

COMMITTEE DATE: 13/12/2017

APPLICATION No. **17/00265/MNR** APPLICATION DATE: 09/02/2017

ED: **CYNCOED**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr & Mrs Webb

LOCATION: 25 HOLLYBUSH ROAD, CYNCOED, CARDIFF, CF23 6SY

PROPOSAL: DEMOLITION OF THE EXISTING HOUSE AND
OUTBUILDINGS AND OUTLINE PERMISSION FOR THREE
DETACHED DWELLINGS WITH ALL MATTERS RESERVED

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

1.
 - A. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
 - C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

 - A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 1995.
 - B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
2. This approval does not extend to the proposed site plan (drawing P02 Revision B) submitted with the application.
Reason: The application is for outline planning permission with all matters reserved and the layout of the development is not for consideration at this time.

3. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with Policy EN13 of the Cardiff Local Development Plan.

4. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

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

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

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

6. 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: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

7. 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: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan

8. 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: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

9. 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.
10. Prior to the commencement of development a drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
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, in accordance with Policy EN10 of the Cardiff Local Development Plan.
11. 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.

RECOMMENDATION 2 : In terms of demolition, as mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practise to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.

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 licence. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 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 : 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 6 : That the applicant be advised that there is to be no burning of any materials on site.

RECOMMENDATION 7 : That the applicant/developer notes the advice of the

South Wales Fire and Rescue Service as set out in their letter dated 17th February 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 8 : That the applicant/developer be advised that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network, as advised by Dwr Cymru Welsh Water. Related advice is set out in their letter dated 10th March 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 9 : That the applicant be advised that prior to the development of a landscaping scheme, a basic soil assessment should be carried out and used to inform the landscaping specification since part of this site, which currently comprises garden, is likely to hold a valuable, re-usable soil resource, in situ and as site won and re-used.

RECOMMENDATION 10 : It should be demonstrated within any reserved matters application that the layout and orientation of the proposed dwellings would not result in the habitable room windows or the private amenity space associated with the neighbouring properties being unacceptably overlooked.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This outline application proposes the demolition of the existing house and buildings within the site and their replacement with three detached houses and garages. All details are reserved for future consideration. An indicative layout is provided showing how three houses with amenity areas, detached garages and vehicular access could be accommodated within the site. It should be noted that the details on this plan are not for consideration at this time.
- 1.2 A Tree Report was submitted to make assessment of existing mature trees within and surrounding the site, for consideration. A Bat Survey was also undertaken.
- 1.3 The scheme, as originally submitted, proposed the erection of four dwellings within the site. The reduction to three dwellings was submitted following officer concerns in relation to the impact on neighbour amenity and on character of the area.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises a two-storey detached house, set within a site measuring approximately 0.26 Hectares, located within the settlement boundary as defined in the Cardiff Local Development Plan (LDP). The site also includes various outbuildings located near to its north-western boundary, which are used in conjunction with the two family businesses that trade from the site (Webb's Garden Machinery and Webb's Landscaping). Prior to the operation of these businesses, a garden nursery operated from the site.
- 2.2 The dwelling and other buildings are set back from the highway and accessed

from Hollybush Road via a small access road. The site is then surrounded by dwellings, sited on Hollybush Road, St Edeyrns Road and St Edeyrns Close. Several mature trees exist within and adjacent to the boundaries of the site. The topography of the site is relatively flat.

3. **SITE HISTORY**

98/01806/N: Certificate of Lawfulness for repair and servicing of horticultural machinery and sale of such items. Permitted 15/04/99

87/00391: Workshop and storage of tools and composts for horticulture. Granted 10/04/87

78/01102: Proposed demolition of existing timber rear porch and construction of new porch with small cloakroom. Granted 04/08/78

4. **POLICY FRAMEWORK**

Planning Policy Wales (9th Ed) 2016

4.9.2 Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

4.11.6 Good design should ensure that development contributes to tackling the causes of climate change (by reducing greenhouse gas emissions) and to effective adaptation to the consequences of climate change. An integrated and flexible approach to design, including location, density, layout and built form, will be an appropriate way of contributing to climate responsive development.

9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area.

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

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered.

9.3.5 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.

Cardiff Local Development Plan 2006-2026 (2016)

Policies:

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

Supplementary Planning Guidance

Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, EN7, EN8 and T5 and can be used to help inform the assessment of relevant matters :

Waste Collection and Storage Facilities (October 2016);
Planning Obligations (January 2017);
Access, Circulation and Parking Standards (January 2010);
Green Infrastructure (November 2017);
Infill Sites (November 2017);

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The **Housing Strategy Officer** advises that, in line with the Local Development Plan, an affordable housing contribution of 20% of the 3 units (1 unit) is sought on this brown-field site as the site size exceeds 0.1 hectare. On this scheme we would be prepared to accept a financial contribution in lieu of on-site affordable housing provision of **£78,648** (in lieu of 1 x 4 bed unit), which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).
- 5.2 The **Operational Manager Waste Management** gives the required waste storage for each property, which must be sensitively integrated into the design and explains that the kitchens should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste. A S106 financial contribution is

required of £150, which is cover the costs of the bins for the three units.

In terms of demolition, 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.

- 5.3 The **Operational Manager Environment (Contaminated Land)** comments that the site has been identified as formerly commercial with uses including – horticultural nursery, workshop for repair and servicing of horticultural machinery and sales, storage and office; machinery testing and wash down area. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

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

The inclusion of conditions and informative statement is requested in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff LDP (see conditions).

- 5.4 The Council's **Trees Officer** advises that any reserved matters application would be expected to include a detailed landscaping scheme comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan view, planting methodology and aftercare methodology, all informed by detailed knowledge of existing and proposed services, including drainage. Since part of this site currently comprises garden, it is likely to hold a valuable, re-usable soil resource, in situ and as site won and re-used. Failure to adequately protect and re-use this resource will result in development that conflicts with KP15, so prior to the development of a landscaping scheme, a basic soil assessment should be carried out as follows and used to inform the landscaping specification.

Following the submission of a Tree Report and the reduction of units, the Trees Officer advises that any proposed replacement trees should be within beds designed to support the unconstrained growth of large, long-lived trees. Such trees should be located in prominent open-space areas or designed, frontage planting beds, rather than being pushed into rear gardens. Replacement may offer greater flexibility in layout design but must afford adequate space.

- 5.5 The **Operational Manager Transportation** has no objection in principle. Three car park spaces for a 4 bedroom house is policy compliant for sites that are located outside the central boundary of the SPG. As to the plans submitted, I

would state though the applicant will be limited to a maximum, single crossover of 3m per property, a construction management plan would have to be submitted and more information would have to be supplied as to whether they would seek to keep the road leading to the properties as private or whether they would like the Council to adopt it.

- 5.6 The Council's **Ecology Officer** has no comments since no bats were detected within the site.
- 5.7 The **Operational Manager, Drainage Management** has provided no comments.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 The **South Wales Fire and Rescue Service** has commented that the proposed site plan in relation to the above has been examined and the Fire and Rescue Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development. The developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.

- 6.2 **Dwr Cymru/Welsh Water** note that the applicant intends to discharge surface water into the public sewer. In the absence of an agreed drainage strategy we would object to the communication of any surface water to the public sewer. It request that if the Local Planning Authority is minded to grant planning consent that the given conditions and advisory notes are included within any subsequent consent.

7. REPRESENTATIONS

- 7.1 Ward Councillor Bablin Molik has made a representation on behalf of residents who have raised concerns regarding the proposed development overlooking and invading their privacy. She requests a site visit to be made prior to any decision being made.
- 7.2 Ward Councillor Kathryn Kelloway objects to the application for reasons as summarised: an unneighbourly development; an overdevelopment of the site by virtue of the heights, sizes and separation distances between neighbouring properties; overbearing and loss of privacy of neighbouring residents as their rear gardens of properties in St Ederyns Close are lower than the application site; overshadowing; impact on quiet enjoyment of neighbouring amenity; removal of horse chestnut tree would cause disruption to neighbours as the roots and canopy extend into their garden and underneath their orangery; Hollybush Road a busy thoroughfare, which would be made worse by

implementation of a shared access road to these properties, the entrance of which would be placed on an already dangerous and blind double bend; Creation of three households is likely to create an increased demand for off-street parking and would feed additional vehicles onto Hollybush Road via this bend. This is likely to further compromise road safety in the area.

- 7.3 In respect of the initial proposal for four dwellings, and on the amended scheme submitted for three dwellings, objections were received from the residents of Nos. 23 and 27 Hollybush Road and Nos. 9 and 10 St Ederyns Close. Planning consultant Philipa Cole acting on behalf of the residents of Nos. 27 Hollybush Road and Nos. 9, 10, 11 and 12 St Ederyns Close has also submitted further representations.

The main concerns are summarised as follows:

- 7.4 Detrimental impact on the character of the area: the proposal ignores local context; it constitutes overdevelopment; it contravenes the National Planning Policy Framework; the density of development will be 3 or 4 times that of the surrounding area.
- 7.5 Detrimental impact on the amenities of neighbours: loss of privacy due to garden depths and distances between houses not being adequate; separation distances should be greater than the minimum acceptable because of the nature of the location; future extensions could reduce the distances between houses even further; gardens of the new houses will be overlooked by existing properties; no information has been submitted regarding level changes and these could affect privacy distances etc.; overbearing impact on 23 Hollybush Road; implications for Human Rights Act which gives a person the substantive right to respect for their private and family life; inadequate landscaping will reduce privacy screening for existing properties; increased noise pollution; people in vehicles using the new road may be able to overlook existing properties; general disturbance caused by new road; passing place/rubbish collection point will become parking space for visitors in front of 27 Hollybush Road; potential structural damage to neighbour's orangery caused by removal of tree.
- 7.6 Traffic/highway safety issues:
Increased risk of accidents on blind bend due to increased traffic on an already overburdened road where there have been a number of accidents; construction vehicles and staff parking could cause highway hazards or inconvenience to neighbours; driveway and space for turning and parking appears to be too narrow; a large number of cars will be exiting a secluded driveway onto a very busy road.
- 7.7 Errors in plans:
A recent extension to no. 23 (with habitable room windows) is not shown on the submitted plan; neighbouring properties are wrongly numbered; a conservatory at the rear of a neighbouring property is not shown; the submitted plan does not appear to be to scale and the site may not be as deep as suggested; Council officers should measure the site to clarify the dimensions.

- 7.8 Concerns over future development: A developer could buy the plot and change the outline plans to a larger number of properties and/or flats.
- 7.9 A representation of support was received from the resident of No. 25 St Ederyns Road who writes: *'As an outline proposition this looks interesting. Sadly though, for a build of this nature, there seems to be a distinct lack of thought as to the use of solar panels/heat exchangers or for the use of brown water. Perhaps this could be addressed?'*

8. **ANALYSIS**

- 8.1 Outline permission is sought for the demolition of existing house and outbuildings and redevelopment of the site to provide for three detached dwellings with private amenity area, detached garages and associated vehicular access.
- 8.2 The main planning issues related to this proposal are:
- (i) The effects of the proposed development on the character and appearance of the area;
 - (ii) The effects on the general amenities of neighbouring residents;
 - (iii) Whether the proposal could provide for adequate living standards for future occupants;
 - (iv) The acceptability of the proposed parking and access arrangements;
 - (v) Affordable housing provision; and
 - (vi) Trees/landscaping and ecology.
- 8.3 The area is characterised by generously sized two-storey detached dwellings set within their plots, laid out in an informal arrangement. The application site occupies a much larger plot, compared to the surrounding properties and is set back from the highway of Hollybush Road, almost entirely surrounded by dwellings. The northeast side of the site, as existing, is a rear garden for the existing dwelling and provides a landscaped area with mature trees within and surrounding the site.
- 8.4 The redevelopment of the site would see its division into three residential plots with buildings to be provided in the existing rear garden area and a private driveway leading up to the houses.
- 8.5 The site lies within a settlement boundary as defined in the Cardiff Local Development Plan. The principle of residential development within the site is regarded as acceptable.
- 8.6 In terms of an assessment of this outline proposal for three dwellings, Policy KP5 of the LDP 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;*
- (v) *Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities*

8.7 Paragraph 2.13 of Supplementary Planning Guidance for Infill Development advises:

'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 usable amenity space or garden for new as well as any existing dwellings/occupiers*
- *Maintain an establish spacing between buildings that respect 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 building line and be of a design which complements the existing street scene.*

8.8 Paragraph 3.8 of the SPG further advises:

'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'

8.9 Officers consider that the provision of three detached properties within the application site to be consistent with the surrounding built form and urban grain of the area, albeit, subject to the appropriateness of their scale, form, layout and finish. The proposed buildings should be well integrated in to the surrounding built form so that the character of the area is respected. It is considered that three detached properties could be positioned comfortably within the application site without any overdevelopment or harm to the existing character of the area. It is expected that this would be demonstrated within any following reserved matters application.

8.10 In respect of the effect of the proposed development on the residents of the properties surrounding the application site, the concerns raised have been considered. It is recognised that due to the existing use and scale of the application site (a large proportion of which is in use as a private rear garden), the application site has provided for an open area between the other neighbouring dwellings. The proposal would introduce three, detached dwellings with detached garages and an access road within the site.

8.11 Paragraph 4.11 of the Design Guidance for Infill Development 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.'

- 8.12 Officers consider that three dwellings and associated infrastructure could be accommodated within this site without having detrimental impact to the privacy or amenity of existing neighbouring residents.
- 8.13 Concerns relate mainly to the impact of buildings on plots 2 and 3 on the privacy and amenity of neighbouring residents who live immediately adjacent to the application site. The dwelling on plot 2 is shown to be positioned approximately 10.5m from the common boundary with No. 10 St. Ederyn's Close, approximately 16m at its closest point with the house (to the rear conservatory) and approximately 18m to the main rear wall. The dwelling on plot 3 is also shown to be positioned within the suggested separation distances to the common boundary and the house at No. 9 St. Ederyn's Close. It is acknowledged that these given distances either just meet or are less than the separation distances, as provided within the adopted SPG. However, with this planning application being outline, the details can change and consideration will be given to the spacing between proposed and existing properties, to safeguard residential privacy and amenity, with regard given to the specific site circumstances. Consideration will also be given to whether the dwellings should enjoy 'permitted development' rights for future extensions to the properties, based on an assessment of residential privacy and amenity. Permitted development rights can be removed if necessary.
- 8.14 The application property is sited on land, which is higher than the houses on St. Ederyn's Close but not so considerable that the development would be likely to result in unacceptable harm to the neighbouring residents. It is noted that details of the relative levels between the application site and neighbouring properties would be submitted during any reserved matters application for full assessment by officers.
- 8.15 Consideration has been given to the impact on the privacy and amenity of residents of No. 27 Hollybush Road whose large rear garden is sited adjacent to the site. At reserved matters stage, the siting of dwellings and gardens, in relation to existing properties, will be carefully considered.
- 8.16 The indicative layout shows the private driveway and access to be sited adjacent to the common boundary with No. 27 Hollybush Road. Due to the low number of properties proposed and their private use, it is not expected that the private drive would be used frequently enough to cause unacceptable harm to the amenity of the neighbouring residents. Adequate screening sited along the common boundaries could also be provided.
- 8.17 In respect of the development being able to provide for adequate living standards for future occupants, it is considered that the development could provide for sufficient outlook from habitable rooms and sufficiently sized private amenity areas.
- 8.18 The accuracy of the details of the plans, provided with the application, has been

queried by neighbouring residents. While the detail of the neighbouring dwellings may not include alterations that have been undertaken, officers are aware of the site circumstances from personal observations of the site, Ordnance Survey maps and aerial photography.

- 8.19 In response to the concern that in the future a developer would buy the plot and change the outline plans into a vast development site i.e. more properties and/or develop a site of flats, it should be noted that such future application will be considered on its own planning merits, if submitted.
- 8.20 The comments of the Tree Officer have been considered. It is expected that details of suitable replacement trees, be submitted, for consideration, as part of a landscaping scheme within any future reserved matters application.
- 8.21 The Operational Manager, Transportation raises no objections on highway safety or parking grounds. A construction management plan would have to be submitted.
- 8.22 In accordance with Policy H3 of the LDP, 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 £78,648 calculated in accordance with the formula in the Affordable Housing SPG and also been agreed with the applicant.
- 8.23 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.

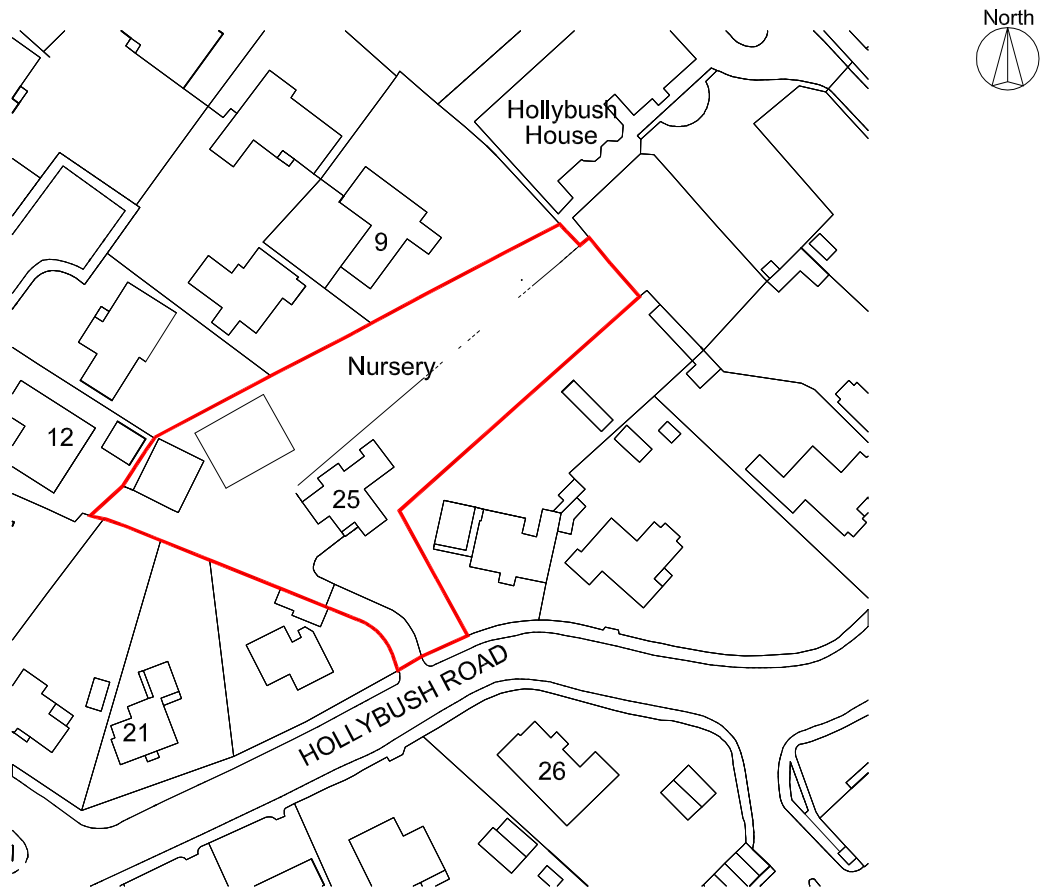
9. Other Considerations

- 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.



Address _ 25 Hollybush Road, Cyncoed, Cardiff. CF23 6SY
Drawing Name _ Site Location Plan
Drawing Number _ P100
Drawing Scale _ 1:1250@A4
Revision _
Date _ 07.02.2017



No. 6

No. 8

No. 10

No. 12

Storage

Workshop

No. 25

Forecourt

Front garden to No. 25

Gate

Driveway

No. 23

No. 27

No. 29

HOLLYBUSH ROAD

Address _ 25 Hollybush Road, Cyncoed,
Cardiff. CF23 6SY
Drawing Name _ Existing Site Plan
Drawing Number _ P01
Drawing Scale _ 1:200@A2
Revision _
Date _ 01.12.2015



Address _ 25 Hollybush Road, Cyncoed,
 Cardiff. CF23 6SY
 Drawing Name _ Proposed Site Plan
 Drawing Number _ P02
 Drawing Scale _ 1:200@A2
 Revision _ B
 Date _ 01.12.2015