal position, but not physically used at present and is a fenced boundary.

An initial council recommendation for a “crossover” has been incorporated into the “bell mouth” of the site to allow pavement users on Cardiff Road to negotiate across the site entrance safely.

3 Visitor car parking spaces are proposed.

Cardiff Road is served by routes 24, 25, 62 and 63. The nearest shop is 250m away and west and eastbound services lie within 60m of the site.

The access requirements of the ‘Lifetime Homes’ document will be observed, essentially allowing for level entry to plots, bin stores, and future proofing with ground floor WC and washing accommodation and the Houses will be Part M Compliant under the Building Regulations.

8.8 Waste Management Facilities

The proposals accommodate on plot waste storage.

8.9 Open Space

The development provides for no Public Open Space. As the proposal will result in 9 units of accommodation of houses of substantial size, it is considered appropriate for the developer to provide a contribution toward either the provision of new off-site open space, or for the continued maintenance or enhancement of existing open space in the area in accordance with the formula provided within the Council’s SPG.

Parks Services indicate that a contribution of £26,862 would be required for use on projects to be identified in either Llandaff Fields or Thompsons Park.

8.10 Other Issues raised

- *There are too few parking spaces for a development of the style and size of properties.*

This view is not concurred with. Each house has a minimum of two car parking spaces, cycle parking provision and is accessible to public transport and green transport (cycling) routes and within walking distance of Canton, Riverside and Llandaff retail facilities if desired. It is in a sustainable location amidst established housing.

- *The house situated nearest to the road is pushed too far forward beyond the building line in order to accommodate overdevelopment of the site.*

This was an initial concern of the planning officer, however Cardiff Road bends and narrows near to the site when approached from the City Centre and is well

screened by existing trees within the adjacent Penhill Close site and also by existing and proposed trees on site. The forward most property would therefore only be glimpsed other than at very close quarters when viewed from the city centre approach. From the Llandaff approach the new build property would register in a forward position, but would be screened by the Cedar and its retaining enclosure and footway enclosure. The applicant has produced composite images to indicate the extent of the projection of the property in the actual context, which are considered acceptable.

- *There is a boundary formed of conifers and deciduous trees at present which forms a buffer between this development and the adjoining property, this is likely to be disrupted during the development of the site.*
- *Tree roots should not be damaged or destroyed.*

This covered elsewhere in the report and tree protection measures during the course of development including hand digging can be the subject of planning condition.

- *This site forms a green link through to the playing fields behind the plot and this will be disrupted with the proposed development.*

The Planning Officer is not aware of any right of access to the Howells School Playing fields, however this would be a legal matter not within the remit of Planning.

- *The mews buildings at the back of the Churchill's site forms an important boundary with the school field behind. This building is an original mews building and we feel that as much of it as possible should be preserved in its current state with no additional windows. The mews compliments the development behind the other houses in this group i.e 1 and 2 Llandaff place.*

Only part (the northern part) of the Mews building is shown on historic Ordnance bases. Planning Records suggest that if this original structure remains that it was substantially remodelled and extended post 1980. The building is not considered to have any particular merit and the exact nature of enclosure to the school can be controlled by condition.

- *The design of the proposed houses is acceptable however we think the materials used to be not in keeping with the adjacent properties. The proposed houses should be fewer in number and rendered to match the substantive house. This would preserve the integrity of the Llandaff Place site as a whole.*

These matters are considered in the report

- *In any case we think that houses should not have a boundary wall so close to a school playing field – treatment should be agreed with the school.*
The existing arrangement of hotel accommodation has a three story building on the boundary. The proposal is not considered materially different.

- *The narrowness of the access road seems to be inadequate.* From plan, the access road is 5m in width 5.6m radial at entry (15.5m bellmouth). No objection has been raised to this proposal which would serve 9 houses / 24 car parking spaces as opposed to the current 70 space hotel car park.
- *We are very pleased that the hotel will revert to its original use, and would be pleased if it were guaranteed that it remain so as a condition.* Planning Permission would allow for the uses proposed but could not require them to be implemented , nor prevent any future proposals for change.
- *We also request withdrawal of permitted development rights for all of the buildings so that there will be planning control over any future amendments or proposals for development.*
- Permitted development rights for extensions and outbuildings are already reduced in conservation areas by statute. However given the tight grain of the development the Planning Officer agrees this is a prudent measure.

The caveats relating to the support of the application by the Occupiers of the Mews are noted.

The access lane to Llandaff Place is included within the application site but does not appear subject of any development proposals. New buildings will abut the lane but not transgress it. The access is not however an adopted highway within the Council's control, and any legal obligations or covenants in respect of the use and maintenance of Llandaff Place, will be remain matters between the owners of Llandaff Place and the land owner of the site.

The Planning Officer can confirm however that Plot 7 has no fenestration overlooking Llandaff Place (to the northwest); and that a Construction Management Plan can be subject of planning condition. Notwithstanding the details indicated on submitted drawings, the planning officer has recommended that means of enclosure are subject of a specific planning condition to retain the integrity and character of finishes in the conservation area.

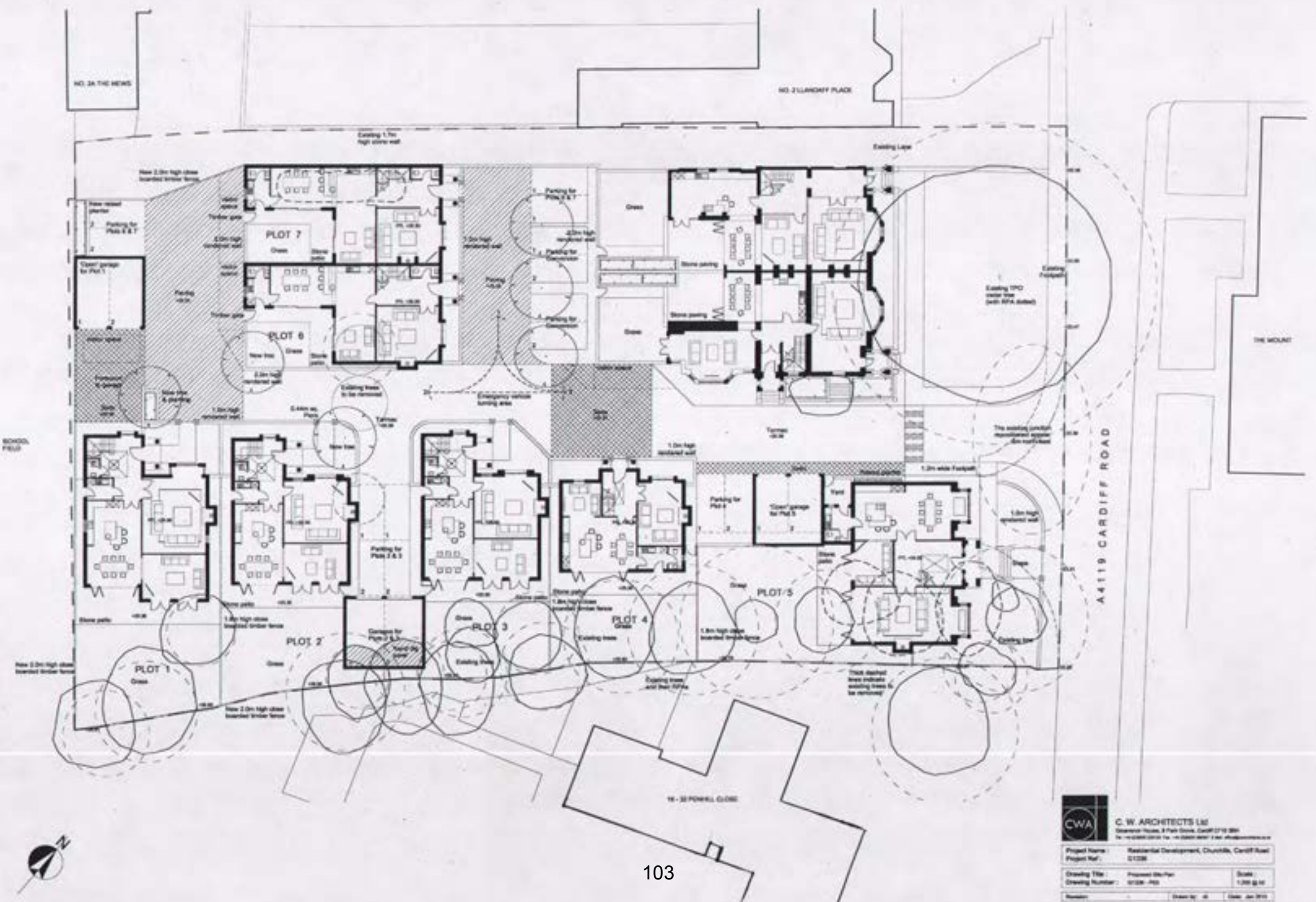
9. **SECTION 106 MATTERS**

- 9.1 For Clarity, a commuted payment in lieu of the provision of Public Open Space is required in accordance with the formula contained within the Council's approved SPG. Calculated at £26,862.

10. **CONCLUSION**

- 10.1 The Granting of Planning Permission is recommended.





CWA
C. W. ARCHITECTS LTD
 20th Floor, 2 Park Drive, Cardiff CF10 2BN
 Tel: +44 (0)1222 221212 Fax: +44 (0)1222 221212 E-mail: cw@cwarchitects.co.uk

Project Name: Residential Development, Churchill, Cardiff Road
 Project Ref: 01208

Drawing Title: Proposed Site Plan
 Drawing Number: 01208 - 003
 Scale: 1:200 @ A1

Author: []
 Date: 10/10/10
 Scale: A1 (1:200)

COMMITTEE DATE: 17/06/2015

APPLICATION No. 14/02192/MNR APPLICATION DATE: 30/09/2014

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Smith

LOCATION: 6 LUCAS STREET, CATHAYS, CARDIFF, CF24 4NZ

PROPOSAL: DEMOLITION OF EXISTING GARAGE & ERECTION OF
NEW BUILD DEVELOPMENT TO FORM 9 NO. FLATS

RECOMMENDATION: That planning permission be **REFUSED** for the following reasons :

1. The proposed block of nine apartments by virtue of its height and massing would be out of keeping with the scale and pattern of development in the surrounding area and would constitute a cramped and insensitive form of development detrimental to visual amenity and the character of the area and contrary to policy 11 of the Cardiff Local Plan, policy 2.20 of the deposit Cardiff Unitary Development Plan and paragraph 9.3.3 of Planning Policy Wales (July 2014).
2. Residents of the flats would be exposed to high levels of noise and vibration from the adjacent railway line, to the detriment of residential amenity and contrary to paragraph 13.15.1 of Planning Policy Wales (July 2014) and Planning Policy Wales Technical Advice Note 11 – Noise (1997).
3. The development would not provide an acceptable amount of useable outdoor amenity space for residents of the flats which, together with the small size of the flats, would result in a poor standard of amenity for occupiers, contrary to policies 2.21 and 2.24 of the deposit Cardiff Unitary Development Plan, objective 2.2 of Supplementary Planning Guidance “Cardiff Residential Design Guide” (March 2008) and paragraphs 9.1.1 and 9.3.4 of Planning Policy Wales (July 2014).
4. Noise, disturbance and light from vehicles using the parking spaces which adjoin the site to the north would have an adverse impact on the amenity of residents of flat 3 on the ground floor of the proposed development, contrary to policy 2.24 of the Cardiff Unitary Development Plan, as the bedroom window and balcony of this flat are located directly on the boundary in this location.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application is for full planning permission for the demolition of a disused single storey flat roofed commercial garage building and its replacement, on the same footprint, with a 3 to 4 storey block containing 8 one-bedroom flats and 1 two-bedroom flat. The building will be predominantly three storeys in height with a fourth storey set back from the main elevations containing the 2 bedroom flat which will have a roof terrace on all sides. The one-bed flats will each have a small balcony (2m or 3m square).
- 1.2 The building will be finished in a mix of cream coloured render, red/brown brick and grey metal cladding, and will have a flat roof. It will be 9m tall, with a fourth storey set back from the main outer walls, giving a total maximum height of between 10.5m and 11m.. There will be a bin store and a cycle store at ground floor level within the building. The existing electricity substation will be retained and incorporated into the ground floor.
- 1.3 The one bed flats will have habitable floor areas of between 30 and 40 square metres. The two bed flat will have a habitable floor area of around 60 square metres and more than 150 square metres of outdoor amenity space in the form of a roof terrace.

2. **DESCRIPTION OF SITE**

- 2.1 The site is currently occupied by a single storey flat roofed building of painted stone and brick, which has a window and 2 doors opening onto Lucas Street. It contains a disused garage and an electricity substation. The building abuts Lucas Street to the west, a railway line to the east, the parking area of a small group of new dwellings to the north and the boundary of a large, vacant site, which has previously been granted planning permission for the erection of a mosque, to the south. The side elevation of a two storey house faces the site from the opposite side of Lucas Street.

3. **SITE HISTORY**

- 3.1 01/01841/W – Cert of Lawfulness: vehicle repair & servicing.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Plan* –
11 (Design and Aesthetic Quality);
12 (Energy Efficient Design);
17 (Parking and Servicing Facilities);
18 (Provision for Cyclists)
- 4.2 *Supplementary Planning Guidance - Access, Circulation and Parking Standards* (January 2010); *Cardiff Residential Design Guide* (March 2008); *Waste Collection and Storage Facilities* (March 2007); *Infill Sites* (April 2011); *Open Space* (June 2000);

- 4.3 *Deposit Cardiff Unitary Development Plan –*
 2.20 (Good Design);
 2.24 (Residential Amenity);
 2.57 (Access, Circulation and Parking Requirements);
 2.58 (Impact on Transport Networks);
 2.64 (Air, Noise and Light Pollution);
 2.74 (Provision for Waste Management Facilities in Development).
- 4.4 *Planning Policy Wales (July 2014):*
- 4.4.3: Planning policies and proposals should (inter alia)
- Promote resource-efficient and climate change resilient settlement patterns, wherever possible avoiding development on greenfield sites
 - Locate developments so as to minimise the demand for travel, especially by private car
 - Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods
- 4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development should be encouraged near public transport nodes or near corridors well served by public transport.
- 4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.
- 4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.
- 4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.
- 4.12.2: Development proposals should mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition.
- 9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meet national sustainability standards and make a significant contribution to promoting community regeneration and improving the quality of life, and new housing development in towns, villages and edge of settlement locations is a mix of affordable and market housing that retains and where possible enhances important landscape and wildlife features in the development.
- 9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.
- 9.3.4: Where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered.
- 13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise or in proposals to use or develop land near an existing source of noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some

circumstances it will be necessary for a technical noise assessment to be provided by the developer.

4.5 *Technical Advice Note 11 – Noise (1997):*

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

4.6 *Technical Advice Note 12 - Design (2009).*

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Pollution Control (Noise & Air):* Standard conditions requested requiring the approval of schemes for dealing with railway noise and railway vibration.

5.2 *Landscape Officer (Parks Development):* The Council's Supplementary Planning Guidance - Open Space- requires provision of a satisfactory level and standard of open space on all new housing developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable. As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. Based on the information given, allowing for an occupancy rate of 12.87, the contribution will be **£12,636**.

5.3 Demand for usage of the existing open spaces would increase in the locality as a result of the development and therefore it is considered appropriate that an off site contribution is made, calculated in accordance with the guidelines set out in the SPG. The Public Open Space Contribution shall be used by the Council towards the design, improvement and/or maintenance of public open space within the locality of the development site. The closest significant areas of recreational open space are Maindy Park, Bute Park and Cogan Gardens.

5.4 Based on the 2009 Cardiff Council Open Space Survey the Cathays Ward, in which the development is situated, is deficient in open space provision by 24.68 hectares (measured by the Fields in Trust recommended standard of 2.43 hectares per 1000 population). The quality and facilities of existing open spaces also require improvement, with additional capacity to take into account the increased residential population resulting from the development. The final decision on expenditure of the contribution at the time of receipt would be determined by the requirements for improving any individual open space in the locality at that time. This would involve local consultation with various parties and be subject to Member approval.

5.5 *Waste Strategy & Minimisation Officer:* The refuse area has been noted and is acceptable. Refuse storage, once implemented, must be retained for future use

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Network Rail:*

Network Rail objects to the application, the primary concern is the proximity of the building to the railway boundary which gives serious concern for the safety of the railway and the stability of the embankment. When developing adjacent to the railway boundary, Network Rail requests that all structures are located at least 2 metres from the boundary fence to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure and also the maintenance of the adjacent site.

6.2 Network Rail is likely to withdraw any objection if an acceptable solution can be found on the issues outlined above to this proposed development i.e. the development is located 2 metres away from the rail boundary to allow for future works and maintenance.

6.3 The only other alternative to relocating the building would be for the developer to enter into an asset protection agreement with Network Rail - structural and safety evidence must be submitted to Network Rail to demonstrate there will be no structural impact upon the railway infrastructure and that it could be built and maintained without entering our land.

6.4 *Western Power Distribution:* The substation within the site is subject to a current lease. WPD require to retain a presence on site for the long term.

7. **REPRESENTATIONS**

7.1 The application has been advertised by site notice and neighbour notification. No comments have been received.

8. **ANALYSIS**

8.1 The site is within an existing residential area and there are no objections to the principle of the development. The main concerns with regard to this application are the scale and appearance of the building, its proximity to the railway and the impact on the amenities of future residents. Although there will be no off-street parking provision, the Transportation officer has indicated that this is acceptable as the site is within a central location close to facilities, and adequate cycle parking will be provided.

8.2 Scale and appearance: The proposed building would be 3 to 4 storeys high within an area largely characterised by 2 storey terraced dwellings, and is therefore considered to be out of scale with surrounding development. It should be noted that planning permission was granted in 2004 for a large (up to 20m tall) mosque on the land immediately to the south, which would have introduced a tall structure to this side of Lucas Street and made the proposed

flats more acceptable in terms of fitting in with the scale of surrounding development. However, the mosque has not been constructed, the planning permission may now have expired, and it seems unlikely that such a large mosque building will be erected on the site in the near future.

- 8.3 The higher density of residential development would constitute a more efficient use of land – however, objective 2.1 of the Cardiff Residential Design Guide SPG states that the density of development should result in an efficient use of land whilst responding sensitively to the scale, form and massing of existing development in the area. This development is not considered to be sensitive to the scale, form or massing of existing buildings.
- 8.4 Proximity to the railway: Network Rail have concerns regarding safety and access issues: however, they would withdraw these objections if the building were moved away from the railway boundary or if the applicant entered into an asset protection agreement with them. The applicant has indicated that he would accept the latter option, therefore this issue is a legal matter between Network Rail and the applicant.
- 8.5 Residential amenity: The railway could have a negative impact on the amenity of future residents of the flats due to noise and vibration. To address this, Pollution Control advise that noise insulation and vibration attenuation works should be approved prior to the commencement of development. However, the building would be directly on the boundary with the railway and the amenity space (the balconies) for 3 of the flats would overhang the railway land, with the terrace for the fourth storey flat also overlooking the railway. Even if adequate noise and vibration insulation could be used to mitigate the impact of passing trains (which has not been proven), this would not be effective if windows were opened to achieve natural ventilation, and would not be of any use in protecting the amenity space from noise.
- 8.6 The size of the flats is acceptable although the majority have only marginally more than the normally accepted minimum amount of habitable floor space. No outdoor amenity space is proposed for the one bedroom flats other than small balconies. This would be acceptable if the balconies were of a usable size. The applicant was asked to increase the size of the balconies to create a usable amount of outdoor space: this has been done but the balconies now overhang neighbouring land and could not be constructed if the neighbouring landowners objected. There is therefore doubt as to whether the amenity space could be provided.
- 8.7 The development will not cause significant loss of outlook or overshadowing to neighbouring properties. However, there will be habitable room windows facing the house opposite at a distance of around 11m, which is below the distance normally considered acceptable (21m). There will be no windows facing the street at ground floor level but there will be facing bedroom windows in the upper floors. These could be obscurely glazed as they would not be the only windows serving those rooms; however, the balconies in this location would have to be screened to prevent loss of privacy, to such an extent that their utility as amenity space would be severely compromised. Also, the approved plans

for the mosque showed an Imam's residence located adjacent to the application site with its windows facing towards the site. The plans for the flats have been amended to take account of the fact that an Imam's residence might be built in the future: windows have been redesigned so that there would be no direct overlooking; however, this results in them overhanging the neighbouring land and also does not address the need to add unreasonable screening to the balconies.

8.8 Residents of flat 3 on the ground floor would also experience disturbance from vehicles using the parking spaces for the houses to the north, the spaces being directly adjacent to the proposed bedroom window and balcony of this flat, and there would be no opportunity for screening due to the proposed development having no space around the building.

8.9 In conclusion, the proposals are considered to represent overdevelopment of the site: the site is not large enough to accommodate 9 flats whilst also providing acceptable living conditions for future residents, avoiding loss of privacy to neighbouring properties, avoiding encroachment onto adjoining land and keeping the building at a height that would be in keeping with the surrounding area. It is recommended that the application be refused.

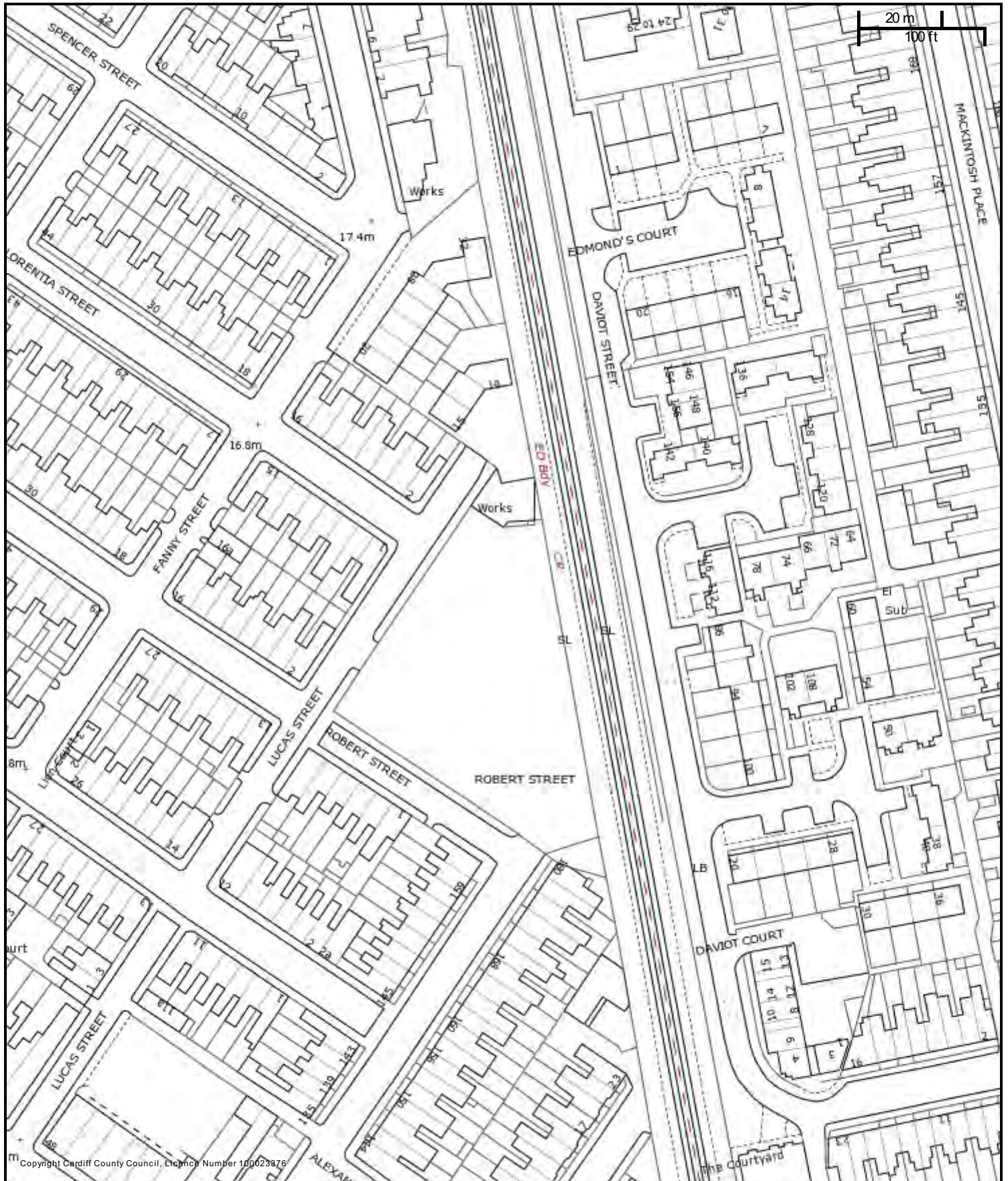
9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.



CHIEF EXECUTIVE
 Paul Orders
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



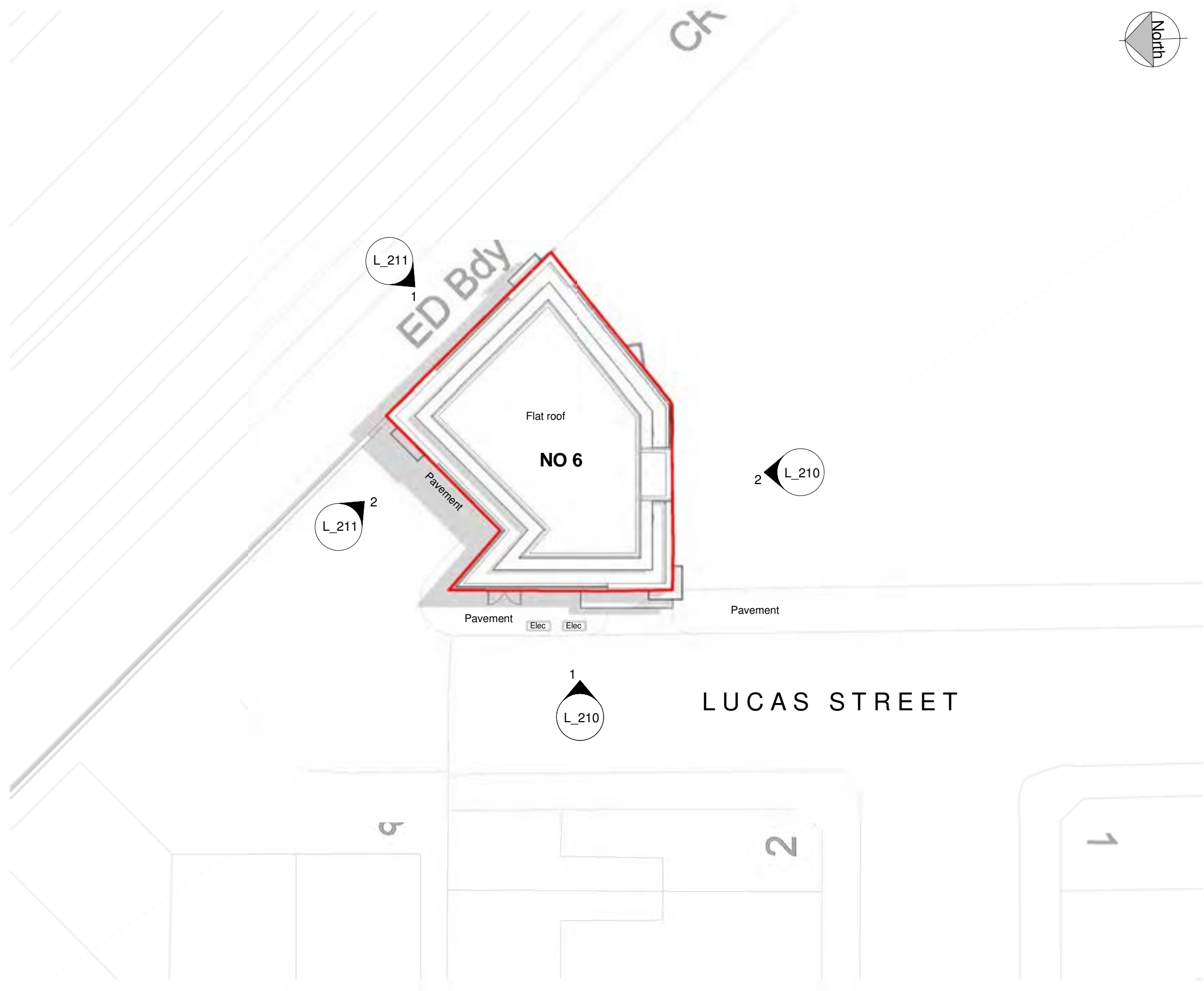
Title

Scale: 1:1250
 Date: 27/5/2015

Coordinates:

© Crown copyright and database rights (2014).
 This copy is produced specifically to supply County Council information NO
 further copies may be made.

Ordnance Survey 100023376 (2014).



Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size

FINISHES KEY:

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / BROWN BRICKWORK EXTERNAL WALLS
- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS

DRAINAGE LEGEND:

- - - - -FOUL DRAINAGE RUN - EXISTING
- - - - -FOUL DRAINAGE RUN - PROPOSED
- - - - -SURFACE WATER DRAINAGE RUN

Planning Issue

date	rev	name	chk	note
01/04/15	A	PL	PL	Balconies re-positioned & notes added



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
 Systems House 89 Heol Don Cardiff CF14 2AT
 T 02920316857 M 07785582007 info@designlinepartnership.com

PROJECT
 Demolition of existing garage & erection of new build development to form flats
 6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE
 Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	21/07/14	PL	PL
DRAWING NUMBER	REVISION		
P447	L_002	A	

Site Plan as Proposed
 1 : 200

AREAS:
 Site Area= 163m2

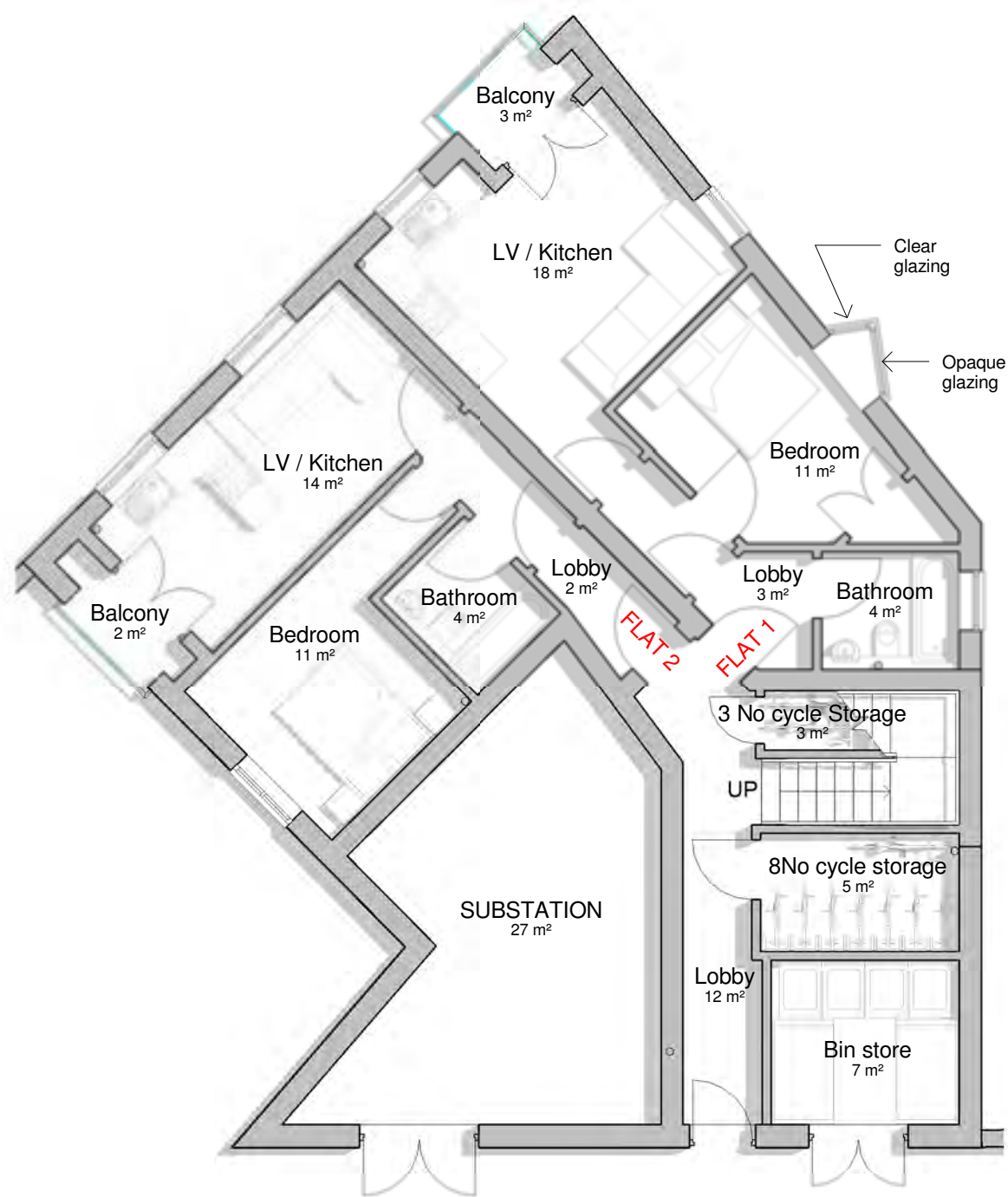
Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

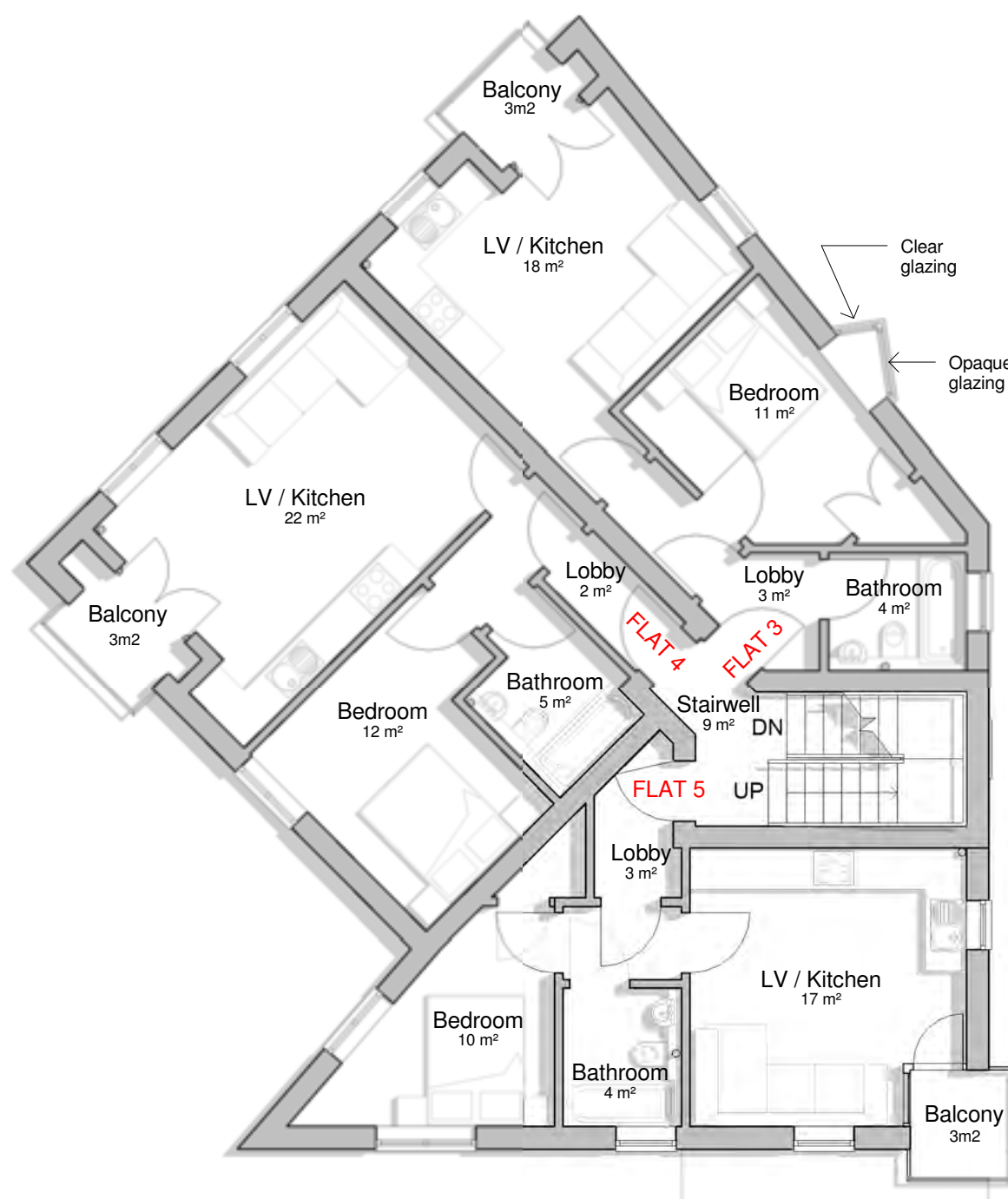
A3 Original Sheet Size

FINISHES KEY:

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / BROWN BRICKWORK EXTERNAL WALLS
- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS



Ground Floor
1 : 100



First Floor
1 : 100

Planning Issue

01/04/15	C	PL	PL	Balconies re-positioned & notes added
25/02/15	B	PL	PL	Balconies increased in size
17/02/15	A	PL	PL	Cycle storage re-configured
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@designlinepartnership.com

PROJECT
Demolition of existing garage & erection of new build development to form flats
6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE
GF & 1st Floor Plans as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	18/07/14	Pete Legg	MT

DRAWING NUMBER	REVISION
P447 L_200	C

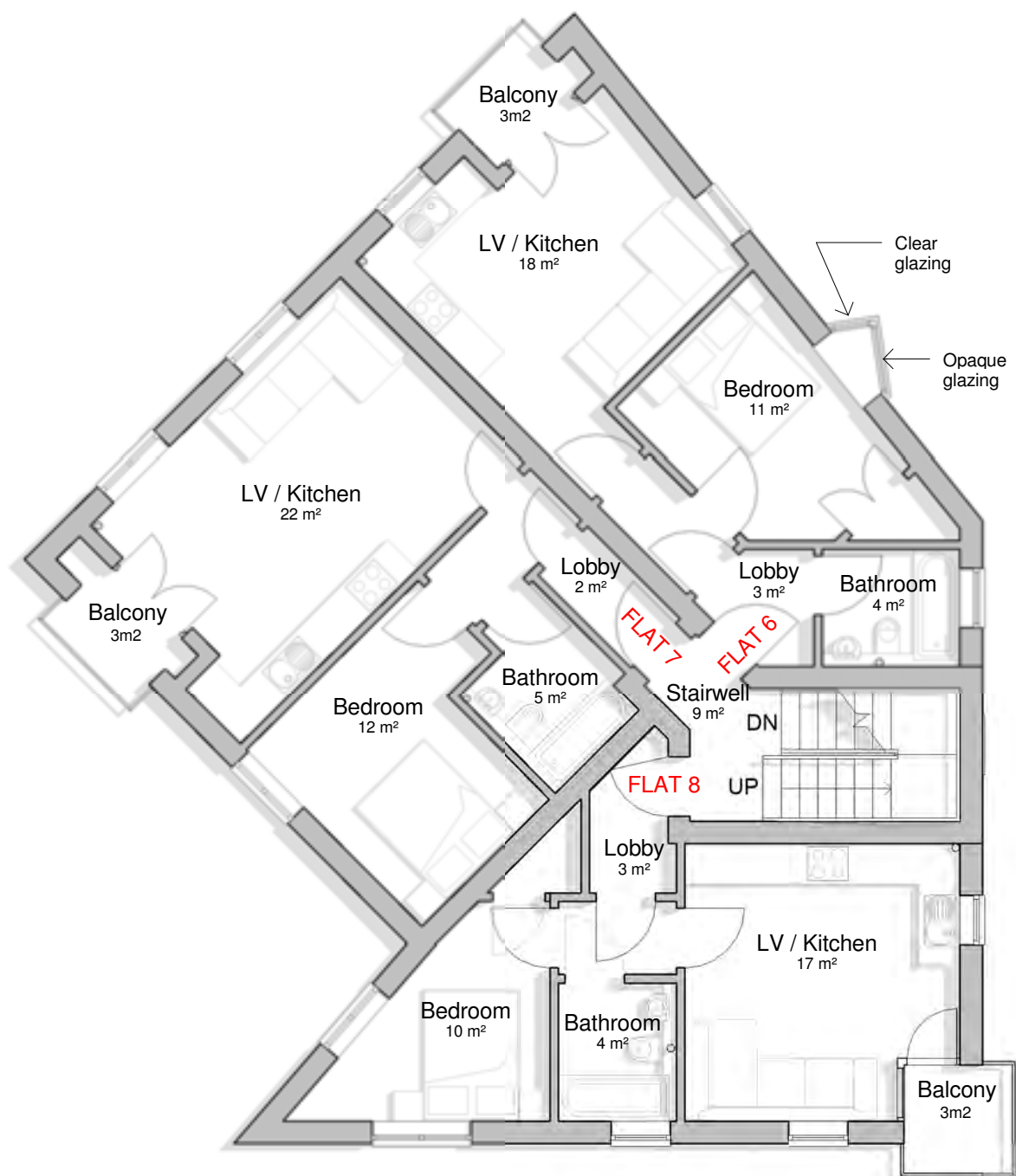
Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

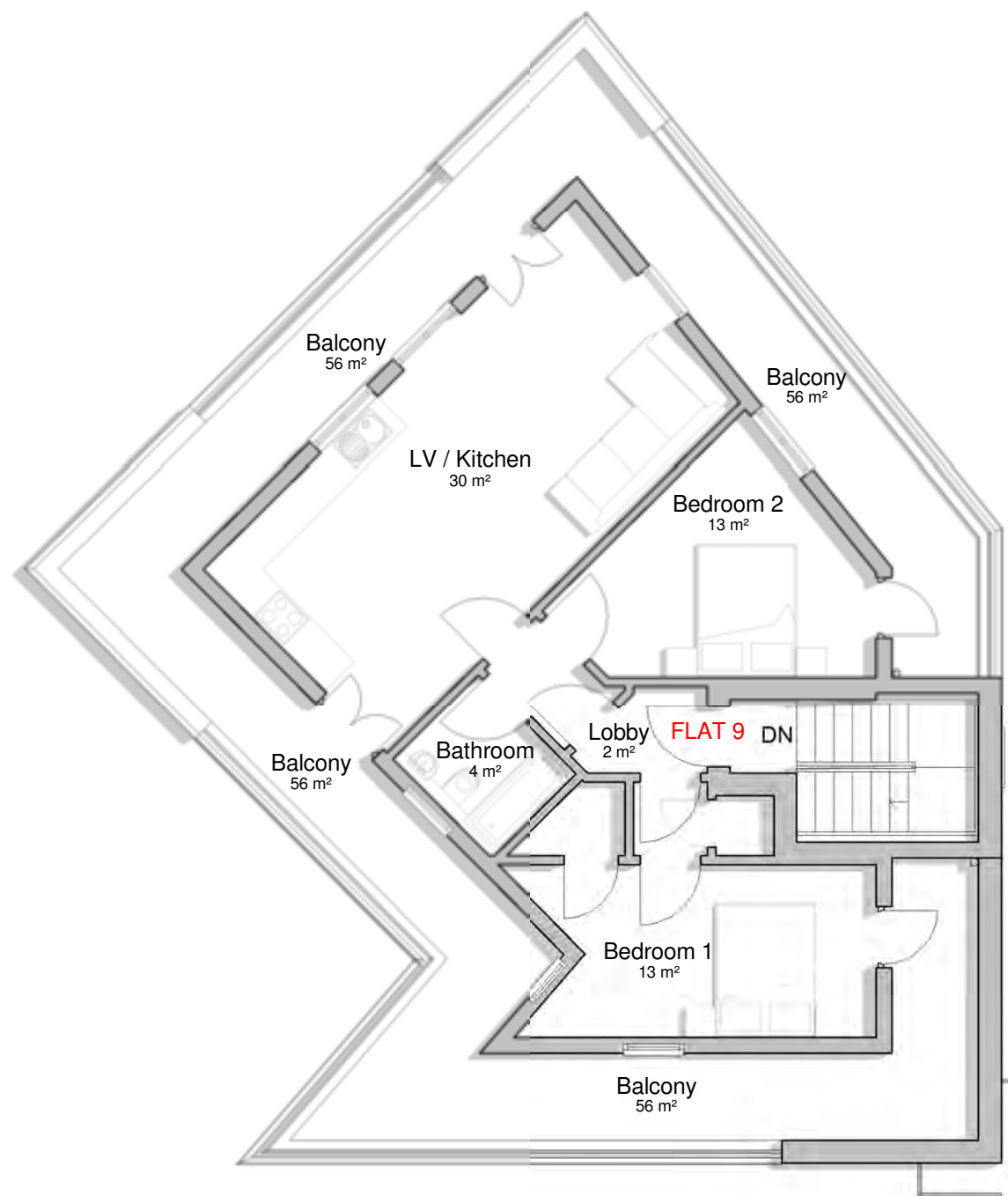
A3 Original Sheet Size

FINISHES KEY:

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / BROWN BRICKWORK EXTERNAL WALLS
- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS



Second Floor
1 : 100



Third Floor
1 : 100

Planning Issue

01/04/15	C	PL	PL	Balconies re-positioned & notes added
25/02/15	B	PL	PL	Balconies increased in size
17/02/15	A	PL	PL	Window re-positioned & opaque glazing added

date	rev	name	chk	note
------	-----	------	-----	------



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@designlinepartnership.com

PROJECT
Demolition of existing garage & erection of new build development to form flats
6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE
2nd & 3rd Floor Plans as Proposed

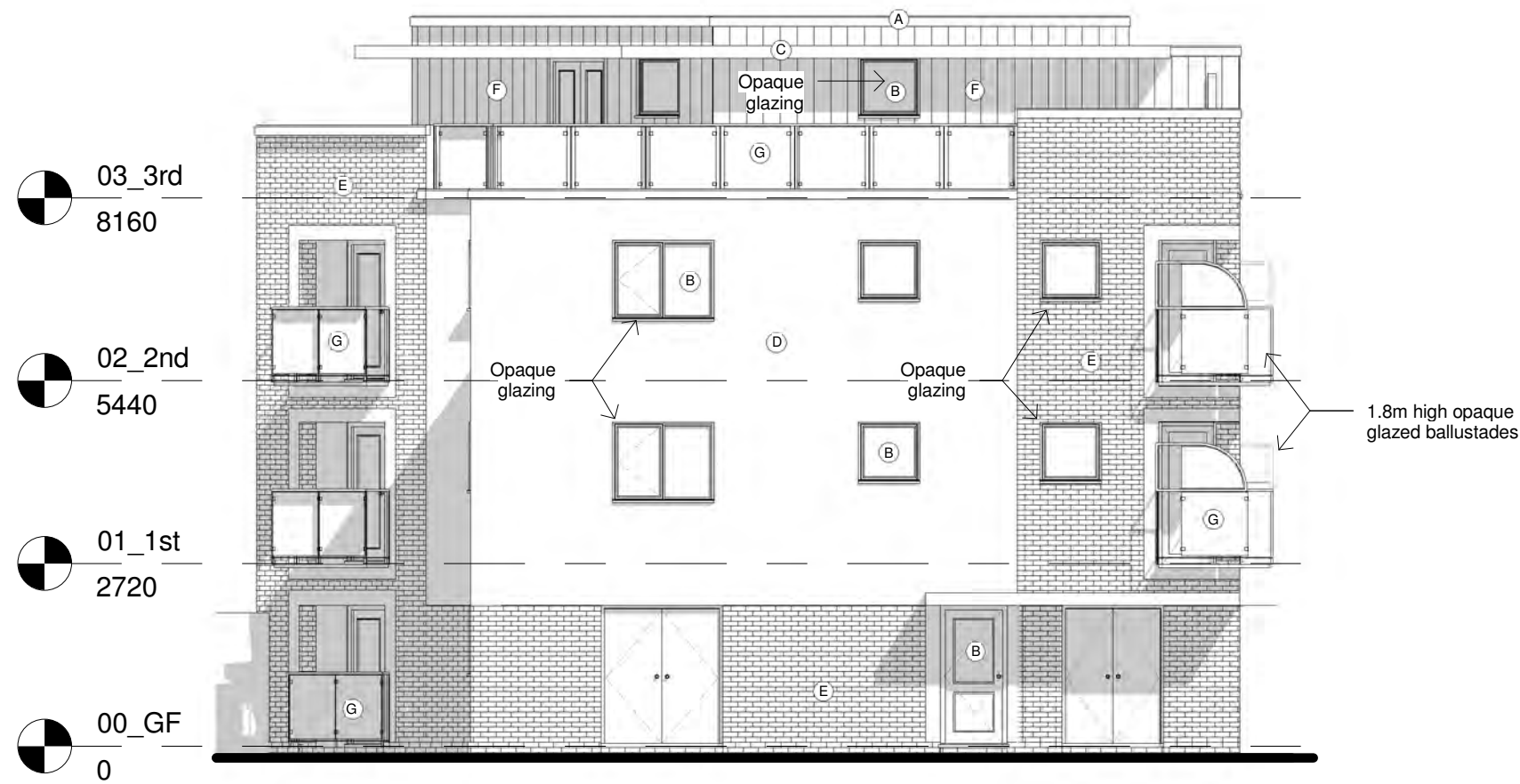
SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	18/07/14	PL	MT

DRAWING NUMBER	REVISION
P447 L_201	C

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

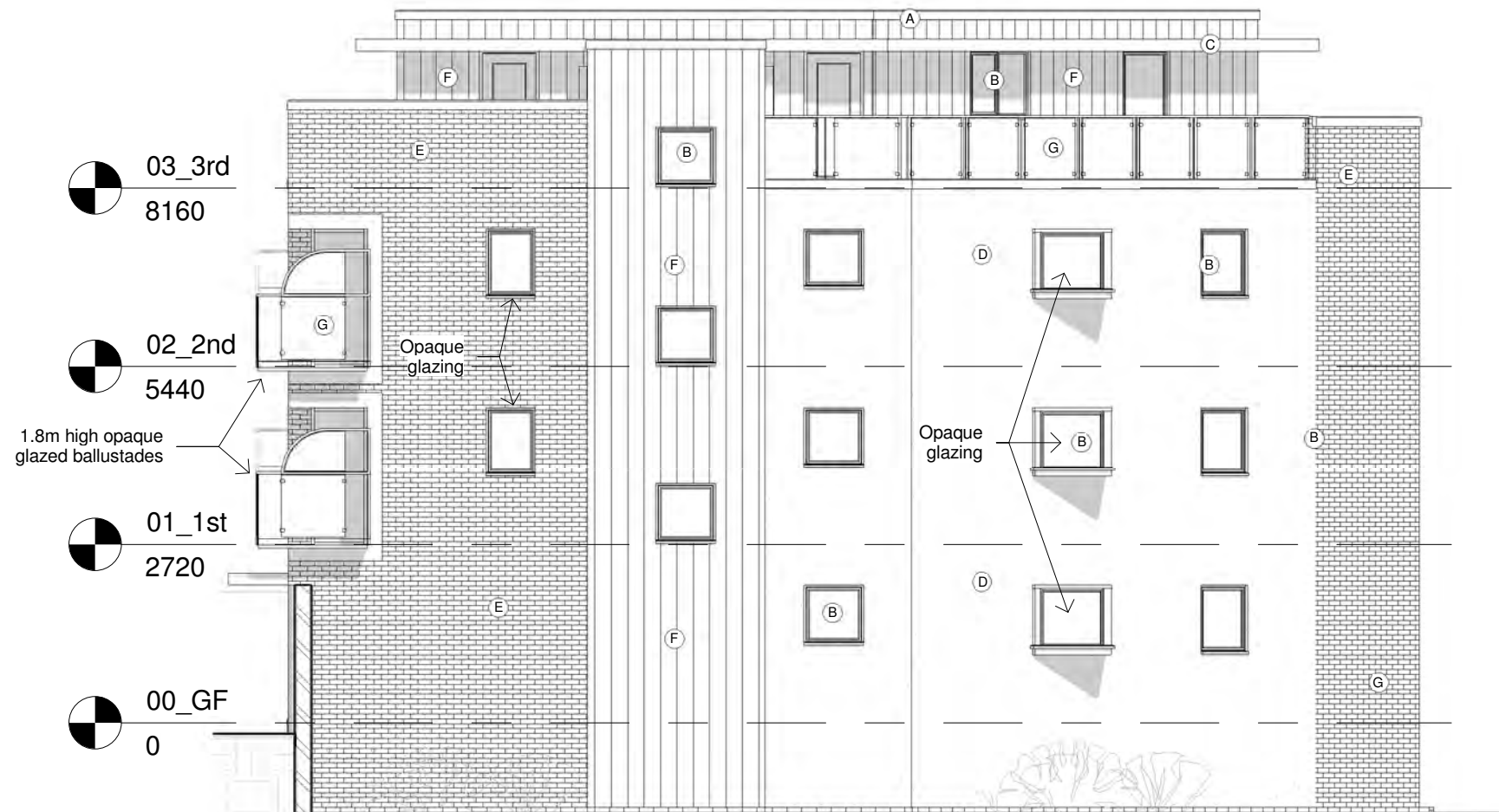
A3 Original Sheet Size



West (Front) Elevation
1 : 100

FINISHES KEY:

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / BROWN BRICKWORK EXTERNAL WALLS
- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS



South (Side) Elevation
1 : 100

Planning Issue

01/04/15	C	PL	PL	Balconies re-positioned & notes added
25/02/15	B	PL	PL	Balconies increased in size
17/02/15	A	PL	PL	Window re-positioned & opaque glazing added

date	rev	name	chk	note
------	-----	------	-----	------



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@designlinepartnership.com

PROJECT
Demolition of existing garage & erection of new build development to form flats
6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE
Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	18/07/14	Pete Legg	MT

DRAWING NUMBER	REVISION
P447 L_210	C



North East (Rear) Elevation
1 : 100

FINISHES KEY:

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / BROWN BRICKWORK EXTERNAL WALLS
- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS



North West Elevation
1 : 100

Planning Issue

01/04/15	B	PL	PL	Balconies re-positioned & notes added
25/02/15	A	PL	PL	Balconies increased in size

date	rev	name	chk	note
------	-----	------	-----	------



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@designlinepartnership.com

PROJECT
Demolition of existing garage & erection of new build development to form flats
6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE
Elevations 2 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	18/07/14	PL	MT

DRAWING NUMBER	REVISION
P447 L_211	B

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size

FINISHES KEY:

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / BROWN BRICKWORK EXTERNAL WALLS
- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS



South West Perspective View



South East Perspective View



North Perspective View

Planning Issue

01/04/15	C	PL	PL	Balconies re-positioned & notes added
25/02/15	B	PL	PL	Balconies increased in size
17/02/15	A	PL	PL	Window re-positioned & opaque glazing added

date	rev	name	chk	note
------	-----	------	-----	------



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
 Systems House 89 Heol Don Cardiff CF14 2AT
 T 02920316857 M 07785582007 info@designlinepartnership.com

PROJECT
 Demolition of existing garage & erection of new build development to form flats
 6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE
 Perspective Views as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	18/07/14	Pete Legg	MT

DRAWING NUMBER	REVISION
P447 L_220	C

COMMITTEE DATE: 17/06/2015

APPLICATION No. 15/00301/MNR APPLICATION DATE: 09/02/2015

ED: **PENTYRCH**

APP: TYPE: Reserved Matters

APPLICANT: Bovis Homes Ltd

LOCATION: LAND NORTH OF HEOL GOCH, PENTYRCH, CARDIFF

PROPOSAL: RESERVED MATTERS APPLICATION FOR 47
DWELLINGS AT LAND NORTH OF HEOL GOCH
FOLLOWING OUTLINE APPLICATION 13/00836/DCO

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

1. All the conditions imposed on notice of outline approval (reference no. 13/00836/DCO) are hereby reiterated in as much as they relate to the development and have yet to be discharged in writing by the Local Planning Authority.
Reason: For the avoidance of doubt and in order to ensure that the development is carried out in accordance with the conditions of the planning permission.
2. The consent relates to the application as amended by the revised plans received on 6th May 2015 attached to and forming part of this planning application.
Reason: The plans amend and form part of the application.
3. The consent does not extend to the details of drainage as shown on drawings numbered 1000(1) Rev B and 1000(2) Rev B and the submitted Flood Risk Assessment and Drainage Strategy reference 3085-FR001 Rev B.
Reason: For the avoidance of doubt, since these details do not relate to the reserved matters for which consent is sought.
4. Prior to the construction of any dwelling above foundation level, samples of the external finishing materials 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.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy 2.20 of the deposit Cardiff Unitary Development Plan.
5. Prior to the commencement of development plans showing details of the proposed floor levels of the buildings and proposed finished levels of roads and hardstandings in relation to the existing ground level and the finished levels of the site shall be submitted to and approved in writing

by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

Reason: These details are not included with the application and are required to ensure an orderly form of development in accordance with policy 2.20 of the deposit Cardiff Unitary Development Plan.

6. Prior to the commencement of development, plans indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority and the approved boundary treatments shall be erected before the dwelling to which each boundary treatment relates is first occupied.

Reason: To ensure that the amenities of the area are protected, in accordance with policies 2.20 and 2.24 of the deposit Cardiff Unitary Development Plan.

7. Notwithstanding the submitted information, this approval does not extend to the details of landscaping as submitted. No equipment, plant or materials shall be brought onto the site for the purpose of development until the following details in relation to landscape works have been submitted to and approved in writing by the Local Planning Authority:

- A Soil Resource Survey (SRS) and Soil Resource Plan (SRP);
- Planting Plans that have been informed by the SRS and SRP (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, tree pit section and plan views for different situations - i.e. open grown on existing soils or restricted pits with introduced or remediated soils - tree protection, soil protection and after care methods),
- A topsoil and subsoil specification for all planted and retained soft landscape areas across the site that has been informed by the SRS and SRP and which accords with BS 3882:2007 (topsoil), BS 8601:2013 (subsoil) and the DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009);
- Percolation testing must demonstrate adequate tree pit drainage (annex B.2.4 BS 8545:2014) and soil bulk densities must be demonstrated to be suitable to support tree root growth (annex B.2.5 BS 8545:2014) . Where impeded drainage or compaction is shown to be a problem, site specific solutions must be proposed;
- Proposed and existing services (including drainage) above and below ground level;
- A planting and 5 year aftercare methodology, informed by the SRS, SRP and soil specifications, including a chronological matrix of aftercare tasks for different planted areas and conforming with BS 8545:2014 and BS 3998:2010 (formative pruning).
- An implementation programme;

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

Reason : Further details of landscaping proposals are required in order to enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity of the area in accordance with policy 2.20 of the deposit Cardiff Unitary Development Plan.

8. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of the following have been submitted to and approved by the Local Planning Authority, in accordance with the current British Standard for trees in relation to construction and taking into account the results of the Soil Resource Survey (SRS) and Soil Resource Plan (SRP) required by condition 7 :

An Arboricultural Method Statement (AMS), setting out the methodology that will be used to prevent loss of or damage to retained trees. It shall also include provision to protect soils where structural landscaping, including tree planting, is proposed and details of on-site monitoring of tree protection and tree condition that shall be carried out throughout the development and for at least two years after its completion.

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

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

Reason : To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape and the measures for their protection, and to monitor compliance, in accordance with Policies 2.20 and 2.45 of the deposit Cardiff Unitary Development Plan.

9. Prior to the commencement of development, details of the design and materials of the proposed pumping station shall be submitted to and approved in writing by the local planning authority and the pumping station shall be constructed as approved.

Reason: To ensure that the amenities of the area are protected, in accordance with policy 2.20 of the deposit Cardiff Unitary Development Plan.

10. All hard surfaces within the development shall be constructed in accordance with a schedule of materials which shall be submitted to and approved by the Local Planning Authority prior to their construction on site, and thereafter all approved permeable hard surfaces shall be retained as such and shall not at any time be replaced with impermeable materials.

Reason: To ensure that the amenities of the area are protected, in accordance with policy 2.20 of the deposit Cardiff Unitary Development Plan, and to ensure that the hard surfaces accord with the requirements for surface water drainage of the site.

RECOMMENDATION 2: The applicant is advised of the following:

- that no Public Right of Way may be blocked, diverted or work commenced until the relevant Legal Order under the Highways Act 1980 is confirmed, otherwise there is an offence committed of obstructing a highway. Any changes to rights of way, however slight, will require a Legal Order and this order is open to public objection, which can result in a Public Enquiry.
- that where any species listed under Schedules 2 or 4 of the Conservation of Habitats and Species Regulations 2010 is present on the site in respect of which this permission is granted, no works of site clearance, demolition or construction should take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations.
- that nesting birds 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.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks the approval of reserved matters following the granting of outline planning permission for approximately 47 residential units, comprising a mixture of two, three, four and five bedroom houses with vehicular and pedestrian access off Heol Goch. Details of access were approved at the outline stage therefore this application relates only to the details of layout, scale, appearance and landscaping.
- 1.2 Layout:
47 residential units, comprising a mixture of two, three, four and five bedroom houses, will be arranged around the access road, with some houses fronting onto short spurs. 30% of the development comprises affordable housing and these units will be integrated into the development with no segregation of tenure or type.
- 1.3 Garages (single or double) will be provided for 33 of the houses; the remainder will have a driveway to the side or one or two off-road parking spaces to the front. There are 3 areas where frontage parking is proposed, and these will be in different parts of the site rather than located together.
- 1.4 Houses along the northern boundary will face across a spur road towards the existing stream and adjacent undeveloped land which is to be retained as a “wildlife buffer”. The rear of houses will back onto the rear boundaries of existing houses to the west and south. The north eastern part of the site will remain undeveloped and serve as public open space and wildlife habitat.
- 1.5 The houses will be arranged so that habitable rooms provide natural

surveillance over the streets and open spaces and no blank facades face towards public areas. Two large dual aspect houses will be located at the entrance to the development adjacent to Heol Goch, forming a “gateway” feature.

1.6 Scale

All proposed dwellings are two storeys in height. Garages will be single storey. There will be a mixture of detached, semi-detached and terraced properties.

1.7 Appearance

The houses will be of a vernacular appearance, with features such as brick window heads and cills, pitched-roofed canopies above front doors, front gables, windows with vertical emphasis and brick chimneys. They will be finished in either brick or render (approximately 50% of each) and will have grey concrete roof tiles.

1.8 Landscaping

Limited details of landscaping have been submitted. An area within the north eastern corner of the site is set aside for grassland habitat mitigation and is incorporated into the open space for the development. A Local Area of Play is proposed to be included within the open space. No trees of high quality are to be removed and retained trees at the edges of the site will be protected during development. The layout plan shows indicative locations for tree planting within front gardens and within the open space.

2. **DESCRIPTION OF SITE**

- 2.1 The site is a 2.5 hectare green field site on the eastern edge of Pentyrch, comprising two fields of grassland currently used for pony/horse grazing. Generally sloping northwards it is surrounded by mature trees to the north and east with a road and dwellings to the south along Heol Goch. The northern field boundary is also defined by a small stream (Nant Cwm Llwydrew) and other vegetation leading into woodland. The eastern boundary includes a hedgerow with scattered mature trees. The two main field parcels are further separated by a mature hedgerow with scattered trees. There are long clear views from the site to the north towards Garth Hill and short views on high points of the site towards housing to the North West. A Public Right of Way runs to the north of the site.

3. **SITE HISTORY**

- 3.1 13/00836/DCO – Outline planning permission for residential development with vehicular access from Heol Goch.

4. **POLICY FRAMEWORK**

- 4.1 *Mid Glamorgan County Structure Plan Incorporating Proposed alterations No.1*
–
H11 (existing residential areas characterised by high standards of privacy and spaciousness to be protected against over-development and

insensitive/inappropriate infilling);
LC5 (presumption against development which would adversely affect sites of nature conservation importance);
LC9 (presumption against development which constitutes significant intrusion into landscape);
LC10 (existing natural woodlands should be protected and maintained);

4.2 *Supplementary Planning Guidance - Access, Circulation and Parking Standards* (January 2010); *Cardiff Residential Design Guide* (March 2008); *Trees and Development* (March 2007); *Waste Collection and Storage Facilities* (March 2007); *Biodiversity: Part 1 & Part 2* (June 2006); *Open Space* (June 2000); *Public Rights of Way and Development* (October 2006).

4.3 *Deposit Cardiff Unitary Development Plan –*
2.20 (Good Design);
2.24 (Residential Amenity);
2.43 (General Landscape Protection);
2.44 (Special Landscape Areas);
2.45 (Trees, Woodlands and Hedgerows);
2.46 (Sites of International or National Importance for Nature Conservation);
2.48 (Biodiversity);
2.57 (Access, Circulation and Parking Requirements);
2.61 (Protection of Water Resources);
2.74 (Provision for Waste Management Facilities in Development).

4.4 *Planning Policy Wales (July 2014):*
3.1.8: While the substance of local views must be considered, the duty is to decide each case on its planning merits. Local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission.

4.4.3: Planning policies and proposals should (inter alia)

- Facilitate sustainable building standards
- Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems
- Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods

4.11.8: Good design is essential to ensure that areas offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement.

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

4.12.3: Development proposals should also include features that provide effective adaptation to and resilience against the current and predicted future effects of climate change, for example by incorporating green space to

provide shading, sustainable drainage systems to reduce run-off, and are designed to prevent over-heating and to avoid the need for artificial cooling of buildings.

5.2.8: Local Authorities must address biodiversity issues, insofar as they relate to land use planning, in development control decisions.

5.2.9: Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a locality.

5.5.1: The effect of a development proposal on the wildlife or landscape of any area can be a material planning consideration. It is important to balance conservation objectives with the wider economic needs of local businesses and communities.

5.5.2: When considering any development proposal, local planning authorities should consider environmental impact.

5.5.5: Statutory designation does not necessarily prohibit development but proposals must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect.

5.5.13: Local Authorities have a duty to ensure that adequate provision is made for the planting or preservation of trees by imposing conditions and/or by making tree preservation orders.

9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meet national sustainability standards and make a significant contribution to promoting community regeneration and improving the quality of life, and new housing development in towns, villages and edge of settlement locations is a mix of affordable and market housing that retains and where possible enhances important landscape and wildlife features in the development.

9.1.2: Local authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local authorities should promote mixed tenure communities, development that is easily accessible by public transport, attractive landscapes around buildings etc.

4.5 *Technical Advice Note 12 - Design (2009).*

4.6 *Natural Environment and Rural Communities Act 2006, Section 40:*
Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* No comments received.

5.2 *Drainage:* In response to this reserved matters application, whilst recognising that there are still tests and calculations to be carried out in relation to the SUDS designs - there are two outstanding concerns that are currently unacceptable:-

1. Permeable Paving for Parking Areas

This has been assumed as acceptable and there are products on the market that can infiltrate/attenuate and cleanse. However, to make a general assumption that this is an acceptable solution without first knowing the specific ground conditions is of concern. Even if conditions are suitable, there must be a legal agreement that all permeable surfaces under private ownership are maintained and kept in situ. If the surfaces were not maintained or replaced with impermeable surfaces, then the adopted highway drainage could well be overloaded due to undersigned for additional catchment

2. Noting that private soakaways are proposed for several properties, it is not at all clear from the drawings how these cellular systems will be maintained. It cannot be assumed that any silt trap shall be regularly cleaned out; the likelihood being that the cellular systems will eventually require de-silting (something they are designed for). If there is no access to de-silt these proposed soakaways, then they will inevitably silt up and create problems for the premises in their locality.

These two specific issues require clarification, for the surface water drainage proposals to be acceptable (pending all the permeability tests already referred to in the applicant's documentation).

- 5.3 *Pollution Control (Contaminated Land)*: The details submitted with the application appear to relate to the requirements of conditions 14 and 15 of 13/00836/DCO. The consultant acknowledges that the submitted report is preliminary. The information is not sufficient to consider the discharge of conditions 14 or 15.
- 5.4 *Landscape Officer (Parks)*: Parks have assessed the quantity of open space to be provided in relation to the POS requirement generated by the proposed population. The open space measurement taken from the Site Layout Plan excluded the water attenuation feature in the north east corner of the site as currently Parks consider that this does not form part of the public open space as it serves a SuDS function rather than acting as a usable part of the open space. With this area excluded from the calculations (0.08ha) the on-site POS provision is 0.43ha. The calculations for POS requirement based on the projected population is 0.3ha and therefore the on-site open space meets the requirement and no off-site contribution is required. The POS would be privately managed by the developer rather than through Parks.
- 5.5 With regard to commenting on the design of the open space, including the LAP, Parks would require a copy of POS Soft Landscape Plans 1 and 2 and the drawing showing the proposed LAP design before being able to make detailed comments. We would also require information on the quality of ground conditions to ensure that the area designated as open space is sufficiently well drained to allow regular use.
- 5.6 *Waste Strategy & Minimisation Officer*: No comments received.
- 5.7 *Trees and Landscaping*: There is little of significant quality in arboricultural

terms either within or bounding the site, so the focus must be on high quality new planting. Nevertheless I would prefer to see a detailed, upfront Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), including provision to protect soils where structural landscaping, including tree planting, is proposed. The submitted TPP and AMS currently makes no provision to protect soils where structural landscaping is proposed. If you are minded to approve without requiring such then the complex sites tree protection condition should be attached.

- 5.8 A Soil Resource Survey and Soil Resource Plan should be prepared in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (DEFRA, 2009) and BS 3882:2007. The survey and plan should then be used to inform landscaping proposals, the TPP and AMS above, and a Construction Environment Management Plan. Currently the only soils information is contained within the Geotechnical Report, and shows that topsoil depths are shallow – between 10 and 30cm depth, onto sandy sub-soils or directly onto limestone bedrock. Submitted information demonstrates that cut and fill work at this site is likely to destroy the majority of the existing topsoil and sub-soil, leaving any retained sub-soils vulnerable to compaction that results in poor drainage and poor establishment of new planting where soils are not effectively protected or remediated. Where existing soils are retained and protected, new tree planting must be informed by knowledge of the local soil profile. In some areas, soil depths are likely to be too shallow to support trees, in which case shrubs and herbaceous plants should be favoured. Upfront landscaping details should be provided to demonstrate how tree losses can be mitigated and the development enhanced by new planting.
- 5.9 *Ecology:* The extent of footprint within the 15m buffer around the stream is de minimis. I note also there is a condition (#20) that there should be no construction activity within 5 metres of the stream. However, the Reptile Mitigation Strategy places the reptile exclusion fencing (which is to protect habitat retained for reptiles) at 9m from the stream. This means that effectively there would be a 9 metre buffer between the stream and any construction activity.
- 5.10 *Urban Design:* Additional information is requested on boundary treatments. This needs to specify the location of: 1.8m high close boarded fence, 1.8m high brick walls, dwarf walls, hedging lines, railings. Boundary treatments should be appropriate to the character of the village, which typically has stone walls and hedging.
- 5.11 Additional information is requested on hard surfacing materials and the design and materials of the pumping station, and the approach for the semi-public space to unit no.10.
- 5.12 An additional chimney could be added so that there are two chimneys on the housing types P403 V2 Brick and Render elevations. This would help to add symmetry and proportion and be more in keeping with traditional design. A line of brick 'window surround' could be added to the top of the first floor windows to all properties where they are absent. Consideration should be given to any

further improvements that can be made to the alleyway in the north-west corner to improve sightlines and soften the extreme v-shaped angle that has been created if possible.

- 5.13 *Public Rights of Way officer:* Public Right of Way Pentyrch 28 bisects the north western corner of the site. It appears provision has been made for the line of the path to link up with the estate road and link with the current non adopted lane which links to Mountain Road. If this path is to be improved or even absorbed into a Section 38 Agreement and given a higher surface maintenance level, Rights of Way would have no objection. If the existing path were to alter in line or direction then a Diversion Order would be necessary.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Welsh Water:* No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the development showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority. The submitted scheme shall accord with the drainage principles prescribed by the conditions attached to the outline planning permission granted in respect of the proposed development.
- 6.2 No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans.
- 6.3 *Natural Resources Wales:* We do not object to the application, provided appropriately worded conditions are added to any planning permission your Authority may be minded to grant.
- 6.4 **Potential for Contamination**
We note that a Preliminary Risk Assessment (PRA) has been submitted with this application dated March 2013, it is our understanding that this assessment was not submitted with the outline application (13/00836/DCO) and the potential for contamination at the site was scoped out of the Environmental Impact Assessment as the site was identified as being greenfield. The PRA submitted identifies the presence of an old quarry which has been infilled with unknown material. The report identifies a risk of migration of contaminants from the soils to groundwater and then off site. It should also be noted that the site is underlain by a principal aquifer. The geological strata at this location may exhibit high intergranular and/or fracture permeability as well as providing a high level of water storage.
- 6.5 We note that a number of conditions were added to the outline permission to deal with the potential for contamination at the site, most notably conditions 15, 16 and 17. We strongly advise that we are consulted on any information

submitted to discharge these conditions. We would also advise that these conditions are also included on any permission you are minded to grant for this reserved matters application, to ensure the protection of controlled waters. Although we welcome the conditions added to the outline permission, we note that these were not requested by ourselves in response to the outline application as we understood the site to be greenfield. In light of the PRA submitted we would recommend that you consider including a condition to ensure that investigation work fully establishes any potential contamination at the site.

6.6 Caeau Blaen Bielly Site of Special Scientific Interest (SSSI)

The development site lies adjacent to the Caeau Blaen-Bielly SSSI and the Nant Cwmlwydrew stream at the north of the site flows into the SSSI. The features of the SSSI include marshy grassland. We note that the site layout as detailed in the 'Layout plan drawing number P001 Rev-' has been revised since that proposed at the outline application. In responding to the outline application we recommended that the scheme should include a buffer of at least 15 metres between built development and the Nant Cwmlwydrew stream, it is also noted that this was included as a requirement in condition 27 of the outline planning permission (13/00836/DCO) granted by your Authority. We welcome the fact that rear gardens are not proposed to face the stream in the revised master plan, however there appears to be some encroachment into the previously agreed 15 metres buffer zone between development and the Nant Cwmlwydrew stream. We suggest your Authority consider this further. We welcome the commitment to retain all mature trees on the eastern and northern boundaries. This is particularly important to retain a strong boundary at the juxtaposition with Caeau Blaen-Bielly SSSI.

6.7 *Pentyrch Community Council:* This Community Council objected to the outline planning application submitted in May 2013 [13/00836/DCO] and we were disappointed although not surprised that permission was subsequently granted. Nevertheless we wish to not only repeat but add to our previous objections:

- 1) The Community Council supports the request from County Councillor Craig Williams for a site meeting prior to any decisions by the Planning Committee.
- 2) The Pentyrch Community Council [PCC] also has very real concerns regarding the drainage and sewage systems. The land in questions falls away to the north of Heol Goch and to the south of Pen-y-waun and the east of Mountain Road. There is no sewage outlet on Heol Goch that can be connected to to ensure downhill flow. The sewage of most of the houses planned will therefore have to be pumped uphill to connect to a sewage system that is already at capacity. If this application is to succeed Bovis needs to make a major investment in a new sewage system that does not connect to the existing system and we urge CCC to make this a priority in any conditions that may seek to apply to the detailed permission.
- 3) The reference within the application to *'pedestrian movement throughout the site promotes more sustainable patterns of movement, reducing the reliance people place on the car'* are admirable aspirations but are disingenuous statements as they are unrealistic given the topography of the area and the

existing footpaths along Heol Goch. Quite why Bovis did not negotiate with CCC an access into the site that did not involve emerging onto Heol Goch but onto Mountain Road, across CCC-owned land, is beyond comprehension. This could have provided safe pedestrian movement from the site which the current proposals will not achieve.

4) The access onto Heol Goch is a major concern for this Council, as we have consistently complained to CCC about the safety issues on Heol Goch. The prospect of adding to those concerns with an access, the detail of which was an essential part of the conditions for the outline planning permission, fills us with dread. The site meeting is essential for this reason alone, so that members of the Planning Committee can witness first-hand the problems of this section of Heol Goch, the lack of footpaths connecting to the rest of Pentyrch and the dangerous nature of Heol Goch, which requires vehicles to slow down from a maximum speed of 60mph to 20 mph with very little warning at just the point where the site access is proposed.

5) The PCC supports the objections made by Kevin Brennan MP, Mark Drakeford AM, Cllr Craig Williams, Mrs & Mrs Evans, Alison Jones and Susan Cragg.

7. **REPRESENTATIONS**

7.1 The application has been advertised by press notice, site notice and neighbour notification.

7.2 10 letters/emails of objection have been received. The grounds for objection can be summarised as follows:

1. The proposed access to Heol Goch is in a dangerous position (e.g. limited visibility, narrow road, nearby junction, lack of footpaths, speeding vehicles). An alternative access should be sought;
2. Increased traffic through the village and queuing at the roundabout at the bottom of Heol Goch;
3. Existing road surfaces are unsuitable;
4. Inadequate public transport facilities to serve the development;
5. Detrimental impact on wildlife and environment;
7. Damage to rural character of village;
8. Loss of privacy for existing residents;
9. Overshadowing of existing properties;
10. Traffic will cause increased air pollution;
11. The drainage system is already inadequate and could be made worse;
12. The development will be a strain on services in Pentyrch (e.g. doctors' surgery, school);
13. The development won't contribute to housing need as it doesn't contain affordable housing;
14. There is adequate brownfield land available in Cardiff;
15. Inadequate pedestrian access.

7.3 Councillor Williams requests that the Planning Committee carry out a site visit before determining the application, wishes to speak against the proposals at the Planning Committee meeting and objects on the following grounds:

1. The current ineffective drainage and sewerage system on and around the site.

Problems with water drainage and sewerage removal have been experienced in the areas adjacent to the proposed development, including Pen-Y-Waun and Mountain Road. Properties on Pen-Y-Waun have required a number of environmental health visits where sewage from the main sewer has overflowed onto properties. Details can be obtained from Environment Health Officer in Cardiff. As I write this, there is an ongoing problem with the sewerage that has resulted in a neighbour experiencing problems persistent problems. Currently, the drainage and sewerage system will not cope with the increase of 47 houses. Major investment into the system needs to be planned for and made.

2. Lack of useable footpaths from the site crossing Heol Goch.

2.6 'The Opportunities' section of Bovis' plan states that 'pedestrian movement throughout the site promotes more sustainable patterns of movement, reducing the reliance people place on the car'. While, in theory this is a lovely idea, the path along the northern boundary leads to a brook, so there is nowhere else for those pedestrians to move to without getting their feet wet. The pedestrian link to the west links a country road to the Garth Mountain and beyond – which is a hike into the countryside or (turning left) to the central village which with only a sharp bend would be the safer route to access the village amenities. The final pedestrian link on the south side of the development leads onto Heol Goch. The pedestrian moving this way can either walk into the village which would mean crossing this busy road to reach the nearest footpath, which is currently an unlit pathway behind the children's playground. Children would use this footpath and would probably take the quickest route over the big boulders near the Cenotaph. Their behaviour can often be unpredictable around traffic and they may even walk in the road to access the playground area, the local shops and Pentyrch's primary school. The other option on using that route is to walk down Heol Goch. Heol Goch is an unlit, steep, tree covered road with no pavements, a number of blind bends and traffic travelling at 60mph. Walking this way to leave the village is definitely hazardous and not recommended as a way of leaving the village.

3. Inconsistent with the Cardiff Development Plan.

We believe the proposal is not consistent with the 'Cardiff Plan', which states that development of the remaining 7,974 sites identified in the plan should be on brown-field, windfall sites and through change of use. 2.5 of the constraints describes the site as 'effectively an infill site' to describe the site as this means the developer has completely misunderstood the importance of green areas to the village. While Bovis have owned the site for a number of years the existing use of the land was an ecological site that had a great number of wildlife that frequented the area – bats and birds are regular visitors. In addition this area was frequently used by walkers; this green area is so much more to villagers that just an 'infill site'.

4. Increased traffic congestion and carbon emissions.

The facilities in the village of Pentyrch are very limited so car travel is necessary. The proposed development will increase the need for car travel to

all key facilities as they are all approximately 3 miles outside of Pentyrch such as: Secondary schools, train stations, supermarkets, dentists, opticians and the medical centre at Radyr or Llantwit Fardre. For example, the GP's surgery is to be a temporary 'porta cabin' arrangement with many of the residents already using and/ or transferring to the GP's in Creigiau and Radyr. The spa sells general groceries but is not extensively stocked and most residents use their cars to shop at the local supermarkets. The bus service is minimal and under-used. As a result of people having to travel for these services, car usage will increase and as a result, so too will carbon emissions. On the documents that are available online, it is noted that 38 of the 47 homes are three bed and over implying that these will be family homes. It can be assumed that each of these homes will have a minimum of two vehicles per household this will greatly add to the already heavy bottleneck experienced at the bottom of Heol Goch at the roundabout leading to Radyr and the A470. Traffic travelling through the village and onto Heol Goch during the morning and evening rush hours is already very busy with vehicles from local residents and, considerably more from outside of the area, accessing the major trunk routes such as the A470 and the M4 as well as the railway stations located in Taff's Well and Radyr. In recent years, Pentyrch has become a convenient access route for vehicles for a very wide area to the A470, the M4 and railway stations. The convergence of traffic from Pentyrch, Gwaelod y Garth and Radyr at the roundabout at the end of Heol Goch creates major congestion every working day with tail backs often developing as far back as the quarry entrance on Heol Goch. This is already a major problem that needs to be given further consideration by the planning authorities. The provision of an additional 53 houses will only compound the existing congestion problems.

5. Road safety issues due to the geography of the area.

The proposed access arrangement to this potential development is ill-conceived and potentially very dangerous. The proposed access road is located at one of the narrowest parts of Heol Goch and is very close to the start of a steep hill. It will also be in close proximity to an existing road and access point (Cefn Bychan), located on the opposite side of the road, which is notoriously difficult for vehicles to negotiate. Vehicles travelling up the hill into Pentyrch could suddenly be faced with cars waiting to turn right onto the proposed development, or pedestrians waiting to cross the road, which will be another potential hazard. This will become particularly problematical and dangerous during the times when the sun's location completely blocks the vision of drivers who are reaching the summit of the hill. This is a local phenomenon experienced by everybody using this road at certain times of the day when the sun is in a critical position. The entrance to the site seems to be below the brow of the hill, so that traffic traveling eastwards from Pentyrch will not see either traffic emerging or entering the proposed estate (and crossing their path) until the last moment. The same applies to visibility for traffic to and from the proposed estate. Traffic turning across Heol Goch (whether into or out of the development) will pose a particular potential danger. It is very dangerous to walk and/ or cycle up and down Heol Goch due to inadequate lighting, lack of a footpath and poor visibility in many places. Heol Goch is also constantly in a state of disrepair with large craters in the road and at the edges, which are left for weeks before being "temporarily" repaired. The proposed development

would increase the number of cars using this road, as it is the main route out of the village. When it snows, no minor roads are cleared so exiting the village is difficult and at times impossible which, in turn, reduces accessibility to services. All of these problems are compounded by the potential increase in traffic arising from developments in Creigiau. The proposal, whilst acknowledging the need for privacy of current and potential residents, fails to consider this important aspect for the proposed properties adjacent to Pen-y-Waun. For example, the new houses to be built near to our house will be significantly overlooked. Furthermore, sound from the proposed development will carry, as it rises, and affect the peace of the residents of the affected properties on the periphery of this housing development. Point 2.1 of the design and access statement states that “street lighting is present on Heol Goch.[and that the]site benefits from close proximity to local services such as bus stops, post office....”. The street lighting starts at the proposed entrance, the bus stop is serviced by an unreliable, hourly Stagecoach service. Given all of these concerns, we would hope that the planning and traffic officers would visit the site again before making the decision to reject the re-submission by Bovis Homes.

7.4 Mark Drakeford AM and Kevin Brennan MP have put forward the following concerns on behalf of constituents:

1. The proposed road access is very close to the brow of the hill and this risks the likelihood of road traffic accidents;
2. There is no proper public access as promoted by the Active Travel (Wales) Act. There appears to be no proposed pedestrian access from the development to the village. This risks encouraging pedestrians to walk on the road, where there is no pavement and visibility is poor, increasing the likelihood of an accident.

7.5 They believe a site visit would assist the Planning Committee members in understanding the impact of the application and request that a site visit be undertaken before a decision is made.

8. **ANALYSIS**

8.1 Planning permission has already been granted for residential development on this site (“Development for Residential Purposes with Vehicular Access from Heol Goch” – outline application no. 13/00836/DCO, granted on 15/12/2014). The principle of the development and the details of access have been approved. The only issues that can be considered now are the matters reserved at the time of granting the outline consent, which are: layout, appearance, scale and landscaping.

8.2 Layout

The layout reflects the principles outlined in the Cardiff Residential Design Guide SPG in terms of legibility, active frontages and incorporating natural surveillance into the layout. The three houses fronting Heol Goch are more uniform in their layout than other development on the northern side of Heol Goch but this is considered acceptable as they will be widely separated and will be seen in the context of the buildings opposite, which are in blocks with uniform building lines. The proposed layout is very similar to the indicative

scheme submitted with the outline application and accords with the requirements to provide a 15m buffer between the development and the Nant Cwmllydrew, to maintain a wildlife corridor, and to avoid development at the north eastern side of the site in order to protect sensitive grassland habitat and the adjacent SSSI.

8.3 The proposed layout will maintain adequate levels of privacy for the proposed dwellings and for existing properties bordering the site and will ensure that sufficient private and useable outdoor amenity space is provided for the new dwellings. The urban design officer's comments regarding the space adjacent to plot 10 are noted; however, it would not be appropriate for this to become semi-public space as such use would lead to loss of privacy to the residents of the house and would encourage pedestrians onto Heol Goch at a point where there are no footways. Details of how general public access to this area will be prevented can be required as part of the boundary treatment condition.

8.3 Appearance

As the residential design guide SPG states, it is important to consider the setting and character of the area and this should be reflected in any new development. The mixed design of the houses reflects the vernacular style of many of the existing properties in the area, which contains a varied mixture of building styles. The majority of houses immediately to the north of the site are large, detached properties but to the south and west there are semi-detached and terraced dwellings. The houses will be finished in a mixture of either brick or render, with grey roof tiles, which will harmonise with existing development in the surrounding area. Samples of materials, including hard surfacing, can be required to be submitted for approval, to ensure that they are of an acceptable appearance. A condition can be imposed to require further details of boundary structures such as brick walls, as some of these could be very prominent within the development

8.4 Scale

The proposed two storey houses and single storey garages will harmonise with the scale and massing of existing buildings in the area.

8.5 Landscaping

Insufficient details of landscaping have been submitted to enable this aspect of the development to be fully approved at this stage. However, further details can be required by condition. The plans and other details show that there is sufficient and appropriate space for landscaping and that biodiversity and tree protection requirements have been considered. Full details of planting, drainage, soil remediation etc. can be requested, as specified by the Trees and Landscaping officer.

8.6 Turning to the objections received; the objections relating to the access onto Heol Goch, increased traffic, the state of road surfaces, public transport, the impact on wildlife, air pollution, drainage, the impact on existing services, affordable housing, brownfield land and pedestrian access are matters which have already been addressed in the consideration of the outline planning permission (13/00836/DCO) which has been approved and cannot be re-visited

in the determination of this application. The only objections that can be considered now are those relating to the reserved matters, i.e. a) damage to the rural character of village; b) loss of privacy for existing residents; c) overshadowing of existing properties. I would respond to these as follows:

a) Pentyrch already comprises a mix of traditional and modern “suburban” houses, many within relatively large housing estates. The proposed development will not be out of character with the existing development in the area. The layout, appearance, scale and materials of the houses will reflect their surroundings.

b) No habitable room windows of new properties will face towards habitable room windows of existing houses at a distance of less than around 25 metres. This exceeds the normal minimum required distance of 21 metres. Rear gardens of new properties will be at least 10m long, providing an adequate distance to prevent unacceptable overlooking of existing properties.

C) Given the distances between existing and proposed dwellings and the orientation of the development in relation to existing houses, it will not be possible for the new properties to cause the degree of overshadowing that would justify amendment or refusal of the application.

- 8.7 Regarding the objections put forward by (former) Councillor Craig Williams:
1. Drainage is not a reserved matter. A condition has been attached to the outline planning permission requiring a detailed drainage scheme to be approved. Existing problems with drainage in this area are not due to this proposed development. The drainage scheme for this development will not be permitted to make the situation any worse. Welsh Water did not object to the outline application and did not in any way imply that the drainage and sewerage system would not be able to cope with an additional 47 houses. They were also consulted with regard to this reserved matters application but again have made no objection.
 - 8.8 2. Access is not a reserved matter. Pedestrian access to and from the site has been considered in the outline application and acceptable details have been approved. A financial contribution has also been secured from the developer via a Section 106 obligation for improvements to the walking environment in the vicinity of the site.
 - 8.9 3. The principle of the development in relation to planning policy and the existing and emerging Development Plan was considered at the outline application stage. This is not a reserved matter.
 - 8.10 4. Issues of traffic and air quality were considered at the outline stage and cannot be revisited in the consideration of this reserved matters application.
 - 8.11 5. The access details have been considered previously and are already approved. This objection does not relate to a reserved matter.
 - 8.12 Regarding the concerns put forward by Mark Drakeford AM and Kevin Brennan MP, these relate entirely to matters of access, which have already been considered and approved under the outline planning permission. They cannot be re-visited as they do not relate to any of the reserved matters.

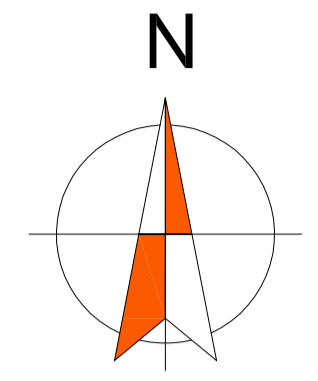
- 8.13 With regard to the concerns of NRW that the development encroaches on the buffer zone for the Nant Cwmllydrew; the Council's Ecologist has confirmed that although there is a small amount of encroachment (i.e. a small part of the road plus a very small part of the residential curtilage of plot 47), this is "de minimis" and he has no objections. The other concerns of NRW, regarding contamination, are covered by conditions of the outline consent.
- 8.14 With regard to the concerns of the drainage officer, this is an application for approval of reserved matters and does not include drainage issues. Drainage is covered by conditions of the outline planning permission. If, in order to discharge the drainage conditions of the outline consent, amendments have to be made to the layout, then the applicant will have to submit a revised application.
- 8.15 The concerns of the Parks officer relating to the details of the on-site Public Open Space (POS) are covered by the requirements of the S106 obligation for the outline permission which include that the developer submits for approval details of the landscaping, layout, equipping and maintenance of the POS, a timetable for implementation, details of future management and details of the drainage of the POS.
- 8.16 In conclusion, the submitted details relating to the reserved matters are acceptable subject to conditions, including a requirement for further landscaping details, and it is recommended that the application be approved.
- 8.17 It should be noted that the outline planning application was accompanied by an Environmental Statement, required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). This reserved matters application has been screened as required by the aforementioned Regulations, and it has been determined that this application does not require the preparation and submission of a further Environmental Statement or addendum to the Environmental Statement submitted for application 13/00386/DCO.
- 8.18 Other considerations
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.
- 8.19 *Equality Act 2010:*
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the

determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

© this drawing and the building works depicted are the copyright of IDP and may not be reproduced or amended except by written permission. No liability will be accepted for amendments made by other persons.

all dimensions to be checked on site and architect notified of any discrepancies prior to commencement. do not scale.

notes:



Schedule of Accommodation

P303	3 bed	979	2
P401	4 bed	1000	4
P402	4 bed	1200	7
P403	4 bed	1200	4
P404	4 bed	1342	9
P501	5 bed	1612	4
P502	5 bed	1752	3
			33
SH232	2 bed	893	9
SH351	3 bed	1011	5
			14
			Scheme total 47



rev: date: comment(s): name: check:



status: **FOR PLANNING** RIBA Stage: **3**

client: **Bovis Homes**

job: **Heol Goch, Pentrych**

title: **Site Layout**

drawn: **TKB** date: **13.01.15**

checked: **TKB** scale @ a1: **1:500**

job no: **C2127** drg no: **P001 Rev -**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA

T: +44 (0)24 7652 7600 E: info@idpgroup.com

www.wearidp.com

© this drawing and the building works depicted are the copyright of IDP and may not be reproduced or amended except by written permission. no liability will be accepted for amendments made by other persons.

all dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
do not scale.

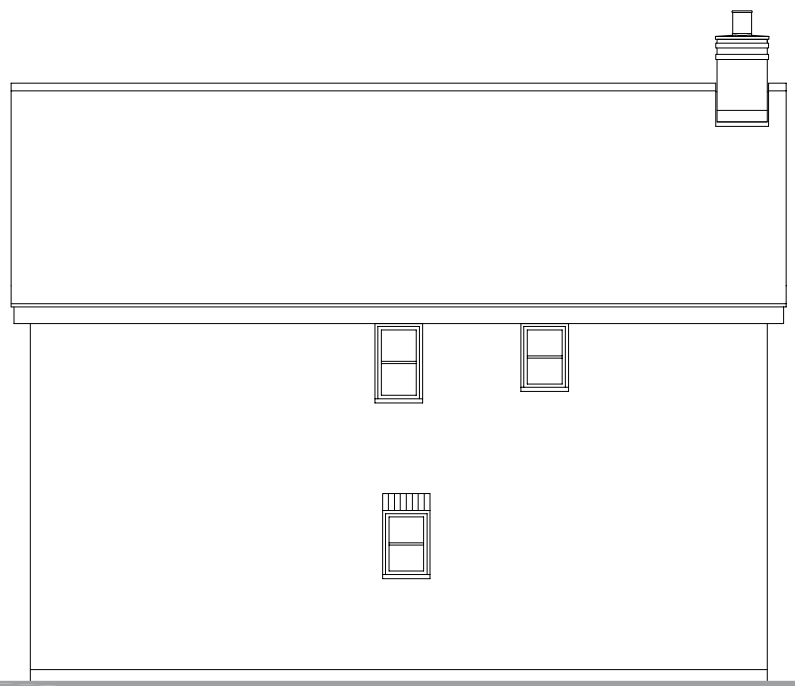
notes:



front elevation



side elevation



rear elevation



side elevation

rev: date: comment(s): name: check:



ARCHITECTS.
 URBAN DESIGNERS.
 PLANNERS.
 PROJECT MANAGERS.
 LANDSCAPE ARCHITECTS.
WE ARE IDP.

status: **PLANNING** RIBA Stage: **3**

client: **Bovis Homes**

job: **Heol Goch, Pentrych**

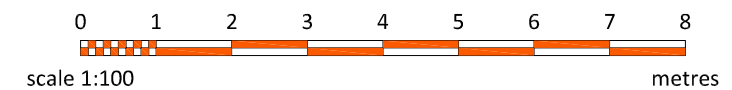
title: **P303 Render Elevations**

drawn: **TKB** date: **16.01.15**

checked: **TKB** scale @ a3: **1:100**

job no: **C2127** drg no: **P303 RE EL Rev -**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
 T: +44 (0)24 7652 7600 E: info@idpgroup.com
www.weareidp.com



© this drawing and the building works depicted are the copyright of **Idp** and may not be reproduced or amended except by written permission. no liability will be accepted for amendments made by other persons.

all dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
do not scale.

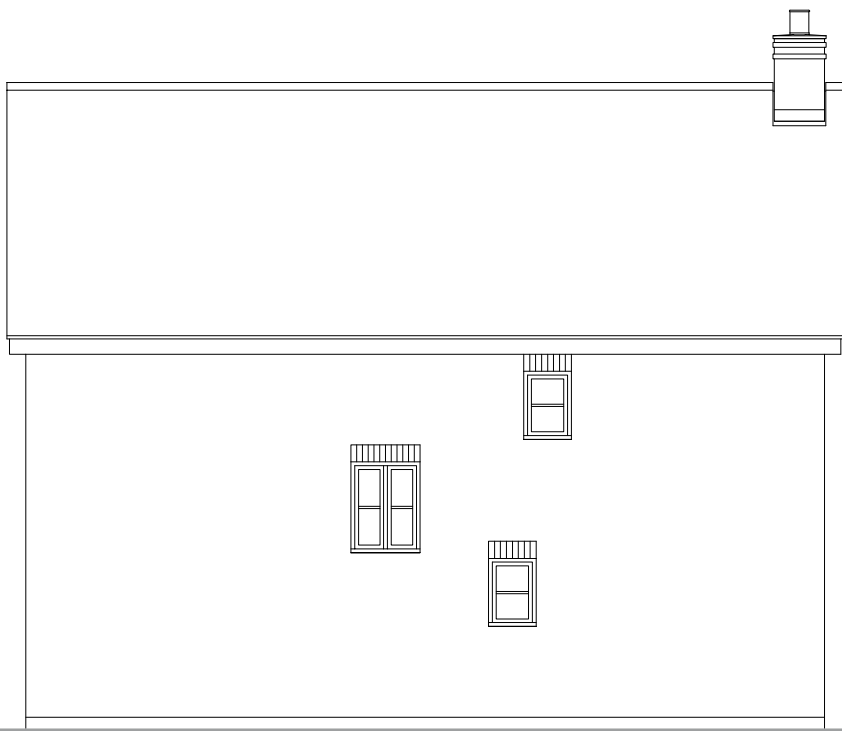
notes:



front elevation



side elevation



rear elevation



side elevation

rev: date: comment(s): name: check:



ARCHITECTS.
 URBAN DESIGNERS.
 PLANNERS.
 PROJECT MANAGERS.
 LANDSCAPE ARCHITECTS.
WE ARE IDP.

status: **PLANNING** RIBA Stage: 

client: **Bovis Homes**

job: **Heol Goch, Pentrych**

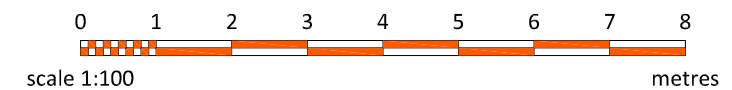
title: **P403 V1 Brick Elevations**

drawn: **TKB** date: **16.01.15**

checked: **TKB** scale @ a3: **1:100**

job no: **C2127** drg no: **P403 V1 BR EL Rev -**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
 T: +44 (0)24 7652 7600 E: info@idpgroup.com
www.weareidp.com



© this drawing and the building works depicted are the copyright of **Idp** and may not be reproduced or amended except by written permission. no liability will be accepted for amendments made by other persons.

all dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
do not scale.

notes:



front elevation



side elevation



rear elevation



side elevation

rev: date: comment(s): name: check:



ARCHITECTS.
URBAN DESIGNERS.
PLANNERS.
PROJECT MANAGERS.
LANDSCAPE ARCHITECTS.
WE ARE IDP.

status: **PLANNING** RIBA Stage: **3**

client: **Bovis Homes**

job: **Heol Goch, Pentrych**

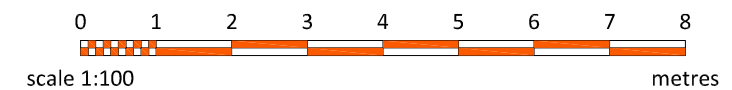
title: **P501 Render Elevations**

drawn: **TKB** date: **16.01.15**

checked: **TKB** scale @ a3: **1:100**

job no: **C2127** drg no: **P501 RE EL Rev -**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
T: +44 (0)24 7652 7600 E: info@idpgroup.com
www.weareidp.com



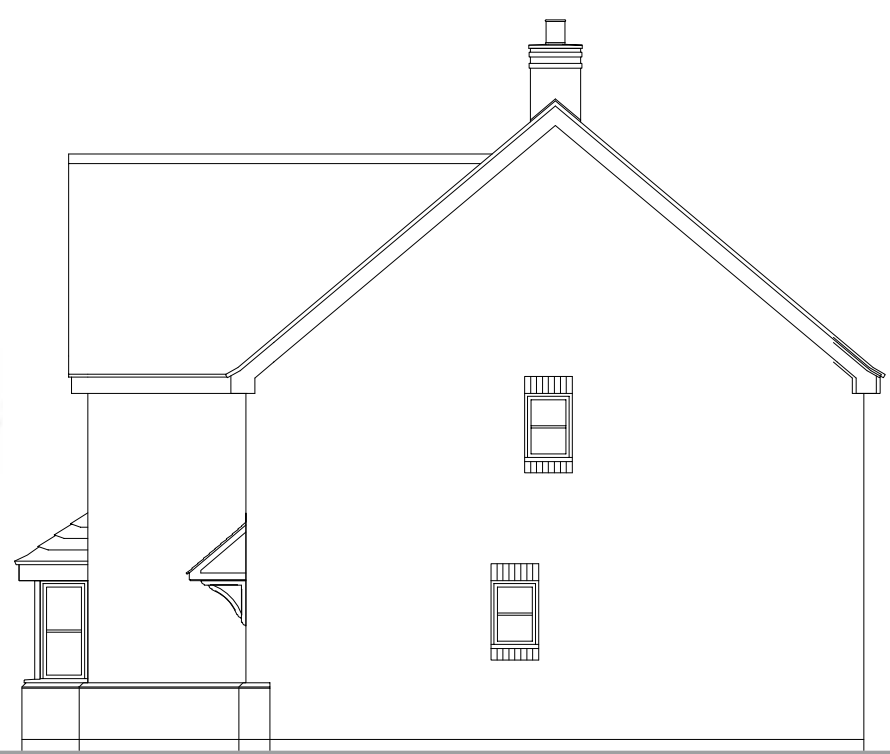
© this drawing and the building works depicted are the copyright of **Idp** and may not be reproduced or amended except by written permission. no liability will be accepted for amendments made by other persons.

all dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
do not scale.

notes:



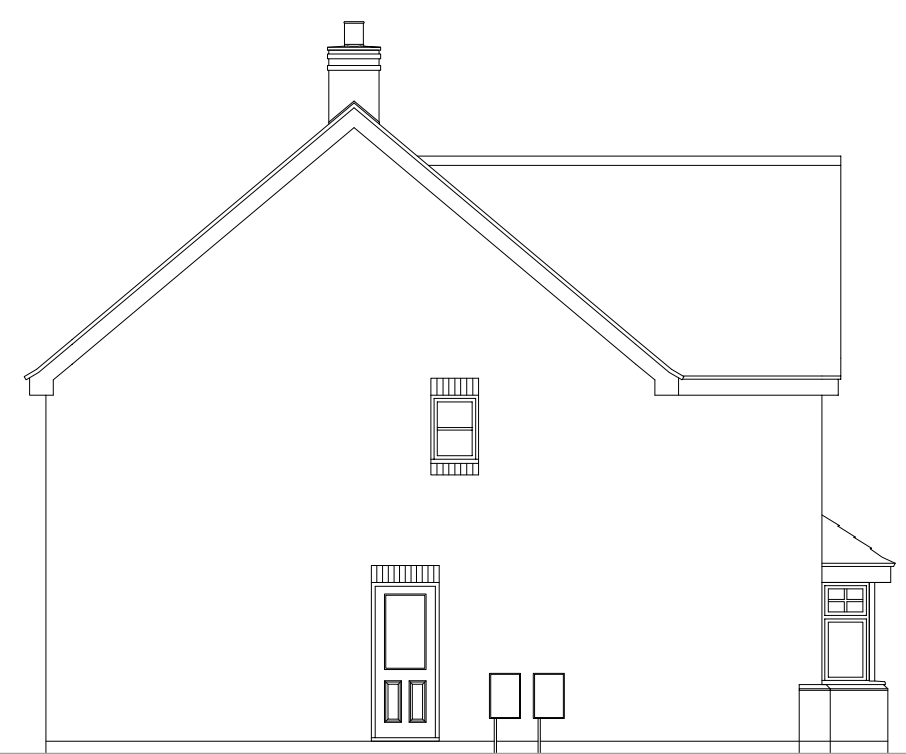
front elevation



side elevation



rear elevation



side elevation

rev: date: comment(s): name: check:



ARCHITECTS.
 URBAN DESIGNERS.
 PLANNERS.
 PROJECT MANAGERS.
 LANDSCAPE ARCHITECTS.
WE ARE IDP.

status: **PLANNING** RIBA Stage: **3**

client: **Bovis Homes**

job: **Heol Goch, Pentrych**

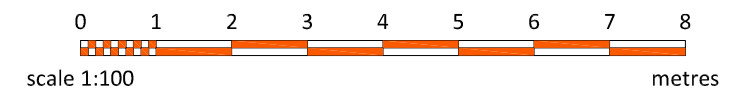
title: **P502 Render Elevations**

drawn: **TKB** date: **16.01.15**

checked: **TKB** scale @ a3: **1:100**

job no: **C2127** drg no: **P502 RE EL Rev -**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
 T: +44 (0)24 7652 7600 E: info@idpgroup.com
www.weareidp.com



© this drawing and the building works depicted are the copyright of **Idp** and may not be reproduced or amended except by written permission. no liability will be accepted for amendments made by other persons.

all dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
do not scale.

notes:



front elevation

side elevation



rear elevation

side elevation

rev: date: comment(s): name: check:

ARCHITECTS.
 URBAN DESIGNERS.
 PLANNERS.
 PROJECT MANAGERS.
 LANDSCAPE ARCHITECTS.
WE ARE IDP.

status: **PLANNING** RIBA Stage: **3**

client: **Bovis Homes**

job: **Heol Goch, Pentrych**

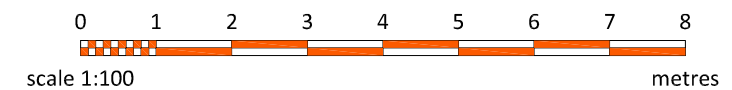
title: **SH232 Brick Elevations**

drawn: **TKB** date: **16.01.15**

checked: **TKB** scale @ a3: **1:100**

job no: **C2127** drg no: **SH232 BR EL Rev -**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
 T: +44 (0)24 7652 7600 E: info@idpgroup.com
www.weareidp.com



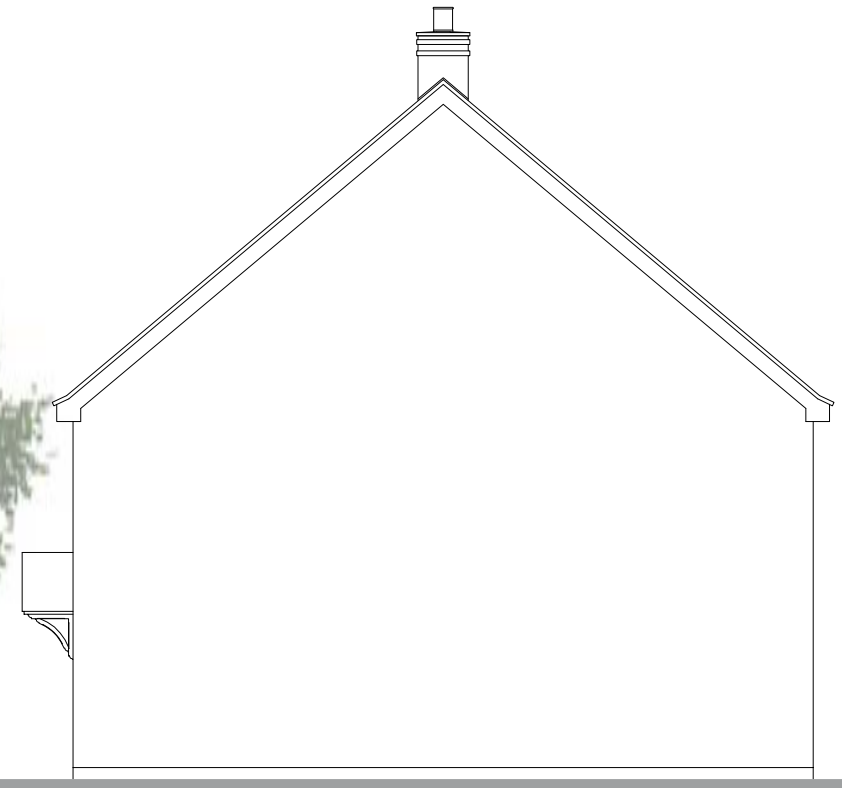
© this drawing and the building works depicted are the copyright of **Idp** and may not be reproduced or amended except by written permission. no liability will be accepted for amendments made by other persons.

all dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
do not scale.

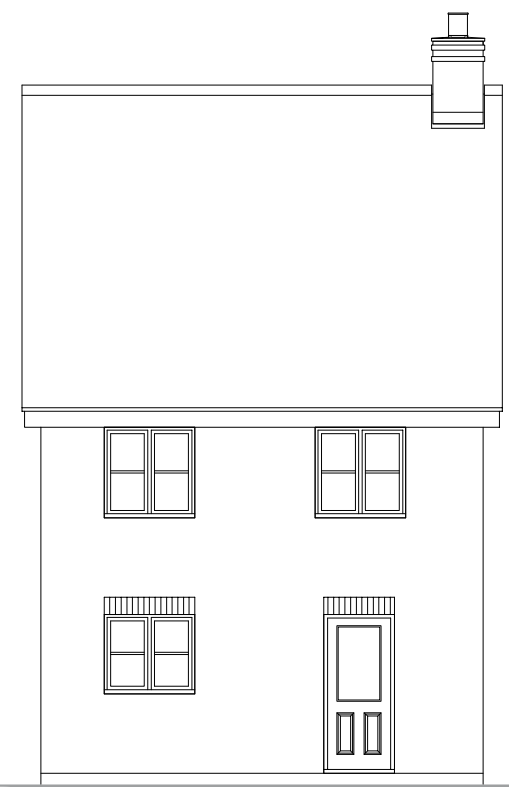
notes:



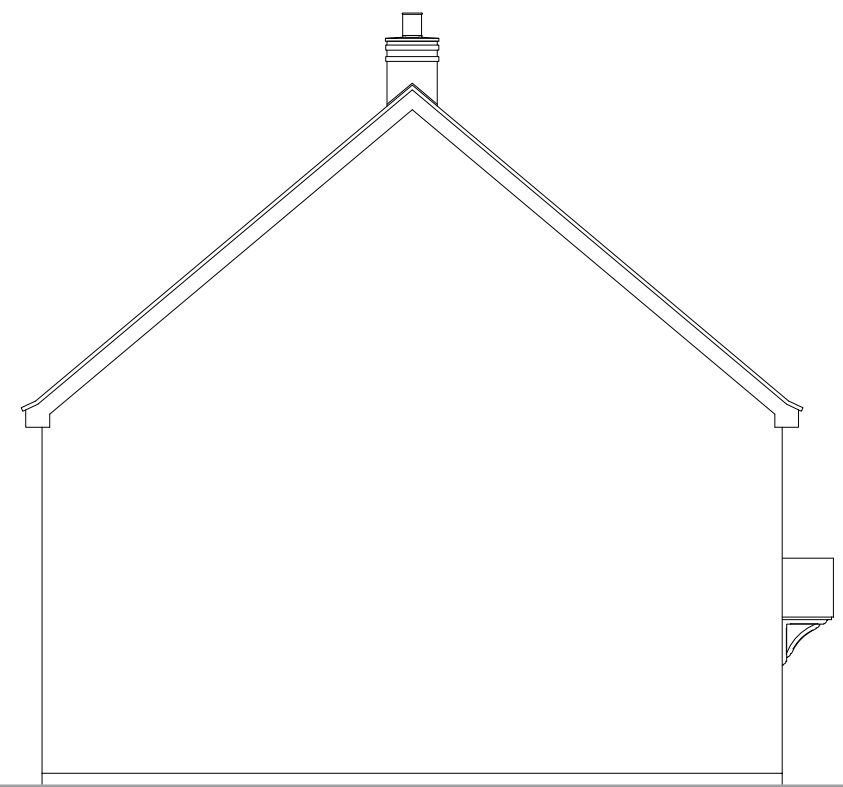
front elevation



side elevation



rear elevation



side elevation

rev: date: comment(s): name: check:



ARCHITECTS.
 URBAN DESIGNERS.
 PLANNERS.
 PROJECT MANAGERS.
 LANDSCAPE ARCHITECTS.
WE ARE IDP.

status: **PLANNING** RIBA Stage: **3**

client: **Bovis Homes**

job: **Heol Goch, Pentrych**

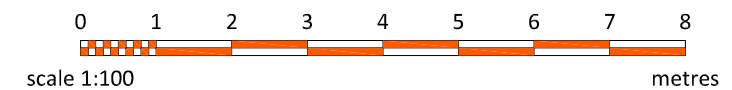
title: **SH351 Brick Elevations**

drawn: **TKB** date: **16.01.15**

checked: **TKB** scale @ a3: **1:100**

job no: **C2127** drg no: **SH351 BR EL Rev -**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
 T: +44 (0)24 7652 7600 E: info@idpgroup.com
www.weareidp.com



© this drawing and the building works depicted are the copyright of IDP and may not be reproduced or amended except by written permission. no liability will be accepted for amendments made by other persons.
 all dimensions to be checked on site and architect notified of any discrepancies prior to commencement.
 do not scale.

notes:



Street scene A - A



Street scene B - B



Street scene C - C



Location of street scenes (plan at 1:1000)

rev:	date:	comment(s):	name:	check:
------	-------	-------------	-------	--------



ARCHITECTS.
 URBAN DESIGNERS.
 PLANNERS.
 PROJECT MANAGERS.
 LANDSCAPE ARCHITECTS.
 WE ARE IDP.

status: **FOR PLANNING** RIBA Stage: 

client: **Bovis Homes**

job: **Land off Heol Goch, Pentyrch**

title: **Street scenes**

drawn: **TKB** date: **06.02.15**

checked: **TKB** scale @ a1: **1:200**

job no: **C2127** drg no: **P200 Rev -**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
 T: +44 (0)24 7652 7600 E: info@idpgroup.com
www.wearidp.com

LOCAL MEMBER SUPPORT & OBJECTION

COMMITTEE DATE: 17/06/2015

APPLICATION No. 15/00839/MNR APPLICATION DATE: 09/04/2015

ED: **HEATH**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ali

LOCATION: 314 CAERPHILLY ROAD, BIRCHGROVE, CARDIFF, CF14 4NT

PROPOSAL: CHANGE OF USE FROM CURRENT COLD FOOD TAKEAWAY, WITH PERMISSION FOR COOKING ON THE PREMISES, TO A3, PERMITTING COOKING ON THE PREMISES AND SALE OF COLD AND HOT FOOD TAKEAWAY FOR CONSUMPTION OFF THE PREMISES

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

1. C01 Statutory Time Limit
2. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time, at any residential property, when measured and corrected in accordance with BS 4142: 2014(or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan and guidance contained within the adopted supplementary planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).
3. The cooking of food for subsequent sale to the public shall only take place between the hours of 12 noon and 6:30pm Mondays to Saturdays.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan.
4. Prior to the commencement of development, a litter bin shall be installed outside the premises, the details of which shall be submitted to and approved by the Local Planning Authority. The litter bin shall be retained at all times thereafter.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan.
5. No member of the public shall be admitted to or allowed to remain on the

premises between the hours of 10:30pm and 09:00am Monday to Saturday or at any time on Sundays.

Reason: To ensure for the amenities of occupiers of properties nearby.

6. This planning permission is granted for a period of one year from the date of the decision notice, following which the use of the premises shall revert to that approved by planning permission reference 91/00842/N and all of the original conditions attached to that permission shall apply. Reason: The permission is granted on a temporary basis to enable the Local Planning Authority to assess the proposal's impact on the amenity of adjoining residents.

7. The extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. All equipment shall be so mounted and installed so as not to give rise to any noise nuisance. Details of the above equipment including the chimney shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of the use hereby approved. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

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

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 This planning application relates to the Nahin Spice Centre, located at 314a Caerphilly Road, Heath. Planning permission was granted in 1991 for the premises to operate effectively as a cold food take-away between the hours of 9:00am and 10:30pm Mondays to Saturdays with the cooking of food for sale to the public restricted to between 12 noon and 2:00 pm. The sale of hot food for consumption either on or off the premises was prohibited by condition.

1.2 The granting of planning permission in this manner sought to address concerns regarding the likely effect of a full A3 take-away use on the amenities of neighbouring and nearby residents and followed the refusal of two previous planning applications for hot food sale, both of which were dismissed at appeal.

1.3 The current application seeks permission for A3 use permitting cooking on the premises and sale of cold and hot food for consumption off the premises.

1.4 The agent states that the business has been successfully operating from the premises in compliance with the conditions relating to opening hours and sale of cold food but has, for twenty five years, cooked at various times of the day without complaint. He states that cooking is not continuous between these times but for limited periods, as and when required.

1.5 The agent advises that Nahin Spice Centre now seeks to alter its business

model to be able to meet customers' current needs and to prepare for proposed road use changes that the applicant believes will detrimentally affect his trade and the ability of customers to easily access the premises. It is also considered the existing planning permission may be interpreted as preventing the introduction of a delivery service.

- 1.6 The agent refers to an increase in the number of other businesses offering a hot food take-away service in the vicinity and also to proposals to create a bus lane on Caerphilly Road which the applicant believes would prevent customers parking close to the premises, resulting in a considerable loss of trade. To be able to compete with new and existing businesses, Nahin Spice Centre wishes to be able to offer a hot food takeaway and delivery service. The business does not wish to sell hot food for consumption on the premises but is seeking to sell its products heated as well as cold and to be able to develop a delivery service. The application does not propose to vary the current limitation on opening hours which is restricted to between 9:00 and 10:30pm Monday to Saturday.
- 1.7 With regard to cooking activity at the premises, the Agent states that this generally takes place within a two hour period each day, with occasional short periods of additional cooking at other times. He states that these periods of cooking always occur between the hours of 12 noon and 6.30pm and this has been the situation for over twenty years. The application seeks permission to formalise the existing cooking regime at the premises, the aim being to have a permission that allows them to cook for a few hours a day but for that cooking to take place within a longer time window to enable them some flexibility in operation.
- 1.8 The agent states that all the food is prepared within a usual two hour period and then cooled and stored in fridges for sale to the public. The only time when some additional cooking might be required would be when additional sauces are needed, and, on the rare occasion that happens, it would take less than half an hour. The agent confirms pre-prepared food would be warmed prior to sale and collection, or delivery. With regard to the extraction system, the agent states that the applicant has recently installed a silencer on the advice of the Council's Pollution Control Officer.

2. **DESCRIPTION OF SITE**

- 2.1 314A Caerphilly Road comprises a two storey end of terrace property which is in use as cold food take-away with residential accommodation above.
- 2.2 The remainder of the terrace is in residential use including the adjoining property at no. 316. To the rear of the application site there is a relatively new residential estate constructed on the site of the former Bass Wales and the West Brewery. The estate is connected to Caerphilly Road by a footpath which directly adjoins the southern boundary of the application site.
- 2.3 Two of the houses on the estate (nos. 47 and 49 Milestone Close) back onto the rear of no. 314.

- 2.4 To the south of the footpath, there is a motor repair garage and beyond this, at 304 Caerphilly Road, there is an estate agency (Hern and Crabtree). Notwithstanding these commercial uses, this side of the street is primarily residential in character.
- 2.5 On the opposite side of the road there is a vacant business site which now benefits from planning permission for residential re-development. To the north of this site there is a long standing Chinese take-away at 319 Caerphilly Road, which forms part of a residential terrace.
- 2.6 The application site benefits from an open hardstanding area in front of the premises together with a drive to the side. The site is separated from the highway along Caerphilly Road by a footway and tree lined grass verge.

3. **SITE HISTORY**

- 3.1 14/02265/MNR : Removal of Condition 1 and Condition “ of Planning Permission 91/00842/N; Application Withdrawn.
- 3.2 98/00230N : Garage and utility room: Granted, April, 1998.
- 3.3 92/01117/N: Garage and utility room: Granted, September, 1992.
- 3.4 93/00445/N : Single storey conservatory extension: Granted, May, 1993.
- 3.5 91/00842/N : Preparation and cooking of food for cold sales; Granted 24th July, 1991 subject to the following conditions;
- (i) *The cooking of food for subsequent sale to the public shall only take place between the hours of 12 noon and 2:00pm Mondays to Saturdays inclusive and at no other times.*
 - (ii) *No hot take away meals shall be sold for consumption either on or off the premises.*
 - (iii) *The premises shall not be open to the public between the hours of 10:30pm and 9:00am Mondays to Saturdays or at any other time on a Sunday.*
- 3.6 89/ 2090/N: Change of use to spice centre and associated hot food sales. Refused November, 1989 for reasons of residential amenity. The subsequent appeal was dismissed.

4. **POLICY FRAMEWORK**

- 4.1 The proposal falls within residential area as defined on the Proposals Map of the adopted Local Plan. The following policies of the Local Plan are considered particularly relevant:

Policy 17 ‘Parking and Servicing Facilities’

Policy 49 'District and Local Centres'

- 4.2 The following policies of the deposit Cardiff Unitary Development Plan are considered particularly relevant:

Policy 2.24: Residential Amenity

Policy 2.57: Access, Circulation and Parking Requirements

Policy 2.64: Air, Noise and Light Pollution

Policy 2.74: Provision for Waste Management Facilities in Development

- 4.3 Relevant Supplementary Planning Guidance (SPG): 'Restaurants, Takeaways and other Food and Drink Uses' (June 1996), 'Waste Collection and Storage Facilities' (adopted March 2007), 'Access, Circulation and Parking Requirements' (adopted June 2006).

- 4.4 The following paragraphs of the 'Restaurants, Takeaways and other Food and Drink Uses' SPG are particularly relevant:

(3.1) *'Food and drink uses are most appropriately located in district and local shopping centres subject to detailed consideration. They may also be acceptable in other commercial or business areas depending on the character of the area and whether there are residential properties nearby. The advice goes on to say that 'such uses are unlikely to be acceptable within or adjacent to residential areas, if they would cause nuisance and loss of amenity to residents, or result in a loss of residential amenity.'*

(4.5) *'The proximity of a proposal to residential premises is important because of the nuisance which can be caused to residents by the noise and increased activity associated with customers and their cars or taxis arriving and leaving the premises. In general, proposals are unlikely to be acceptable where residents live immediately above or next door. However, should planning permission be granted under such circumstances, applicants will need to demonstrate the provision of satisfactory soundproofing between floors and walls.'*

(4.6) *'Smells and smoke resulting from the preparation and cooking of hot food can cause nuisance to nearby residents. To minimise potential problems, it is generally required that fumes from food preparation area should pass through a deodorising filter and be mechanically extracted via a flue. It is important to ensure that any fume extraction or air conditioning system installed does not create an unacceptable level of noise causing nuisance to neighbours, or detract from the building in visual terms. If the level of noise or smell to arise from a proposal is such that it would be difficult to resolve...and especially if residents live immediately adjacent, planning permission is likely to be refused on the grounds that the proposal would cause unacceptable nuisance to those residents.'*

(4.8) *'Litter dropped in the vicinity of hot food shops can cause considerable nuisance to nearby residents as well as looking unsightly. Where appropriate, applicants will be required to provide litter bins around takeaway premises.'*

(4.12) *'If opening hours are proposed outside of normal shopping hours, these will be restricted. In district centres, this will usually be 11.30pm, however,*

where there are residents nearby an earlier closing restriction may be imposed’.

4.5 *Planning Policy Wales (Ed 7):*

7.6.2: Particular care should be taken to safeguard residential amenity where applications are considered for business development in primarily residential areas.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise.

4.6 *Technical Advice Note 11 – Noise (1997):*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

11. Measures introduced to control noise should be proportionate and reasonable, and may include reduction of noise at point of generation, containment of noise (e.g. insulating buildings), protection of surrounding noise-sensitive buildings (e.g. improving sound insulation and/or screening), adequate distance between noise source and noise-sensitive building, screening by natural barriers, other buildings, or non-critical rooms in a building, limiting operating time of noise source; restricting activities allowed on the site; specifying an acceptable noise limit.

4.7 Circular WGC 016/2014: The Use of Planning Conditions for Development Control

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Waste Management advises that the proposal should not significantly increase the production of waste. However, the Officer states that the sale of hot food takeaway meals may increase the amount of litter around the area and therefore litter bins should be provided by the applicant and be emptied, maintained and serviced by the occupiers.

5.2 The Operational Manager, Transportation has assessed the application on highway safety/parking grounds and advises as follows;

I refer to the above and would confirm that the submission has been assessed and is considered to be acceptable in principle.

In considering the matter, I would confirm that there is no difference in the parking requirements between hot or cold food takeaway and the implications of a local delivery service does not itself give rise to concerns, the premises has some existing off street parking which could be utilised for this purpose. The inclusion of hot food takeaway is therefore considered to be a minor extension to the existing operation that will not result in a substantial additional impact, in any event not sufficient to warrant a Transport objection.

Reference has been made to the potential impact on the A469 bus corridor scheme and I would confirm that the current design makes allowance for the existing commercial uses. The scheme as currently drafted would provide on road parking bays along both sides of Caerphilly Road in this area, including proposed limited daytime waiting adjacent to the commercial premises.

I would also confirm that vehicular access to Milestone Close is considered to be too convoluted/indirect to offer an attractive alternative to Caerphilly Road. As such it is not considered that the extension of the use will have a detrimental impact on road safety in the adjacent residential streets.

In conclusion, the proposal is considered to be policy compliant and I consider an objection on traffic or parking grounds would be unsustainable, and therefore any reason for refusal on that basis would not withstand challenge.

- 5.3 The Operational Manager, Pollution Control (Noise and Air Team) whilst not objecting to the application, has concerns that the nearest residents will be affected by noise and odour from the extended cooking process. Consequently The Officer has therefore requested planning conditions relating to plant noise and kitchen extraction.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales police Architectural Liaison Officer has been notified of the application. No representations have been received.

7. **REPRESENTATIONS**

- 7.1 Neighbouring occupiers have been notified and the application has been advertised by the display of a site notice.
- 7.2 Councillor Graham Hinchey supports the change of use in order to support a long standing local business.
- 7.3 Councillor Fenella Bowden wishes to make the following observations on the application, having consulted with local residents within the vicinity of the property:
- i. *Residents have been perplexed to find that the Nahin Spice has been operating outside of its planning permission relating to the restriction of cooking hours for 25 years. Had they known that the hours were limited to 12 noon til 2pm Monday to Saturday, then residents would have complained to the Council about it. It is therefore not acceptable for the Nahin Spice to state that they have been operating like this ‘without any complaint or significant loss of amenity for the occupiers of adjoining and neighbouring properties’. Residents have not been asked these questions by the owners;*
 - ii. *There are clear concerns from local residents about the smells and noise associated with the cooking if the cooking hours are extended. Those*

residents in immediate proximity to the Nahin Spice are already enduring the pungent and permeating smells of cooking from the premises and do not want the hours extended. Residents have commented on being unable to spend quality time in their gardens and their need to close windows to prevent the smells entering their properties;

- iii. There are key issues which have not been addressed in terms of motorist traffic trying to find parking close to the Nahin Spice. Parking is already a big problem in this location on Caerphilly Road, and the proposed introduction of a bus lane to the road will exacerbate the problem. Residents living at the top end of Milestone Close are already contending with parking from Caerphilly Road residents in this narrow street by the lane which connects the 2 roads. This will inevitably get worse with customers, and possibly the Nahin Spice itself, using Milestone Close to access the Nahin Spice; and residents are concerned about the safety of children in this part of the estate;*
- iv. Residents are concerned that the Nahin Spice will generate increased footfall through the Milestone Close estate, and through the path into Caerphilly Road. This location has been a site of anti-social behaviour over many years and residents are anxious that it will worsen with people congregating in the alleyway having purchased hot food from the Nahin Spice.*
- v. There have been expressions of concern about the likely increase in litter arising from the Nahin Spice both within Caerphilly Road and Milestone Close. In particular, the litter is likely to increase within the alley between the two roads.*

In conclusion, and having consulted with the residents and heard their concerns, the Councillor supports the residents in opposing the planning application.

- 7.3 The Occupier of 318 Caerphilly Road objects to the application on grounds of noise disturbance, traffic and litter.
- 7.4 The occupier of 48 Milestone Close objects to this second application advising that she and her neighbours submitted objections to the previous application, including a petition, expressing their concerns. The occupier states that the objections still stand, and in summary, are as follows:

Prolonged and pervasive strong smell, which will permeate residents' homes and reduce their quality of life, indoors and outdoors;

Increased pedestrian traffic through the adjacent footpath with associated crime and nuisance.

Increased motor traffic, where there is very limited access and parking.

Additional motor traffic will bring risks to families with small children in the street.

Parking of vehicles will lead to damage to the footpath and services underneath.

Increase in vermin (rats) associated with commercial food production and litter.

Substantially increased noise and pollution, especially later in the day.

- 7.5 The occupiers of 47 Milestone Close refer to the significant number of objections, including a petition, submitted in relation to the initial planning application. They object to the current application on the grounds alluded to before, which in summary are:
Prolonged smells linked to the increased hours of cooking, increased vehicular traffic with associated parking problems, problems with vermin, litter, noise and nuisance associated with the increased use of the adjacent footpath.
- 7.6 The occupiers of 43 Milestone Close object to the application for the following reasons:
- (i) The extended hours of cooking will result in smells from the premises permeating their house and garden. Its continuous and incessant nature will infringe their quality of life;
 - (ii) There will be increased pedestrian traffic through the estate via the footpath and likely congregation in the laneway. The occupiers state that there has been significant anti-social behaviour in the footpath with the Council deciding to erect a camera on the lamp-post outside their front door. The application could exacerbate this antisocial behaviour.
 - (iii) There are already many cars (not belonging to residents) who park in the estate to access Caerphilly Road via the footpath. It is anticipated that the volume of traffic would increase should the planning application be approved. It is anticipated that this problem will be acutely exacerbated with the planned introduction of a bus lane on Caerphilly Road in the near future.
 - (iv) Many young children play on the street and are at risk of harm due to increased motor traffic, particularly with drivers who are unfamiliar with the area.
 - (v) It is suspected that there will be an increase in vermin in the locality which poses a risks residents.
 - (vi) Increased noise associated with the increased trading at the premises.
 - (vii) Having viewed the original planning approval for the Nahin Spice, it is suspected that the current cooking times exceed the permission granted.
- 7.7 The occupiers of 41 Milestone Close object to the application for the following reasons (summary);
- (i) The change of use as proposed will mean extended hours of cooking: the smell from the restaurant will permeate their house and garden and affect their quality of life;
 - (ii) There has been significant antisocial behaviour, including drug dealing (and arrests for same) in the footpath. The proposed change will lead to an increased pedestrian traffic through our estate via the footpath, and likely congregation in the laneway which in turn will lead to further antisocial behaviour.
 - (iii) There are already many cars (not belonging to residents) who park in the estate to access Caerphilly Road, including on the footpath. It is anticipated that the volume of motor traffic would increase should the planning application be approved. The problem would be further exacerbated with the planned introduction of a bus lane on Caerphilly Road in the near future.

- (iv) It is understood that the footpath is not structurally designed to take the load of regular motor traffic and are concerned about 'wear and tear' and destruction of the footpath.
- (v) Concerned about the risks associated with increased motor traffic. Many young children play on the street and are at risk of harm due to increased motor traffic, particularly with drivers who are unfamiliar with the area (and playing children) and who may speed.
- (vi) The likely environmental impact and possible increase in vermin in the locality.
- (vii) The planning application has had limited circulation and has not been brought to the attention of all residents who will be affected by the proposed change.

8. ANALYSIS

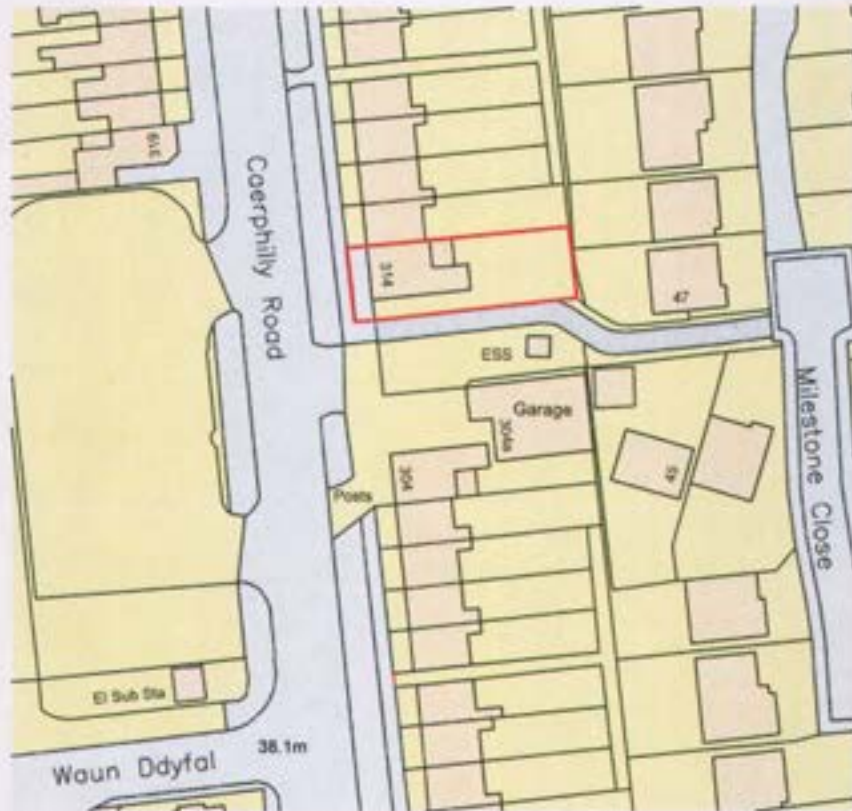
- 8.1 The Nahin Spice Centre at 314 Caerphilly Road operates as a cold food take-away by virtue of planning permission granted in 1991. A condition of that consent restricts the cooking of food to between 12 noon and 2:00pm, Mondays to Saturdays. The current application seeks permission to allow the sale of hot and cold food for consumption off the premises. Opening hours would remain as consented. i.e. between 9:00am and 10:30pm Monday to Saturday. Cooking times would be between 12:00 mid-day and 6:30pm.
- 8.2 The Council's SPG on 'Restaurants, Takeaways and other Food and Drink Uses' advises that hot food takeaways are *most appropriately located in district and local shopping centres subject to detailed consideration*. The application site lies within a residential area as defined on the Proposals Map of the adopted Local Plan. The advice goes on to say that *'such uses are unlikely to be acceptable within or adjacent to residential areas, if they would cause nuisance and loss of amenity to residents, or result in a loss of residential amenity.'*
- 8.3 In this instance, the Nahin Spice Centre has operated from the premises as a cold food take-away for approximately 25 years. The Operational Manager advises that Pollution Control Service has not received any recent complaints in relation to noise or odour coming from the premises. The Officer, whilst not objecting to the application, has concerns that the nearest residents will be affected by noise and odour from the extended cooking process. Consequently, the Officer has requested planning conditions relating to plant noise and kitchen extraction.
- 8.4 The premises already operates as a take-away, although restricted to the sale of cold food. Noise and activity associated with customers and their cars arriving and leaving the premises is an inevitable consequence of the existing permitted use of the premises.

The sale of hot food could be expected to increase the footfall to the premises. However, it is not considered that this increased activity during the permitted opening hours is likely to be so harmful to residential amenity as to warrant refusing the application on this ground. Nevertheless, the close proximity of

residential occupiers to the site is also acknowledged as is the general advice contained in the Council's 'Restaurant, Takeaways and other Food and Drink Uses' SPG that A3 uses are unlikely to be acceptable within or adjacent to residential areas if they would cause nuisance and loss of amenity to residents, or result in a loss of residential amenity. Having regard to the particular circumstances relating to the operation of the premises, it is recommended in this instance, that a condition be imposed permitting the use for a temporary period of 1 year to allow the Local Planning Authority to assess the proposal's impact on the amenity of adjoining residents.

- 8.5 Litter dropped in the vicinity of hot food shops can cause considerable nuisance to nearby residents as well as looking unsightly. A condition is therefore proposed requiring the provision of a litter bin outside the premises.
- 8.6 With respect to issues of highway safety and parking, the application has been assessed by the Operational Manager, Transportation who raises no objections to the application. He advises that there is no difference in the parking requirements between hot or cold food takeaway and the implications of a local delivery service does not itself give rise to concerns as the premises has some existing off street parking which could be utilised for this purpose. The Officer comments that the inclusion of hot food takeaway sales at the premises would not be expected to result in a substantial additional impact from a highway viewpoint to warrant a Transport objection.
- 8.7 Reference has been made to the potential impact on the A469 bus corridor scheme. The Officer advises that the current design makes allowance for the existing commercial uses. The scheme as currently drafted would provide on road parking bays along both sides of Caerphilly Road in this area, including proposed limited daytime waiting adjacent to the commercial premises. He also considers that vehicular access to Milestone Close would be too convoluted / indirect to offer an attractive alternative to Caerphilly Road, and, as such, does not consider that the extension of the use would have a detrimental impact on road safety in the adjacent residential streets.
- 8.8 On balance, and subject to the recommended conditions, the application is recommended for approval.

15/00839/MNR



Ordnance Survey, (c) Crown Copyright 2014. All rights reserved. Licence number 100022432

Project:

Nahin Spice Centre
314 Caerphilly Road,
Heath, CARDIFF

Title:

Site Location Plan

@rchitecture

32 Castell Coch View
Tongwynlais Cardiff CF15 7LA
02920520800
design@atrchitecture.co.uk

5154

Project

SL

Drawing

—

Amnd

MJP
09/2014

Drawn
Date

1
1000

Scale



CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4JW
Tel: 03 20572000

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

Scale: 1:2000

Date: 06/2015

Coordinates:

© Crown copyright and database rights (2014).
This copy is produced specifically to supply County Council information NO
further copies may be made.

Ordnance Survey 100023376 (2014).