

LOCAL MEMBER OBJECTION

COMMITTEE DATE:

APPLICATION No. **20/01882/MJR** APPLICATION DATE: 23/09/2020

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Windrush (Llandaff) Ltd

LOCATION: WINDRUSH, 58 PWLLMELIN ROAD, LLANDAFF, CARDIFF,
CF5 2NL

PROPOSAL: DEMOLITION OF EXISTING DWELLING HOUSE AND
REPLACEMENT WITH 23 SELF CONTAINED RESIDENTIAL
APARTMENTS, CONTAINED WITHIN FOUR SEPARATE
BLOCKS, WITH LANDSCAPING, ACCESS, PARKING AND
ASSOCIATE INFRASTRUCTURE

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 paragraphs 5.6 and 5.10 of this report, planning permission be **GRANTED** subject to the following conditions:

1. The development shall begin not later than **two years** from the date of this decision.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, and to enable the Local Planning Authority to take into account any changes in economic conditions that affect the viability of the proposed development and its capacity for the provision of financial contributions under the provisions of Section 106 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:
 - A002 Rev B – Proposed site plan.
 - A003 Rev A – Proposed site elevations.
 - A004 Rev B – Proposed floor plans: Block A.
 - A005 Rev A – Proposed elevations: Block A.
 - A006 Rev B – Proposed floor plans: Block B.
 - A007 Rev A – Proposed elevations: Block B.
 - A008 Rev B – Proposed floor plans: Block C.
 - A009 Rev A – Proposed elevations: Block C.
 - A010 Rev B – Proposed floor plans: Block D.

- A011 Rev A – Proposed elevations: Block D.
- A012 Rev C – Proposed landscape plan.
- 013 – Demolition plan.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. No development shall commence, including any works of demolition, until a scheme of demolition and construction management has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be adhered to throughout the demolition and construction periods. The scheme shall provide for:

- i) the mitigation of demolition and construction noise and vibration;
- ii) a noise management plan;
- iii) measures to control the emission of dust and dirt during demolition and construction;
- iv) wheel washing facilities;
- v) the parking of vehicles of site operatives and visitors;
- vi) loading and unloading of plant and materials;
- vii) storage of plant and materials used in constructing the development; and
- viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity, in accordance with policies T5, T6 and EN13 of the Cardiff Local Development Plan.

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

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

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

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

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

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

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

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

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

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

8. All habitable rooms must achieve an internal noise level, in relation to road traffic noise, of 35 dBA 16 hour during the day [07.00 to 23.00 hours], and 30 dBA Leq 8 hour at night [23.00 to 07.00 hours]. In addition, any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of

the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

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 appropriate sound insulation and ventilation measures have been installed in that room.

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

9. All habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 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. 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 appropriate sound insulation and ventilation measures have been installed in that room.

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

10. The buildings shall be designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz].

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

11. The noise emitted from fixed plant and equipment on the site shall achieve a rating noise level of background – (minus) 10 dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

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

12. Prior to the commencement of development, a landscaping scheme comprising:

- A soft landscaping implementation programme.
- Scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note (i.e. Soil Resource Survey and Plan), soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

shall be submitted to and approved in writing by the Local Planning Authority and upon approval shall be carried out in accordance with the approved implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to mitigate against/adapt to the effects of climate change, in accordance with policies KP5 and KP15 of the Cardiff Local Development Plan.

13. Any trees, plants, or hedgerows included in the landscaping scheme required by condition 12 which, within a period of five years from the completion of the development, die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

14. Notwithstanding the details of cycle parking shown on the approved plans, the development shall not be occupied until facilities for the secure storage of cycles at a rate of at least one cycle space per bedroom have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and the approved facilities shall be retained in perpetuity.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

15. 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 shall be thereafter maintained and retained at all times for those purposes in association with the development, and the car parking and manoeuvring areas shown on the approved plans shall not be increased in size at any time.

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, and to ensure that excessive car parking provision is not provided at the site, in accordance with policy T5 of the Cardiff Local Development Plan and the requirements of Cardiff Supplementary Planning Guidance "Managing Transportation Impacts (Incorporating Parking Standards)" (April 2018).

16. Development shall not commence until details of suitable street lighting and carriageway surfacing for the adopted highway and details of the design of the junction, including an uncontrolled pedestrian crossing facility, have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the beneficial occupation of the development.

Reason: In the interests of highway safety, in accordance with policy T5 of the Cardiff Local Development Plan.

17. No removal of trees, shrubs, bushes or hedgerows shall take place between 1st February and 15th August unless it has been demonstrated to the Local Planning Authority that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds, in accordance with policy EN7 of the Cardiff Local Development Plan.

18. Before the development hereby approved is brought into beneficial use, details of provisions to be made for the installation / incorporation of bat roosting and bird nesting boxes in suitable locations on the buildings and in any suitable trees within the site, in accordance with the recommendations in section 6 of the David Clements Ecology Ltd 'Windrush, Llandaff: Ecological Assessment: v.2 : August 2020' shall be submitted to and approved in writing by the Local Planning Authority and the approved items shall be installed within a timescale agreed by the Local Planning Authority and thereafter retained.

Reason: In the interests of biodiversity enhancement, in accordance with paragraph 6.4.5 of Planning Policy Wales (Edition 11 – February 2021).

19. Prior to the commencement of development a survey shall be carried out to assess the potential impact of the development on reptiles. The survey shall be carried out in accordance with a methodology which shall have been submitted to and approved in writing by the Local Planning Authority. If the results of the survey show that reptiles are present on the site, prior to the commencement of development a Method Statement setting out an exclusion, trapping and translocation exercise to ensure that reptiles on site are not harmed during site clearance shall be submitted to and approved in writing by the Local Planning Authority. This shall be undertaken by suitably qualified consultant ecologists, using recognised best-practice techniques, at an appropriate time of year, such that reasonable effort to avoid harm to these species can be demonstrated. The Method Statement shall specify monitoring and habitat management measures on the receptor site for a minimum of three years after translocation, together with intervention measures if the monitoring reveals that the translocation has not been successful.

Reason: In the interests of biodiversity and the protection of a UK Protected Species, in accordance with policy EN7 of the Cardiff Local Development Plan.

20. Prior to the commencement of demolition of any existing buildings on the site, flight surveys for bats to determine if mitigation is necessary for these species shall be carried out in accordance with a methodology which shall have been submitted to and approved in writing by the Local Planning Authority. If the results of the survey show that bats are present on the site, a strategy for the mitigation of the impact of the development on bats shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in

accordance with the approved mitigation strategy.

Reason: To ensure the protection of European Protected Species, in accordance with policies KP16 and EN7 of the Cardiff Local Development Plan.

21. Any retained trees and wildlife habitats shall be protected during demolition and construction works in accordance with the recommendations set out in section 6 of the David Clements Ecology Ltd 'Windrush, Llandaff: Ecological Assessment: v.2 : August 2020'.

Reason: In the interests of biodiversity, in accordance with policy EN7 of the Cardiff Local Development Plan.

22. Before the installation of any lighting associated with the development, including that associated with the construction phase, a scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in liaison with an ecologist and shall follow best practice guidance set out by BCT (2018) to ensure that no additional lighting of the adjacent woodland habitat will occur and that bat mitigation and flight lines are protected from light spill. The approved scheme shall be implemented before the development is occupied and maintained thereafter.

Reason: To avoid disturbance to nocturnal species such as bats, in the interests of biodiversity and the protection of European Protected Species, in accordance with policies KP16, EN6 and EN7 of the Cardiff Local Development Plan.

23. Prior to beneficial occupation of the development hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. Any new fencing installed within the new development shall have 13cm by 13cm squares cut out of the base or a continuous 13cm tall gap running along the bottom of the fence to allow the passage of hedgehogs and other small mammals. The boundary treatment shall be completed as approved before the buildings are occupied and retained thereafter,

Reason: In the interests of visual and residential amenity and biodiversity, in accordance with policies KP5 and EN6 of the Cardiff Local Development Plan.

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 may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 4: Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

Further information is available on the Council's website:

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

The legislation set by Welsh Government can be reviewed at:

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

RECOMMENDATION 5: The applicant is advised that the owners/developers of all new residential units are required to purchase the bin provision required for each unit. Each block will require the following for recycling and waste collections:

- 1 x 660 litre bin for general waste
- 1 x 660 litre bin for mixed recycling (equivalent to 140 litres)
- 1 x 240 litre bin for food waste
- 1 x 240 litre bin for garden waste (if needed).

The bins have to meet the Council's specifications. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Bulk supply of individual bins, or 660litre/1100 litre wheeled bins should be ordered via the bin order form located at www.cardiff.gov.uk/wasteplanning. As bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Further information regarding waste/recycling and the types of bins required is available in the Supplementary Planning Guidance "Waste Collection and Storage Facilities", which can be found on the Council's website.

RECOMMENDATION 6: The developer is advised that, as mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance, it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.

RECOMMENDATION 7: In the interests of security it is recommended that:

- a) The entrance doors into the apartment blocks and all vulnerable windows should meet the SBD standard PAS24 2016 or equivalent and preferably be third party tested and certificated. Vulnerable windows should have window locks fitted, preferably ones that are key operated. The individual apartment external doors should also meet the same standards. Glass fitted in or adjacent to door panels should be laminated. Doors in recesses of more than 600 mm deep should be avoided.
- b) Access into apartment blocks should be controlled by access control with audio and visual verification fitted if there are 4 or more apartments using a communal entrance.
- c) Utility meters should be located to the outside and front of the apartment blocks.
- d) The site, especially the vehicle parking bays, cycle stores and bin stores, should be lit during the hours of darkness. Lighting should be controlled by photo electric cells or time switches.
- e) The side and rear of the apartment blocks and communal areas should be protected by walls/fencing at least 1.8 metres high which should be robust and designed to be difficult to climb over.

Please visit the website www.securedbydesign.com for more information.

RECOMMENDATION 8: No work should be carried out on the development site that may endanger the safe operation of the railway or stability of the railway

structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement. The applicant should make contact a minimum of 3 months prior to works starting. Initially the outside party should contact CVLAssetProtection@tfwrail.wales .

RECOMMENDATION 9: To encourage the use of Ultra Low Emission Vehicles (ULEVs), the developer is advised to include ULEV charging points as part of the development.

INTRODUCTION

Members of the Committee please note that this application is brought back before you due to a change in the circumstances relating to the proposed legal agreement under Section 106 of the Town and Country Planning Act. The detail of the matter is contained within Paragraphs 8.17 – 8.24 of this amended report. It is important to note that the remaining content of the report in respect of the matters considered, comments received etc are unchanged from that previously brought before Members.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application is for full planning permission for the demolition of a bungalow and associated outbuildings and the construction of 4 no. blocks of apartments containing a total of 23 one and two bedroom units. Block A will be 2 storeys in height, block B 3 storeys and blocks C and D 4 storeys. All the blocks have a broadly rectangular footprint.
- 1.2 Block A, located at the southern end of the site, around 25m from the access onto Pwllmelin Road, will contain 2 no. one bedroom and 2 no. two bedroom flats. The building will have a flat, 'green' roof to a height of around 6.5m and will be finished in grey brick with darker brick feature panels, with louvres covering the first floor windows in the east elevation (which serve non-habitable rooms). The area between Pwllmelin Road and Block A will accommodate 4 car parking spaces, a bin store and an a small area of soft landscape.
- 1.3 Block B, further to the north and separated from Block A by a 5-space car park and a bin store, with soft landscaping to the margins, would contain 5 no. two bedroom flats, with the second floor taken up by a single apartment. The third storey will be stepped in from the outer edges of the building, providing the second floor apartment with a roof terrace, and will be finished in contrasting material (zinc cladding), with the lower two storeys finished in grey brick to match Block A. Block B will also have a flat, 'green' roof and, as with Block A, all windows in the east elevation above ground floor level will have external louvres.
- 1.4 Blocks C and D are of the same general design as B but are 4 storeys in height. Both would contain 7 no. two bedroom flats.

- 1.5 Each flat will have access to private outdoor amenity space in the form of a balcony and/or optional conservatory, the latter comprising a fully glazed 'external room'.
- 1.6 The development would be accessed via a spine road running south to north from Pwllmelin Road along the eastern boundary of the site and a total of 24 car parking spaces would be provided in separate areas to the south of each block and alongside the spine road. Cycle storage would be in the form of covered bike racks located adjacent to the car parking areas.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises the overgrown curtilage of a disused dwelling and has a frontage onto Pwllmelin Road of approximately 15m, a maximum width of around 26m and is almost 190m long with a north/south alignment. The land slopes down from south to north, with the northernmost part of the site being around 3m lower than the south. A railway line runs through a cutting along the western boundary and there is a railway station (Fairwater) on the opposite side of Pwllmelin Road. The rear gardens of houses on The Chantry border the site to the east and the north eastern part of the site adjoins the playing fields of the Bishop of Llandaff School. Windrush (a large dormer style bungalow) and its associated outbuildings, are situated at the southern end of the site. The surrounding area is characterised by large detached houses of varying designs.

3. **SITE HISTORY**

- 3.1 18/00642/MNR - Proposed demolition of existing dormer bungalow and construction of 5 new detached houses (outline permission granted subject to S106 obligation - £143,318 for affordable housing).
- 3.2 99/00102/W – Demolition of existing dwelling and erection of four dwellings - renewal of planning permission no. 96/182W
- 3.3 96/00182/W - Demolition of existing dwelling and erection of four dwellings.
- 3.4 93/00684/W - Demolition of existing dwelling and erection of four dwellings.
- 3.5 89/02385/W - Demolition of existing dwelling and erection of four dwellings.
- 3.6 89/01439/W – Ten dwellings. Refused (inadequate visibility at junction; loss of trees; over intensive development – poor amenity standards; loss of privacy to adjacent occupiers).

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP6 (New Infrastructure);
KP7 (Planning Obligations);

KP13 (Responding to Evidenced Social Needs);
KP15 (Climate Change);
KP16 (Green Infrastructure);
H3 (Affordable Housing);
EN6 (Ecological Networks and Features of Importance for Biodiversity);
EN7 (Priority Habitats and Species);
EN8 (Trees, Woodlands and Hedgerows);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).

- 4.2 *Supplementary Planning Guidance:*
Waste Collection and Storage Facilities (October 2016).
Cardiff Residential Design Guide (January 2017).
Planning Obligations (January 2017).
Cardiff Infill Sites (November 2017).
Green Infrastructure (November 2017).
Managing Transportation Impacts (Incorporating Parking Standards) (2018).

- 4.3 *Planning Policy Wales (Edition 11 – February 2021):*
2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being
3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.
3.6 Development proposals must address the issues of inclusivity and accessibility for all.
3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.
3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process.
3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.
3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.
3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.
3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative

design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.

3.21 The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity.

3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces.

4.1.9 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

4.1.10 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

4.1.32 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.37 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary.

4.1.40 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development.

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

4.1.52 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.

4.2.23 Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable

placemaking outcomes.

4.2.25 A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.

4.2.29 Where development plan policies make clear that an element of affordable housing or other developer contributions are required on specific sites, this will be a material consideration in determining relevant applications.

4.2.31 Site specific targets are indicative affordable housing targets which should be established for each residential site and for each mixed-use site which includes a residential component. For sites which fall below the site threshold planning authorities may secure commuted sums using a Section 106 agreement. When setting the affordable housing thresholds and/or site-specific targets planning authorities must consider their impact on site viability to ensure residential sites remain deliverable.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.1.7 It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.7.24 The potential impacts of noise pollution arising from existing development, be this commercial, industrial, transport-related or cultural venues, must be fully considered to ensure the effects on new development can be adequately controlled to safeguard amenity and any necessary measures and controls should be incorporated as part of the proposed new development

4.4 *Technical Advice Note 2 – Planning and Affordable Housing (2006).*

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

4.6 *Technical Advice Note 12 - Design (March 2016).*

4.7 *Technical Advice Note 18 – Transport (2007).*

4.8 *Building Better Places: The Planning System Delivering Resilient and Brighter Futures - Placemaking and the Covid-19 recovery (July 2020).*

4.9 *Future Wales- the National Plan 2040.*

It is considered that the proposed decision is in accordance with the 11 key outcomes to be achieved by the planning system as set out in 'Future Wales – The National Plan 2040'

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 *Transportation:* Clarity in the location of the long-stay / resident cycle parking is required. It is assumed that the cycle facilities illustrated on the landscape plan (012), which do not appear to be covered, offer the visitor cycle parking option.
- 5.2 The site appears to offer access to a variety of vehicles - refuse, fire and private cars are illustrated. The extent of the carriageway access for refuse vehicles needs to be confirmed. Confirmation that the access road, or at least part, is to be adopted under S38, and the extent of the proposed adoption, is required. Within the adopted area the applicant should provide a minimum quality of access as outlined in the Technical Standards (covered by the Managing Transportation Impact SPG). The technical details state the minimum acceptable carriageway width and footway width. The proposed footway width of 1.8m is below the 2m minimum set out in the adopted technical details.
- 5.3 The materials would also need to be amended to remove paving from proposed turning points/heads along the road. The carriageway must be constructed to an adoptable standard.
- 5.4 A pedestrian crossing facility is offered in the TS and required to enable access to the south of Pwllmelin Road. S278 junction design will include the access to the site and the required pedestrian crossing. The junction and adopted area will include 2m pedestrian facilities.
- 5.5 Conditions are requested requiring the approval of the location and design of cycle parking facilities, maximum numbers of car parking spaces not to be exceeded, a construction management plan, details of suitable street lighting and carriageway surfacing for the adopted highway (for S38 highways approval) and details of the design of the junction, including an uncontrolled pedestrian crossing facility (for S278 highways approval).
- 5.6 A S106 financial contribution of up to **£5,000** will also be required, to pay for a Traffic Regulation Order to protect sight lines at the access junction and the pedestrian crossing facility.
- 5.7 *Pollution Control (Noise & Air):* I am of the opinion that an acoustic report is required in order to establish the potential impacts of existing noise sources upon the development site. All habitable rooms must achieve an internal noise level of 35 dBA 16 hour during the day [07.00 to 23.00 hours], and 30 dBA Leq 8 hour at night [23.00 to 07.00 hours]. With regards to the railway vibration, due consideration must be given to the design and construction of the dwellings so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992. In addition, the developer must submit a Demolition and Construction Management Plan.
- 5.8 *Pollution Control (Contaminated Land):* In reviewing available records, the site has been identified as formerly residential. Contamination is not known at this site, however the potential for this cannot be ruled out. I would therefore advise the use of the 'unforeseen contamination' condition. Should there be any

importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. Standard conditions and recommendations are requested relating to unforeseen contamination, imported and site-won materials and contaminated/unstable land.

- 5.9 *Parks Development:* The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable. On-site provision would not be expected for this development particularly with Fairwater Park and Pwllmelin Recreation Ground nearby therefore an off-site contribution is sought.
- 5.10 Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 40.4. This generates an open space requirement of 0.098 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of **£41,917**.
- 5.11 The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site. In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space within 1km are:
- Llandaff Ward - Insole Court, Cathedral Green, Bridge Road River Walk, Mathew Walk Open Space
 - Fairwater Ward – Fairwater Park, Pwllmelin Recreation Ground and Fairwater Recreation Ground.
- 5.12 *Waste Strategy & Minimisation Officer:* The tracking details for the refuse vehicle have been noted and this is acceptable. Each block will require the following for recycling and waste collections: 1 x 660 litre bin for general waste; 1 x 660 litre bin for mixed recycling (equivalent to 140 litres); 1 x 240 litre bin for food waste; 1 x 240 litre bin for garden waste (if needed). Refuse storage, once implemented, must be retained for future use. The developer is advised, as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Please be advised that the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications. As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused

and recycled as much as possible.

- 5.13 *Housing Strategy:* In line with the adopted LDP (Policy H3), an affordable housing contribution of 20% of the 23 units (5 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, and this site is suitable for affordable rented accommodation, built to Welsh Government Development Quality Requirements (DQR) for purchase by a nominated Registered Social Landlord (RSL) partner or the Council. For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and all of the units must meet Welsh Government DQR standards. Given the proposed design/configuration of the scheme, we would need to understand how any on-site affordable units can meet DQR standards and how any demarcation between the market and the affordable would work in reality. The scheme has to be able to be managed and easily maintained by the Registered Social Landlord or the Council.
- 5.14 In exceptional cases, if it is not possible to deliver the units on site, then, as an alternative to on-site provision, we would be willing to enter into discussions with the applicant with regard to providing the affordable housing contribution as a financial contribution in lieu. On that basis we would seek a financial contribution of **£413,714** (in lieu of 1 x 1 bf & 4 x 2bf) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2017). Discussion with the applicant is required.
- 5.15 *Drainage:* No comments received.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Welsh Water:* Confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
- 6.2 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.
- 6.3 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.

- 6.4 *Transport For Wales:* Due to the proposal being next to AIW managed infrastructure, prior to any works beginning on site the applicant will need to engage with AIW Asset Protection so that AIW are able to determine the interface with any assets, buried or otherwise and by entering into a Basis Asset Protection Agreement. The applicant should make contact a minimum of 3 months prior to works starting.
- 6.5 *South Wales Police:* Observations are provided on perimeter security, lighting, parking bays, bicycle stores, landscaping, bin storage, drainpipes, utilities, door and window security, access control and dwelling identification.

7. **REPRESENTATIONS**

- 7.1 The application and the subsequent amended plans have been advertised by press notice (initial application only), site notice and neighbour notification. Representations from 11 individual households were received in objection to the initial proposals along with objections from the Llandaff society and Councillor Philippa Hill-John. Following the notification of the amended plans, 9 individual households plus the Llandaff Society and Councillor Philippa Hill-John have re-iterated their objections.
- 7.2 The individual objections are summarised as follows:
1. The design, scale and construction materials are not in keeping with the character of the existing area and properties and would ruin a well-established and attractive residential area.
 2. The proposal represents overdevelopment of the site in terms of density of development.
 3. Conditions previously placed on the development of the site, limiting any construction to two storeys, have been ignored. The height of the buildings proposed is not in keeping with current properties in the area.
 4. The internal access road and the junction with Pwllmelin Road are unsafe. The site entrance, directly off a busy road, has impaired visibility. The minor changes made to the splay at the junction with Pwllmelin Road in the amended plan fails to alleviate the safety issues for pedestrians and vehicles in the area. The revised plans also fail to address the poor and dangerous vehicle and pedestrian access to the properties themselves and arise from the cramped dimensions and geometry of the roadway.
 5. The internal road is unlikely to be adopted therefore refuse vehicles will not be able to enter the site and a large amount of waste will have to be presented on Pwllmelin Road, creating safety hazards.
 6. The traffic survey doesn't take into account the large number of dwellings being built at Plasdwr.
 7. The parking arrangements are inadequate. Vehicles which are unable to park on-site will seek parking on neighbouring streets. This situation is made worse by vehicles left all day by 'Park and Riders' using Fairwater station, visitors to flats in The Retreat and parking in relation to drop-offs and pick-ups at the Bishop of Llandaff High School. The low number of dedicated parking slots in the proposed development will add further

pressures on vehicle movement particularly affecting access for refuse collection and emergency vehicles.

8. Land stability has not been considered. There is no protection against any adverse affects which might be caused to the land on the Chantry side or that of the Bishop of Llandaff School.
9. Bishop of Llandaff High School playing fields will be overlooked, giving rise to Safeguarding concerns. This is especially pertinent given that the Bishop of Llandaff High School incorporates The Marion Centre, a Specialist Resource Base for students 11 to 19 years with an Autism Disorder (ASD) diagnosis.
10. The developer has not complied with previous planning requirements – vegetation has been cleared in May, disturbing nesting birds, and trees have been felled without the prior consent of the Local Planning Authority.
11. The applicants Planning Statement ignores the full history of the site, i.e. a previous refusal and conditions placed on outline planning consents. Previous conditions should still apply, e.g. no building to be more than two storeys in height.
12. Loss of privacy to properties in The Chantry, Chatsworth Close and Kirton Close.
13. Windrush (Llandaff) Limited is in Receivership. The application to demolish the bungalow and construct 24 self-contained apartments in 4 blocks was submitted after the appointment of the receivers. This reinforces concerns and objections - this planning application is being led by receivers whose role is to sell the property and repay any debts owed to lenders.
14. The number of proposed apartments will increase traffic movement in the area. The lockdown restrictions and changes in people's life-style resulting from Covid 19 has generated considerable extra traffic in the area. Also the number of daily vehicle movements into and out of The Chantry resulting from the recent completion of The Retreat has greatly exceeded forecasts and triggered access and parking problems for residents in the area.
15. There are already too many empty flats in Cardiff. Overprovision of flats in Cardiff has been an issue for 30 years and is a consequence of overdevelopment driven by greed.
16. There is not enough outdoor amenity space for residents.
17. Landscaping proposals are inadequate.
18. The proposed boundary with the rear gardens of the houses of The Chantry is unacceptable. A low-level retaining wall would be highly inadequate because there is in excess of a 3metre drop between the garden levels of The Chantry and the existing site levels at Windrush. Minimal consideration has been given to appropriate boundary landscaping/screening, particularly as the site has recently been cleared of all mature trees.
19. Loss of light to Chatsworth Close. Overshadowing of houses on Chatsworth Close, and loss of light as the skyline will change - the land at Windrush is already one storey higher than the land beyond the railway line.
20. Delivery vehicles, refuse and recycling lorries and emergency vehicles are likely to find loading/unloading/turning very difficult on this narrow strip of

land.

21. Loss of trees will be damaging to wildlife, the environment and to the Council's ambitions to increase tree cover both on council and private land. Allowing more buildings to be erected on this land would be contrary to the Council's own strategy. Cardiff Council should play its part in tackling climate change by refusing planning applications which are a threat to our environment.
22. Construction work will compromise the safety of pupils at the nearby school due to the presence of heavy machinery and dust could affect children's health.
23. Insufficient information has been provided - until TfW have decided whether they will make representations, and, if so the nature of those representations, the Council will not have sufficient comprehensive information about the application to enable them to make a decision.
24. The pumping station proposed does not conform with the design parameters as set out in the current drainage standards of Welsh Water. A compound and tanker provision will be required within the scheme. The current planning layout does not therefore accurately depict how the scheme could be built and is not deliverable in its current format.
25. The proposal to locate Swales and soakaways on the legal boundary with the Transport for Wales railway line will not be allowable. Permeation of soils at this location will undermine the structural integrity of the graded embankment and cause detriment to the stability of the ground serving the railway line. Furthermore the current design does not conform with building control regulations with regard to the proximity of soakaways and swales to the proposed buildings.
26. The brick wall will create a climbing aid to scale the neighbour's fence and compromise the security of their site.
27. Flat roofs attract nesting seagulls to the area, which is a blight on developments making it difficult to maintain and sell properties.
28. The developers state that the fact that the site slopes away from Pwllmelin Road towards the north west of the site by approximately 3 metres enables the introduction of an additional floor. However, the site elevation shows that the site's slope only becomes relevant in respect of Block D.
29. Two substantial developments will have taken place in The Chantry in recent years adding a further 42 dwellings with all the consequent pressures this places on the community.
30. The front of 64 Kirton Close faces the railway line and is in direct view of the proposed development but the residents weren't notified of the application. Properties 54 to 72 Kirton Close are in close proximity to the development and should have been notified by letter and given the opportunity to raise objections. Also, it has not been possible to view the plans online.
31. Views of greenery will be lost.

7.2 The Llandaff Society has submitted a number of objections, which are summarised below:

(i) Overdevelopment.

The current single dwelling would be replaced with twenty four units, plus

an access road and parking areas. The Council has approved 5 homes on this site (18/00642/MNR), but this is a significantly more intensive development. It would be surrounded by swathes of tarmac and would grossly overdevelop this previously leafy suburban site.

- (ii) Lack of consideration of land stability.
Earth-moving and engineering works would break down soil cohesion and disrupt drainage in and around the railway embankment. The scale of development proposed would put extra strain on this embankment. This could lead to structural instability and a risk to safety for trains using the rail line below. The Council should consult Transport for Wales on this issue now, before any decision is made on the application.
- (iii) Inappropriate design.
The proposed flats would appear as four, utilitarian, 4 and 5 storey slab blocks interspersed with car parking areas, with little planting, contrasting with the majority of development in the area which is individual, 2 storey, high quality detached houses in large plots with mature landscaping.
- (iv) Inadequate landscaping for a development of this size.
The current site used to contain plentiful trees and shrubs before they were cleared in 2020. Views into the proposed development from the main road and neighbouring properties would be dominated by hard surfaces. The majority of the current garden would be covered by impermeable surfaces (buildings and roadways) leaving a minute amount of landscaping.
- (v) Loss of biodiversity,
The wildlife corridor running along the railway line would be disrupted and much of it would disappear under concrete and tarmac. Tree felling and garden clearance has already reduced wildlife habitats on the site (in breach of a condition on the current planning permission for the site). The “Ecological Assessment” was undertaken after the site clearance and does not represent a true picture of the losses actually incurred. All planning applications in Wales must include proposals for a net benefit in biodiversity. It is impossible for this proposal to deliver any increase on what existed prior to the destruction of habitats on this site.
- (vi) Dangerous junction with Pwllmelin Road.
The proposed junction to be provided with Pwllmelin Road would be unsafe. It would be on a narrow pinch point on a radial route into Cardiff that is a rat run for residents from the 12,000 new dwellings being built in North West Cardiff. The adjoining listed rail overbridge only has a footway on its south side. Little consideration has been given to the safety of schoolchildren particularly when pupils are walking to and from school and crossing Pwllmelin Road in the vicinity of the development. Also, the submitted traffic data are out of date.
- (vii) Inadequate internal access road and parking provision.
The proposed dimensions of the turning head make it unlikely that it would be adopted. If this is the case, it would create difficulties for Fire and Emergency vehicles, as well as delivery vehicles. Large vehicles and refuse lorries would have to back up onto Pwllmelin Road, or park on the main road causing congestion and a traffic hazard. Also, 24 parking spaces for 24 residential units is totally inadequate as it would provide no spaces for visitors or multiple car-owning households
- (viii) Breach of Condition 4 re approval 18/00642/MNR.

This condition specifically excludes “demolition or vegetation clearance” between 1 March and 15 August. We understand from residents of the adjacent houses that tree felling and site clearance was indeed undertaken at the height of the nesting season this summer.

- 7.3 With regard to the amended plans, the Llandaff Society confirm that they maintain their objections and comment that:
1. The amendments give a derisory reduction of only 1 in the total number of flats and some minor changes to access and landscaping . These would do nothing to change the major adverse impacts of this proposal.
 2. Their major concern is the negative impact on road safety, in particular for school children as the site is close to an entrance to the Bishop of Llandaff School. Pwllmelin Road is an increasingly busy road.
 3. It would be a travesty if this proposal was given permission, particularly if it was in order to gain S106 monies which would be at the expense of children’s safety and wellbeing.
 4. Revisions to landscaping are minor and cosmetic and would not add significantly to biodiversity compared with its previous uses, or give any significant screening effect for the nearest neighbours.
 5. Additional run-off from the roofs, road and parking areas during increasingly frequent periods of heavy rainfall would add to the likelihood of flooding.
- 7.4 The Llandaff Society considers that allowing this development would be in conflict with the Council’s duties under the Wellbeing of Future Generations Act and its obligations under PPW to improve road safety, enhance biodiversity and mitigate climate change.
- 7.5 Councillor Philippa Hill-John objects as follows:
“There is considerable interest in this application locally and I would ask that the following points are taken into account in line with the respective planning guidelines.
- 7.6 Having visited the site I would also like to request a video walk through ‘site visit’ of the site in order to fully appreciate the proximity to the railway line and the access into the site off a very busy road, a radial route into Cardiff, Pwllmelin Road, the steep banking adjoining the railway line, the proximity to the Bishop of Llandaff school, the proximity to existing properties and the height of the proposed properties in relation to the properties along The Chantry. I would also ask committee members who are not familiar with the area to visit it please as only by doing this will you get a full appreciation of the characteristic of the neighbouring street scene and the scale and impact of the proposed application.
- 7.7 The Council has granted outline planning permission, submitted by previous owners of “Windrush” for the construction of 5 detached houses and the demolition of the existing bungalow. The outline permission was granted on the 8th October, ref 18/00642/MNR. The current application is now for 24 flats across 4 separate blocks up to 5 storeys high. A very different proposal.

- 7.8 I would ask whether this proposal has fully taken into account the aims of the SPG that are infill development: under these respective headings –
- *Makes a positive contribution to the creation of distinctive communities, places and spaces.*
 - *Responds to the context and character of the area.*

- 7.9 I would also ask that the committee take into consideration and have taken the text from the document relating to Residential Design guide as it is clear there are a number of areas that contravene this.

Character and context

3.7 As an overarching guide for all residential development, the Residential Design Guide SPG sets out the following list of design characteristics that should inform a character analysis:

- *Locally distinct patterns of streets and spaces.*
- *Urban grain/built form relationships.*
- *Local or strategic views.*
- *Building envelope: scale, mass, form, height, roof form.*
- *Detailing and visual richness : window profiles, timberwork, building entrances, materials.*
- *Layout: plot widths, set backs.*
- *Topographical, microclimatic and ecological features.*
- *Local patterns of landscape: front garden treatments, street trees.*

3.8 Infill development needs to be sensitive to its context. It is important that in residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatments (e.g.gates, railings, walls and hedges) complement the character of the surroundings. A thorough understanding of detailing in the street scene which contributes to the form and character of the area needs to be gained and responded to..

3.11 Proposals must respect the urban grain and consider locally distinct patterns of streets and spaces including:

- *Elements of the form of the street (organic or regular).*
- *Predominant housing layouts (terraced, semi-detached or detached).*
- *Garden sizes.*

3.12 Materials (colour, texture and extent) used for roofing, walls, doors and window frames should respond to the dominant construction or facing material in the area; materials should either match exactly or be complimentary.

3.13 The fenestration of new developments should complement the size, proportions, design and rhythm of detailing of neighbouring properties. The roofline should include appropriate design and pitch of roofs, ridge height, eaves level, and notice taken of any other relevant details in the street scene.

There is clearly is a disconnect between the character and context of this proposal and the surrounding area.

- 7.10 **Height, scale and massing**

3.18 Infill development should take account of and respond to existing building heights (number of storeys and floor to ceiling heights), scale and massing of buildings in the street.

There are no three storey properties adjacent to this site let alone 4 & 5 storey as proposed. The proposed heights of these building alone should be sufficient grounds for refusal.

7.11 **Privacy, overlooking and overshadowing**

New developments should allow for adequate privacy for the occupiers of the proposed buildings as well as for neighbouring properties. Normally, a minimum of 21m should be maintained between principal windows to habitable rooms.

This again had been taken from the Residential design guide and has been challenged in objections submitted. I would like to support the statement submitted by Mr and Mrs Bolton where it details that the distance between the existing properties and the proposal is considerably less than the recommended 21 m. Despite the proposal to have opaque glazing, this becomes redundant where a balcony overlooks the neighbouring property.

7.12 **Biodiversity and landscaping**

I would like to draw the committees attention to the assessment submitted below. This suggests that there is further work to be done. It was also noted by the local residents that trees have already been removed and during the nesting season which contravenes the specification set out below. I question why it is that this is permitted and what recourse the council will take against the contractor ?

David Clements Ecology Assessment recommendations

Further surveys

6.1.1 The following further survey work is required:

- *Flight surveys for bats of the on-site buildings*
- *Reptile refugia surveys of the on-site habitats*

6.1.2 Further recommendations for mitigation will be set out for these species (if required) following the completion of the further surveys.

6.2 Nesting Birds

6.2.1 Works affecting either the buildings or the trees and scrub of the site must have regard to the possible presence of nesting birds. The bird nesting season runs approximately between March and August inclusive, and therefore it is recommended that any building work, felling or tree works are undertaken outside of this period. Undertaking works outside the bird nesting season minimises the risk of causing avoidable harm or disturbance to nesting birds, which is a statutory obligation. If this timing is not possible, however, then the works must be preceded by a survey by an appropriately qualified person to ascertain that no nesting birds are present.

6.2.2 In the event that nesting birds are found to be present during works, all works in the immediate vicinity must cease immediately and appropriate expert advice sought as a matter of urgency. The 'immediate vicinity' would comprise any nesting bird-occupied void in its entirety, plus an area of at least 5m radius around the find site. Nesting birds must not be harmed or disturbed, and should be left undisturbed until the young have fledged. This is a statutory requirement.

7.13 Adoption and Access road

The details surrounding this are already outlined in the objection submitted by Mr Bolton. To note there is no turning facility along the private driveway.

7.14 Amenities

No bin collection points or storage have been identified to my knowledge and only 22 parking spaces for 24 apartments. I cannot see cycle storage on the plans, which is not in line with the vision of 50:50 modal split and sustainable transport.

7.15 Please also take into account that Network Rail hold no objection, according to Litchfields statement however this was in relation to the previous application for 5 properties. I would ask that confirmation is given that TFW has been consulted and the response shared.

7.16 In summary there are numerous elements to this proposal that contravene planning guidelines and I would ask that the committee refuse this application on these grounds.”

7.17 Following the submission of the amended plans, Councillor Hill-John has made the following additional observations and objections:

“I would like to re instate my objection to the above proposed development and to request a site visit. Revised objections have been received and I would like to support these and in particular focus on –

1. The proposed development represents an overdevelopment of the site.
2. Conditions previously placed on the development of the site, limiting any construction to two storeys, have been blatantly ignored.
3. The Traffic Survey carefully neglects to consider the impact of the approximately 7,000 dwellings currently being created in the St Fagans, Radyr, Morganstown and Fairwater wards (Plasdwr).
4. The design is inappropriate.- my observations from my previous objection still stand.
5. Road Safety -The junction with Pwllmelin Road is unsafe. Pwllmelin Road is an increasingly busy road, with traffic added to by that generated by new developments at Plasdwr - not only cars but delivery vehicles of varying sizes as well as the 2-way bus service. We support the objection from the School which cites road safety as a key concern.
6. The internal access Road is unsafe.
7. The anticipation that the access road will be adopted is unlikely to be met. This would necessitate the presentation of an unacceptable amount of waste at the kerbside on Pwllmelin Road, presenting a danger to road users and pedestrians alike.
8. Revisions to landscaping are minor and cosmetic and would not add significantly to biodiversity compared with its previous uses - despite the requirement for this in the current edition of Welsh Government's Planning Policy Wales (PPW Edition 11). Nor would they give any significant screening effect for the nearest neighbours.
9. Run-off from the roofs, road and parking areas during increasingly frequent periods of heavy rainfall would add to the likelihood of flooding both in the locality and in lower lying areas of the City.

7.18 In view of the above Llandaff Society considers that allowing this development would be in conflict with the Council's duties under the Wellbeing of Future Generations Act and its obligations under recently updated national planning policy in PPW to improve road safety, enhance biodiversity and mitigate climate change.

7.19 The amended plans published on 4 October 2021 include the following changes:

- 1 The total number of units has been reduced from 24 to 23.
- 2 Block A has been reduced from 4 floors to 2.
- 3 Block B has been reduced from 4 floors to 3.
- 4 Block C has been reduced from 5 floors to 4.
- 5 Block D has been reduced from 5 floors to 4.

In Reference Note A, the developers state that the fact that the site slopes away from Pwllmelin Road towards the north west of the site by approximately 3 metres enables the introduction of an additional floor. However, the site elevation shows that the site's slope only becomes relevant in respect of Block D. There is no significant change in level between Blocks A and B and little change between Blocks B and C (the slope only being of any significance in the northern portion of this building). The argument for introducing an extra floor can, therefore, only apply to Block D. Given the site topography, Block B should also be reduced to 2 floors and Blocks C and D to 3, thereby reducing the total number of units to 20. It should also be noted that conditions previously placed on the development of the site have limited construction to 2 storeys."

8. **ANALYSIS**

- 8.1 This application was deferred by Planning Committee at its meeting on 3rd November 2021 in order to undertake a Site Visit. The Site Visit took place on Monday 6th December 2021 and the application is now reported back for determination.
- 8.2 The site is within the existing settlement boundary as defined in the Cardiff Local Development Plan, within an existing residential area, and outline planning permission has twice been granted for residential development on this site, therefore there are no objections to the principle of the proposal.
- 8.3 The site is adjacent to the Grade II Listed railway bridge carrying Pwllmelin Road; however it is considered that the development would not adversely affect the setting of the bridge. The main considerations with regard to this application are therefore: biodiversity and nature conservation interests; the character and appearance of the street scene; the amenities of neighbouring occupiers, the living environment of prospective occupiers and access and parking arrangements.
- 8.4 With regard to biodiversity and nature conservation interests, the application is supported by an Ecological Assessment, which concludes that the buildings on the site have potential to support roosting bats and other habitats within the site have potential to support reptiles, and that although the proposed development would likely result in the loss of the majority of existing habitats, the impact would be of no more than local significance. Also, any negative

impacts could be mitigated and/or compensated for through the implementation of appropriate mitigation measures to avoid harm to protected species, such as nesting birds, and habitats during construction and operation.

- 8.5 The Ecological Assessment makes the following recommendations –
1. Further survey work should be carried out (flight surveys for bats and reptile refugia surveys) to determine if mitigation is necessary for these species.
 2. Works affecting either the buildings or the trees and scrub of the site must have regard to the possible presence of nesting birds.
 3. Consideration should be given to the incorporation of bird-boxes on the developed site, either on the new buildings or on any suitable trees in the vicinity.
 4. Any retained habitats should be securely fenced off with appropriate temporary fencing at the start of construction work to prevent access and incidental damage.
 5. All retained trees should be treated in accordance with British Standard BS5837 (2012) Guidance for the Treatment of Trees in Relation to Construction.
 6. Building compounds and storage areas should not be sited on areas of habitat which are to be retained or in the off-site habitats and should be suitably fenced and bunded where they stand adjacent to semi-natural habitats. Similarly, no equipment, machinery or materials should be brought into the retained areas, or stored under retained tree canopies, or ground levels altered within these clearly demarcated zones of protection.
 7. Any trees which must be removed as part of the development should be replaced on a like-by-like basis as a minimum with native species which are indigenous to the region.
 8. To provide ecological enhancement following the development, consideration should be given to the erection of bat roosting and bird nesting boxes in suitable trees around the site.
 9. The services of an appropriately qualified and licensed ecologist should be available on an 'on-call' basis throughout the development.
 10. Any new fencing installed within the new development should allow the passage of hedgehogs and other small mammals.
 11. Any excavations should be suitably fenced off at night to prevent any wildlife falling and becoming trapped.
 12. Any new lighting scheme within the newly developed site must be designed in liaison with an ecologist and following the advice set out by BCT (2018). No lighting of the adjacent woodland habitats should occur.
- 8.6 The above recommendations can be incorporated into planning conditions to ensure that there is no unacceptable impact on wildlife and that any loss of habitat is compensated for in the new development.
- 8.7 Consideration must also be given to the visual impact of the development and its effect on the street scene. Although the proposed buildings are larger in scale than the houses in the surrounding area, the scheme is visually contained, with a relatively narrow frontage to Pwllmelin Road, and block A, which is only two storeys in height, will be set back more than 30m from the highway and

orientated with its narrow side facing the road. The development will not be viewed in context with existing houses, being separated from the dwellings to the west by a deep railway cutting and with those to the east facing away from the site, but as a separate and distinctive new area of development.

- 8.8 The scale and massing of the buildings are considered acceptable – the blocks are prevented from appearing ‘slab-like’ by the use of ‘stepped’ building footprints, contrasting materials (grey brick with darker brick feature panels, timber louvres and zinc cladding) and relatively large areas of glazing with vertical emphasis.
- 8.9 The visual impact of the development will also be minimised by the site’s topography, as the ground level slopes away from Pwllmelin Road towards the rear of the plot. Overall, it is considered that there will be no unacceptable impact on the street scene – the buildings have been designed to minimise their visual impact by using a combination of flat, ‘green’ roofs and a layout that works with the topography and levels of the site, and although the contemporary design contrasts with the 20th century detached housing in the immediate vicinity, the site is not within a conservation area (where the development might be expected to replicate, or at least reference, the existing style of housing) and, provided the scheme is acceptable within its context, there can be no objection to the proposals on design grounds. Paragraph 4.9 of Technical Advice Note 12 (Design) advises that *‘a contextual approach should not necessarily prohibit contemporary design’* and, as stated in paragraph 3.16 of PPW, local planning authorities *‘should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.’*
- 8.10 Regarding the amenities of neighbouring residents, concerns have been expressed that, due to the narrowness of the site, it would not be possible to achieve the normally accepted minimum privacy distance of at least 10.5m between the new apartments and the rear gardens of dwellings on The Chantry. However, the site layout plans show that Block D is located beyond the end of The Chantry, facing towards playing fields to the north and east and at a distance of more than 23m from any garden boundaries on Chatsworth Close to the west; Block C is mostly beyond the end of The Chantry at a distance of more than 11m from the rear garden boundary of the nearest property and more than 24m from any garden boundaries on Chatsworth Close; Block B is also more than 11m from the rear garden boundaries of The Chantry and more than 30m from those in Chatsworth Close, and only Block A does not achieve the 10.5m minimum distance as it is sited at between around 8.7m and 10.5m from the rear garden boundaries of 9 – 11 The Chantry.
- 8.11 Concern regarding obtrusiveness or loss of privacy caused by the closeness of Block A to the rear garden boundaries has, however, been overcome by reducing the height of this block to 2 storeys, having no habitable room windows in the east-facing elevation, only windows serving bathrooms, internal balconies

and the lobby area, and by the use of louvres to screen these windows. Block A also has no external roof terraces.

- 8.12 The distances between habitable room windows in the new development and the windows of the nearest existing dwellings will be adequate to protect privacy. The normally accepted minimum distance of 21m between facing habitable room windows will be achieved in all the blocks: Block A will be more than 40m from facing dwellings on Chatsworth Close; Block B will have no habitable room windows in the east facing elevation (other than secondary bedroom windows) and any windows in this elevation above ground floor level will be screened by louvres, and it will be more than 21m from the rear elevation of the nearest house on The Chantry and 40m from dwellings on Chatsworth Close; Block C will be more than 22m from the nearest house on The Chantry and 26m from those on Chatsworth Close; Block D will be around 50m from houses on The Chantry and more than 23m from the nearest house on Chatsworth Close.
- 8.13 With regard to the amenities of prospective occupiers of the development, the internal living space of each apartment will be generous and all will have acceptable daylight and outlook. There will be lift access to the upper floors in blocks B, C and D, each flat will have private amenity space in the form of at least one balcony, and the top floor apartments in blocks B, C and D will have large roof terraces. Car parking and cycle parking spaces will be provided in accordance with the Council's adopted standards. The development will be subject to railway noise and vibration but this can be mitigated by design features which can be the subject of planning conditions. It is not considered that there are any grounds for refusal of the application based on the standard of accommodation that will be provided.
- 8.14 Highways and Transportation officers have raised no concerns regarding the vehicular access onto Pwllmelin Road and confirm that the site appears to offer access to refuse and emergency vehicles as well as private cars. The Waste officer confirms that the tracking details for a refuse vehicle are acceptable. A contribution will be obtained from the developer for a Traffic Regulation Order relating to sight lines at the access and a pedestrian crossing linking the application site to the south side of Pwllmelin Road.
- 8.15 In response to the objections set out in section 7.2 of this report:
1. Design and visual amenity considerations are discussed earlier in this report. It is considered that the scheme is well designed and that there will be no unacceptable impact on the character of the area.
 2. The density of development on this site is greater than in the surrounding residential streets but this accords with local and national planning policies which encourage higher densities on sites within settlement boundaries which are in sustainable locations. Paragraph 4.2.22 of PPW, for example, states that 'Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.' Given that this site is very

close to Fairwater railway station and has very good public transport links, it is considered appropriate that it should be developed at the highest density acceptable.

3. The condition restricting development to two storeys appeared in an outline consent dating from 2002. The last outline permission (2018) did not have such a condition and in any case this is a stand-alone application for full planning permission which is not restricted by any conditions which may have been imposed on any previous outline consents. The height of the buildings does not match the height of existing properties in the area but this does not make it automatically unacceptable – it is the impact of the buildings' heights that must be considered.
4. Highways officers have raised no concerns regarding the safety of the access road or the junction, and the dimensions of the internal roadway and parking areas are in accordance with the Council's standards.
5. Only minor changes would be needed to bring the road up to adoptable standard (see the comments of the Transportation officer earlier in this report) and the Waste Management officer has confirmed that refuse vehicles will be able to access the site.
6. Highways officers have not raised this as an issue of concern. Not all traffic generated by the Plasdwr development will travel past this site.
7. The parking arrangements accord with the standards set out in the adopted SPG 'Managing Transportation Impacts (Incorporating Parking Standards)' and are considered adequate. Any vehicles parked illegally in surrounding streets or obstructing the highway would be subject to enforcement action under Highways legislation.
8. Land stability is ultimately the responsibility of the developer and is controlled under other legislation.
9. The playing fields are already overlooked by dwellings. The Marion Centre is more than 100m from the application site, beyond The Chantry and will not be overlooked by the new development. Also, there is a belt of trees within the school grounds which will screen the new development. It would be unreasonable to cite Safeguarding as a reason for the refusal of planning permission in this instance.
10. Previous planning requirements relating to vegetation clearance related to previous planning permissions. There was no Tree Preservation Order protecting the trees on this site therefore the consent of the Local authority was not required to remove them. If nesting birds were disturbed, an offence may have been committed under the Wildlife and Countryside Act but this is not a planning issue and cannot form grounds for the refusal of this application.
11. Planning officers are aware of the full planning history of the site. Previous refusals and conditions placed on outline planning consents in the past do not apply to this proposal. Each application has to be determined on its own merits.
12. Privacy concerns are discussed earlier in this report. It is not considered that there will be any unacceptable loss of privacy as a result of this development.
13. The motives for submitting the application are irrelevant to the consideration of its planning merits and cannot be taken into consideration.

14. Any increase in traffic movements in the area will be minimal. Highways and Transportation officers have raised no concerns regarding traffic generation.
15. The current demand for flats and the need for the proposed development is not a material planning consideration in this instance.
16. The issue of amenity space is discussed above. Each flat will have at least one private balcony and Parks officers have confirmed that on-site provision of open space is not to be expected for this development, particularly with Fairwater Park and Pwllmelin Recreation Ground nearby. The developer will however be expected to provide a financial contribution towards the improvement of existing open space in the area which would be likely to be used by residents of the flats.
17. The current landscaping proposals are considered to be inadequate in that the planting details and specifications need to be informed by a Soil Resource Survey and Plan (given the existing function as largely vegetated soil, it is assumed there is a valuable, potentially re-usable soil resource) and proposed planting/seeding is largely restricted to a narrow strip of land bounding the railway. Otherwise there are some peripheral verges proposed for shrub planting and sedum roof treatments to dwellings. The absence of designed space for new trees and the monoculture planting with a short-lived species that demands a very free draining soil, and that is not well adapted to the predicted impacts of climate change, runs contrary to the advice on planting in the adopted 'Trees Technical Guidance Note.' Tree planting should focus on high diversity, suitability to context, biodiversity and suitability to climate change. There is also a lack of detail relating to the proposed 'wildflower' areas. However, it is noted that options for tree planting may be restricted by the requirements of Transport for Wales regarding the species of trees which they accept as suitable to be planted close to a railway line. Also, the applicant has advised that the current landscaping proposals are not finalised and they will be drawing up detailed landscaping proposals once there is certainty of the finalised scheme and planning permission (to avoid unnecessary abortive expenditure at the design stage of the development). Appropriate landscaping details can therefore be required to be submitted as a condition of planning permission should this application be approved.
18. The amended plans indicate that a taller boundary structure would be erected. However, details of all boundary treatments can be controlled via a planning condition to ensure that any new walls or fences provide an appropriate level of privacy without appearing oppressively tall.
19. There will be no unacceptable loss of light to properties on Chatsworth Close – they are to the west of the application site and at a sufficient distance to avoid overshadowing. The new buildings may be visible above the existing trees on the railway embankment but they will not have such a detrimental impact on the skyline as to warrant the refusal of planning permission.
20. Highways officers have raised no concerns regarding the vehicle turning facilities proposed within the development site.
21. Most of the trees have already been removed from the site (see previous comments) and the majority of the tree coverage is now not on the

application site but on the railway embankment. These trees should not be affected by the proposed development as they are mostly set far down the side of the embankment. The Council is committed to increasing tree cover and tackling climate change but must balance this with the need to enable new housing to be built, particularly in highly accessible and sustainable locations such as this, where increases in the density of development are to be encouraged so as to avoid the need for development in less sustainable locations. It would not be reasonable to refuse planning permission for new development within the settlement boundary on the grounds that the site previously contained trees. The local planning authority does not have powers to prevent the removal of trees from private land unless those trees are legally protected.

22. A construction management plan can be required to be submitted as a condition of planning permission to ensure that health and safety issues are adequately addressed.
23. Transport for Wales have responded to consultation and have confirmed that they have no objections. The developer will have to enter into an agreement with TfW with regard to asset protection. This is separate to planning permission.
24. Welsh Water have confirmed that they have no objections to the proposals.
25. Surface water drainage is controlled by the SUDS Approval Body, who will determine whether the proposed swales and soakaways are acceptable, and the design will also have to conform to the relevant Building Regulations as well as the asset protection requirements of Transport for Wales. This is separate to planning permission.
26. Details of boundary treatments will be controlled via a planning condition. Security issues will be considered at that stage.
27. It would be unreasonable to refuse planning permission for a development on the grounds that gulls may nest on the roof.
28. Block C will be slightly taller than the other blocks but this is considered acceptable given that it will be at a distance from the highway, behind blocks A and B when viewed from Pwllmelin Road, is not directly opposite the rear of any houses on The Chantry and is separated from houses on Chatsworth Close by the railway cutting and embankment vegetation.
29. As stated previously, increases in the density of development in sustainable locations such as this are encouraged by planning policies. There is no evidence of severe pressure on the existing community caused by new development.
30. 64 Kirton Close does not directly face the proposed buildings and is more than 45m from the site boundary on the opposite side of a cul-de-sac. It would not be usual to send a consultation letter to a property in such a situation. Letters were sent to 56, 58, 60 and 72 Kirton Close as these properties do either face towards the proposed buildings or, in the case of no. 72, are directly on the far side of the railway cutting. The plans have been made available on the website and it is not known why the objector was not able to view them.
31. There are no rights to a view across someone else's land and the planning system cannot be used to protect such views.

- 8.16 The majority of the objections raised by Councillor Philippa Hill-John and the Llandaff Society are considered above. In addition, the concerns regarding additional run-off from the roofs, road and parking areas adding to the likelihood of flooding will be addressed by the use of sustainable drainage (which is mandatory).
- 8.17 The application was reported to the Planning Committee on 03 November 2021 and deferred for a site visit, which took place on 06 December 2021. The application was then reported back to the Planning Committee for determination on 15 December 2021 and was approved subject to conditions and subject to those having an interest in the site entering into a binding planning obligation in agreement with the Council under Section 106 of the Town and Country Planning Act 1990 encompassing the matters referred to in paragraphs 5.6, 5.10 and 5.14 of this report. The applicant had agreed to enter into the required S106 planning obligation.
- 8.18 Since the Planning Committee resolved to approve this application, the applicant has indicated that they are not able to provide the full sum of financial contributions as required by the S106 obligation and as originally agreed, and they have submitted a viability report, which has been independently assessed by the District Valuer. The District Valuer concludes that *“a planning policy compliant scheme is not viable”, “this scheme can support £0 policy requirements”, “the proposed development is unable to support full planning policy requirements”* and *“In order to be delivered there must be either flex in the landowners’ expectation of the developer’s profit or a reduction in development costs or a combination of all”*.
- 8.19 The Housing Strategy Officer has confirmed that, as the application has been subject to independent assessment by the District Valuer, they can raise no objection to the scheme going ahead without an affordable housing contribution; however, a shorter timescale for commencing development should be imposed so as to allow for reconsideration if economic conditions change. This measure is also suggested by the DV, who states that *“The council may consider it appropriate to make it a pre commencement condition that viability is reviewed if construction does not start within a prescribed period of time.”*
- 8.20 Although it would be considered acceptable in this case for the development to go ahead without a contribution towards affordable housing, given that such a contribution is not necessary in order to make the development itself acceptable, there are residential amenity and highway safety reasons for the

requested contributions relating to Public Open Space and the Traffic Regulation Order which are directly related to the proposed scheme. Without these, the development would not provide an appropriate level of amenity for future residents and may result in hazards for pedestrians and road users. The Transportation officer has confirmed that *“the £5k for the traffic orders is integral to the safety of the access and the pedestrian crossing. If the developer is refusing to incorporate the safety facility then transportation would be obliged to object to the proposal on highway safety grounds.”*

- 8.21 Given that the application would be recommended for refusal should the necessary contributions relating to Public Open Space and Traffic Regulation not be forthcoming, the developer has agreed to provide the **£41,917** parks contribution (see paragraphs 5.9 to 5.11 above) and the **£5,000** required to pay for a Traffic Regulation Order to protect sight lines at the access junction and the pedestrian crossing facility (see paragraph 5.6 above).
- 8.22 Therefore the application is reported back for the Planning Committee to make a decision as to whether the proposal is acceptable with the above contributions still payable but without the financial contribution of **£413,714** towards affordable housing.
- 8.23 The ‘Planning Obligations’ SPG states that: *“Developers will be expected to provide, pay for, or contribute towards mitigation measures and infrastructure provision where the need arises as a result of their proposed development. It is recognised however that there may be occasions where development proposals are unable to meet all the relevant policy requirements whilst still remaining viable.”* (para. 18.1);
“Based on independent financial viability findings and other evidence, planning obligations may potentially be deferred / phased, or discounted” (para. 18.4); and
“Any reduction in contributions would be to the minimum necessary to make the scheme financially viable. The Council would need to determine whether a development would still be acceptable in planning terms with a reduced level of contribution(s).” (para. 18.6).
- 8.24 In this case it is considered that the developer has provided sufficient evidence to demonstrate that the development is unviable if the S106 contributions are paid and has overcome objections to the impact that the failure to provide the Parks and Highways contributions would have on amenity and safety by offering the necessary sums for those purposes. In conclusion, the reduced S106 contribution is considered justified and there would be no reasonable grounds for refusal of this application. It is recommended that planning permission is granted subject to conditions, including a reduced time limit for the commencement of development as advised by the District Valuer, and the signing of a Section 106 Obligation, as set out above.

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.

9.3 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

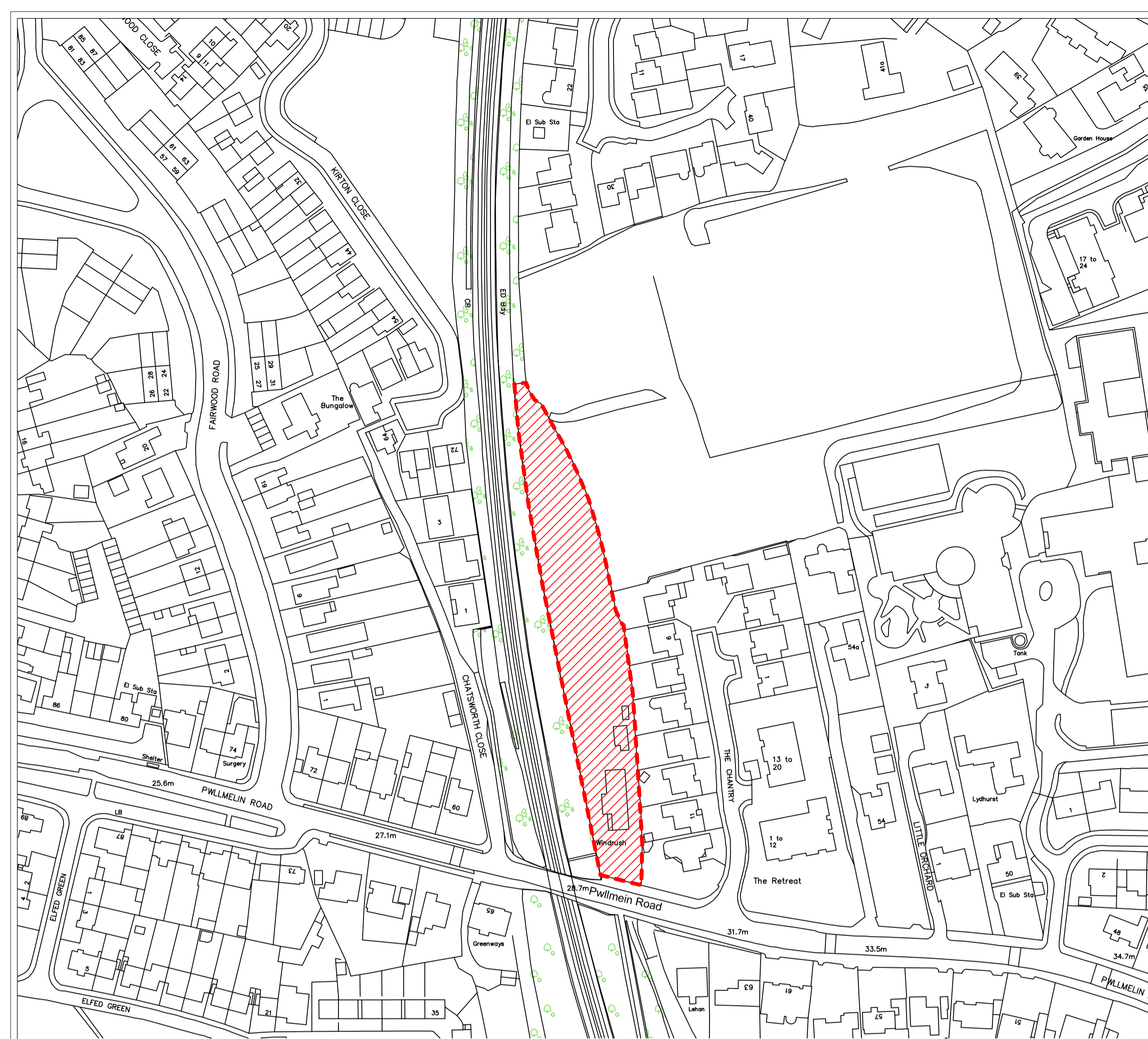
9.4 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

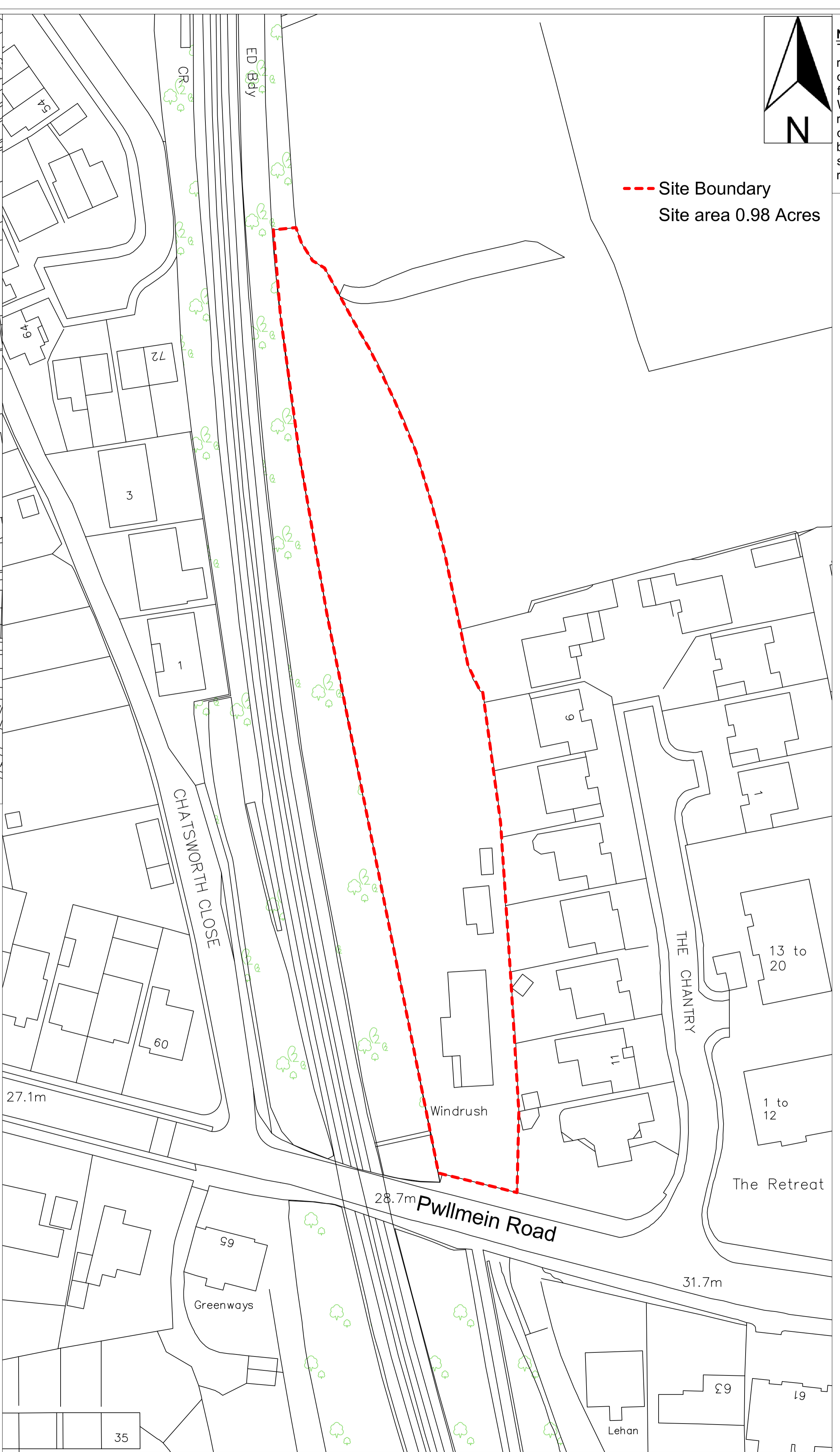


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--- Site Boundary
 Site area 0.98 Acres



Site Location Plan
 Scale 1:1250



Existing Site Plan
 Scale 1:500

Project		
Windrush		
Title		
Site Location Plan		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
Varies @A1	00_02	
Drawing No.	Rev	
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REFERENCE NOTES

- The design of block C and D takes advantage of the site topography and surroundings in 2 ways:
- A. the natural slope of the site away from Pwllmelin Road by approximately 3m towards the north west of the site, enables the introduction of an additional floor.
 - B. with consideration of the existing context, block C is set out approximately in line from the northwest garden boundary fence of no. 5 the Chantry – the Chantry Boundary with the School - thereby minimising any impact on the existing dwelling
1. The design of Block A and B responds to the existing Chantry dwellings, where there is a direct design relationship between the 2 storey eaves and roof height of the existing dwellings, and the proposed 2 storey and set back top floor apartment with landscaped terrace.
 2. The setting out for the development at block A, has been purposefully set further back from the original dormer dwelling by an additional 11m, for a total of 31m, in order to address any potential adverse visual impact from the listed bridge.
 3. Careful design consideration has been given to the combination and effect between the existing mature landscaped railway foreground and onsite landscape proposals between buildings to achieve a complimentary and balanced visual setting.
 4. The scheme has been designed to ensure occupant privacy and prevent overlooking of existing neighbouring properties to the Chantry.
 5. One of the main design parameters has been to ensure that the is minimum distance of 21m between existing and proposed buildings/habitable rooms.
 6. Private bedrooms and bathroom accommodation are provided to the to north east elevations facing the Chantry.

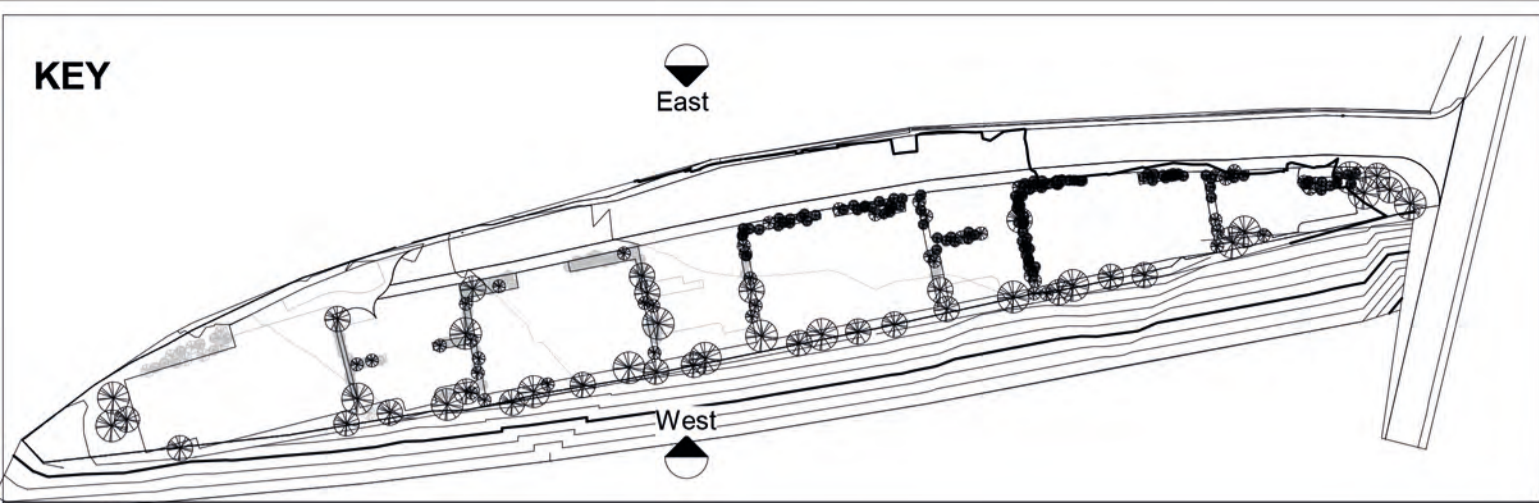


7. All glazing to all habitable and non-habitable rooms above ground and first floor levels to Blocks A and B, to north east facing elevations (to the Chantry) will be designed to avoid direct overlooking to achieve a translucent glazed finish.
8. All glazing to all habitable and non-habitable rooms from second floor level to Blocks C and D, to north east facing elevations to school playing fields, will be designed to avoid direct overlooking or achieve a translucent glazing finish.
9. A variety of boundary treatments, in a variety of sizes have been identified for the site to include, timber, reused natural stone and semi mature and general planting.
10. Boundary materials have been chosen for both their aesthetic and security qualities and heights will vary according to location across the development site.
11. New eastern garden boundary walls to the Chantry residences will be carried through the construction of a low level retaining wall, where required, to support proposed landscaping features and a proposed 1.8m high solid masonry boundary walls/copings – all by agreement with adjoining properties.

Rev A Jan. 2021 IG
 Proposed site notes added
 Rev B Sept. 2021 IG
 All blocks amended to reduce overall height. All roof plans to have green roof

Project		
Windrush		
Title		
Proposed Site Plan		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
Not to scale	00_02	
Drawing No.	Rev	
A002	B	





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East Elevation
 1 : 200



West Elevation
 1 : 200

KEY

	Facing Bricks- Grey
	Zinc cladding panels
	Corten Steel Balustrade
	Louvres
	Glass balustrade

Rev A Sept. 2021 IG
 Penthouse second floor omitted
 Block A penthouse omitted
 External communal balconies omitted in all blocks
 Elevations amended for privacy
 Canopy added at the main entrance to all blocks

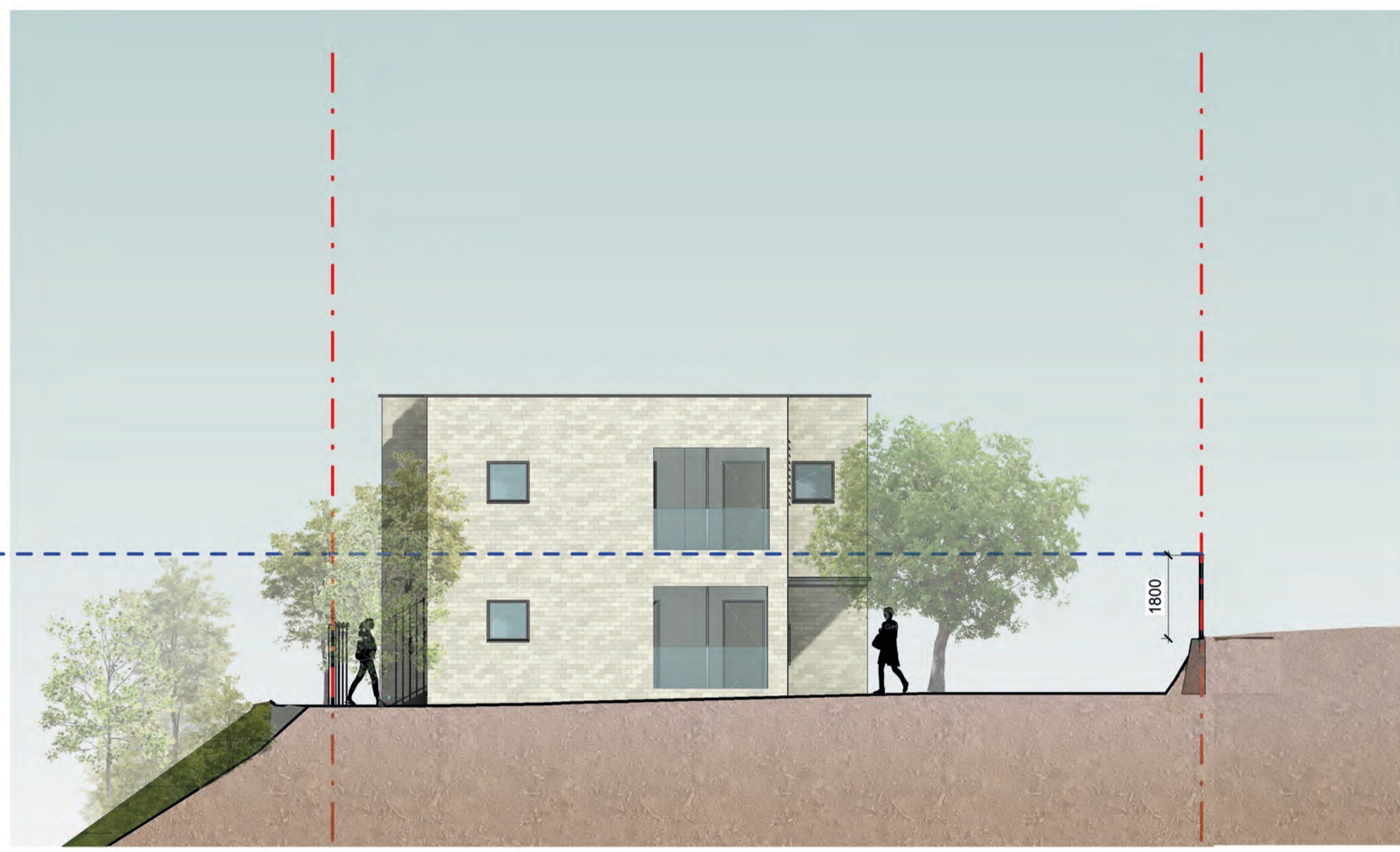
Project Windrush		
Title Proposed Site Elevations		
Drawn by IG	Checked by PD	Date July 20
Scale 1:200	Project no. 00_02	
Drawing No. A003	Rev A	



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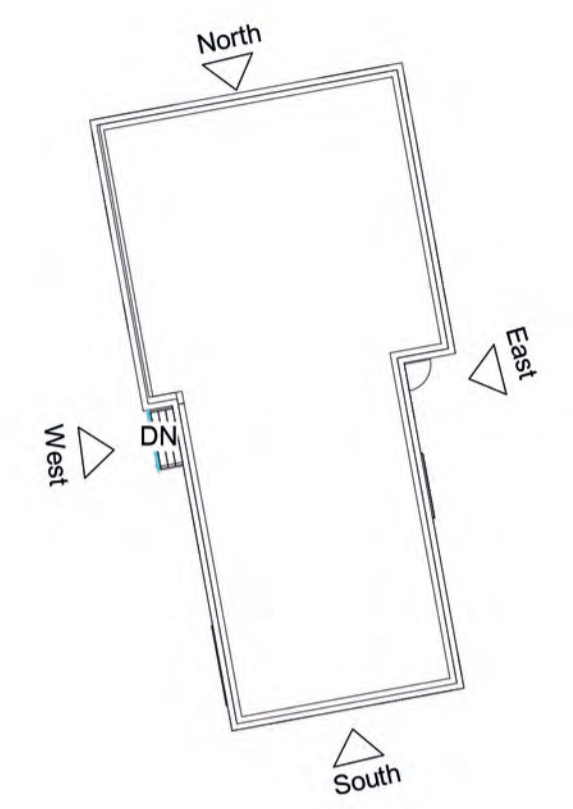


Block A West Elevation
 1 : 100



Block A South Elevation
 1 : 100

KEY



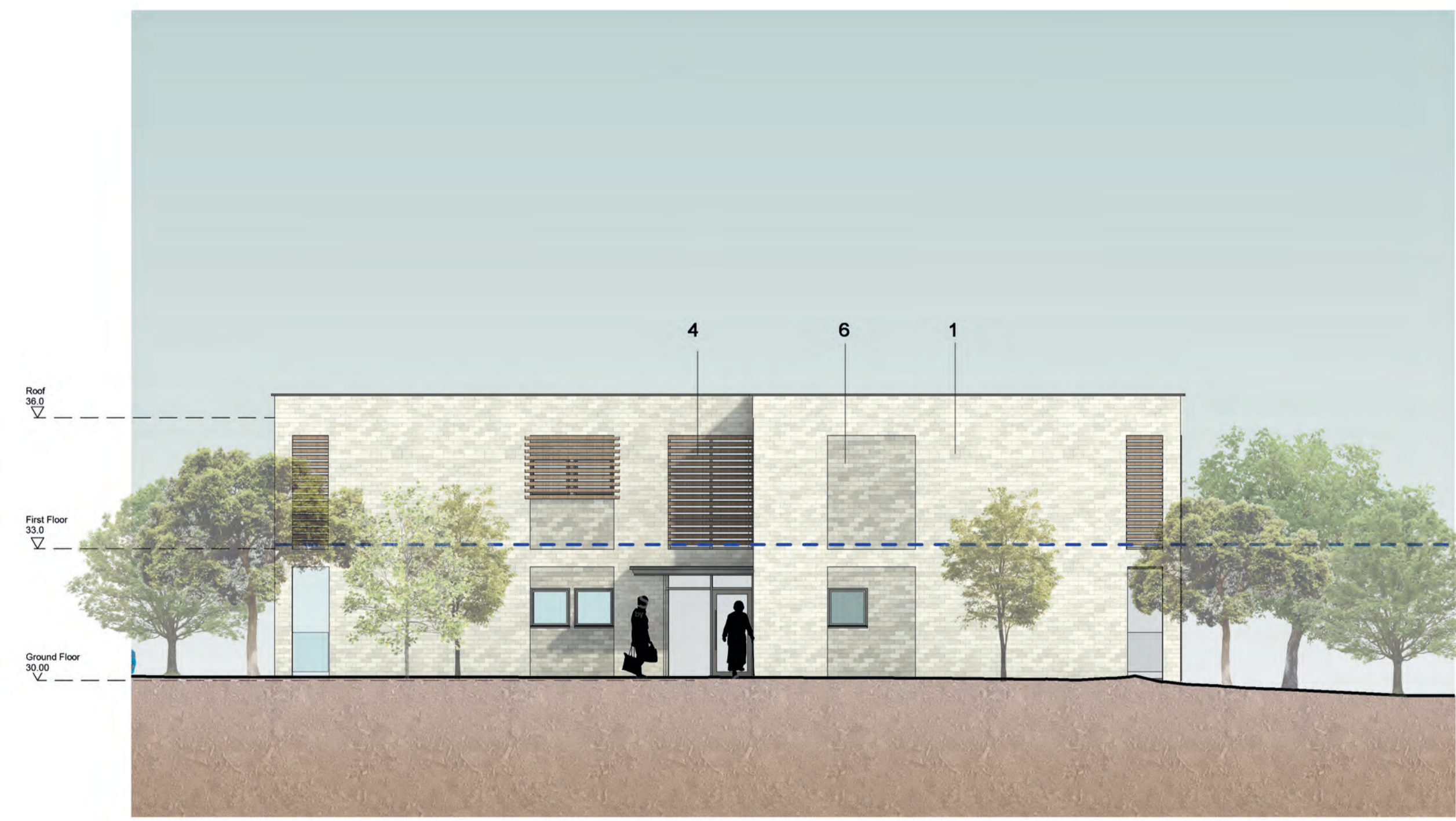
NOTE
 For additional information in regards to Block A and the existing houses in The Chantry, refer to A014- Proposed Site Sections 1 of 2

Blue dotted line denotes boundary wall height to "The Chantry" gardens

Red dotted line denotes site boundary

KEY

1. Facing Bricks- Grey
2. Zinc cladding panels
3. Corten Steel Balustrade
4. Louvres
5. Glass balustrade
6. Brick feature panel



Block A East Elevation
 1 : 100



Block A North Elevation
 1 : 100

Rev A Sept. 2021 IG
 Penthouse and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

Project Windrush		
Title Block A Elevations		
Drawn by IG	Checked by PD	Date July 20
Scale 1:100	Project no. 00_02	
Drawing No. A005	Rev A	

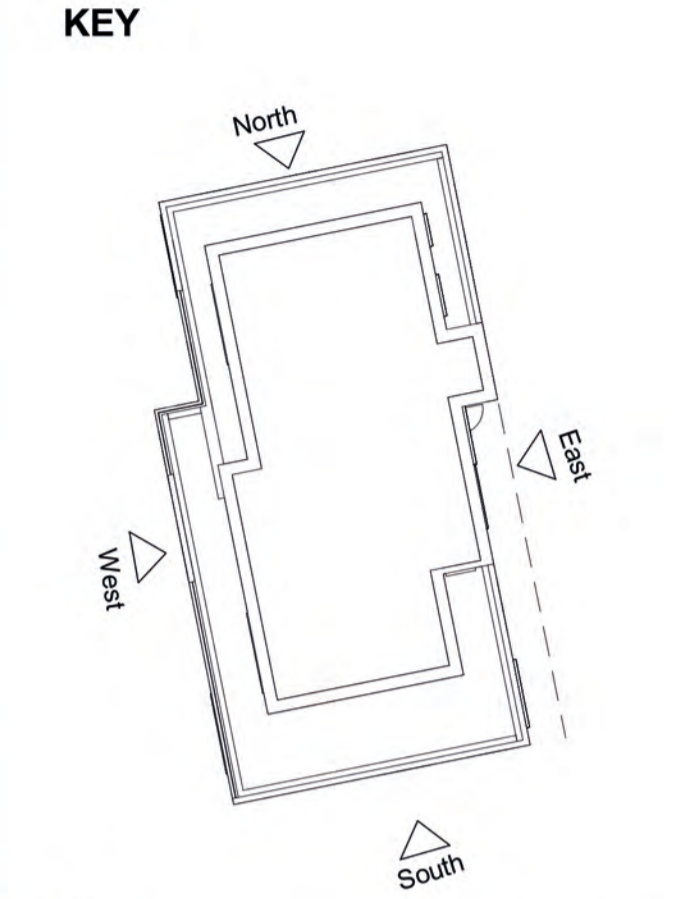
NOTE
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Block B East Elevation
 1 : 100



Block B South Elevation
 1 : 100



NOTE
 For additional information in regards to Block B and the existing houses in The Chantry, refer to A014- Proposed Site Sections 1 of 2

Blue dotted line denotes boundary wall height to "The Chantry" gardens
 Red dotted line denotes site boundary

- KEY**
1. Facing Bricks- Grey
 2. Zinc cladding panels
 3. Corten Steel Balustrade
 4. Louvres
 5. Glass balustrade
 6. Brick feature panel



Block B West Elevation
 1 : 100

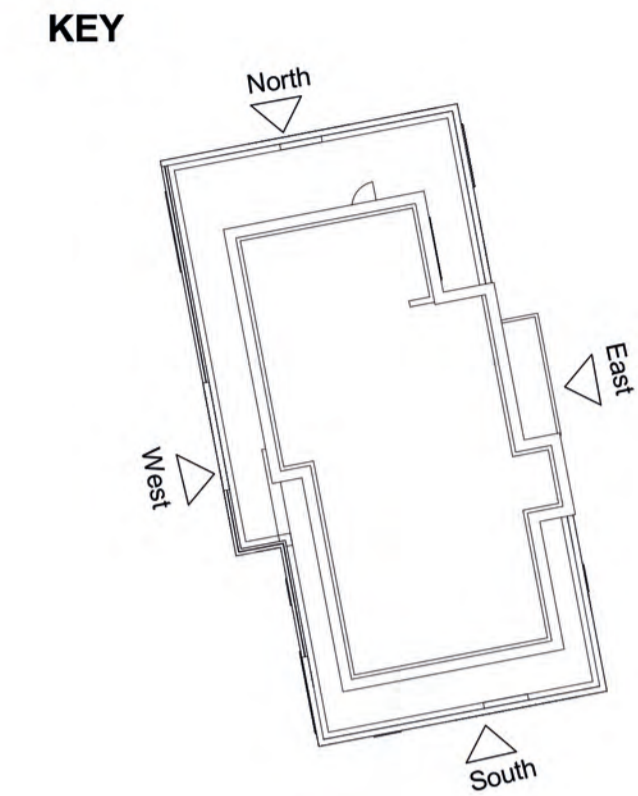


Block B North Elevation
 1 : 100

Rev A Sept. 2021 IG
 Third floor and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

Project		
Windrush		
Title		
Block B Elevations		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
1:100	00_02	
Drawing No.	Rev	
A007	A	

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NOTE
 For additional information in regards to Block C and the existing houses in The Chantry, refer to A015-Proposed Site Sections 2 of 2

Red dotted line denotes site boundary

- KEY**
1. Facing Bricks- Grey
 2. Zinc cladding panels
 3. Corten Steel Balustrade
 4. Louvres
 5. Glass balustrade
 6. Brick feature panel

Rev A Sept. 2021 IG
 Fourth floor and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

Project		
Windrush		
Title		
Block C Elevations		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
1:100	00_02	
Drawing No.	Rev	
A009	A	



Block C East Elevation
 1 : 100



Block C South Elevation
 1 : 100



Block C West Elevation
 1 : 100



Block C North Elevation
 1 : 100

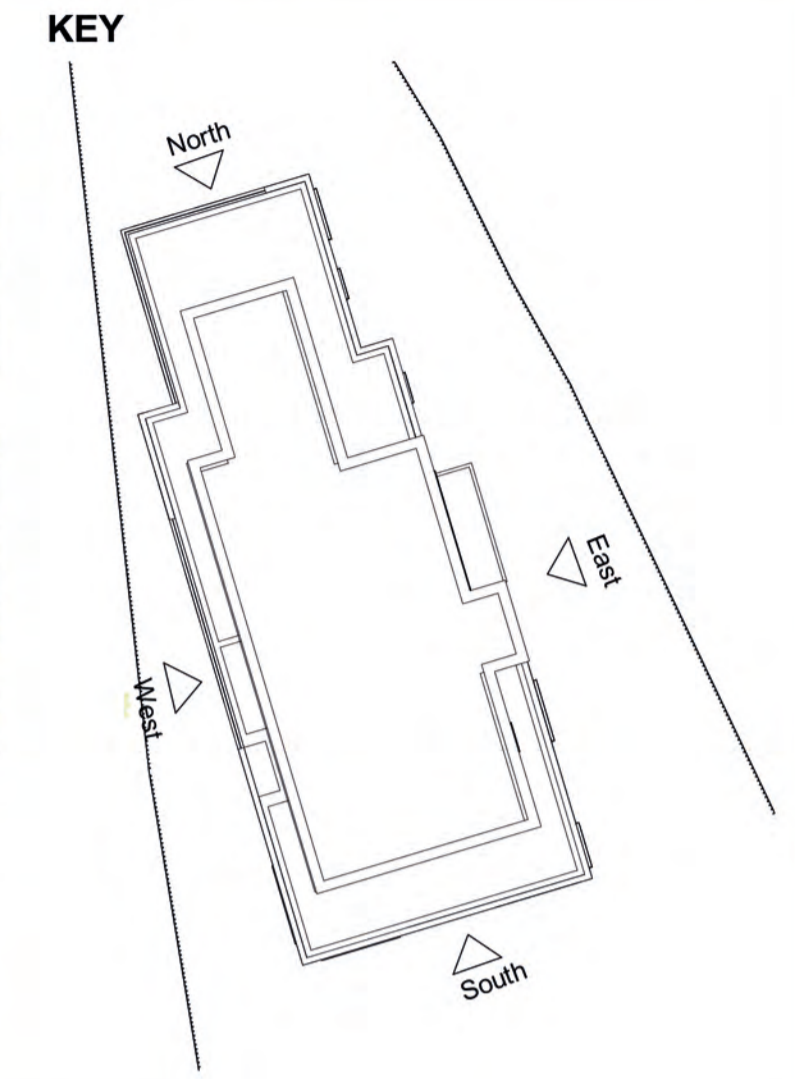
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Block D East Elevation
 1 : 100



Block D South Elevation
 1 : 100



NOTE
 For additional information in regards to Block D and the existing houses in The Chantry, refer to A015- Proposed Site Sections 2 of 2

Red dotted line denotes site boundary



Block D West Elevation
 1 : 100



Block D North Elevation
 1 : 100

- KEY**
1. Facing Bricks- Grey
 2. Zinc cladding panels
 3. Corten Steel Balustrade
 4. Louvres
 5. Glass balustrade
 6. Brick feature panel

Rev A Sept. 2021 IG
 Fourth floor and external communal balconies removed.
 Elevations amended for privacy
 Canopy added at the main entrance

Project		
Windrush		
Title		
Block D Elevations		
Drawn by	Checked by	Date
IG	PD	July 20
Scale	Project no.	
1:100	00_02	
Drawing No.	Rev	
A011	A	