

LOCAL MEMBER OBJECTION AND PETITION

COMMITTEE DATE: 17/07/2019

APPLICATION No. **18/01092/MNR** APPLICATION DATE: 12/06/2018

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Case Morgan Developments Ltd

LOCATION: GREENMEADOWS, 102 PENDWYALLT ROAD, WHITCHURCH,
CARDIFF, CF14 7EH

PROPOSAL: CONSTRUCTION OF 5 HOUSES AND RECONFIGURATION OF
EXISTING BUNGALOW TOGETHER WITH ALL ASSOCIATED
WORKS

RECOMMENDATION 1: That 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:

2143-101 Rev K (proposed site layout)
2143-200-02 Rev B (house type B – plot 3)
2143-200-13 (house type B2 – plot 2)
2143-200-01 Rev A (house type A – plot 1)
2143-200-11 (plans and elevations house type A – plots 4 and 5)
2143-200-07 Rev D (proposed elevations existing house)
2143-200-05 Rev D (proposed ground floor and first floor plans – existing house)
2143-200-06 Rev D (proposed roof plan – existing house)
2143-200-09 (proposed bin store), 2143-200-10 (existing and proposed elevation history - existing house)
2143-103 (proposed site sections)
2143-105 (proposed site section D-D)
2143-101 (location plan)

Ecological Assessment dated April, 2018 from Celtic Ecology and Conservation Ltd.

BS5837 Tree Constraints, Tree Impacts and Tree Method Statement for re-development and new dwelling dated 22nd February, 2019 from BJ Unwin Forestry Consultancy;

Tree Protection and Landscaping Plan ref PRTRP - February, 2019.

Revised Ownership Certificate B (dated 16/04/19) received with e-mail communication dated 16/04/19

Soakaway testing report from Terra Firma Wales (Ltd) dated 28/05/19

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

3. 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 of the dwellings or any alteration undertaken to the roofs.

Reason: To ensure that the privacy of adjoining occupiers is protected and to retain adequate amenity space for future occupiers in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

4. The following windows shall be non-opening below a height of 1.7 metres above internal floor level, glazed with obscure glass and thereafter be so retained:

The first floor en-suite windows in the east elevation of units 2 and 3 facing the rear gardens of properties in Coryton Crescent;

The roof lights serving the master bedroom 'wardrobes' in the east facing roof plane of units 2 and 3 facing the rear gardens of properties in Coryton Crescent shall be constructed so that their lower sill level is a minimum of 1.7 metres above internal floor level and thereafter be so retained.

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.

5. 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 dwellings hereby approved.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with policy 2.24 of the deposit Cardiff Unitary development Plan.

6. Prior to the construction of the dwelling units 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.

7. Notwithstanding the submitted details, prior to commencement of development, final plans showing the proposed floor levels of the dwellings and access road in relation to the existing ground level and the finished levels of the site together with details of any retaining walls shall be submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

Reason: 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.

8. 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.

9. 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.

10. 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.

11. Any site won recycled aggregate material 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 recycled 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.

12. No development shall commence until a drainage scheme for the site has been 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 and provide details of the proposed foul pumping system. Where a sustainable drainage scheme is to be provided the submitted detail shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measure taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) Include a period for its implementation; and

iii) Provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be undertaken in accordance with the approved scheme.

Reason: To decrease the risk of flooding elsewhere, prevent hydraulic overload of the public sewerage system and to ensure no pollution of or detriment to the environment in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan.

13. Notwithstanding the submitted plans, no development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include:

A landscaping implementation programme;

Scaled planting plan;

Evidence to demonstrate that services including drainage will not conflict with proposed planting;

Schedules of plant species, sizes, numbers and densities;

Scaled tree pit sectional and plan drawings;

Scaled tree pit sectional and plan drawings that show the minimum Root

Available Soil Volume for each tree;

Planting methodology and post-planting aftercare methodology including details of how the landscape architect or arboriculturist will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications

Topsoil and subsoil specification for all planting types informed by a Soil Resource Survey (SRS) and Plan (SRP) prepared prior to any site stripping or other earthworks/groundworks operations. The SRS and SRP shall be prepared in accordance with the Cardiff Council Soils and Development Technical Guidance Note. Where imported planting soils are proposed due to a lack of fit for purpose site won soils, specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil is appropriate for the landscaping types proposed, certification in accordance with British Standards 3882:2015 and 8601:2013 and a soil storage, handling, amelioration and placement methodology.

Planting methodology and a minimum 5 year post-planting aftercare methodology, including details of how the project landscape architect will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance 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, KP: 15 Climate Change and EN8: Trees, Woodlands and Hedgerows of the Cardiff Local Development together with Supplementary Planning Guidance: Green Infrastructure (November, 2017) including the Soils And Development Technical Guidance Note.

14. Any newly planted trees, shrubs or other landscaping plants, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of landscaping Condition 13 unless the LPA 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 of the Cardiff Local Development Plan.

15. The proposed development shall be carried out in accordance construction methodology set out in the Tree Constraints, Tree Impacts and Tree Method Statement dated 22nd February, 2019 from BJ Unwin Forestry Consultancy and under the supervision of the applicant's tree consultant.

Reason: To protect trees shown for retention in accordance with Policies KP5: Good Quality and Sustainable Design and EN8: Trees, Woodlands and Hedgerows of the Cardiff Local Development Plan.

16. Notwithstanding the submitted plans, further 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.

17. 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.

18. Prior to the commencement of development, a scheme of construction management shall be submitted to and approved by the Local Planning Authority. This scheme shall include details of the storage of plant and materials used in constructing the development, the parking of contractors/delivery vehicles, wheel washing facilities, details of construction traffic routes and restrictions on access/egress to the site by delivery vehicles to outside peak hours together with details of measures to ensure that delivery vehicles will be able to access and leave the site avoiding the situation where they would obstruct the highway by being obliged to wait and unload on the highway.

The proposed development shall be managed in accordance with the approved scheme.

Reason: In the interests of highway safety and public amenity, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

19. The width of the access road shall be as shown on drawing reference 2143-101 Rev K (proposed site layout).

Reason: to ensure that vehicles will be able to pass each other and to ensure that any overspill/visitor parking can be accommodated within the site in order to preclude overspill parking on Springfield Garden in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

20. The proposed development shall be carried out in accordance with the Site Clearance Method Statement (Reptiles) as set out in Appendix E of the Ecological Assessment dated April, 2018 from Celtic Ecology and Conservation Ltd.

Reason: To ensure protection of species of nature conservation importance in accordance with Policy EN7 (Priority Habitats and Species) of the Cardiff Local Development Plan.

21. The redevelopment of 102 Pendwyallt Road shall be undertaken in accordance with the following precautionary mitigation measures:
- i) prior to the commencement of the work, tool-box talks shall be given to site operatives such that they are aware that bats may be present;
 - ii) “soft-stripping” of features such as roof tiles, soffits, barge-boards, fascias etc., and any other features which bats may use to roost or to access a roost;
 - iii) A final internal inspection of the roof void of the building shall be carried out prior to demolition works.
 - iv) the developer shall have an ecologist on call in the event that bats are found during demolition and tree works. If bats are found during the works, the works should stop immediately and Natural Resources Wales shall be contacted for advice;

Reason: To provide precautionary mitigation for bats in accordance with Policy EN7 (Priority Habitats and Species) of the Cardiff Local Development Plan.

22. No clearance of trees, bushes or shrubs or partial demolition of the dwelling shall take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in these features immediately (48 hrs) before their removal.

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

23. If site clearance in respect of the development hereby approved does not commence within 2 years from the date of the most recent ecological survey, the approved ecological measures secured through (other planning conditions) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to;
- i) establish if there have been any changes in the presence and/or abundance of any protected or priority species and
 - ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised, and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information in accordance with Policy EN7 (Priority Habitats and Species) of the Cardiff Local Development Plan.

24. Notwithstanding the submitted plans, full details of refuse storage facilities shall be submitted to and approved by the Local Planning Authority. The

facilities shall be provided prior to the development being brought into beneficial use and retained thereafter.

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.

25. No development shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

26. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to

2) a lower rate of between 10 and 17 litres per second against zero back pressure.

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

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

RECOMMENDATION 2: The applicant is advised to secure the consent of the Operational Manager, Street Operations (via 'Highways@cardiff.gov.uk') prior to undertaking any works within the existing adopted highway in relation to the widening of the existing footway vehicular crossover and creation of the additional crossover access.

RECOMMENDATION 3: R1 Construction Site Noise

RECOMMENDATION 4: R4 Contamination and Unstable Land Advisory Notice

RECOMMENDATION 5: R2 Radon Gas Protection (basic measures)

RECOMMENDATION 6: Developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's Commercial Team on 029 20717500.

RECOMMENDATION 7: The applicant is advised to incorporate the following nesting or roosting opportunities for birds and bats into the proposed development, in accordance with the advice given in *Designing for Biodiversity: A Technical Guide for New and Existing Buildings*, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013' or the most recent subsequent edition thereof:

- 2 x bat boxes for crevice-dwelling bats, and
- 2 x Swift nest boxes, and
- 1 x double House Martin cup, and
- 1 x House Sparrow terrace

The applicant's ecologist can advise on the make and model and suitable positioning of these features.

RECOMMENDATION 8: The applicant is advised that any works that involve a culvert require permission under Section 23 of The Land Drainage Act 1991 from Cardiff Council who are the Local Lead Flood Authority and if this becomes the case please contact the FCRM team on FCRM@cardiff.gov.uk.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This planning application relates to a semi-detached bungalow known as Greenmeadows, 102 Pendwyallt Road, where full planning permission is sought to construct 5no.detached houses on a large parcel at the rear of the property. The proposal also involves the demolition of most of the existing house and its reconstruction in an alternative design to facilitate vehicular access to serve the new dwellings.
- 1.2 Details of the proposed layout and appearance of the dwellings are shown on the attached plans. The 5no.dwellings are of broadly similar appearance comprising large two storey properties with pitched main roofs and gable features, rising to a ridge height of approximately 9.7 metres and grouped around a turning circle. Proposed materials comprise facing brick with Rosemary roof tiles.
- 1.3 Whilst the element of the existing bungalow attached to the neighbouring semi at no.100 is to be retained, the remainder of the property is to be demolished and replaced with a narrower but longer structure. As originally proposed, the reconfigured dwelling included a 1 ½ storey gable fronted element which would have resulted in an incongruous addition to the pair. The design has subsequently been amended to a single storey structure retaining the height of the existing pair of properties. A new crossover is proposed to the front of the property providing access to 2no.off street parking spaces. At the rear, the reconfigured dwelling will project approximately 5.5 metres beyond the rear elevation of the attached semi at a distance of approximately 5.3 metres from the boundary. A private rear garden of approximately 205 square metres would be retained. To the rear of the garden, a vehicle turning area and pitched roof bin store is proposed. The reconfigured dwelling has been designed to have no

windows in its side elevation facing towards the access road.

- 1.4 A distance of approximately 9.5 metres will be retained between the side of the reconfigured dwelling and the boundary with the neighbouring house to the north at 104 Pendwyallt Road. Within this space, a 5.0 metre wide access is proposed to serve the dwellings at the rear. The scheme proposes fencing and screen planting alongside the access to minimise disturbance to the neighbouring occupiers. The reconfigured dwelling has been designed to have no windows in its side elevation facing towards the access road.
- 1.5 The site in total has an area of approximately 0.49 ha. It is relatively level where it is occupied by the existing bungalow but falls away from west to east before rising again towards the boundaries of the properties which back onto the site in Coryton Crescent. The information submitted as part of the application shows the ground level of the garden at the rear of no. 102 at approximately 48.0 metres, falling to approximately 42.0 metres within the central part of the proposed housing site which has a distinctive 'bowl' shaped land form. The proposal will involve some cut and fill works and alterations to levels over parts of the site. For example, the proposed circular turning area is shown to be raised by approximately 1.3 metre and elements of certain plots are also shown to be raised above existing levels.
- 1.6 The proposed access road adjoins the side boundary of the neighbouring property at 104 Pendwyallt Road for a distance of approximately 65.0 metres before entering the main part of the site which is roughly square in shape and measures approximately 55.0 metres by 60.0 metres. The proposed dwellings occupying the northern part of the site (plots 1 and 2) back onto the rear garden of 106 Pendwyallt Road at distances of between 11.0 metres and 12.0 metres. The side elevation of the dwelling at plot 1 is shown to be sited approximately 1.5 metres from the eastern end of the garden at 104 Pendwyallt Road and more that 40.0 metres from the rear elevation of that property. At the eastern end of the site, the proposed dwellings at plots 2 and 3 are shown to be sited between 6.0 metres and 12.0 metres from the application site boundary. Distances of between 20.0 metres and 26.0 metres are shown to separate the side elevations of the proposed houses and the rear elevations of Nos. 43 – 51 Coryton Crescent, whose rear gardens face towards the application site.
- 1.7 The southern boundary of the application site backs onto the rear gardens of nos.63 -75 Coryton Rise. The proposed dwellings at plots 3, 4 and 5 are sited between 10.5 metres and 13.0 metres from this boundary (approximately). Their rear elevations are sited at least 30.0 metres from the main rear elevations of the neighbouring houses. The boundary is relatively well screened with mature trees and hedge planting.
- 1.8 The western boundary of the site also backs onto the rear garden of the adjoining semi at no. 100 Pendwyallt Road. The proposed dwelling at plot 5 is shown to be sited approximately 2.0 metres and from the end of this neighbour's garden and over 30.0 metres from the rear elevation of no.100.
- 1.9 The application is supported by a Tree Impact Assessment/Tree protection Method Statement and Landscaping Plan showing new tree planting partly in mitigation for trees/vegetation removed from the site. Whilst the land has been largely cleared of trees, a Category 'A' Walnut in the rear garden of no.102 is shown to be retained. A large black Poplar, located next to the rear garden of

no.100 Pendwyallt Road has recently been felled.

- 1.10 An ecological assessment has been undertaken in support of the planning application. The work involved a phase 1 habitat survey to categorise the habitats present, an assessment of the site's ability to provide suitable habitats for protected species and recommendations for further survey and actions if considered necessary.
- 1.11 The application includes a drawing and statement relating to the "agreed boundary" of the land where it backs onto the neighbouring houses in Coryton Crescent. The drawing identifies what the applicant considers to be the location of the eastern boundary to the site. The agent has further clarified that a close boarded fence erected along this boundary is in a position which was agreed with a surveyor acting for the adjoining residents as well as a surveyor acting for the applicant.
- 1.12 The agent clarifies that the boundary to the south of the site differs from the OS boundary line with the red line application site boundary set within the OS boundary to exclude an area of unregistered title that was being claimed by an adjoining owner.

2. DESCRIPTION OF SITE

- 2.1 The application site comprises of a semi-detached bungalow and an extensive parcel of land assembled at the rear of the property. In total, the site measures approximately 0.49 ha. The site is surrounded by houses and their gardens with properties in Coryton Crescent and Coryton Rise adjoining the site's eastern and southern boundaries. The northern boundary adjoins nos.104 and 106 Pendwyallt Road and the south western corner of the site adjoins the rear garden of the attached semi at no. 100 Pendwyallt Road.
- 2.2 Beyond the immediate garden area of the bungalow, the site has been largely cleared of trees and other vegetation. The Ecological Report describes the site as comprising cut vegetation, former garden lawn and bare ground.
- 2.3 There are numerous trees on the perimeter of the site together with a large Walnut located to the rear of the existing house, a large black Poplar sited next to the boundary with the rear garden of no.100 Pendwyallt Road has recently been felled.
- 2.4 The site is relatively level where it is occupied by the existing bungalow but falls away from west to east before rising again towards the boundaries of the properties which back onto the site in Coryton Crescent. The information submitted as part of the application shows the ground level of the garden at the rear no. 102 at approximately 48.0 metres, falling to approximately 42.0 metres within the central part of the proposed housing site which has a distinctive 'bowl' shaped land form.
- 2.5 102 Pendwyallt Road comprises one of number of large bungalows along this stretch of road, some of which have been significantly extended and have first floor accommodation within roof spaces. The dwelling forms part of the only pair of semi-detached bungalows in the road. There are a variety of other house types in the vicinity including three storey flats and two storey houses. The road serving the site is also known as Greenmeadow Road and is accessed from the

main Pendwyallt Road at a point approximately 180.0 metres to the south. In effect, the road serving the site and its neighbours is a cul-de-sac with a former vehicular access opposite no.104 having been closed to traffic by the erection of bollards.

3. **SITE HISTORY**

- 3.1 No recent planning applications of relevance.

4. **POLICY FRAMEWORK**

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

KP3 (B): Settlement Boundaries
KP7 Planning Obligations
KP15 Climate Change
KP5: Good Quality and Sustainable Design
EN13: Air, Noise, Light Pollution and Land Contamination
EN6 Ecological Networks and Features of Importance for Biodiversity
T5: Managing Transport Impacts
EN8: Trees, Woodlands and Hedgerows
EN7: Priority Habitats and Species
EN10 Water Sensitive Design
EN14 Flood Risk
H3 Affordable Housing

- 4.2 Supplementary Planning Guidance includes:

Supplementary Planning Guidance: Cardiff Infill Sites (2017);
Supplementary Planning Guidance: Managing Transport Impacts (2018);
Supplementary Planning Guidance: Waste Collection and Storage facilities (2016);
Supplementary Planning Guidance: Green Infrastructure (November, 2017);
Supplementary Planning Guidance: Planning Obligations (2017);
Soils and Development Technical Guidance Note.

- 4.3 Planning Policy Wales Edition 10 (2018):

1.17 Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.

2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.

3.6 Development proposals must address the issues of inclusivity and accessibility for all.

3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

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

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

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

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

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

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

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

5.12.3 Construction sites inevitably require a degree of cut and fill engineering operations. Minimising the level of earthwork cut and fill volumes not only reduces waste but also protects soils, reduces energy consumption and reduces transport movements to and from a site. Ultimately it also reduces materials being sent to landfill and makes sustainable use of a finite resource. Such measures will need to be carefully considered against overall visual impacts.

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

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the

exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned.

6.4.24. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function.

6.6.9 The adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.

6.6.27 Planning authorities should be aware of the risk of surface water flooding and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS.

6.7.3. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

6.9.14 Responsibility for determining the extent and effects of surface and subsurface hazards remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners.

6.9.18 Planning authorities should take into account the nature, scale and extent of land contamination which may pose risks to health and the environment so as to ensure the site is capable of effective remediation and is suitable for its intended use.

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The Operational Manager, Transportation is aware of the concerns of residents regarding increased traffic and parking on street. However, he comments that a site of this nature will not generate a significant amount of new trips and notes that there is currently no residents parking scheme nor double yellow lines within the vicinity. The Officer does not consider that an objection to the application on highway safety/parking grounds would be justified subject to appropriate planning conditions/informatives. (Refer to conditions 17, 18, 19, 25 and recommendation 2).

- 5.2 The Operational Manager Waste Management advises that the bin store and refuse turning area is acceptable. The Officer comments that each dwelling will require the following storage and that the bin store would need to be large enough to accommodate this provision.

1 x 140 litre bin for general waste

1 x 240 litre bin for garden waste

1 x 25 litre bin for food waste

1 x 30 litre bin for glass waste (trialling at moment)

Space for recycling bags without impeding the collection of other waste streams.

- 5.3 The Operational Manager, Drainage Management is aware of concerns raised by some residents regarding drainage/flood risk. However, the Officer advises that the proposed drainage strategy for the development including the intention to dispose of surface water via soakaways is acceptable. In this regard, the Officer advises that tests undertaken by the applicant's consultant engineers confirm that infiltration is viable. On this basis, the Officer raises no objections to the application on drainage grounds subject to an appropriate condition.

Concern raised by residents regarding the possibility of a culvert being located in the northeast section of the site have been noted. The Officer advises that the Flood and Coastal Risk Management team do not have any records to confirm this. However, the Officer comments that the applicant should be advised as follows in respect of this matter:

Any works that involve a culvert require permission under Section 23 of The Land Drainage Act 1991 from Cardiff Council who are the Local Lead Flood Authority and if this becomes the case please contact the FCRM team on FCRM@cardiff.gov.uk.

- 5.4 Pollution Control (Noise & Air): The officer has also requested a condition relating to road traffic noise and informative R1 (Construction Site Noise).

- 5.5 Pollution Control (Contaminated Land): Standard conditions are requested relating to unforeseen contamination, importation of soils and aggregates, use of site won aggregates together with informatives R2: Radon Gas Protection and R4: contaminated/unstable land.

- 5.6 The Council's Ecologist comments as follows:

The Ecological Assessment submitted in support of this application, dated April 2018 and carried out by Celtic Ecology and Conservation Limited is noted. In general, the assessment is considered to be fit for purpose, and its conclusions and recommendations are supported.

As the site has been largely cleared, there remains limited ecological interest. However I have the following comments.

Bats

It is accepted that the dwelling at 102 Pendwyallt Rd is of low suitability for roosting bats, and that further surveys are not required. However, the presence of bats can never be ruled out, and the following precautionary mitigation methods should be secured by means of a suitably worded condition:-

- Giving tool-box talks to site operatives such that they are aware that bats may be present
- 'soft-stripping' of features such as roof tiles, soffits, barge-boards, fascias etc., and any other features which bats may use to roost or to access a roost
- Having an ecologist on call in case bats are found during demolition, etc. If bats are found during these works, they should stop immediately and Natural Resources Wales contacted for advice
- A final internal inspection of the roof void of the building prior to demolition

A potential roost feature was noted in the mature Hornbeam tree (T2) on site. If this tree is to be felled, a climbing inspection using endoscopes etc. should be carried out beforehand. It is not necessary to carry out this final check before any consent is granted as bats may colonise or abandon use of this feature before the tree is felled, if felling is required. The inspection should be required as part of the same condition as the precautionary mitigation measures for the dwelling.

Reptiles

The Site Clearance Method Statement (Reptiles) as set out in Appendix E of the Ecological Assessment is supported and its implementation should be conditioned.

Nesting Birds

Nesting birds are likely to be present at certain times of year. As set out in the Ecological Assessment, the following condition should be attached to any planning permission to prevent harm to these species:-

No site clearance/demolition of (relevant features) to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if a consultant ecologist can evidence that there are no birds nesting in these features immediately (48 hrs) before their removal.

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

Enhancements

Under section 6 of the Environment (Wales) Act 2016, public bodies such as Cardiff Council are required to seek to maintain and enhance biodiversity, and in doing so to promote the resilience of ecosystems, in the exercise of their functions.

Furthermore, section 5.2.8 of Planning Policy Wales states that:- 'The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.'

Policy EN7 of the recently-adopted LDP reflects this:-

'Where harm is unavoidable it should be minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area. Where this is not possible, compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species should be provided.'

Therefore developments such as that currently proposed should incorporate enhancement measures to allow the LPA to comply with this legislation and these policies, as set out in the Ecology and Biodiversity section of the approved Green Infrastructure SPG.

In terms of specific enhancement features, nesting or roosting opportunities for birds and bats should be incorporated into new build in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013', or most recent subsequent edition thereof. More specific details of appropriate levels of provision of nesting/roosting opportunities are given in the TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009'. With these documents in mind, an appropriate level of enhancement provision across the whole of this development would be:-

- 2 x bat boxes for crevice-dwelling bats, and*
- 2 x Swift nest boxes, and*
- 1 x double House Martin cup, and*
- 1 x House Sparrow terrace*

The applicant's ecologist can advise on the make and model and suitable positioning of these features. Bat / bird boxes such as these are readily available commercially, are inexpensive, and can be tailored to the style and colour of the finish of the buildings. Features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public.

Data Shelf-life

As a general principle, survey work which is more than 2 years old will be regarded with caution, as certain species may colonise or leave an area in the interim period. This is particularly the case with mobile species such as bats, and bat surveys greater than 2 years old will have to be repeated. In this particular instance, the site has been cleared of woodland and scrub, which could very rapidly regenerate if further site clearance and/or construction is delayed for any reason. For example, the scrub vegetation could develop into suitable habitat for nesting birds next spring, and a mosaic of scrub and grassland could provide suitable habitat for reptiles colonising from adjacent gardens. Therefore, the following planning condition should be attached stating that the ecological impact assessment should be repeated if works have not taken place within two years of the date of the most recent survey:-

'If site clearance in respect of the development hereby approved does not commence within 2 years from the date of the most recent ecological survey, the approved ecological measures secured through (other planning conditions) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of any protected or priority

species and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised, and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

- 5.8 The Housing Development Officer advised that in accordance with Local Development Plan Policy H3: Affordable Housing, an affordable housing contribution of 20% of the six units proposed (1 unit) should be sought. Although the priority is for on-site affordable housing in the form of affordable rented accommodation, the Officer states that given the proposed design/configuration of the scheme, as an alternative to on-site provision, the Housing Development Team would be willing to enter into discussions with the applicant with regard to providing the affordable housing contribution as a financial contribution in lieu. On that basis, the Officer would seek a financial contribution of £143,318 calculated in accordance with the formula set out in the SPG. The Officer has provided common waiting list figures for Whitchurch in support of this request.

In response to this request, the agent submitted a viability appraisal of the scheme which has been reviewed by the District Valuer (DVS) on the Council's behalf. The DVA's concludes that the development is not deliverable with the provision of the S106 sum sought.

- 5.9 The Council's Public Rights Of Way Officer advises as follows:

There are no Public Rights of Way affecting the application site. I am not sure why there has been an objection to the application as there may be informal paths around Coryton Roundabout through the woodland that horse riders are using, but this would not affect the proposed development. It appears that the proposed development site is enclosed by surrounding gardens and therefore there would be no public access from the site to the woodland to the north.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/Dwr Cymru advises that it has conducted a site visit to inspect the public sewer both upstream and downstream of where the proposed development would connect. The Company advises that the sewer is in good condition and that a neighbouring resident has been updated following the visit.

The Company states that the downstream sewer had a slight built up of debris but nothing that would cause any operational concerns. Notwithstanding this, and to ease the minds of local residents, the Company states that it will return to flush the sewer and ensure it is in good working order before the commencement of any development.

Specifically, with regard to the proposed planning application, the Company has provided the following formal consultation response:

We write further to our previous letter dated 8th April 2019 in which we requested

further time in which to offer our formal response. This has allowed for a site visit and further investigations to take place on the existing public sewer into which the proposed development would ultimately drain. Upon completion of the site investigations we are satisfied that the size, condition and capacity of the public sewer is sufficient to accommodate the proposed development.

With regard to the application, we have reviewed the information submitted with particular focus on drawing number SCL/00001/S/0052 Revision H and note that the intention is to drain surface water to soakaways and offer no further comment on this aspect as it falls outside of Welsh Water jurisdiction. We note that the intention is to install an on-site pumping station and connect foul water to the public sewer and on the back of our recent site visit we have no objection. We note that the proposal intends to utilise a sewerage pumping station and associated rising main to convey flows from the properties to the existing public sewer. As part of the subsequent application under section 104 of the Water Industry Act our engineers will technically vet the proposal against the legislation to ensure that the drainage proposal meets an adoptable standard. We then conduct regular inspections throughout the build process to ensure that it is constructed as per the agreement and monitor the assets for an extended period of time after occupation to ensure the network operates as designed.

Notwithstanding the above, if the Council is minded to grant planning permission it is requested that we request the following Conditions is included within any subsequent consent.

'No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details as shown on drawing SCL/00001/S/0052 Revision H. Thereafter no surface water and/or 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.'

7. REPRESENTATIONS

- 7.1 Local Members have been consulted. Councillor Linda Morgan objects to the application and requests that members of Planning committee undertake a site visit prior to its determination.
- 7.2 Some 34 representations were received from neighbouring occupiers and local residents objecting to the planning application on a variety of grounds. Neighbouring and nearby residents were also notified of amended plans. 30 further representations objecting to the application have been received. In summary, the objections include the following matters (objections, in full, can be viewed on the Council's web site):

Parking and Highway safety concerns

Access to the proposed site during construction and subsequently for residents would be via the narrow road which runs parallel with Pendwyallt Road. This service road is not considered fit for purpose;

Pendwyallt Road is a busy arterial route into Cardiff City Centre. The junction of Pendwyallt Road and the access road is substandard in size to enable vehicles

to manoeuvre safely. This issue is exacerbated by vehicles parking on the access road when dropping off and collecting children from the nearby Coryton Primary School. The proposal to provide five additional dwellings and the vehicles movement associated with such development would harm the safe and efficient operation of the access road and Pendwyallt Road;

The junction of the service road onto Pendwyallt Rd has seen many road traffic accidents over the years. Pedestrian and child safety at the junction should be seriously considered with the proposed development so close to a school.

The proposed development would add to the vehicle numbers already using the narrow poorly maintained road access road. There is concern that the proposed development will cause further damage to the road, to the detriment of existing residents.

Emergency vehicles would be restricted if they need to attend an emergency due to parked cars;

Delivery lorries and Council refuse collection vehicles mount and damage the verges. Access is often restricted and waste is not collected;

During the construction process there will be major disruption caused by heavy construction traffic and the installation of services which will require excavation of the Road;

Some residents comment that there is public access to the site and refer to a bridle path. It is stated that there was access to the land until a fence was erected at the rear of Coryton Rise.

Design/impact on street scene

The proposal dwellings are is not subservient in scale and size in relation to surrounding properties, would result in overdevelopment of the site and would be a visually dominant feature in the landscape;

The proposal fails to respect the symmetrical quality and significantly alters the original character of the pair of semi-detached properties at nos. 100 / 102 Pendwyallt Road to the detriment of the appearance of the existing properties and the surrounding area;

The proposal is out of keeping with the surrounding area:

Harm to the character and appearance of an area of woodland visibly enjoyed by wildlife and local residents.

Impact on the living conditions of neighbouring and nearby occupiers

The proposed dwellings would be overbearing/dominating;

Loss of privacy/unacceptable overlooking;

Loss of light;

Noise/disturbance to neighbouring and nearby residents during construction and on occupation of the development;

Concern regarding the proposed raising of site levels/ground modelling works;

Possible land stability issues;

New trees have the potential to block light to neighbouring gardens;
A hedge rather than a fence would to allow the free passage for any remaining wildlife.

Ecology/Conservation Interests/Trees/Landscape

The application site has never been a formal garden and has always been a meadow and woodland;

Prior to the destruction of the woodland, the area was a vibrant habitat for wildlife, abundant with trees and containing dense vegetation;

The development site has provided a stepping stone for local wildlife and biodiversity of the area. The development site is not only a wildlife haven but a buffer in relation to noise and pollutions from junction 32 Coryton Interchange / M4 and the A470;

The proposal has resulted in the loss of trees , including protected trees of amenity value which is unacceptable and contrary to relevant policies of the Cardiff Local Development Plan;

Destruction of a valuable green space;

The destruction of the site occurred before the planning application was submitted which raises serious issues concerning the role of the Council in protecting trees and associated wildlife in relation to this proposed development.

Drainage and Flood Concerns

The land provides natural drainage to the surrounding area and to part of Coryton roundabout. The possibility of increased run off and flooding of the surrounding properties is of concern. Reference has also been made to a possible culvert on the north side of the site associated with Coryton Interchange;

Some residents refer to problems with sewers becoming blocked and consequent overflowing of raw sewerage into rear garden areas;

Concern has also been raised by regarding the operation of the proposed pumping station;

It is queried whether soakaways would be adequate during spells of heavy rainfall.

Other Matters.

Residents have raised concerns regarding the on-site activities/actions of the developers prior to the determination of the application including damage/destruction of habitat.

Concerns regarding Radon gas.

7.3 A 104 signature petition of objection has been submitted from local residents. The grounds of objection are as follows:

- Visual Amenity
- Adequate Parking / loading / turning, especially throughout the construction phase.
- Highway Safety
- Traffic generation on narrow service road
- Loss of trees
- Road access
- Strategic planning guidance on backyard development

8. ANALYSIS

- 8.1 This planning application was deferred at the Committee meeting on 19th June, 2019 for a site visit which subsequently took place on 8th July, 2019. The planning application is reported back for determination.
- 8.2 The application relates to a semi-detached bungalow known as Greenmeadows, 102 Pendwyallt Road, where full planning permission is sought to construct 5no.detached houses on a large parcel at the rear of the property. The proposal also involves the demolition of most of the existing house and its reconstruction in an alternative design to facilitate vehicular access to serve the new dwellings.
- 8.3 The site lies within the settlement boundary as defined in the Cardiff Local Development Plan and there is no 'in principle' objection to its redevelopment for residential purposes. Planning Policy Wales advises that *Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes* (para. 4.2.23). Notwithstanding the removal of soils and loss of impermeable surfaces over part of the land to facilitate the development, this needs to be balanced against the benefit of development on a resource efficient site within the settlement boundary.
- 8.4 The main planning issues are considered to relate to the following matters:
- (i) the likely effect of the proposed development on the character and appearance of the area and street scene;
 - (ii) the likely effect on the living conditions/residential amenity of the occupiers of neighbouring and nearby houses and the quality of the living environment for future occupiers of the proposed dwellings;
 - (iii) highway safety/ parking;
 - (iv) the effect on trees and ecology/conservation interests.
 - (v) drainage and flood risk;
 - (vi) affordable housing;
- 8.5 Policy KP5: Good Quality and Sustainable Design of the Cardiff 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.*
- 8.6 The proposed scheme constitutes backland development and would therefore need to be assessed in relation to the Council's Infill Sites Supplementary Planning Guidance (SPG) on this matter.
- 8.7 The Infill sites SPG includes the following advice in respect of backland development:

Any proposals within backland sites should reflect the characteristic scale of backland development within the local area. As a general rule, backland development should be a subservient form of development (lower than the front facing properties). The design of backland development must be based on a clear understanding of the effects that this type of development has on character and residential amenity. Problems that can occur which must be avoided, or minimised to an acceptable level, are:

Loss of privacy and spaciousness.

Loss of daylight.

Inadequate access.

Loss of green/garden space.

Enclosure of public utility services.

Loss of car parking.

The prejudicing of future development through piecemeal development.

Poor aspect onto 'inactive' frontages or rear lanes. (para.2.9);

- 8.8 Paragraph 3.5 of the Infill Sites SPG states that *'Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.'*
- 8.9 Paragraph 4.11 of the Infill Sites 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.'*
- 8.10 With respect to the effect of the proposed development on the character and appearance of the street scene, with the exception of the reconfigured bungalow, the 5 new houses would have limited visual impact from the public realm of Pendwyallt Road having regard to their siting to the rear of the existing dwelling, their distance from the highway and the lower ground level of this part of the application site.
- 8.11 Whilst the element of the existing bungalow attached to the neighbouring semi at no.100 is retained, the remainder of the property is to be demolished and replaced with a narrower but longer structure. As originally proposed, the reconfigured dwelling included a 1 ½ storey gable fronted element which would have resulted in an incongruous addition to the pair. The design has been amended to a single storey structure retaining the height of the existing pair of properties. The reconfigured dwelling, as amended, is considered to reasonably reflect the character of the existing pair (which are an isolated example along the road) and would not harm the appearance of the street scene.
- 8.12 The development would be clearly visible from the existing neighbouring properties which adjoin the application site and the occupiers of these properties would inevitably experience a change in outlook. However, this, in itself, is not considered sufficient ground on which to refuse the application.
- 8.13 The proposed development is not considered to represent an over development of the site which is relatively large, measuring approximately 0.49 ha in area. The provision of 5 new dwelling units and retention of the existing dwelling house represents a gross density of approximately 12.2 dwelling units per ha. This is not considered to be an intensive level of development assessed against current standards and neither is it considered that the proposed development has been

'squeezed' onto the site such that future occupiers would experience a poor living environment. In this regard, all units enjoy a high quality of internal living space. Private amenity spaces are in excess of the minimum requirements outlined in the Council's Infill Sites SPG.

- 8.14 Tandem development is a form of backland development where one new house is placed directly behind another either sharing the same, or an additional driveway/access. The Infill Sites SPG states that this form of development is generally unacceptable because of the consequential impact on the residential amenity of the surrounding dwellings. However, it also comments that where plots are of a sufficiently large size, proposals which are sensitively designed to limit their impact upon neighbouring properties may be considered.
- 8.15 The Infill Sites SPG states that: *'New driveways should be appropriate to their context. New driveways serving rear garden development should be positioned to minimise the noise disturbance to neighbouring dwellings* (paragraph 3.47).
- 8.16 A distance of approximately 9.5 metres will be retained between the side of the reconfigured dwelling and the boundary with the neighbouring house to the north at 104 Pendwyallt Road. Within this space, a 5.0 metre wide access is proposed to serve the dwellings at the rear. Whilst it is inevitable that neighbouring occupiers will experience some noise disturbance from the coming and going of vehicles, it is not considered that this would be so significant as to justify refusal of the application on this ground. The scheme proposes fencing and screen planting alongside the access to minimise disturbance to the neighbouring occupiers. The reconfigured dwelling has been designed to have no windows in its side elevation facing towards the access road.
- 8.17 Neighbouring occupiers are concerned that the proposed development would have an overbearing effect on the adjoining properties and that there would be unacceptable overlooking issues. However, the proposed layout achieves or exceeds the recommended minimum overlooking distance of 10.5 metres from a habitable room window to a garden area of a separate dwelling. Advice in the Infill Sites SPG states that normally, a minimum of 21.0 metres should be maintained between principal windows to habitable rooms which is also achieved and significantly exceeded in most cases.
- 8.18 Having regard to the siting of the proposed houses in relation to the neighbouring dwellings, the distances separating them and proposed finished levels, it is not considered that they would impact unacceptably on light to habitable rooms or result in unacceptable overshadowing to the extent that would support refusal of the application on this ground.
- 8.19 The reconfigured bungalow will project approximately 5.5 metres beyond the rear elevation of the attached semi at a distance of approximately 5.3 metres from the boundary. Such a relationship would not impact unacceptably on the living conditions of the neighbouring occupiers.
- 8.20 Although there has been mention of a possible public access into the application site. The Council's Public Rights Of Way Officer has clarified that this is not the case (refer to paragraph 5.9).
- 8.21 To the rear of the retained garden at 102 Pendwyallt Road, a vehicle turning area and pitched roof bin store is proposed.

Nature Conservation/Trees

- 8.22 Beyond the immediate garden area of the bungalow, the site has been largely cleared of trees and other vegetation. The Ecological Report describes the site as comprising cut vegetation, former garden lawn and bare ground.
- 8.23 Objections have been raised by residents referring to the destruction of woodland on the site and the loss to the community of an important amenity. Notwithstanding this concern, the application site is not subject to any statutory or non-statutory nature conservation designations. The Council Ecologist's assessment of the application is outlined in section 5.6. As the site has been largely cleared, the Officer comments that there remains limited ecological interest. The proposed development is unlikely to affect any locally or nationally designated sites nearby and it is not considered that any of the habitats on site would justify designation as a Site of Importance for Nature Conservation. The Officer advises that the submitted ecological assessment is generally fit for purpose and supports its conclusions. Conditions/informatives are recommended, as outlined in the Officer's representations, including a requirement to provide nesting or roosting opportunities for birds and bats within the development.
- 8.24 Nine new trees are proposed to be planted in rear garden situations where their streetscape impact will be limited and their amenity value will be largely private. A further nine trees are shown to be located on dwelling frontage or within soft landscape space where their contribution to visual amenity will be more significant. The Tree Officer advises that these trees should be considered as replacements for a number of poplars planted as a condition of a 2015 TPO consent to remove protected trees along the north western site. They feature 3 no. tree species considered by the Tree Officer to be '*large to very large*' with the remainder being '*medium to large*'. The Officer notes that a mix of native and non-native trees is proposed across the site providing a high level of diversity.
- 8.25 A Category 'A' Walnut in the rear garden of no.102 has significant visual amenity value and is shown to be retained. A large black Poplar, positioned next to the boundary with the rear garden of no.100 Pendwyallt Road was a structurally damaged 'U' classified tree and has recently been felled.
- 8.26 The Tree Officer has requested appropriate landscape and tree protection conditions which are included in the recommendation.

Drainage/Flood risk

- 8.27 The drainage strategy for the side is to address to connect foul drainage to the mains via a pumping station located adjacent to plot 1 and surface water by means of soakaways. The applicant has entered into discussions with Welsh Water/Dwr Cymru and the Company has indicated its willingness to enter into an adoption agreement for the foul sewer network subject to agreeing matters of detail. The Company has raised no objections to the application on drainage grounds.
- 8.28 Having regard to the drainage information submitted in support of the application, including infiltration test results, no technical objections have been raised by the Council's Drainage Officer to the approval of the application on drainage grounds subject to an appropriate drainage condition.

- 8.29 The application site lies outside the flood consultation zones as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

Highway Safety/Parking

- 8.30 The Transportation Officer has considered the application and taken account of the highway concerns raised by residents. His advice is set out in paragraph of the 5.1 of the report. It is considered that the proposed layout makes adequate provision for off-street curtilage parking for both the proposed new dwellings and the retained existing dwelling and that any visitor parking could be adequately accommodated within the site. The Officer is satisfied that the proposed development will not generate unacceptable overspill parking and exacerbate kerbside pressure.
- 8.31 Consequently, the Officer does not raise an objection on highway grounds subject to conditions to ensure the provision of appropriate off street parking and provision of an access road of sufficient width (as shown) to enable vehicles to pass each other within the site in order to preclude overspill parking on Pendwyallt Road. The Officer has also requested a condition requiring the approval of a Construction Management Plan to include details of restrictions on access/egress to the site by delivery vehicles to outside peak hours.

Affordable Housing

- 8.32 The application has been assessed in relation to Local Development Plan Policy H3: Affordable Housing. In accordance with the Policy, an affordable housing contribution was initially requested by the Housing Strategy Officer. In response to this request, the applicant commissioned a viability assessment for the scheme which has been reviewed by the District Valuer (DVS) on the Council's behalf. The DVS concludes that the development is not deliverable with the provision of the S106 sum sought.
- 8.33 In conclusion, the proposed development, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions.

OTHER LEGAL CONSIDERATIONS

- 9.1 *Crime and Disorder Act 1998*
Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.2 *Equality Act 2010*
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have

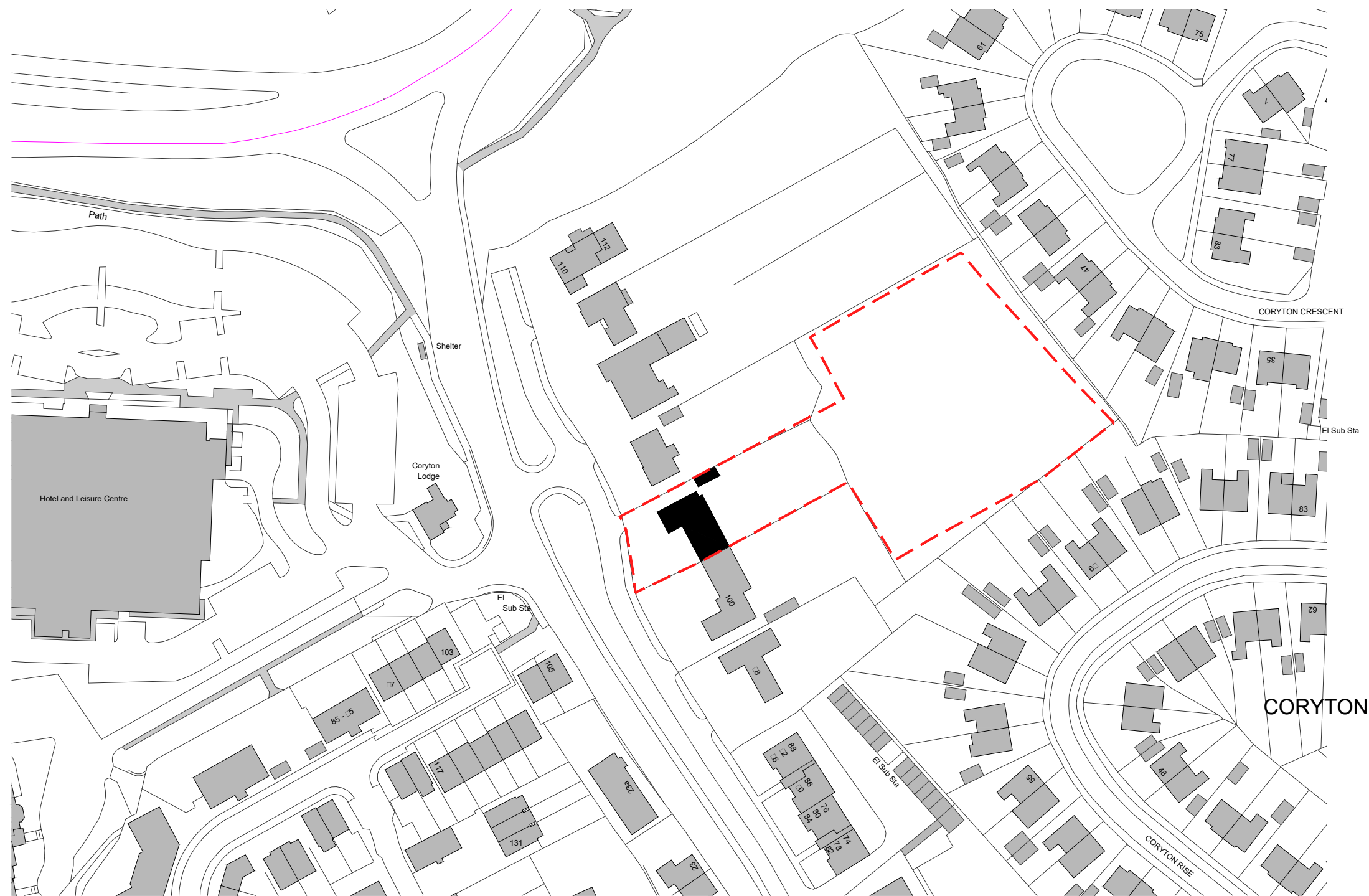
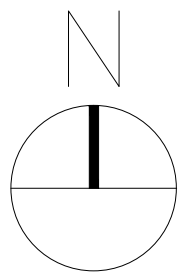
any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

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

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

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.



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Pendywalt Road, Coryton, Cardiff

Location Plan | 1:1250 @ A3 | Dec 2017 | 2143 -100

Schedule of Accommodation

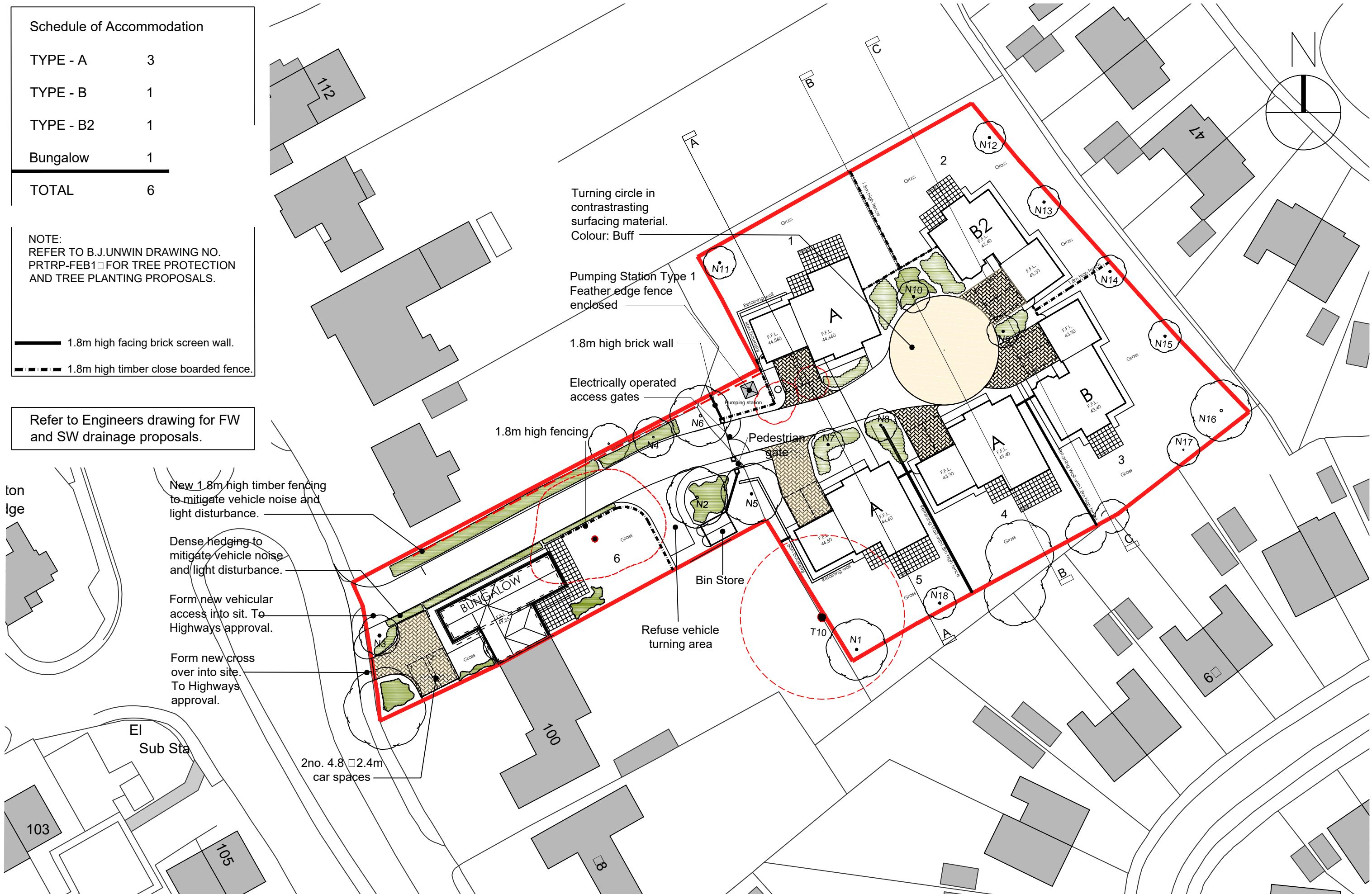
TYPE - A	3
TYPE - B	1
TYPE - B2	1
Bungalow	1
TOTAL	6

NOTE:
REFER TO B.J.UNWIN DRAWING NO.
PRTRP-FEB1 FOR TREE PROTECTION
AND TREE PLANTING PROPOSALS.

1.8m high facing brick screen wall.

1.8m high timber close boarded fence.

Refer to Engineers drawing for FW
and SW drainage proposals.



The original of this plan was produced in colour, a monochrome copy should not be relied on.

New trees

N1: Scots pine

N2: Scots pine

N3: Chanticleer Pear

N4: Chanticleer pear

N5: Dawn redwood

N6: Dawn redwood

N7: Prunus □Hillieri

N8: Prunus □Hillieri

□syn: Prunus Spire.

N □: Whitebeam □magnifica

N10: Honey locust □Imperial

N11: Rowan

N12: Rowan

N13: Rowan

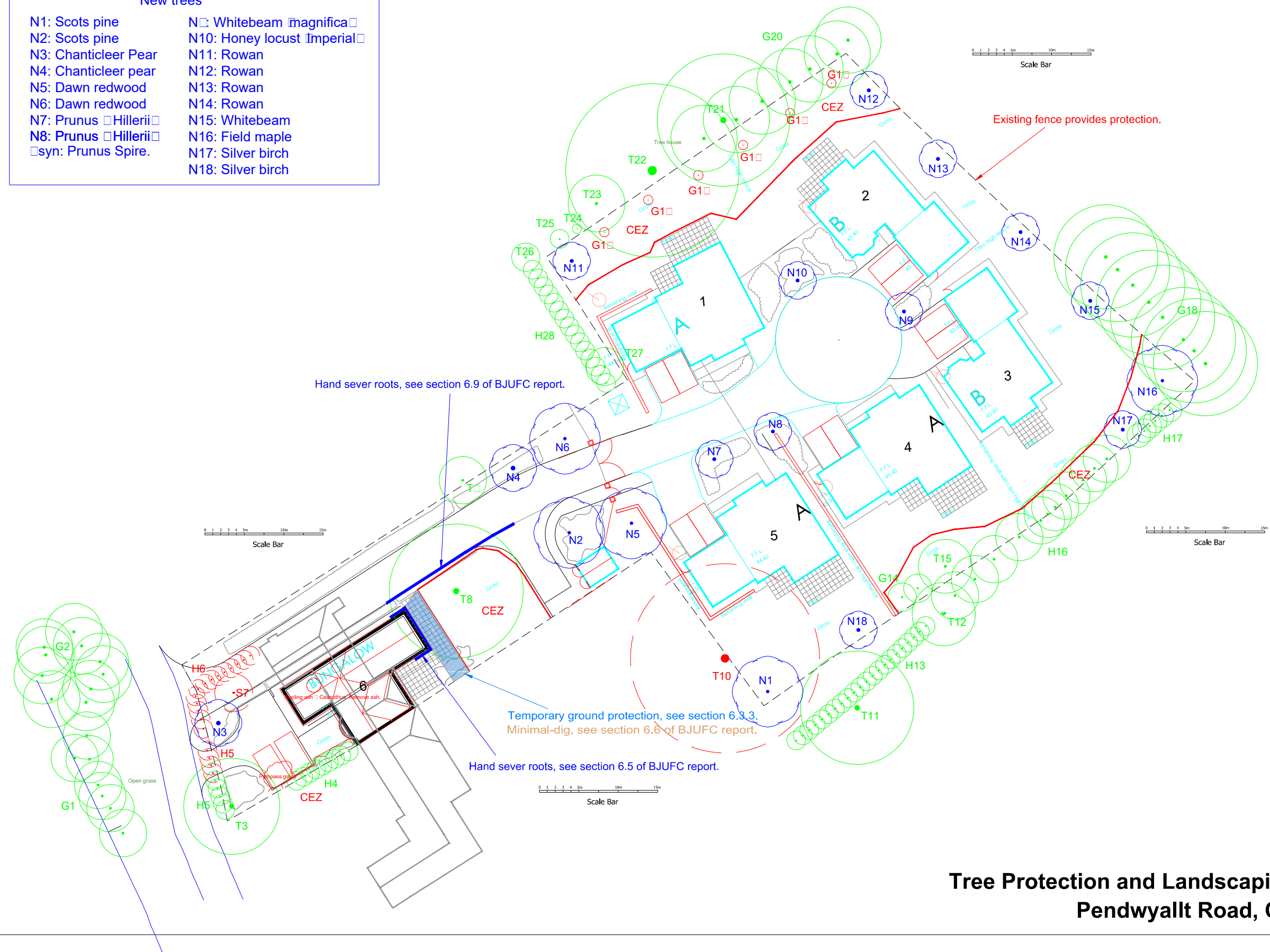
N14: Rowan

N15: Whitebeam

N16: Field maple

N17: Silver birch

N18: Silver birch



Key: -

Tree Protection Fence

CEZ Construction Exclusion Zone

Root Protection Areas (RPA)

T1 Trees for removal

Hand sever roots

Temporary ground protection and minimal dig

N1 New trees

Note:
New underground services may require changes to this plan.

North

B. J. Unwin Forestry Consultancy,
Parsonage Farm,
Longdon,
Tewkesbury,
GL20 6BD
Tel: 01684 833538
Email: jim@bjunwin.co.uk
Web: www.bjunwin.co.uk

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Client:
Case Morgan Developments Ltd

Site:
Pendwyallt Road, Coryton

Drawing Title:
Tree Protection & Tree Planting Plan

Scale:
1: 500 @ A3

Date:
Feb 22nd 2019

Drawn by:
NJJ

Drawing No:
PRTRP-FEB19

Tree Protection and Landscaping Plan
Pendwyallt Road, Coryton



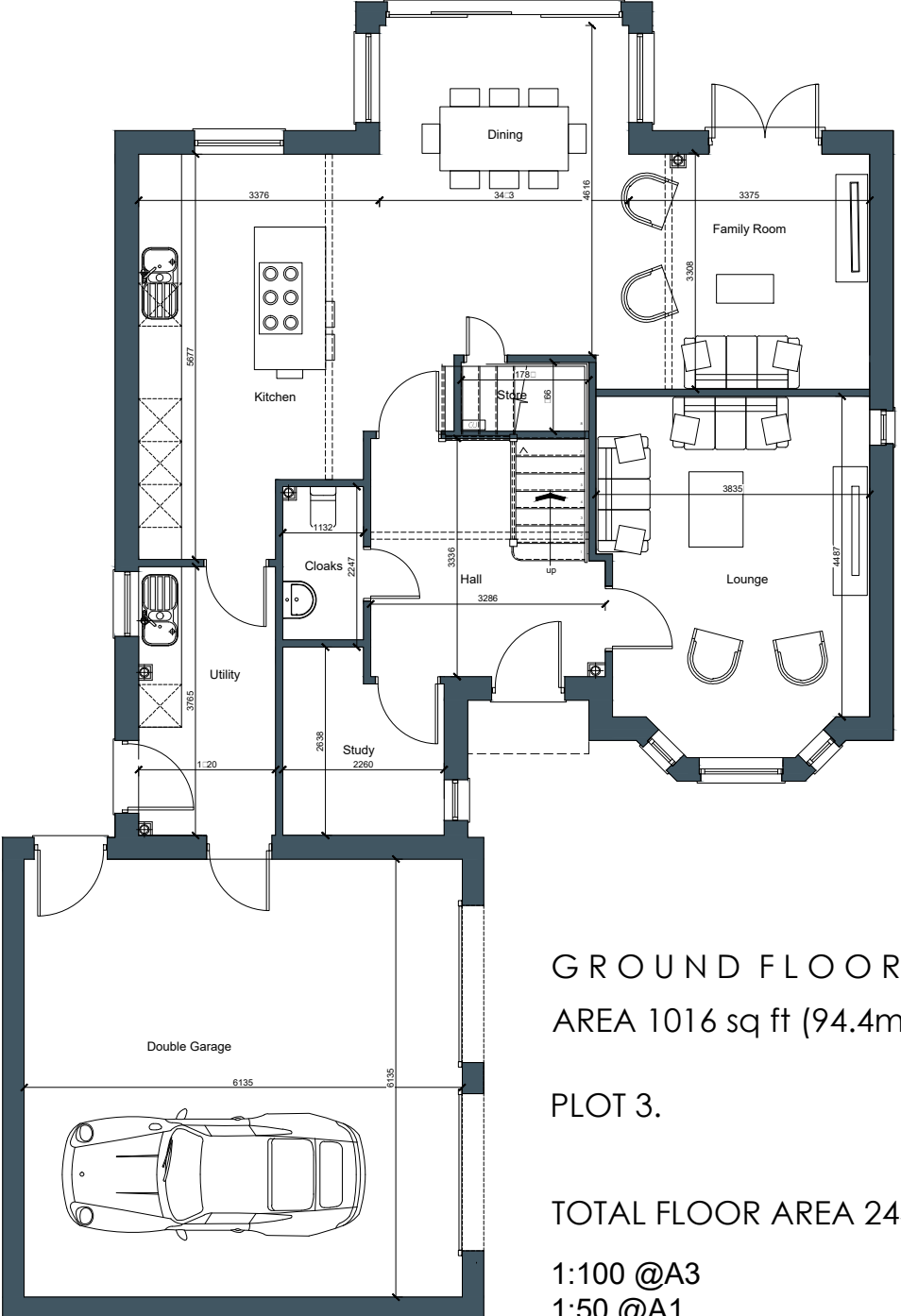
1:200 @A3
1:100 @A1

FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION

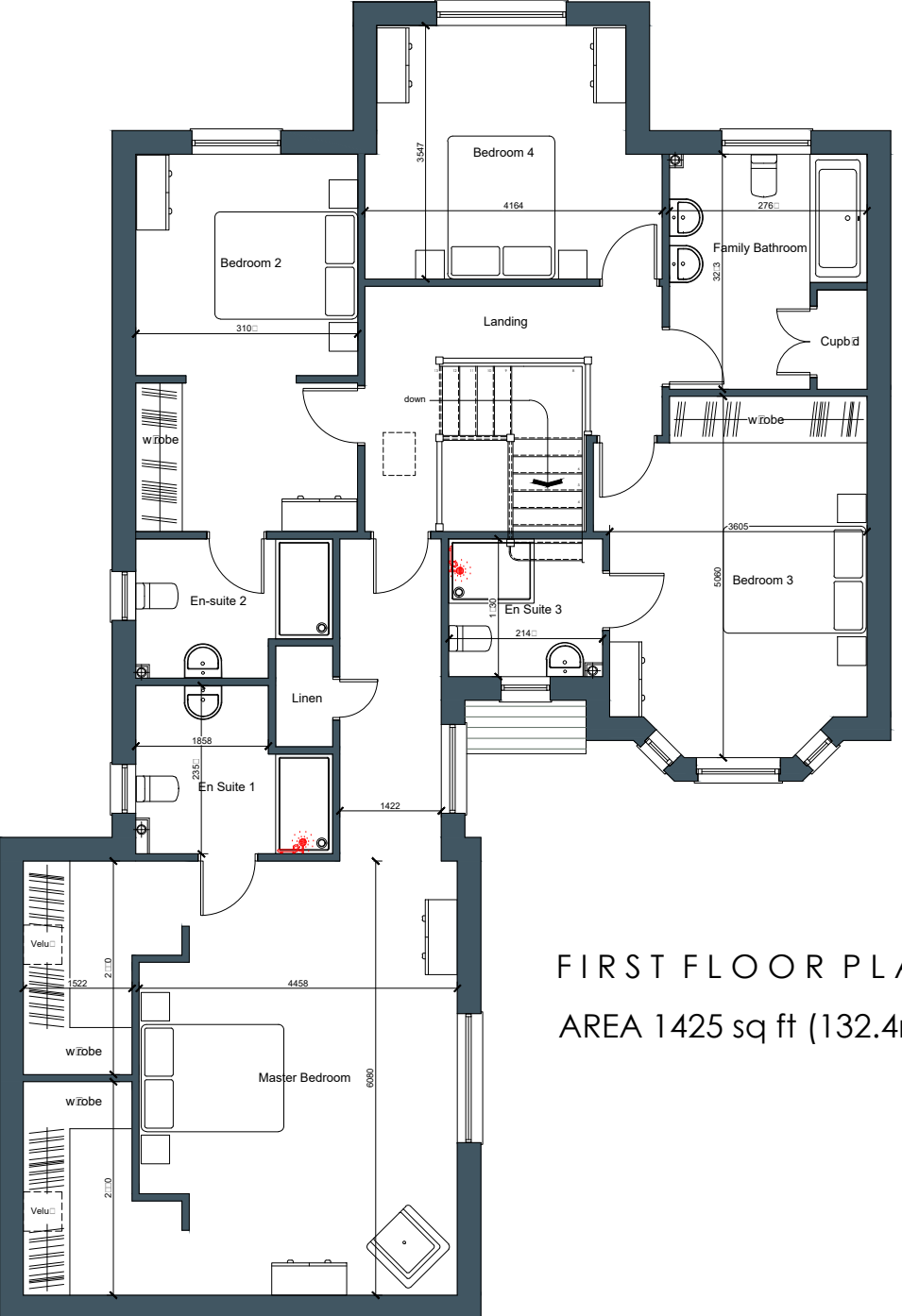


GROUND FLOOR PLAN
AREA 1016 sq ft (94.4m²)

PLOT 3.

TOTAL FLOOR AREA 2441 sq ft

1:100 @A3
1:50 @A1



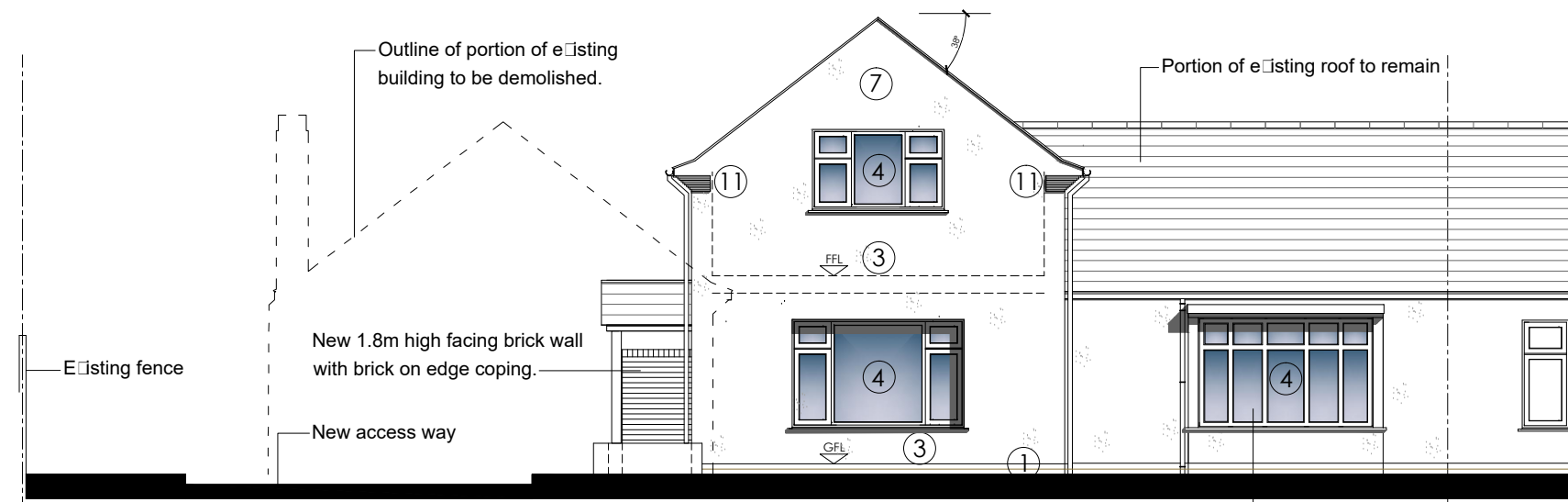
FIRST FLOOR PLAN
AREA 1425 sq ft (132.4m²)

- EXTERNAL MATERIAL FINISHES SCHEDULE:
- ① Facing brickwork to main walls. Colour to be agreed.
 - ② Contrasting concrete quoins. Colour to be agreed.
 - ③ Roof Tiles, Terracotta - Rosemary Type.
 - ④ Cast stone sills. Colour to be confirmed.
 - ⑤ PPC aluminium windows, screens and door. Colour : Dark grey.
 - ⑥ Upvc fascias and soffits. Colour to be confirmed.
 - ⑦ Upvc Rainwater Goods. Colour to be confirmed.
 - ⑧ Raised contrasting stack bond feature surround to porch opening. Colour to be confirmed.
 - ⑨ Toughened glass Juliete balcony with stainless steel handrail.

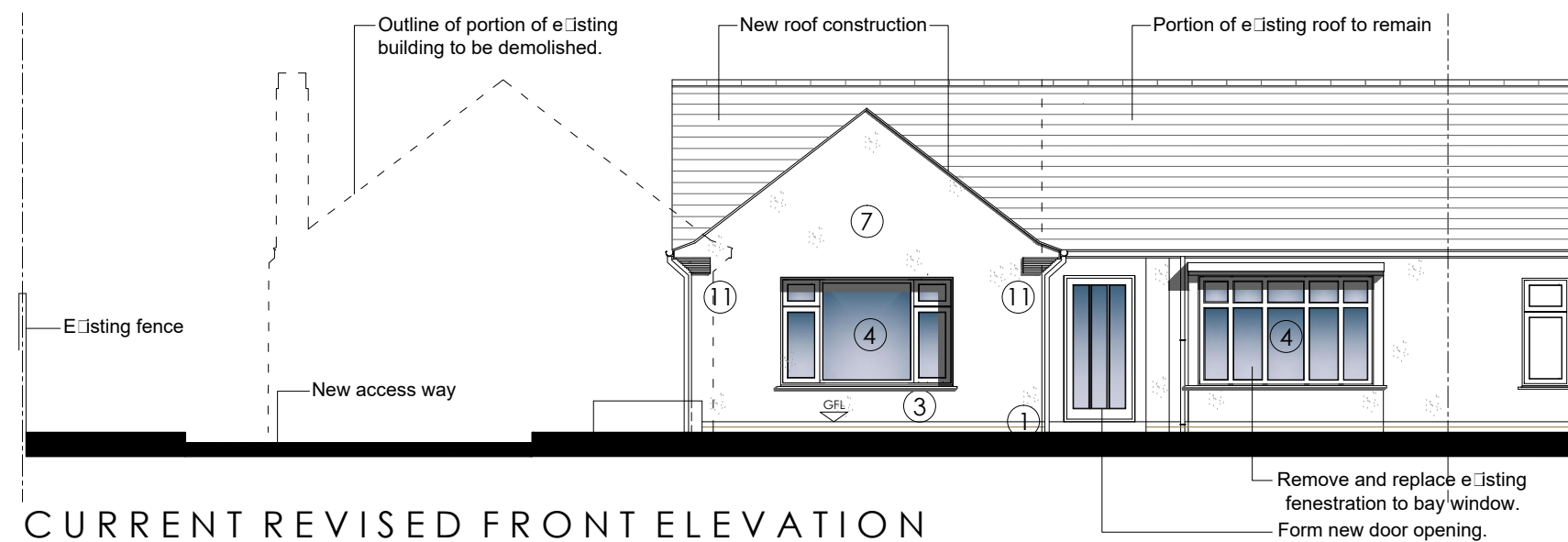
HOUSE TYPE B



EXISTING FRONT ELEVATION



ORIGINAL PROPOSED FRONT ELEVATION



CURRENT REVISED FRONT ELEVATION

PLANNING

Status: **PLANNING**

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rev date description

by

Drawn: CJW Client: Case Morgan Developments Ltd.

Checked: CTW Project: Pendywal Road, Coryton, Cardiff

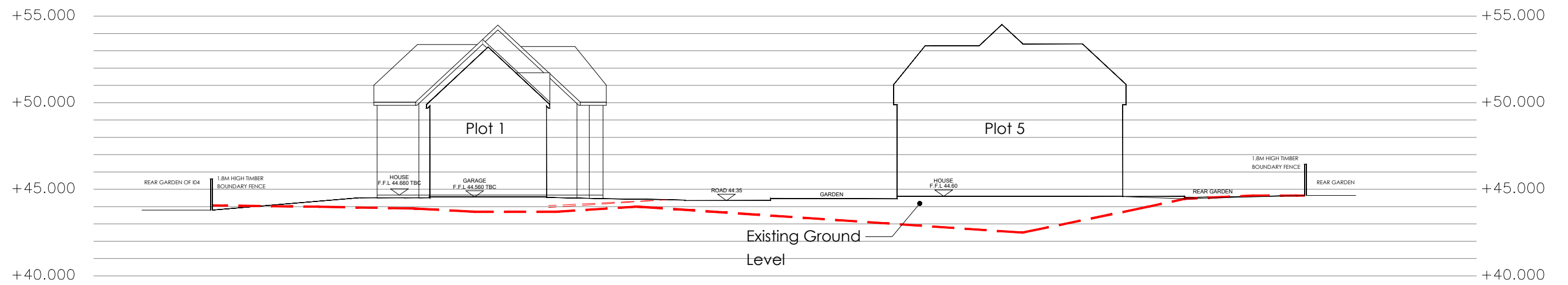
Date: Oct 2018 Title: Existing & Proposed Elevational History

Scale: 1:100@A3 Ref: 2143-200-10

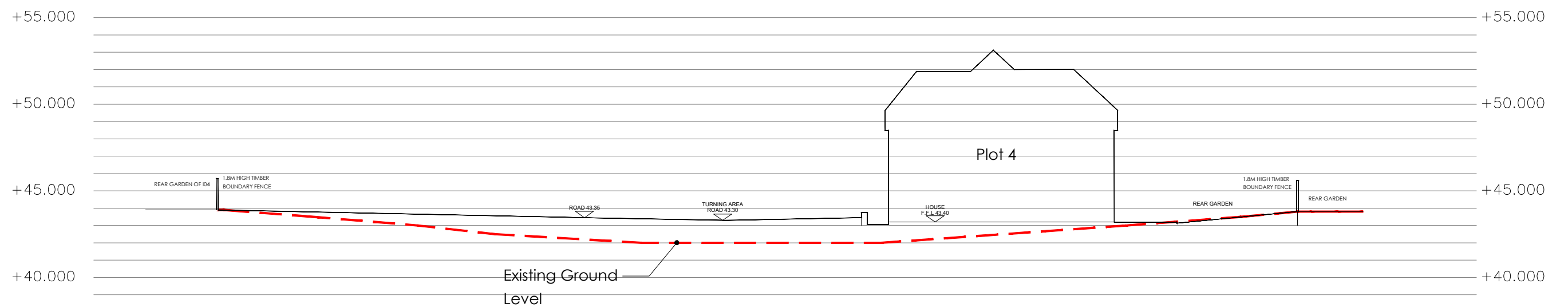
Rev: -

spring
design

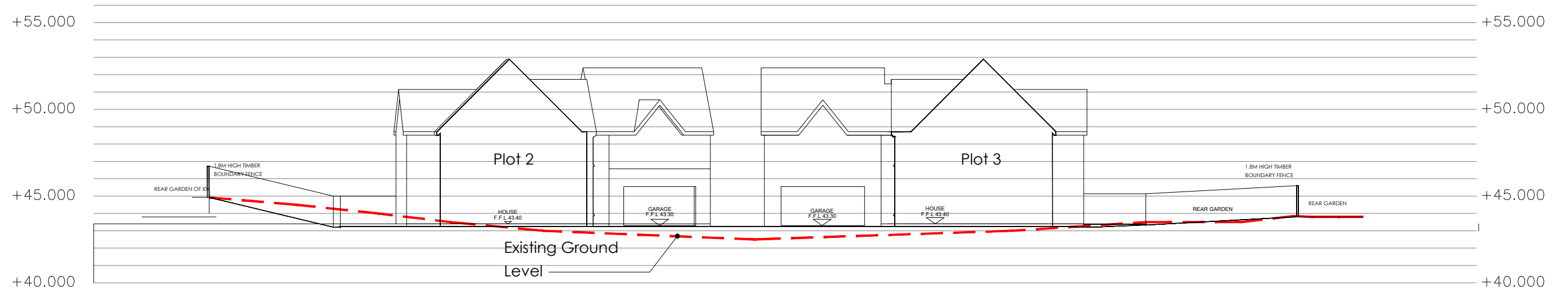
Unit 2 Chapel Barns | Merthyr Mawr
Bridgend | CF32 0LS | 01656 656267
mail@spring-consultancy.co.uk



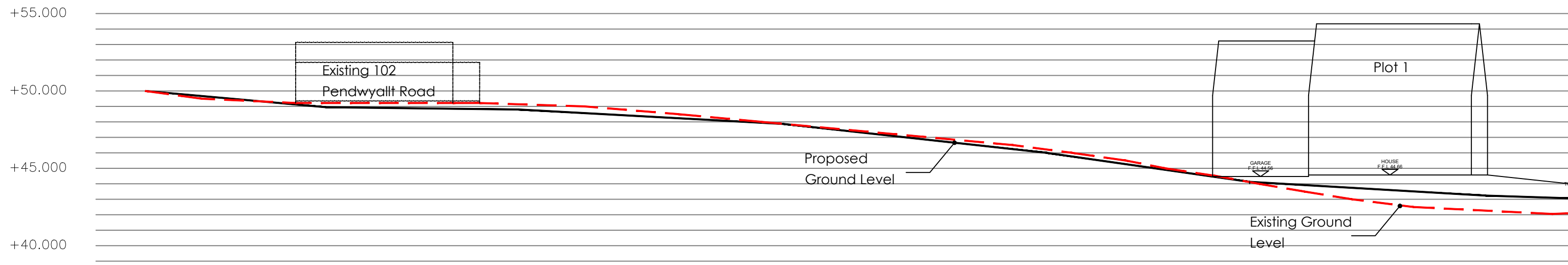
SECTION A-A



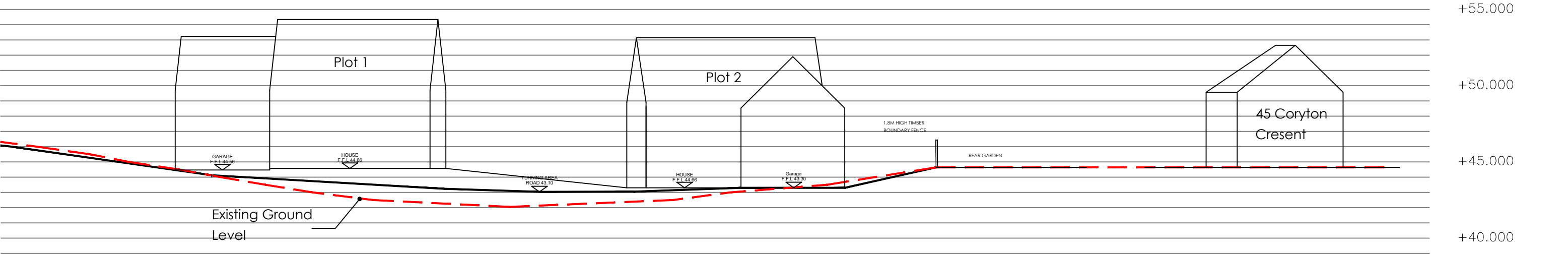
SECTION B-B



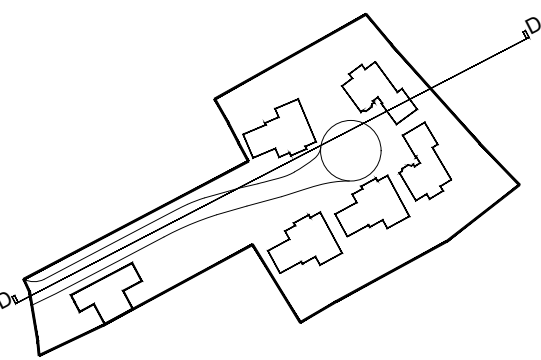
SECTION C-C



SECTION D-D



SECTION D-D cont.



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rev	date	description	by	Status:
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PLANNING

Drawn:	MN
Checked:	BJ
Date:	MARCH 2018
Scale:	1:250@A3

Client:	Case Morgan Developments Ltd
Project:	Pendwyallt Road, Coryton, Cardiff
Title:	Proposed Site Section D-D
Ref:	2143-105
Rev:	-

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design
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Bridgend | CF32 0LS | 01656 656267
mail@spring-consultancy.co.uk