

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00110/MNR** APPLICATION DATE: 20/02/2017

ED: **LISVANE**

APP: TYPE: Full Planning Permission

APPLICANT: Mr CARRINGTON

LOCATION: LAND AT BRYNCOED, CHERRY ORCHARD ROAD, LISVANE, CARDIFF, CF14 0UE

PROPOSAL: PROPOSED CONSTRUCTION OF 3 DETACHED DWELLINGS. MINOR AMENDMENTS TO EXISTING DWELLINGS. NEW SITE ACCESS AND PARKING. NEW PARKING PROVISION FOR EXISTING DWELLINGS FRONTING CHERRY ORCHARD ROAD

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **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 8.12 and 8.16 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Proposed site plan AL(90) 01 Rev C
 - Proposed House Elevations AL(10) 10 Rev A
 - Proposed House Plans AL (10) 02 Rev A
 - Proposed House Elevations Plot 4 AL (10) 06
 - Proposed House Plans Plot 4 AL (10) 05
 - Proposed House Elevations Plot 5 AL (10) 11
 - Proposed House Plans Plot 5 AL (10) 09
 - Proposed House Elevations Plot 6 AL (10) 08
 - Proposed House Plans Plot 6 AL (10) 07
 - Tree Protection Plan Rev B 2017
 - Arboricultural Report from Cardiff Treescapes, revised 16th February, 2017;
 - Addendum to Ecology Assessment from Ethos Environmental Planning dated March, 2017
 - Noise Assessment from Acoustics and Noise Ltd., dated 31st August, 2017.

Reason: To ensure satisfactory completion of the development and in

line with the aims of Planning Policy Wales to promote an efficient and effective planning system.

3. Prior to the construction of the building above foundation level, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
4. Notwithstanding the submitted information, details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
5. Notwithstanding the submitted plans, no equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, hard surfacing materials, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, soil protection and after care methods) and an implementation programme. The proposed landscaping details shall also include a basic soil assessment based on the preparation of trial pits to establish the suitability of the soil for its intended end use together with a strategy for soil handling, storage and placement.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to ensure that all usable soil resources are appropriately recovered and protected, and not lost, damaged or sterilised during the construction process, in accordance with Policies KP5: Good Quality and Sustainable Design and KP:15 Climate Change of the Cardiff Local Development Plan.
6. Any trees, plants or hedgerows which within a period of five years from the completion of the development, die are removed, become seriously damaged or diseased or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next 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 Policy KP5: Good Quality and Sustainable Design.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

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

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

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

9. 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 Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

10. 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: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.
11. Prior to the construction of the dwellings hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed as approved.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and in accordance with Policy EN10: Water Sensitive Design of the Cardiff Local Development Plan.
12. The car parking spaces and manoeuvring areas shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
13. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include as required, details of construction/demolition traffic routes, site hoardings, site access, contractors parking and wheel washing facilities. Construction of the development shall be managed in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

14. Notwithstanding the submitted drawings, prior to the commencement of development, a detailed scheme of highway improvement works shall be submitted to the Local Planning Authority for approval to include, the provision of a new footway adjacent to Cherry Orchard Road, the rearrangement of the existing frontage areas of grass and car parking, the improvement of the retained existing access to a minimum 5.5 metres width and the reinstatement as footway of the redundant access to the existing dwelling at Cherry Orchard Cottage (plot 4). The works so approved shall be implemented prior to beneficial occupation of the new dwelling houses.

Reason: To make satisfactory provision for access, parking and circulation and to avoid unacceptable harm to safe and efficient use and operation of the road, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
15. The proposed development shall be carried out in accordance with the mitigation and enhancement measures referred to in the Addendum to the Ecological Assessment from Ethos Environmental Planning dated March, 2017.

Reason: In the interests of biodiversity and in accordance with Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.
16. The following windows shall be non-opening below a height of 1.7 metres above internal floor level and glazed with obscure glass and thereafter be so maintained:

The first and second floor windows in the side elevations of the dwelling house at plots 3.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no further windows shall be inserted in the dwelling houses hereby approved.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the adopted Cardiff Local Development Plan.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no extension shall be placed within the curtilage or any alteration undertaken to the roof of the dwellings hereby approved.

Reason: To ensure that the living conditions of adjoining occupiers are

protected and to ensure for the provision of satisfactory external amenity areas for future occupiers of the proposed dwellings, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

19. Details of refuse storage facilities shall be submitted to and approved by the Local Planning Authority. The development shall not be put into beneficial use until the approved refuse storage facilities are provided and thereafter the facilities shall be retained for the use the occupiers of the development.
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
20. Retained trees shall be protected during the course of development in accordance with the measures identified in the Arboricultural Report and Tree Protection Plan submitted in support of the application.
Reason: To safeguard trees of amenity value in accordance with policy EN8: Trees, Woodlands and Hedgerows of the Cardiff Local Development Plan.
21. The alterations to the existing dwelling houses at Cherry Orchard Cottage, Haul Fryn and Felindre Fach (plots 4, 5, and 6), granted as part of this planning permission, shall be completed prior to the beneficial occupation of the new houses at plots 1, 2 and 3.
Reason: To provide acceptable living conditions for the occupiers of those properties in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
22. An acoustic report shall be to be carried out that confirms the internal noise levels of 40dB(A) LAeq 16 hour during the day and 35dB(A) LAeq 8 hour during the night are to be met in all habitable rooms of the proposed dwellings at plots 1, 2 and 3. The report shall be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation of the dwellings.
Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination 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 contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

RECOMMENDATION 4: The applicant is advised that developers of all new residential units are required to purchase the bin provision for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

RECOMMENDATION 5: The applicant is advised that the highways works outlined in condition 15 will need to be the subject of an agreement under Section 278 of the Highways Act 1980. For further guidance, please contact highways@cardiff.gov.uk.

RECOMMENDATION 6 : This development falls within

- a] a radon affected area and may require full radon protective measures,
- b] an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of

the Building Regulations 2000. Should you have any queries in this matter I would suggest you consult with my Building Control Division

RECOMMENDATION 7: The applicant is reminded of Network Rail's requirements for the safe operation of the railway and the protection of its adjoining land as outlined in an e-mail communication from the Company to the Council dated 20th October, 2017 and subsequently forwarded to the agents for their information. The Company has advised that the applicant should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. Network Rail advises that it will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to construct three detached dwellings on land comprising parts of the rear gardens of two pairs of semi-detached houses at Cherry Orchard Road, Lisvane, next to the roundabout junction with Excalibur Drive and the entrance to Cefn Onn Park.
- 1.2 A previous planning application to construct a block of 10 apartments on the site together with the demolition of one of the pairs of semis and their replacement with a new detached house, was approved by Planning Committee in April, 2016 subject to a S106 Agreement (ref. 15/02593/MRJ). The application was subsequently withdrawn at the applicant's request prior to the conclusion of the S106 Agreement and therefore the planning permission was not issued. The current application seeks an alternative development of the site.
- 1.3 As the application drawings illustrate, three detached dwellings with garages are proposed accessed onto Cherry Orchard Road via a new driveway located between the two pairs of retained houses.
- 1.4 The proposed properties are of modern appearance, rising to a height of approximately 9.5 metres to the ridge of a pitched roof. The front and rear elevations have projecting gable elements incorporating large areas of glazing. Accommodation is provided over three floors with the second floor contained within the roof space. Proposed materials comprise a mix of painted render and random stonework cladding with a grey synthetic slate roof.
- 1.5 Two of the dwellings are orientated to front onto the adjacent entrance road of Cefn Onn Park whilst the northern most dwelling has its side elevation next the Park boundary.
- 1.6 The proposed dwellings would occupy a similar proportion of the site to that of the previously submitted apartment block and its associated parking and amenity areas. The rear gardens of the existing semis would be reduced in length to facilitate the proposed development. The retained gardens of the eastern most pair of semis (Felindre Fach and Bryncoed) would be similar in size to those proposed in the previous planning application. The retained

gardens of the western most pair of semi-detached houses (Cherry Orchard Cottage and Haul Fryn) would be relatively modest although sufficient space would be provided for sitting out, clothes drying etc.

- 1.7 As indicated in paragraph 1.3, the proposed dwellings would be accessed via a new driveway, approximately 5.5 metres wide to the front of the site, reducing to approximately 4.0 metres in width between the pairs of retained houses. The access would also serve Cherry Orchard Cottage where a parking area would be provided at the rear of that property. Off street parking spaces are shown to be provided on the front gardens of Haul Fryn and Felindre Fach orientated at 90 degrees to the access road. The existing driveway serving Bryncoed would be retained.
- 1.8 The application site also includes the area between the front of the dwellings and the back edge of carriageway along Cherry Orchard Road. This land, which comprises adopted highway, includes a footway, areas of grass and hard surfacing permitting vehicular access onto the adjacent carriageway and some limited off street parking. The planning application proposes the partial re-arrangement of this space, with a parking and turning area retained and provision of a footway next the back edge of carriageway in a similar manner to the other footways at the roundabout.
- 1.9 An ecological assessment of the site has been undertaken to identify existing habitats on site and assess any potential impact that the development may have on such habitats.
- 1.10 The central part of the site will be cleared of existing trees which the submitted Tree Report identifies are of low amenity value.
- 1.11 A Noise Assessment has also been submitted at the request of the Council's Pollution Control Officer.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises two pairs of semi-detached dwellings known as Cherry Orchard Cottage, Haul Fryn, Felindre Fach and Bryncoed and their associated garden areas. The application site also includes land between the front of the dwellings and the back edge of carriageway along Cherry Orchard Road. This land, which comprises adopted highway, includes a footway, areas of grass and hard surfacing permitting vehicular access onto the adjacent carriageway and some limited off street parking. There is street lighting column and a telegraph post on the land.
- 2.2 The site tapers from south to north and measures approximately 0.29ha in area.
- 2.3 The site lies between the entrance to Cefn Onn Park to the west, the Caerphilly railway line and its wooded embankment to the east, a roundabout and highway (Excalibur Drive) to the south and some mature trees to the north which separates the site from part of the Cefn Onn Park

car park. Lisvane railway station is less than 100m to the south east. The Old Cottage PH and restaurant lies immediately to the west of the Cefn Onn Park entrance.

- 2.4 The site of the proposed new dwellings would not be readily visible from the north and east and would be partially obscured from the south by the existing houses. The site would be visible from the entrance road leading to Cefn Onn car park.
- 2.5 The site is well defined by existing trees, shrubs and hedgerows. The northern section of the site is characterised by large areas of dense scrub and unmanaged garden areas.

3. **SITE HISTORY**

- 3.1 15/02593/MJR: Demolition of Cherry Orchard Cottage and Haul Fryn and construction of a replacement dwelling with detached double garage, construction of block of self-contained residential apartments, creation of new site access, associated vehicular and cycle parking areas and bin stores: The application was approved by Planning Committee in April, 2016 subject to a S106 Agreement but was subsequently withdrawn prior to the conclusion of the agreement.

4. **POLICY FRAMEWORK**

- 4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP5: Good Quality and Sustainable Design;
KP7: Planning Obligations;
KP 15: Climate Change;
EN13: Air, Noise, Light Pollution and Land Contamination;
T5: Managing Transport Impacts;
H3: Affordable Housing
EN10 (Water Sensitive Design);
EN7: Priority Habitats and Species;
EN8: Trees, Woodlands and Hedgerows;
W2 (Provision for Waste Management Facilities in Development).

- 4.2 Supplementary Planning Guidance: Design Guidance for Infill Development (2011)
Supplementary Planning Guidance: Access, Circulation and Parking (January, 2010)
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016)
Supplementary Planning Guidance: Trees and Development (2007).
Supplementary Planning Guidance: Biodiversity (June 2011).
Supplementary Planning Guidance: Cardiff Planning Obligations (January, 2017).

4.3 *Planning Policy Wales Edition 9 (2016):*

1.2.5 Provided that a consideration is material in planning terms it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

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

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

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

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

9.1.2 Local planning authorities should promote sustainable residential

environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote, inter alia, development that is easily accessible by public transport, cycling and walking, attractive landscapes around dwellings with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive, well designed living environments, where appropriate at increased densities.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3: Insensitive infilling or the cumulative effects of development or re-development should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

12.4.1: The adequacy of water supply and the sewerage infrastructure are material considerations in planning applications and appeals.

13.2.1: Flood risk is a material planning consideration.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation raises no objections to the application and comments as follows;

The proposals entails the closure of the roundabout access serving one of the existing houses together with the utilisation of the other to provide an access to the proposed new dwellings running between Haul Fryn and Felindre Fach, and the provision of a new footway running adjacent to Cherry Orchard Road. As the existing footway is to be retained, no extinguishment will be involved.

Adequate provision for off-street parking is made in association with the new dwellings and also for the existing dwellings via a re-arrangement of the communal hard-paved areas within the adopted frontage together with the conversion of the property frontages to parking and the retention of the existing off-street parking associated with Bryncoed. Mindful of the absence of a turning area within the new development, the proposal, as amended, denotes a turning area within the adopted frontage.

The removal of the existing roundabout access is beneficial in terms of highway safety and is therefore to be welcomed. It is noted that the revised access within the adopted highway is 5.5 metres wide which will ensure that vehicles are able to pass each other and that adequate manoeuvring room is available for the new parking spaces.

The following conditions are recommended;

Prior to the commencement of development, a scheme of highway improvements shall be submitted to the LPA for approval to include the provision of a new footway adjacent to Cherry Orchard Road, the rearrangement of the existing frontage areas of grass and car parking, the

improvement of the retained existing access to a minimum 5.5 metres width and the reinstatement as footway of the redundant access to the existing dwelling at Cherry Orchard Cottage (plot 4) The works so approved to be implemented prior to beneficial occupation.

A second recommendation is also requested advising the developer that these works will need to be subject to an agreement under Section 278 of the Highways Act 1980.

Conditions relating to retention of parking (D3D) and to the submission for approval of a Construction Management Plan.

- 5.2 Shared Regulatory Services (Noise and Air Team): No objections subject to an appropriate noise mitigation condition.
- 5.3 Shared Regulatory Services (Environment Team/ Contaminated Land) request conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy 2.63 of the Cardiff Unitary Development Plan.
- 5.4 The Operational Manager, Drainage Management: No representations have been received.
- 5.5 The Operational Manager, Waste Management has raised no objections to the application, providing advice on waste/recycling storage requirements.
- 5.6 The Housing Strategy Officer advises as follows:

In line with the adopted LDP, an affordable housing contribution of 20% of the 3 units (0.6 units) is sought on this brown-field site.

Although priority is to deliver on-site affordable housing, given the proposed design of the scheme, the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord would be unsustainable. On that basis, a financial contribution of £78,648, calculated in accordance with the formula in the Planning Obligations Supplementary Planning Guidance (SPG) (2017) would be acceptable.

- 5.8 The Ecologist comments that he is satisfied the revised addendum to the Ecological Assessment addresses his concerns and requests that mitigation and enhancement measures in respect of bats, nesting birds, dormice and reptiles, as set out in the revised addendum.
- 5.9 The Parks Planning Manager comments as follows:

Following a site visit along with examining the concerns of the Cefn Onn Park Friends Group, I would comment as follows:

1. Having looked on site, the (western) hedgerow is less robust than originally envisaged, particularly adjacent to the proposed house closest to the boundary

and it does need substantial work to provide a solid boundary for the properties and to provide a strong ecological corridor. Therefore, I agree with the Friends' comments that additional planting within the park would be needed to provide adequate screening and that achieving this within the development site is not feasible.

2. *The existing retained trees and hedgerow should be protected (both canopy and root protection area).*

3. *On the original planning application (for the apartments) it was agreed that the developer would pay for planting and maintenance of a number of whips/shrubs, 6 larger trees, and a commuted sum based on the following figures : 6 trees (supply and plant) @ £400 = £2400, Whip/shrub planting £300, Commuted sum £500, Total : £3200*

The revised development has slightly less impact in terms of length of boundary affected but I believe would benefit from reinforcing the whole length of hedge using whips, with only 4-5 trees planted within the park to avoid over-shading the properties. Therefore, I suggest an overall figure of £3000 allowing for 200 -250 whips @ £2 each, 4-5 trees @ £400 each and £500 commuted sum. The work would be carried out by the Council with species chosen by the Conservation Officer.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/Dwr Cymru advises that no surface water and/or land drainage should be allowed to connect with the public sewerage network.
- 6.2 Network Rail objected to the application as initially submitted on the basis that it appeared to the Company that the applicant had included a section of land in its ownership. In response, the agents submitted an amended site plan to reflect the applicant's ownership of the site and to avoid possible encroachment over Network Rail land. The Company has subsequently withdrawn its objection and provided details of its requirements for the safe operation of the railway and protection of its adjoining land. These have been forwarded to the agents for their information.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised on site. The existing occupiers on the site and the neighbouring public house have been consulted.
- 7.2 The Local Member has been notified of the application.
- 7.3 Lisvane Community Council objects to the application following reasons:

1. The proposed development would dominate the entrance to Parc Cefn Onn. It would introduce an inappropriate suburban ambience to the entrance to a park which is valued and visited by many for its superb variety of plant life in a semi-wild setting.

2. There would be road traffic dangers from the access to Cherry Orchard Road, close to a roundabout on a road that carries a growing amount of through traffic from Thornhill Road to Pentwyn and Pontprennau. This will only increase with the proposed development to the east of Lisvane.

3. The plan shows the site encompassing what is currently assumed to be part of the footpath and highway alongside Cherry Orchard Road. Ownership of this needs to be checked.

4. The Ecological Assessment alleges that the Cefn Onn SSSI is 2.3 km north of the proposed site. While this is true of the designated SSSI, the entrance to the park is immediately adjacent to the proposed development.

5. The Council was surprised to read in the arboricultural report that " it is not known whether any of the trees on site are protected by Tree Preservation Orders or are within a conservation area". This should be readily available information which needs to be checked in such a sensitive location.

7.4 Friends of Parc Cefn Onn have the following two main areas of concern (summary):

i The imposing nature of 3 no. three storey buildings should be reconsidered.

ii) The boundary of a high hedgerow must be retained and improved.

It should be a condition that the high hedgerow and as many of the existing trees as possible should be retained on the boundary. Tree protective barriers should be erected to prevent construction activities that may have a detrimental effect on retained trees and the hedgerow.

A requirement for additional planting should be included and paid for by the applicant.

Having view the amended plans the Friends of Parc Cefn Onn considers that their concerns still remain valid.

8. **ANALYSIS**

8.1 Planning permission is sought to construct three detached dwellings on land comprising parts of the rear gardens of two pairs of semi-detached houses at Cherry Orchard Road, Lisvane, next to the roundabout junction with Excalibur Drive and the entrance to Cefn Onn Park.

8.1 The principle of developing the land has been accepted in that a previous planning application to construct a block of 10 apartments on the site together with the demolition of one of the pairs of semis and their replacement with a new detached house was approved by Planning Committee in April, 2016 subject to a S106 Agreement. The application was subsequently withdrawn at the applicant's request prior to the conclusion of the planning obligation. The current application seeks an alternative development of the site.

8.2 The main planning issues are considered to relate to:

- (i) The effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers;
- (ii) Whether the proposed development will provide an acceptable living environment for prospective occupiers;
- (iii) The acceptability of the proposed parking/access arrangements;
- (iv) Affordable housing provision.
- (v) Trees/landscaping and nature conservation.

8.3 Policy KP5 of the Local Development Plan : states that... *all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by (inter alia):*

(i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;

(x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities.

8.4 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: Design Guidance for Infill Development (2011). Although the SPG was approved as supplementary guidance to the City of Cardiff Local Plan, the advice contained within it is consistent with the aims of LDP Policy KP5 and guidance in Planning Policy Wales and, therefore, remains pertinent to the consideration of the application, assisting in informing the assessment of relevant matters.

8.5 The SPG advises at paragraph 2.14 that:

'It is important to strike a balance between maintaining the established positive character of a residential street and introducing additional housing. To avoid a 'town cramming' effect, any proposals must:

- *Maintain a useable amenity space or garden for new as well as any existing dwellings/occupiers*
- *Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site*
- *Maintain appropriate scale and massing which respects buildings in the vicinity of the site*
- *Respect the frontage building line and respond to the existing street scene.*

8.6 The SPG advises at paragraph 3.12 that:

Infill development needs to be sensitive to its immediate surroundings and respond well to the built context. It is important that in residential areas where there is a clear existing pattern and form of development, new buildings,

landscaping and boundary treatment complement the character of the surroundings.

8.7 At paragraph 4.11, the SPG states that:

'To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.'

8.8 As indicated in paragraph 8.1, an application to construct a block of 10 flats on the site was approved by Planning Committee (subject to S106 Agreement) in April, 2016. The apartment building, which provided accommodation over three floors, varied in height from 10.8 metres to 12.8 metres and extended for a length of approximately 27.0 metres.

8.9 The proposed properties subject of the current application are of modern appearance, rising to a height of approximately 9.5 metres to the ridge of a pitched roof. The front and rear elevations have projecting gable elements incorporating large areas of glazing. The addition of three detached dwellings, as proposed, would represent a less intensive use of the site and are considered acceptable from a design perspective.

8.10 Each dwelling would be provided with external amenity space which exceeds the Council's guidelines, as outlined in Infill Sites SPG.

8.11 The rear gardens of the existing semis would be reduced in length to facilitate the proposed development. The retained gardens of the eastern most pair of semis (Felindre Fach and Bryncoed) would be similar in size to those proposed in the previous planning application. The retained gardens of the western most pair of semi-detached houses (Cherry Orchard Cottage and Haul Fryn) would be relatively modest although sufficient space would be provided for sitting out, clothes drying etc. to serve the two bedroom properties. The houses are under the applicant's control and it is proposed to undertake certain alterations, including the removal of existing rear annexes at Cherry Orchard Cottage and Felindre Fach together with changes to windows/doors on the side elevations facing the proposed access, to mitigate the effects of the development the occupiers of the houses. Subject to the implementation of these alterations, it is not considered that the scheme would impact on the living conditions of the existing occupiers to the extent that would support refusal of the application on this ground.

8.12 The proposed development would be visible from the entrance to the Cefn Onn Park although the site is separated from access road to the park by a wide grass verge and hedge. The application has been subject of consultation with the Parks Planning Manager who has identified measures that will help mitigate the visual impact the development and enhance the appearance of the Park at a point which currently provides an open view of the rear gardens of the 4 dwellings on Cherry Orchard Road. To this end, the Officer has requested additional planting along the boundary and within the park, paid for by the applicant and secured via a planning obligation. The contribution, amounting to

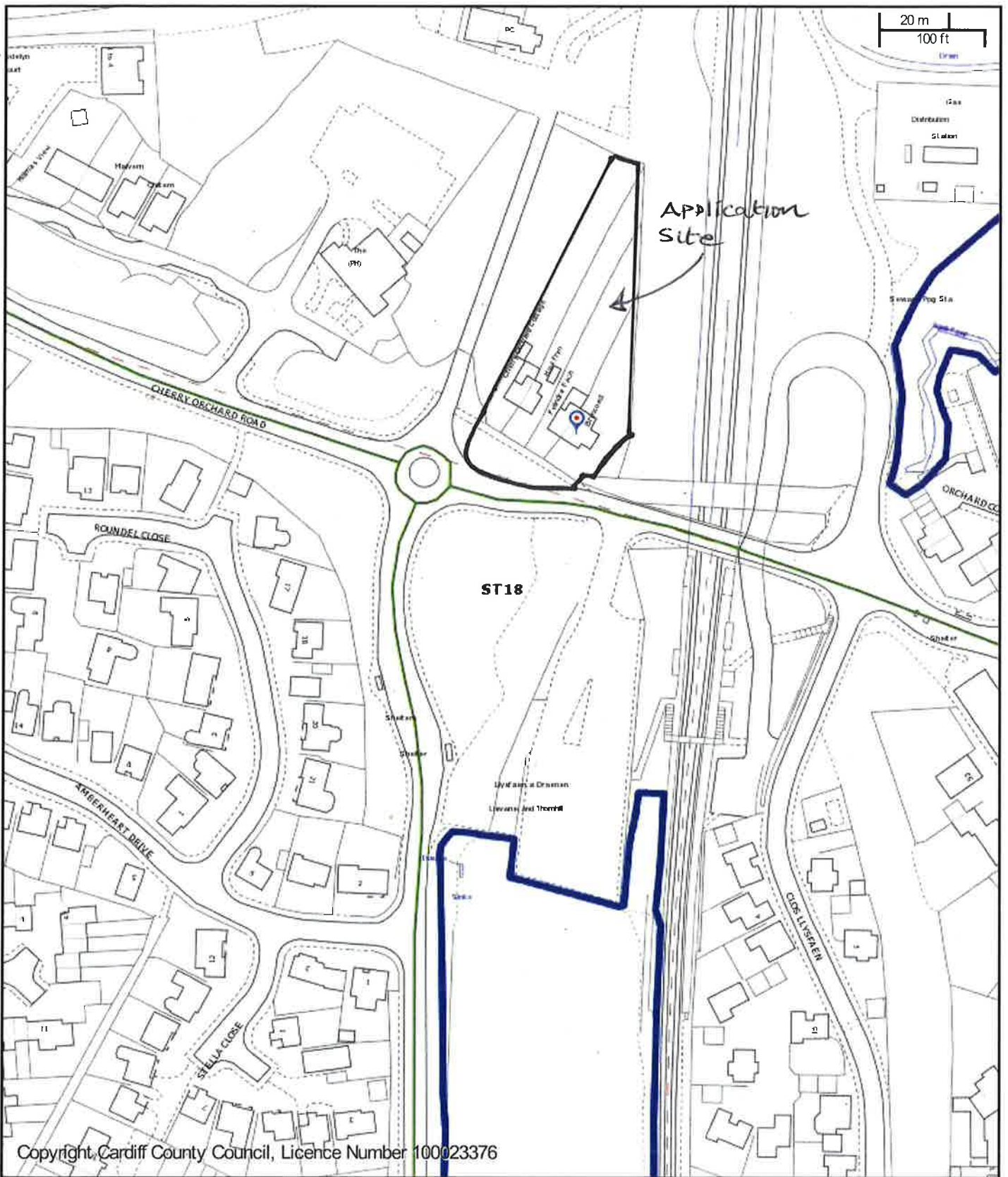
£3,000, has been agreed with the applicant.

- 8.13 The Ecological Assessment concludes that the habitats on site were of low conservation value and their loss would not be significant. The site is used by breeding birds, reptiles and foraging bats and mitigation and enhancement measures for these species is proposed. An addendum ecological report submitted during the assessment of the application has satisfied the Council's ecologist.
- 8.14 The Tree Officer has raised no objections to the removal of the trees on the site subject to an appropriate landscape scheme.
- 8.15 The Operational Manager, Transportation raises no objections on highway safety or parking grounds subject to appropriate planning conditions. The current application represents a less intensive use of the site that proposed in the previous planning application. Adequate provision for off-street parking is made for both the existing and proposed dwellings. The proposal is also considered to be a sustainable form of development given its location close to Lisvane railway station, an existing bus route
- 8.16 In accordance with Local Development Plan Policy H3, the Housing Strategy Officer has advised that an affordable housing contribution should be sought in relation to the development. This amounts to a financial contribution of £77,430 calculated in accordance with the formula in the Affordable Housing Supplementary Planning Guidance and has also been agreed with the applicant.
- 8.21 The proposal, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions and the conclusion of a Section 106 Planning Obligation to secure financial contributions in respect of affordable housing and planting enhancement works.

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.

- 9.3 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 9.4 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.



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

City of Cardiff Council
Cyngor Dinas Caerdydd



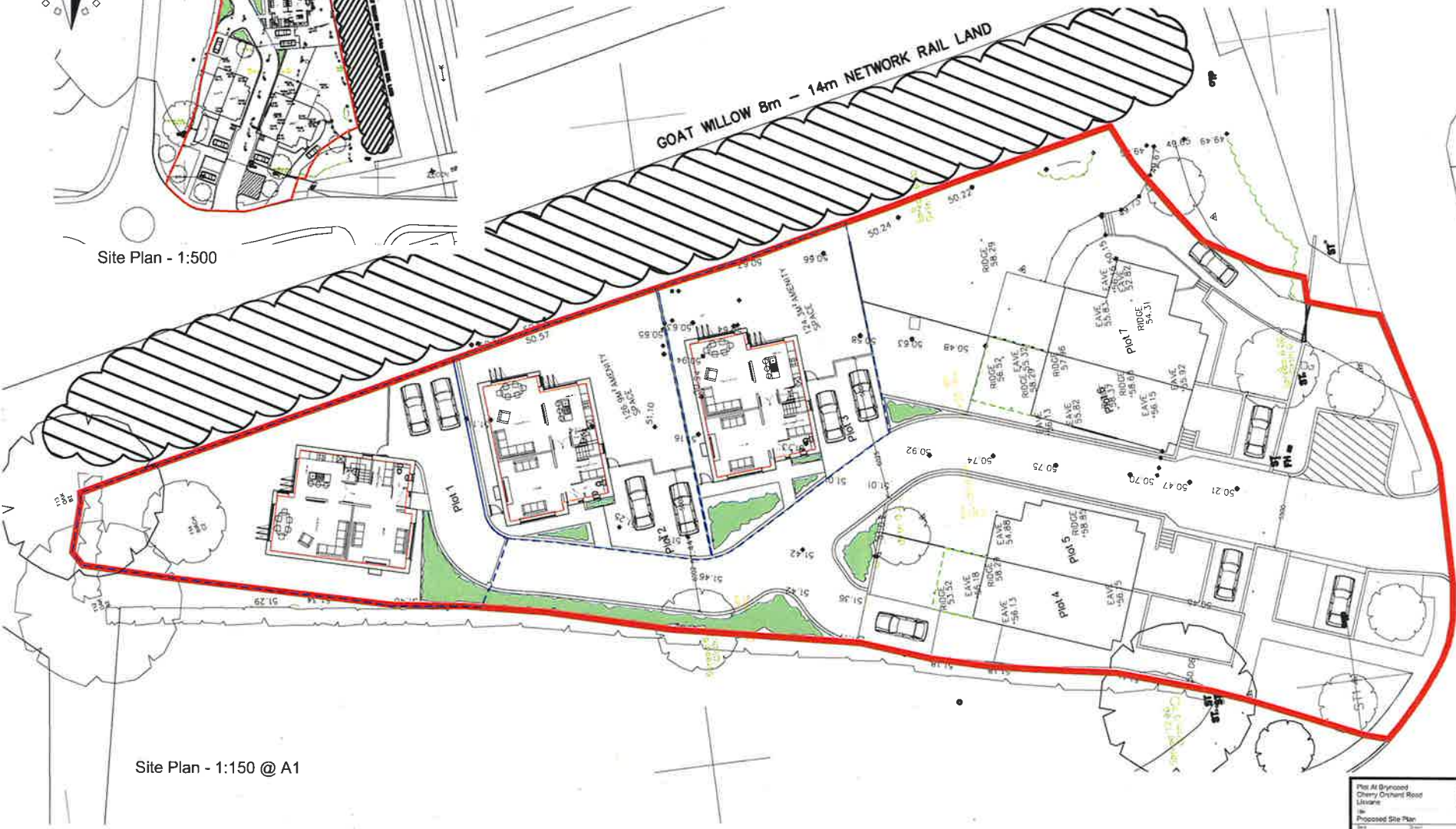
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Site Plan - 1:500

GOAT WILLOW 8m - 14m NETWORK RAIL LAND



Site Plan - 1:150 @ A1

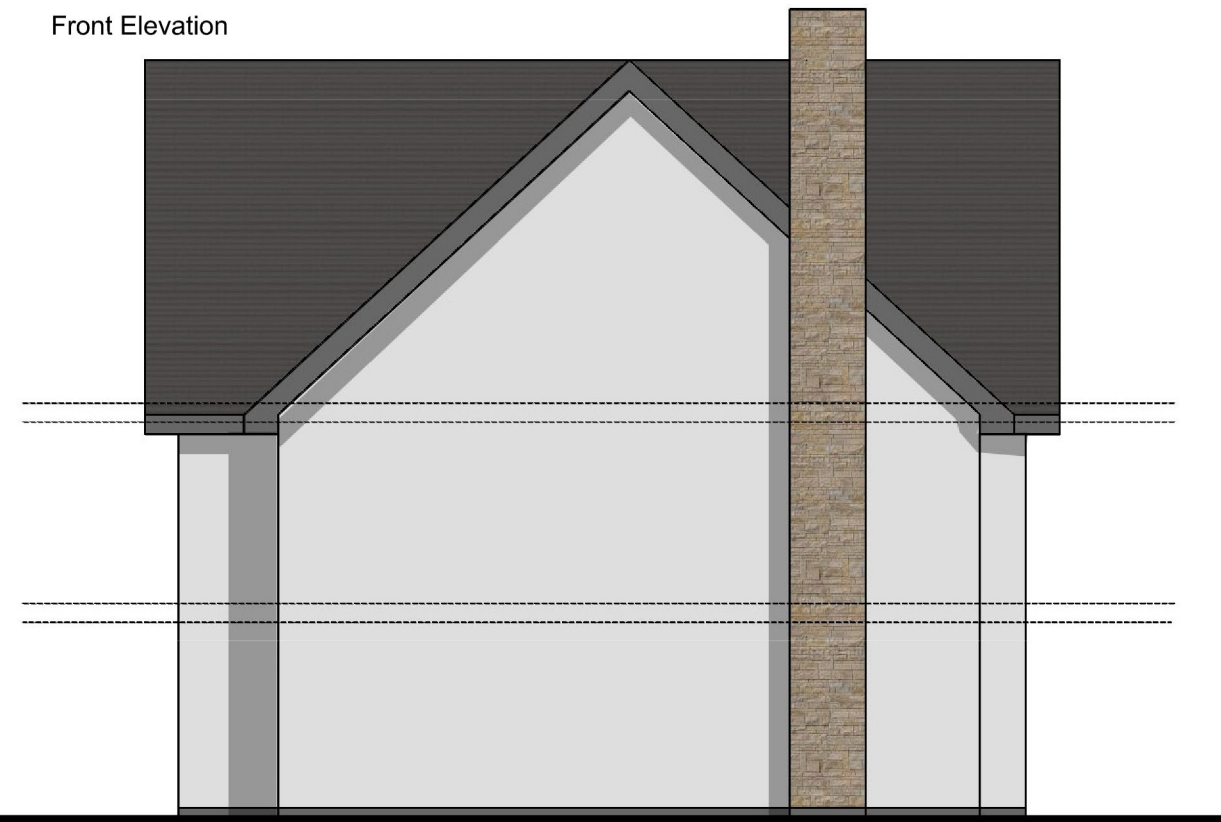
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|--|---|---------------------------------|
| Plot At Bryncoed Cherry Orchard Road Lisbane | 18_001 AL/00/01 | C/F |
| Proposed Site Plan | | |
| Scale: 1:150 & 1:500 @ A1 | | |
| 23/05/17 | | |
| | Architects Environmental & Urban Design | Over planning & urban design |



Front Elevation



Side Elevation




Side Elevation



Rear Elevation

| | | |
|--|-------------|----------------------------|
| Plot At Bryncoed Cherry Orchard Road Lisvane | | Job No. 16_088 |
| Title Proposed House Elevations | | Dwg No. Rev. AL(10)10 A |
| Date 30/11/16 | Drawn BK | Scale 1:100@A3 1:50@A1 |


C2 Architects · Town planners
 Environmental & Urban design

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tel: 029 20452100

Previous planning application
15/02593/MJR

Date 16/10/15
Drawn ***
04/10/15
Description
Single house mirrored to match AL1020
Main block stepped back

Rev
A
B



1:1250 EXTRACT



Plot At Bryncoed
Cherry Orchard Road
Lisvane

Job No.
14_033
Ewg No.
AL(90)01
Rev.
B

Title
Proposed
Date 27/05/14
Drawn BK
Scale 1:250/1250 @ A3

 Architects
Town planners
Environmental & Urban design
Unit 1A, Compass Business Park,
Pacific Road, Cardiff, CF24 5HL
www.rjarchitects.co.uk
tel: 029 29431100

PROPOSED SITE PLAN 1:250

Previous Planning application
15/02593/MJR

| Date | Drawn | Check | Description | Rev |
|----------|-------|-------|---|-----|
| 06/07/15 | --- | --- | Plans updated to match elevations | A |
| 12/11/15 | --- | --- | Amended to planners comments, G Stirling (12.11.15) | B |
| 04.01.15 | --- | --- | Main block stepped back to reduce the massing | D |



Side Elevation (Facing onto Entrance to Park)



Front Elevation



Side Elevation (Facing onto Woods)



Rear Elevation

| | | | |
|--|-------------|--|-----------|
| Plot At Bryncoed Cherry Orchard Road Lisvane | | Job No. 14_033 | Rev. D |
| Title Proposed Apartment Building | | | |
| Date 27/05/14 | Drawn BK | Scale 1:200@A3 1:100@A1 | |
|  Architects Environmental & Urban design | | Town planners www.jarchitects.co.uk Tel: 019 20452106 | |
| <small>Unit 1A, Canopies Business Park, Preston Road, Gwent, NP23 5PL</small> | | <small>www.jarchitects.co.uk Tel: 019 20452106</small> | |