

AM / MP / LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 18/05/2016

APPLICATION No. **16/00007/MNR** APPLICATION DATE: 04/01/2016

ED: **HEATH**

APP: TYPE: Outline Planning Permission

APPLICANT: Lakeside Properties Ltd

LOCATION: 149 HEATHWOOD ROAD, HEATH, CARDIFF, CF14 4BL

PROPOSAL: DEMOLITION OF EXISTING HOUSE CONSTRUCTION OF 7
NO SELF CONTAINED FLATS WITH PARKING AND GARDEN
AREAS

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 paragraph 8.7 of this report, outline planning permission be **GRANTED** subject to the following conditions:

1. C00 Standard outline
2. This consent relates to the following approved plans and documents:

Plans Numbered – 39914:01; 39914:14 & 39914:15
Design & Access Statement ref: NA/39914 dated December 2015
Treecare Consulting Report ref: 6.2015
Tree Removal Justification dated 18 March 2016

Reason: For the avoidance of doubt.
3. D4A Landscape Scheme
4. C4R Landscaping Implementation
5. Prior to the commencement of development, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and a comprehensive drainage scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of the development.
Reason. To establish whether sustainable drainage techniques are appropriate and to ensure an orderly form of development.
6. A scheme of construction management to include (but not be limited to) any; site hoardings, site access, management of all activities impinging

on the highway, diversion of the existing footway during the construction period/traffic management measures/ re-instatement of the footway as a consequence of damage to it during construction etc. shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

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

7. The car parking facilities hereby approved shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason: To maintain the free flow of traffic on the highway and in the interests of highway safety.
8. C3S Cycle Parking
9. C5A Construction of Site Enclosure
10. Unless otherwise agreed in writing by the local planning authority, the development shall accord with the scale and massing principles indicated in the approved Design & Access Statement and plans.
Reason: To ensure that the development accords with the indicated principles of the Design & Access Statement.
11. Prior to the commencement of development, details of a scheme of highway improvements shall be submitted to and approved in writing by the local planning authority. Such a scheme should include, but not be limited to, the reinstatement of redundant vehicular crossovers (including tree protection measures), the laying out of a new vehicular crossover and any associated works and replacement street tree planting. The scheme shall be implemented as approved prior to the beneficial occupation of the development.
Reason: To ensure the comprehensive improvement of the adjacent highway/footways in the interests of highway and pedestrian safety and to facilitate access to the proposed development.
12. The refuse storage facilities shown on the approved plans shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
Reason: To ensure an orderly form of development.
13. C7Zd CLM - UNFORESEEN CONTAMINATION
14. C7Z Contaminated Land Measures
15. E7Z Imported Aggregates
16. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and

approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

17. D7G Road Traffic Noise

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

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

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

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

The Local Planning Authority has determined the application on the basis of the

information available to it, but this does not mean that the land can be considered free from contamination.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 An amended application for the demolition of an existing two storey detached dwelling, to be replaced with a two storey structure accommodating 7no. self-contained flats (5no. 2 bed and 2no. one bed as indicated). The application is in outline, with access, layout and scale to be considered. Although indicative plans have been submitted, detailed appearance and landscaping are reserved.

1.2 The proposed flats occupy a single building set across the site frontage, which is indicated as being two storey, with a pitched roof having hipped sides. The proposed building occupies practically the full width of the application site, and is set approx. 9.5m from the back of pavement at the closest point (flat no. 1` as indicated).

The main frontage element has a predominant max. height of approx. 7.0m (approx. 5.3m to eaves). The hip to the norther side of the proposed building has an increased ridge height of approx. 7.3m. the frontage structure is set approx.. 2.0m off the boundary to Heathwood Court flats and approx. 0.9m off the boundary to no. 151 Heathwood Road.

1.3 The proposed building has a rear annexe of two storey scale, with indicative plans showing a pitched roof design, with differing eaves heights. The main ridge height is approx. 6.7m in height, with a predominant eaves height of approx. 4.5m, there is a slight increase in the eaves to the rear section of the annexe to approx. 5.3m. The annexe is arranged in a typical semi-detached paired fashion, with the side elevations set approx. 4.5m off the boundary to Heathwood Court flats (closest point), and approx. 3.4m of the boundary to no. 151 Heathwood Road (closest point).

1.4 The proposed building has a maximum depth of approx. 19.0m. The rear elevation of the annexe is set approx. 19.9m off the rear boundary to the dwellings fronting St Cadoc Road.

1.5 A parking area for 7 vehicles is set at the front of the site, with access via a central access/crossover off Heathwood Road proposed, having an indicated width of approx. 6.4m (approx. 4.5m. wide crossover). A secondary pedestrian access gate is shown to the west of the vehicular access. The submitted plans indicate space for a refuse storage facility to the side of the proposed flats.

1.6 The proposals have been amended as follows:

- The number of flats has been reduced from 8 to 7;
- The parking layout has been amended and the vehicular access centralised and reduced to 7 spaces, resulting in the removal of one existing street tree;

- The proposed entrance to the flats has been moved from the side to the front.

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 0.10Ha in area, set on the northern side of Heathwood Road, approx. 40m from the junction with King George V Drive to the south-west and approx. 87m from the junction with St Gildas Road to the north-east.

The site is currently occupied by a large detached dwelling. The dwelling is predominantly two storey, flanked by large single storey extensions.

There are currently two points of access/egress, with a curved driveway between. To the rear is a substantial garden area, with mature trees to the boundaries with no. 151 Heathwood Road and the properties fronting St Cadoc Road. The boundary to Heathwood Court is relatively open.

- 2.2 The dwellings in the surrounding area are of mixed, two storey design, being semi-detached or detached. There are 12no. flats at Heathwood Court (consented approx. 1962) set over the space of approx. 2no. plots, with a parking area to the rear accommodating 13no. flat roofed garages.

3. **SITE HISTORY**

- 3.1 15/00867/MJR – Redevelopment for 9 flats (Outline) – Refused – Appeal Dismissed.

4. **POLICY FRAMEWORK**

- 4.1 Relevant policies of the Local Development Plan are as follows:-

KP5 (Good Quality and Sustainable Design)
 T1 (Walking and Cycling)
 T5 (Managing Transport Impacts)
 W2 (provision for Waste Management Facilities in Development)

- 4.2 The following Guidance was supplementary to the development Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters:

Access, Circulation and Parking Standards 2010
 Waste Collection and Storage Facilities 2007
 Infill Sites 2011
 Affordable Housing 2007

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The Transportation Manager has no objection to the amended proposal, making the following comments (in respect of the original 8 unit submission):

In accordance with the SPG (Access, Circulation & Parking) the requirement for 2 bedroom flats is 'between 0.5 and 2 spaces per unit' i.e. the provision of 8 off-street spaces lies comfortably within that range and is appropriate within this sustainable location – a conclusion which the Planning Inspector also reached when dismissing the appeal against the previous refusal of 15/867/MJR (which though it related 9 rather than 8 flats involved the same parking ratio of 1 space per flat). I therefore again conclude that the overall level of off-street parking proposed is satisfactory – especially since the closure of the redundant existing access would have the effect of creating an additional on-street space.

However, in order to address the Inspector's concerns with regards to noise disturbance the proposed parking is now located entirely within the property frontage, and the proposed arrangement is far from ideal given the limited frontage depth available together with the need to off-set the access point in order to avoid damage to the existing highway tree on Heathwood Road – all of which will result in complicated access/egress manoeuvres and restrict manoeuvring within the site, which may result in vehicles using the 2 central spaces having to reverse back out onto Heathwood Road. Though these are concerns the number vehicle manoeuvres associated with 8 flats would be very limited and the former concern could be mitigated by requiring the existing access to be widened to say 6 metres rather than the 4.5 proposed.

With respect to reversing manoeuvres onto Heathwood Road, while the presence of parked vehicles on Heathwood Road which would obstruct inter-visibility with on-coming cars, make this undesirable I'm mindful that there are several existing nearby properties which don't have manoeuvring facilities. Furthermore, the aforementioned widening of the access to 6 metres, as well as facilitating the very occasional need for entering/exiting vehicles to pass each other, would have the additional benefit of creating a 'protected space' which would benefit drivers who may need to reverse out. I therefore consider that an objection of parking/highway safety grounds would be difficult to sustain at appeal. However, the situation could be improved to re-locating the 3 spaces on the western side of the frontage (together with the footpath) a couple of metres closer to the boundary with the adjacent property. Subject to this minor revision, which would greatly ease manoeuvring for the 2 central spaces to enable them to enter/leave in forward gear, I would have no objection.

Conditions are required relating to the re-instatement as footway of the redundant existing western access and to the widening of the existing eastern access to 6 metres Reason: in the interests of highway safety, and to the provision of cycle parking (C3S). The standard Construction Management Plan condition would also be appropriate, together with the usual second recommendation regarding the need to secure the consent of the Operational Manager, Asset Management (via 'highways@cardiff.gov.uk') prior to undertaking any work within the adopted highway in relation to the

re-instatement/widening of the existing accesses.

In light of the amended submission, the following comments are made:

The revised plans incorporate a reduction to 7 flat units served by 7 parking spaces served by a much more central access. This is a much better arrangement which accords with my previous comments and, subject to there being no objection from the Chief Parks Officer with regards to adverse impact on the roots of the existing highway tree as a consequence of the construction of the new vehicular crossover, I'd have no objection on highways grounds – subject to the aforementioned regarding the reinstatement of the redundant existing crossover, and to future retention of vehicle and cycle parking (D3D), I'd have no objection on highway grounds. The standard Construction Management Plan may also be advisable.

- 5.2 The Highways Drainage Manager has no objection on the basis of the information submitted, but recommends the imposition of a sustainable drainage condition should consent be granted.
- 5.3 The Waste Manager finds the refuse storage facilities acceptable, subject to ongoing retention. It is further commended that there is no reference to dropped kerbs that are required to present for collection.
- 5.4 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contamination, along with contaminated land advice.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of a condition in respect of road traffic noise, with further advice in respect of construction site noise.
- 5.6 The Parks Trees Officer raises concerns in respect of the loss of a street tree (identified as T4 in the submitted documents), making the following comments:

The Parks Service manages the Council's tree stock on a City wide basis this includes this Highway / Street trees.

It is not practice to remove healthy trees to accommodate the provision of crossovers / driveways.

For a tree to be classed as moderate quality and value, the tree would be of impaired condition, including having significant though remedial defects, including unsympathetic past management and storm damage such that they are unlikely to be suitable for retention for beyond 40 years;

The Ash tree has no significant defects, and is likely to have a life expectancy of beyond 40 years, although the future progression of Ash die back may have a significant effect on the life expectancy of the tree.

There is in excess of 12,500 Street Trees growing in similar conditions throughout the City, although a degree of maintenance is required to maintain

the footway in a condition safe for the public to use, the environmental benefits to the air quality and residents of the City far out way the risk of future actionable nuisance. There is no evidence of any damage to the footway or underground services at present in the vicinity of the Ash tree.

The proposed removal of the existing driveways either side of the development will undoubtedly cause some damage to any existing surface roots from the two Lime trees either side of the property.

The Developers consultants Arboriculturist does not recommend removal of the tree, the report recommends retaining the tree.

We would not recommend replanting with 2 Acer campestre "Elegant" as with recent plantings along the avenue we have been trying to maintain the existing street scene and retain an avenue of Plane and Lime trees as was intended originally. There is also an existing Lamp column which will be affected by the proposed new planting.

5.7 The Parks Planning Manager has no objection to the proposal as amended, noting that a reduced contribution towards off site open space would not be viable due to the legal/admin costs of compiling any agreement.

5.8 The Housing Strategy Manager has no objection, making the following comments:

Cardiff has a high housing need for affordable housing in this area of the City.

In line with the LDP, an affordable housing contribution of 20% of the 7units (1 units) is sought on this brown-field site.

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements for purchase by a nominated Registered Social Landlord partner.

Given the proposed design of the residential and overall scheme layout, the proposed size/design of the units, and the potential service charges for this type of residential development, all of these could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord.

*In view of the above, we could accept the affordable housing to be wholly delivered as a financial contribution in lieu of on-site affordable housing provision. On that basis we would seek a financial contribution of **£77,430** (in lieu of the 1 unit) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).*

5.9 The Councils Tree Protection Officer offers comments in respect of proposed replacement street tree species. Whilst there is no objection 'in principle' to the loss of the existing street tree (identified as T4 in the submitted Tree Report),

the indicated species is considered inappropriate, with a recommendation that a native field maple *Acer campestre* 'Elegant' is utilised.

- 5.10 The Council's ecologist has been consulted and no comments have been received.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage.

7. **REPRESENTATIONS**

- 7.1 Adjacent occupiers have been consulted and the application has been advertised on site and in the press in accordance with adopted procedures. Approx. 199 individual letters/emails in objection to the proposals (as originally submitted) have been received from residents in the immediate and wider area, and the Heath Residents Association. Objections and concerns raised include:

- The proposals are out of character with the surrounding area, in terms of the physical form of development and the nature of the occupancy;
- The lack of sufficient off-street parking provision will exacerbate the existing parking congestion in the area and subsequently pose a risk to highway safety;
- The increased density of occupation will result in an increase in vehicular traffic exacerbating the existing problem with traffic congestion and highway safety;
- The existing house sits well within the street and should not be demolished;
- The short term occupancy of flats will erode the existing strong sense of community;
- The proposed development, if granted, will set an unwelcome precedent for further similar developments in the area;
- The proposals represent an insensitive and overbearing overdevelopment of the site, having an adverse impact on adjacent occupiers, causing harm in respect of loss of privacy and amenity to adjacent occupiers;
- The proposals will result in increased service vehicle parking/movements (refuse collection, deliveries etc.), impacting on highway safety;
- Loss of the existing garden space is out of character with the area;
- Noise from future occupiers will have an adverse impact on the amenities of adjacent occupiers;
- The proposed development will put too much additional strain on the already strained service infrastructure (drains/water supply etc.);
- The loss of trees caused by the proposed development will have an adverse impact on visual amenity and wildlife habitats;
- The proposals represent a commercial development in a wholly owner/occupier residential setting;
- The proposals will result in increased costs to the Council (waste collection etc.);
- The stated comparison to the existing flats at Heathwood Court is false;

- There is already a surplus of one bedroom accommodation in the wider area. There is no need for any more;
- The proposed development, if granted, will reduce surrounding property values;
- The property frontage will resemble a car park;
- The applicant has no regard for local opinion, submitting repetitive applications;
- With the adoption of the LDP there is no housing land supply demand for this proposal;
- The living space for future occupiers is too small;
- The building to the rear goes beyond the rear building line;
- There will be unacceptable disturbance during construction works that will impact on the health and amenity of adjacent occupiers.
- Under Article 8 of the Human Rights Act a person has a right to peaceful enjoyment of all their possessions, which includes their home and other land. The proposed development will have a dominating impact on the residents' privacy and their right to quiet enjoyment of their property.

The application has been the subject of further consultations in respect of the amended plans and a further 57 individual letter/emails have been received.

Whilst the primary comments seek to re-affirm previous objections, and that the amendments do not overcome them, additional concern is raised in respect of the balcony that has been added to the indicative plans, set at the rear of the annexe, facing towards the rear boundary of the site. It is felt that this addition would result in a considerable loss of privacy to adjacent occupiers and additional instances of noise disturbance. The additional comments also make reference to the proposals in relation to Article 8 of the Human Rights Act.

- 7.2 Local Members have been consulted and Councillors Hinchey, Bowden and Hudson object to the proposals on the following grounds:

Councillor Hinchey:

I wish to share and convey the concerns of local residents with regard the proposed development above, on the following grounds.

The City of Cardiff Council publishes Supplementary Planning Guidance (SPG) concerning Design Guidance for Infill Sites. This refers specifically to a proposed redevelopment site where the replacement of an existing building is being proposed. The proposed development does not comply with SPG (1.3) as it would have a negative impact on a distinct community, place and its local space, as well as being out of context to the existing character of the area.

The proposal is also contrary to SPG (2.14), as the development in no way seeks to maintain the established spacing between buildings within the proposed layout of the site.

Following comments made at the previous appeal, it is noted that the proposed parking has been moved to the front of the development, however SPG (2.15)

states that “front gardens are important for biodiversity, amenity, drainage, street character and therefore parking should not intrude on these areas where they contribute to the character of the area.” It is widely felt that the parking proposed at this development would affect all of the above and as such has a detrimental effect on the existing character of the area and, indeed, the street itself.

The development does not promote a benefit to the existing community. The vast majority of the street’s character is made up of family homes. A proposal of this nature that consists of a number of smaller properties is much less likely to accommodate families.

The latest version of this planned redevelopment has made a number of changes since the previous application, however the current proposal still fails to conform with the existing layout and character of Heathwood Road and provide separation from adjacent buildings. This spacing is one of the key characteristics of the character of Heathwood Road and therefore contradicts SPG (3.20).

The development does attempt to consider the main frontages of the houses on either side of the property, but does not consider the building line to the rear of the properties. The proposal does not take into account SPG (3.27) as it fails to consider the existing urban grain, the character of the surrounding area and the provision / retention of appropriate available parking.

In this regard, the proposal contradicts SPG (3.30) as it does not take into account the amount of parking required, or its impact on the local area. As the development has 8 proposed units, it is reasonable to suggest that each will have at least one car for each two-bed flat, which will put pressure on existing parking along the street which is already suffering due to the proximity to Heath Hospital, local school and shopping area.

The level of car parking was not thought to be sufficient in the original proposal and the latest proposal was in response to previous criticism of this issue. SPG (3.44) argues that parking provision should be considered at an early stage and not superimposed later on. As it stands, the development would naturally create a street scene dominated by cars.

The parking near to the proposed development would also be close to an island on Heathwood Road near to the junction with King George V Drive. A higher volume of parking and traffic in this area would increase the chances of accidents with pedestrians, considering the crossing is used continuously by children crossing the busy road in order to get to Heath Park. This clearly contradicts the requirement in SPG (3.46) requiring new access to be in a safe and visible location.

My constituents believe that the traffic assessment for the development is not comprehensive enough and fails to adhere to the Access, Circulation and Parking Standards SPG. Buses do pass the property along Heathwood Road although the 21A and 23A, are potentially routes to be withdrawn by Cardiff

Bus, leading to an increase in demand for on-street parking. This would have a negative impact on visibility for pedestrians using the island, as well as affecting the appearance of the area.

TAN 12 of the Access, Circulation and Parking Standards SPG states that there should be an emphasis on the safe, accessible movement of pedestrians and goods along routes that are attractive and appropriate for their environment. It is widely believed that the proposals would not provide either safety for pedestrians would affect the look of the area.

The available parking in the area would only just comply with the Access, Circulation and Parking Standards SPG (3.2.6) for 8 parking spaces as part of the proposals, however parking and manoeuvring in this area would not be easy. The available area would potentially require drivers to either reverse into or out of the car park. As the development is so close to a junction, this would not be a safe course of action.

The property in question has been the subject of previous planning applications, most recently on 20 November 2015, for five one-bedroom flats and four two bedroom flats and was rejected on appeal by the Planning Inspectorate. The Inspector who assessed a previous application for nine flats on the site noted the impact such a development would have had on the appearance and character of the area. On that basis, the current proposal would also fail to address this concern, despite the reduction of flats from nine to eight as part of the revised plans.

The revised plans for this development still do not take into consideration the issue raised by the Inspector's view concerned with the previous application, being the close proximity to the side of Heathwood Court, which would have had an imposing, over-dominant and adverse effect on those living there.

Since the last Inspector's report, the City of Cardiff Council has published its Local Development Plan which has identified areas of growth for housing across the city, with some 41,000 new properties identified as part of that Plan. As such, this proposed development does not contribute to the previous issue of there being a perceived issue with future housing supply in Cardiff.

My constituents and I feel that the existing plot should be retained as a use for a family home, however the revised proposals would not provide an attractive, viable and safe addition to the community that is the goal of the Well-being of Future Generations (Wales) Act 2015.

Therefore I would wish to formally object to the revised proposals, along with my constituent, based on the points raised above.

In addition to the above, Councillor Hinchey submitted a further representation dated 30 April 2016 (with reference to a representation from the occupier of no. 59 Heathwood Road), emphasising that the proposed development should be rejected due to the exacerbation of existing and ongoing issues with flooding in the area between Ton-Yr-Ywen Avenue and Heathway (made worse by

Highway works), parking and traffic problems.

Councillor Bowden:

I have studied this application in the context of the previously refused 15/00867/MNR; and the comments made by the Welsh Inspector and I recognise that the applicant has attempted to address the concerns about the previous application. However, I have seen the comments of many objectors to this revised application and continue to support them in opposing it because:

- The plans are still in outline appearance and it is not clear how, for example, the windows will be designed. I also do not believe that the balcony on the first floor, rear flat, should be included in the design;
- The decision to create car parking in the front of the property to the extent set out in the plans is not in keeping with the surrounding area, which is largely gardens. The potential number of vehicles that may need to park at this development, as designed, is likely to be in the region of 15. That is significant in terms of the provision allowed for;
- There is closer proximity to 151 Heathwood Road than to Heathwood Court, and I think this needs to be addressed;
- I remain unconvinced that this development is in keeping with the character and appearance of the surrounding area of Heathwood Road;
- I am concerned that this development is still too dense and that the rear of the building is occupying more footage than the original detached building which could result in loss of amenity for neighbouring properties;
- The living conditions for occupiers of some of the flats will be challenging in terms of living space;

In conclusion, I cannot support this application.

Councillor Hudson

I object most strongly to the above application. Nothing has changed since the last application with regard to the intrusion into the lives of the neighbours, one of the reasons why the appeal was turned down last time. Also, the proposed development in Heathwood Road is a house of character typical of the area, and if this goes ahead it will cause a precedent to be set in changing the character of the road from one of residential bungalows and houses to one of smaller flats. This is totally against the Planning Inspectorate guidelines of changing the landscape of an area, and was an important consideration when the appeal was rejected by the Inspectorate previously.

The reasons given by officers previously were that in respect of layout, scale, context, & overbearing character of the site, it would have a detrimental impact on the residential amenity, and the siting, massing, and density of the scheme fails to respect the character of the surroundings. These reasons are still very valid. The development would be backing on to St Cadoc Road, so not only the immediate neighbours to the sides of the property would be inconvenienced but also those at the back. The proposed site does not have the capacity to house 7 self-contained flats.

So the proposed site will have a much greater infill if this development goes ahead, and would be something totally out of character with the suburb.

I am therefore objecting to this planning application, and would ask committee to reject it.

7.3 Julie Morgan AM objects to the proposals, making the following comments:

I share the concerns of many local residents regarding the proposed redevelopment and note:

1. Cardiff Council publishes Supplementary Planning Guidance – Design Guidance for Infill Sites (SPG). In this case ‘infill’ development refers to a proposed site redevelopment (where the replacement of an existing building is proposed). The proposed redevelopment is non-compliant with the SPG (1.3) in that:
 - a. It will have a negative impact on a distinctive community, place and spaces;
 - b. It is out of context and character of the area.
2. The proposal is contrary to the SPG (2.14) in that it appears to be an example of ‘town cramming’ in that it does not maintain the established spacing between buildings compared with the pattern of layout in the vicinity of the site.
3. I note that parking has been moved to the front of the proposed development specifically in response to the comments made at a previous appeal, but I also note that the SPG (2.15) specifically states that “front gardens are important for biodiversity, amenity, drainage, street character and therefore parking should not intrude on these areas where they contribute to the character of the area.” I feel that the proposed parking ‘solution’ does in fact intrude and will damage the character of the area, in the context of the street as a whole.
4. I do not feel that the proposed development will make a positive contribution to this distinctive community and it is therefore contrary to the SPG (3.1). The character of the street is predominantly that of family homes and in this case, a large family home would be lost and replaced with much smaller units, less likely to accommodate families.
5. Whilst acknowledging that the proposed development has made an effort, I do not feel it will be possible for a redevelopment of this size and scale to conform with the urban grain/built form of Heathwood Road (SPG 3.11).
6. Again I note that this is a revised version of a previously rejected application but I feel that the revised plan still fails to provide adequate visual separation between adjacent buildings, and that the spacing between buildings on Heathwood Road as a whole significantly contributes to the character of the area (SPG 3.20).

7. I note that the proposed redevelopment responds to the prevailing building line that is created by the main frontages of houses (SPG 3.21) on either side of the property, but it does not conform to the building line at the rear of the properties of Heathwood Road as a whole.
8. The proposed density is inappropriate and does not conform to SPG 3.27 as it inadequately takes into consideration:
 - a. Existing urban grain (pattern of streets, plots and buildings);
 - b. Character and context of the surrounding area;
 - c. The retention and/or provision of adequate parking provision.
9. Contrary to the SPG 3.30 the proposed redevelopment does not adequately take into account the impact of additional parking required. I note that 8 spaces will be provided which will inevitably dominate the street scene and furthermore I note that some of the 8 flats are two-bedroom and it is highly likely that in total, the residents will have more than 8 cars. There will therefore be additional pressure on street parking, which is already under severe pressure due to its proximity to the Heath Hospital, school and other local amenities and attractions listed in the application itself.
10. SPG 3.44 states that “Where car parking is necessary, provision should be effectively incorporated into the design of the development as a whole and should not be superimposed later.” By their own admission, the car parking space proposed in this latest submission has been superimposed at this late stage in response to criticisms of the previous application. Car parking on this scale at the front was not thought to be appropriate by the developers in their original proposal. I agree: this proposal will create a car-dominated frontage that will harm the street scene.
11. SPG 3.46 states that “Where new access is necessary, it must be located in a safe and visible location, with clear visibility splays and set away from junctions or other hazards.” The proposed parking access is close to a pedestrian island in Heathwood Road, near the junction with King George V Drive. The proposed parking access and higher volume of traffic manoeuvring near the pedestrian island will clearly create a hazard, especially for young children crossing a busy road to access the nearby Heath Park.
12. Furthermore I believe that the proposed development does not comply with Cardiff Council’s Access, Circulation and Parking Standards SPG. I believe the transport assessment is inadequate: the application states “A bus route runs along Heathwood Road” but fails to note that buses do not pass the property. Also, whilst there is currently a bus route on the lower part of Heathwood Road, I understand that the services in question (21A and 23A) are shortly to be withdrawn by Cardiff Bus. Therefore there will be increased demand for on-street parking which again will pose a danger to pedestrians using the island at King George V Drive and additionally will impact on the amenity of the area for existing residents.

13. I suggest that the proposed development contravenes clause 2.1.7 of the Access, Circulation and Parking Standards SPG, specifically "TAN 12 sets out that the emphasis should be on safe, accessible movement of people and goods along routes that are both attractive and appropriate to the environment through which they pass." The proposals will be neither safe, attractive nor appropriate to the environment.
14. Whilst I do not have access to detailed measurements, I note Access, Circulation and Parking Standards SPG 3.2.6 states "In grouped parking areas, the average requirement per car including space for access is 20m²". My estimate, based on the drawing published on Cardiff Council's web site, is that the available parking area is approximately 160 m². Whilst this just complies with planning guidance for 8 cars, I believe that the design of the parking area means that accessing the parking spaces and manoeuvring within the car park will be very difficult. This means that residents are likely to either reverse in to the car park, or reverse out of the car park. Given the proximity to a junction and to a pedestrian island, I believe that the proposal is not safe.
15. I note that this property has been the subject of previous planning applications. The most recent (for 5 one-bedroom flats, and 4 two-bedroom flats) was rejected on appeal by the Planning Inspectorate (ref. APP/Z6815/A/15/3133752) dated 20 November 2015. When refusing the appeal of the previous application for nine flats at the site, the Inspector expressed concerns "in terms of the density, massing and scale of the development and its harmful impact on the character and appearance of the area." I believe that the revised proposal does not adequately address this issue, and I note that whilst the number of flats is reduced from nine to eight, the number of bedrooms is reduced by only one, from 13 to 12.
16. The revised plans do not seem to adequately address the Inspector's view of the previous application which was that "the height and proximity of the side elevation to Heathwood Court would result in an imposing, oppressive and overbearing form of development that would be visually over-dominant, with consequent adverse effects on the living conditions of the occupants concerned."
17. I note that the Inspector stated that "The lack of a 5-year housing supply is given considerable weight in favour of the development where it otherwise complies with the development plan and national policies. In this case the development does not comply and therefore less weight would be attributed to the contribution this development would make to housing land supply." I note that since the Inspector's report of November 2015, Cardiff Council have passed a Local Development Plan which identifies areas for housing growth with up to 41,100 new dwellings, so the proposed development does not now make such a significant contribution to housing land supply.
18. I feel the existing use of the land for a family home should continue. The proposal is contrary to the LDP as it is insensitive and inappropriate, as has been detailed above.

19. The Well-being of Future Generations (Wales) Act 2015 includes the goal of “Attractive, viable, safe and well-connected communities”. The proposed redevelopment will not contribute towards that goal, indeed it will make the Heathwood Road community less attractive and less safe.

7.4 Craig Williams MP requests that the application be refused, making the following comments:

I write regarding the above planning application having received a large number of strong objections from local residents. Many of these have already contacted Development Control directly and I would ask that their comments be given full consideration.

To summarise the comments which I have received:

- 1) Residents are strongly against the development. At the time of writing I have not received any comment in support of the application.
- 2) The development proposes eight on-site parking spaces, one for each unit, yet this does not take account that many properties will have more than one vehicle. It also does not permit any visitors to park on site, adding to what is an existing parking problem on Heathwood Road.
- 3) There will be an increase in vehicle movements from the existing position (a detached house) to an expected minimum of eight units adding to congestion problems on Heathwood Road.
- 4) There is a clear building line established from 149 Heathwood Road eastwards. The plans submitted indicate that the two “wings” to the front of the site are of different distances to the property boundary and I would ask officers to seek assurance that the building line is not being changed.
- 5) There is an increase in the massing at the rear of the development reducing the amount of amenity space available. There are also concerns about levels of privacy to the neighbouring properties, such as those in St Cadoc Road and the reduction in distance between the second floor and existing properties to the rear.
- 6) Whilst acknowledging that this is an outline application, it is noticeable that there are no indications of location of windows on the indicative elevation plans submitted.
- 7) Can the existing drainage system cope with additional discharge from the eight units (compared with the existing one)?
- 8) The development is not in keeping with the clear character of the area, family detached or semi-detached dwellings.

- 9) The loss of any trees and green space on site would destroy habitat for local wildlife. The frontage appears to be nothing more than a car park.
- 10) Despite the refusal (and appeal dismissal) of the previous application 15/00867/MNR, this application is still an overdevelopment of the site.
- 11) If this application is passed then precedent will be set for Heathwood Road and the clear local characteristic of large family houses will be under threat.

In view of the representations I have received I would urge the Local Planning Authority to refuse this application.

- 7.5 The Heath Residents Association has submitted a petition against the proposals. The petition contains 728 signatures and offers the following as grounds for objection:

“We, the undersigned, strongly object to 149 Heathwood Road being demolished and replaced by 8 flats.

We also request that the Council put in place legislation that would safeguard the area and prevent further applications of this nature.”

- 7.6 A representation in support of the proposals has been received, commenting that 8 couples/families would be able to live in the space occupied by only one family. Where possible, new homes should be built on brownfield sites.

8. **ANALYSIS**

- 8.1 An amended outline application for the demolition of an existing two storey detached dwelling, to be replaced by a two storey building accommodating 7 self-contained flats. Notwithstanding the indicative details within the submitted plans, matters under consideration are access, layout and scale. Detailed design, appearance and landscaping are reserved.

- 8.2 The application site is within an existing residential area. As such, the proposed use as residential accommodation in self-contained flat form is acceptable in principle.

Access

- 8.3 Access to the site would be directly off Heathwood Road and the amended scheme indicates the replacement of two existing points of access (to the east and west ends of the frontage), with a new single point of access to the centre of the frontage. The submitted plans indicate a vehicle access crossover width of approx. 4.5m, with a vehicle access opening to the front enclosure of approx. 6.4m.

A secondary pedestrian point of access off the Heathwood Road footpath is located to the western side of the frontage.

- 8.4 The central point of access affords vehicular movements into and out of the site. One car parking space would be provided for each of the proposed flats which would be located to the front of the building. The Infill Sites SPG states that;

'Where car parking is necessary, provision should be effectively incorporated into the design of the development as a whole and should not be superimposed later. The effect of intensifying a site means that additional car parking may need to be accommodated within a confined site boundary. Innovative design solutions that minimise impact on the street scene and on the amenity of neighbouring properties are encouraged.' (Para 3.44, p.26)

It is acknowledged that through locating the proposed parking provision to the front of the building it would be prominent from within the street scene, especially given the intensification in vehicle provision the development would generate. It is however noted that a number of the properties along Heathwood Road have large hardscaped areas to the front of the buildings which are used for vehicular parking, many of which are large enough for multiple vehicles. It would therefore be difficult to sustain an objection to the proposed development based on the impact the parking provision and arrangement proposed would have within the street scene.

The proposed new vehicle access requires the removal of an existing street tree (Ash), and the potential relocation of an existing street lamp. The comments received from the Parks Street Trees Officer are noted. However, whilst the loss of the existing street tree is regrettable, the proposals include compensatory planting of two new street trees, bracketing the new crossover (species to be determined at reserved matters stage and will form part of the Highway improvement scheme). The existing tree does not benefit from any statutory protection and, having regard to the benefits of the introduction of 2 new street trees along Heathwood Road (a net increase), it is considered that the proposal is, on balance, acceptable.

The OM Transportation has advised that the relocation of the street lamp to accommodate the crossover would not cause concern and would not have any adverse impact on the wider layout of lamps in the vicinity.

Having regard for the comments of the OM Transportation and the Council's Tree Protection Officer, and on balance regarding the street tree, it is considered that access to the site is acceptable.

Scale and Layout

- 8.5 Planning application Ref: 15/00867/MJR was previously refused and an appeal dismissed for the demolition of No. 149 Heathwood Road and the construction of 9 No. self-contained flats in its place. The key reasons for refusal of this application included;

- The effect the proposed development would have had on the character and appearance of the area, particularly with regard to the scale of the rear annexe;
- The impact the development would have had on the living conditions of the occupiers of neighbouring properties through noise and disturbance, loss of outlook and any overbearing impact;
- The lack of suitable private outdoor amenity space provision proposed as part of the development.

This subsequent application seeks to address the reasons for refusal in the previous scheme. The proposed building would be set back from the boundaries of the plot by the same distance as that of the neighbouring buildings either side and by a greater distance than that of the previous scheme. As such, the proposed development would be considered to sufficiently maintain the evident spacing between the properties along this part of the street.

The proposed building would have a staggered frontage and would therefore accord with the building line created by the buildings either side of it. The height of the building and its dual pitched roof would also be consistent with that of the neighbouring properties and therefore contextually appropriate.

Character

While the proposed development would introduce flats into a street largely characterised by detached and semi-detached dwellings, the scale and general layout of the building would be appropriate within the context of the surrounding area. As such, despite the density of the development being increased, it is considered that the site is capable of accommodating a development of the density proposed. It would therefore be unreasonable to sustain an objection to the development based on the intensification of the site alone.

In his comments regarding the previous appeal, the Inspector commented that:

“Often the character of an area is derived from the spaces between properties as well as the architectural form of the dwellings themselves. The separation distance between the properties along Heathwood Road is relatively constant and sets a regular pattern and density of built development which makes an important contribution to the character of the area. The proposed development has sought to retain a gap on both sides of the building that would generally follow the spaces found between the other properties along the street.”

“I agree with the Council that the height and general scale of the front part of the development would be acceptable and that the dual hipped roof features shown on the indicative elevations would allow the building to sit relatively comfortably between the neighbouring buildings. As such, the scale and massing of the frontage element of the building when viewed along Heathwood Road would adhere to the pattern and spacing of properties and, therefore, the prevailing character of the street scene.”

It is important to note therefore, that the current proposals do not offer any increase in the scale and massing of the front element of the proposed building, which was previously considered acceptable by the Council and the Inspector.

Rear Annexe

The previous proposal, for an offset annexe of approx. 27m depth along the boundary to Heathwood Court was considered unacceptable and consent was subsequently refused and the appeal dismissed, with the Inspector agreeing with the Council's opinion, commenting:

“Notwithstanding my positive conclusions on the scale and layout of the front of the building, I am of the opinion that the rearward projection of the two-storey annexe would result in the density, scale and massing of the proposals being at odds with the prevailing character of built development along Heathwood Road. As such, it would have a harmful impact on the character and appearance of the area contrary to Policy 11 of the LP and Policy 2.20 of the UDP.”

The current proposed annexe would project back into the site by a greater distance than that of the neighbouring dwelling to the east (and in comparison to the existing dwelling), with the general principle of the design reflecting that of a twinned annexe to the rear of a pair of semi-detached dwellings. The part of the rear annexe element which would project beyond the rear elevation of No. 151 would be set back an appropriate distance from the boundary with it. In addition, the new annexe would be set approx. 20m away from the rear boundary, shared with the dwellings fronting St. Cadoc Road.

In this case, it is considered that the rear annexe would be of an acceptable scale, and general design.

Rear Windows

Whilst it is noted that detailed design/appearance is a reserved matter, indicative floorplans have been submitted, showing the possible location of windows. Within any reserved matters application, it will be important that the positioning of the windows within the building do not allow for any unacceptable overlooking of the neighbouring properties and their associated amenity spaces.

Given that the amenity space proposed at the rear of the building will be shared space, the provision of a small buffer / area of defensible space should be provided immediately adjacent to the building in order to ensure that the amenity of future residents of the ground floor flats would be reasonably protected.

It is noted that the submitted amended plan indicates a balcony to the rear of the annexe, overlooking the rear amenity space. The inclusion of the balcony at this stage does not materially affect the determination of this application, as details of design and appearance are reserved matters and such detail is not under consideration here. However, it should be noted that the balcony as indicated would be approx. 19m off the rear boundary to the gardens of the

dwellings fronting St Cadoc Road, and approx. 6-7m off the boundaries to Heathwood Court and no. 151 Heathwood Road.

Amenity Space

Concerns were raised in the previous application with regard to the size and usability of the amenity space provision. Within this revised proposal, the parking provision has been located to the front of the building and this coupled with a reduction in the scale of the rear annexe proposed ensures that the area of amenity space proposed would now be of a suitable size and usability.

In light of the above, and having regard for the comments made by the Inspector in relation to the previous appeal, it is considered that the scale and layout of the proposal are acceptable.

8.6 With regard to the comments received that are not addressed above, the following comments are made:

- Whilst the objections in terms of off street parking provision are noted, the Transportation Manager is unable to justify refusal of consent as the parking provision is policy compliant. No concerns are raised in terms of highway safety;
- The existing dwelling has no statutory or non-statutory protection. As such, planning permission could not justifiably be refused if all other matters relating to a proposed development are acceptable;
- The nature of residential occupancy is not a material planning consideration;
- The existing front 'garden area is predominantly hard surface driveway, with a small semi-circular planting area. The proposals include for small planting areas to the side boundaries of the frontage. It is also of note that there are many dwellings in the vicinity of the site (including several opposite) that have considerable areas of hard surface to their frontage, to allow for the off-street parking of multiple vehicles. There would be no sustainable grounds to refuse consent on this issue;
- There is no evidence that future occupiers would cause undue noise disturbance to adjacent occupiers. It should be noted that in dismissing the previous appeal on grounds of loss of amenity due to noise & vehicle movements, this ground focussed on the introduction of a car park area to the rear of the site, not the front;
- Whilst the impact of developments upon trees is a material consideration, the trees/bushes within the application site have no statutory protection and could be removed at any time. The amended application includes the relocation of the originally proposed point of access in order to overcome accessibility concerns, resulting in the loss of one street tree. However, as indicated above, there is compensatory planting of two new street trees. As such, there would be no sustainable reason to refuse consent in respect of the loss of the street tree;
- The application under consideration is not for 'commercial' development. The proposals are for an alternative residential use of the site. As indicated above, the nature of any occupancy, including any ownership/tenancy arrangements are not material to the consideration of the application;

- The matter of any potential increase in cost to the Council in the provision of its public services is not material to the consideration of this application;
- Whilst it is noted that the application makes reference to the adjacent Heathwood Court flats, this application has been considered on its own merits;
- The 'need' for a particular form of development is not a material planning consideration. The development proposals are considered on their merit;
- The issue of property values is not a material planning consideration;
- The applicant's view on local opinion, is not a material consideration. The applicant is within their right to submit a planning application for this site;
- The 5 year Housing Land Supply is addressed by the LDP and carries limited weight in respect of development of this scale;
- The proposed flats, as set out on the indicative plans show an acceptable standard of useable residential floorspace;
- It is acknowledged that there is inevitably some local disturbance during periods of development. However, such disturbance is an unavoidable consequence of most development and cannot reasonably be brought as grounds for refusal of planning permission;
- With regard to development proposals and the provisions of the European Convention on Human Rights, the advice obtained from the Council's Legal Services is that - The established planning decision-making process assesses the impact which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights.
- With regard to the Wellbeing of Future Generations (Wales) Act 2015, Section 3 of the 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 proposal;
- With regard to the issues raised in respect of drainage and flooding, the application has been considered by Welsh Water, who have no objection, subject to a drainage condition. Subsequent to their initial comments, (para 6.1 above), Welsh Water were re-consulted in light of the submission (30 April) from Councillor Hinchey and the occupier of no. 59 Heathwood Road. Having regard for that submission, Welsh Water make the following further comments:

I refer to the document sent through in your email showing previous call outs to Heathwood Road to investigate sewer blockages – our records have indicated that in the majority of cases these were blockages on private drains and immediately after the Private Sewer Transfer in 2011. We are not aware of any problems with the combined sewer in the road.

We have undertaken intensive investigations and concluded that this

development can be accommodated within the public combined network. We believe the road flooding is as a result of the highway drainage blocking.

I am therefore happy for our original comments to remain.

The Council's Highways Drainage Officer was also consulted in respect of the original submission and raised no objection, subject to a condition requiring the undertaking of tests to establish whether sustainable drainage techniques can be employed. The Highways Drainage Team were re-consulted in light of Councillor Hinchey's submission and the following additional comments have been received from the Team Leader, Flood and Water Management:

I understand that there have been objections to the flats development at Heathwood Road on flood risk grounds. I confirm that the comments made by our Service are still relevant.

The development will need to be undertaken in accordance with Section 8.3 of TAN15 and as such will not be permitted to exacerbate flood risk from the site; therefore, I believe it would be a weak argument to object to the proposals on flood risk grounds as this can ordinarily be dealt with via condition. If there is no discharge point available for the development, then it would not be permitted to go ahead and this would be considered upon receipt of the drainage strategy.

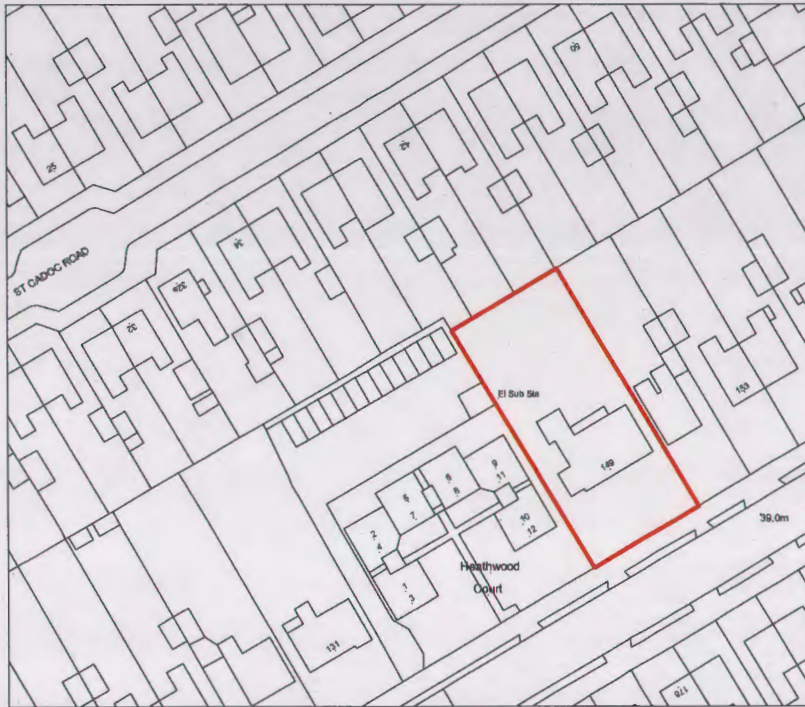
- The Transportation Manager has not raised any concerns in respect of parking, highway safety, or in respect of vehicles servicing the site. With specific regard to the representations from Councillor Hinchey (30 April), the Transportation Manager reiterates his comments above, in that the level of off street parking is policy compliant and there are no identified issues relating to traffic management (para. 5.1).

8.7 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

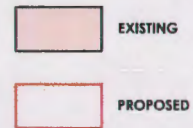
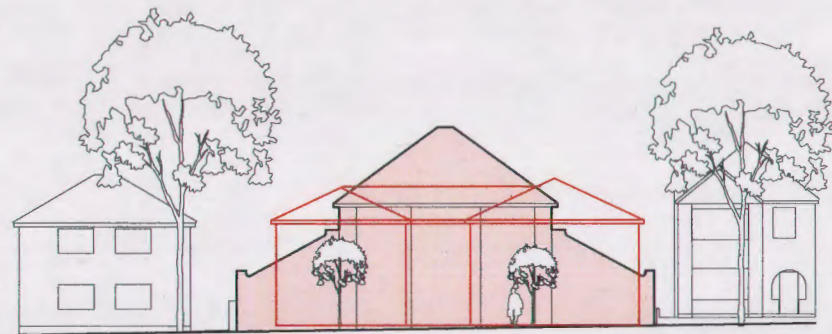
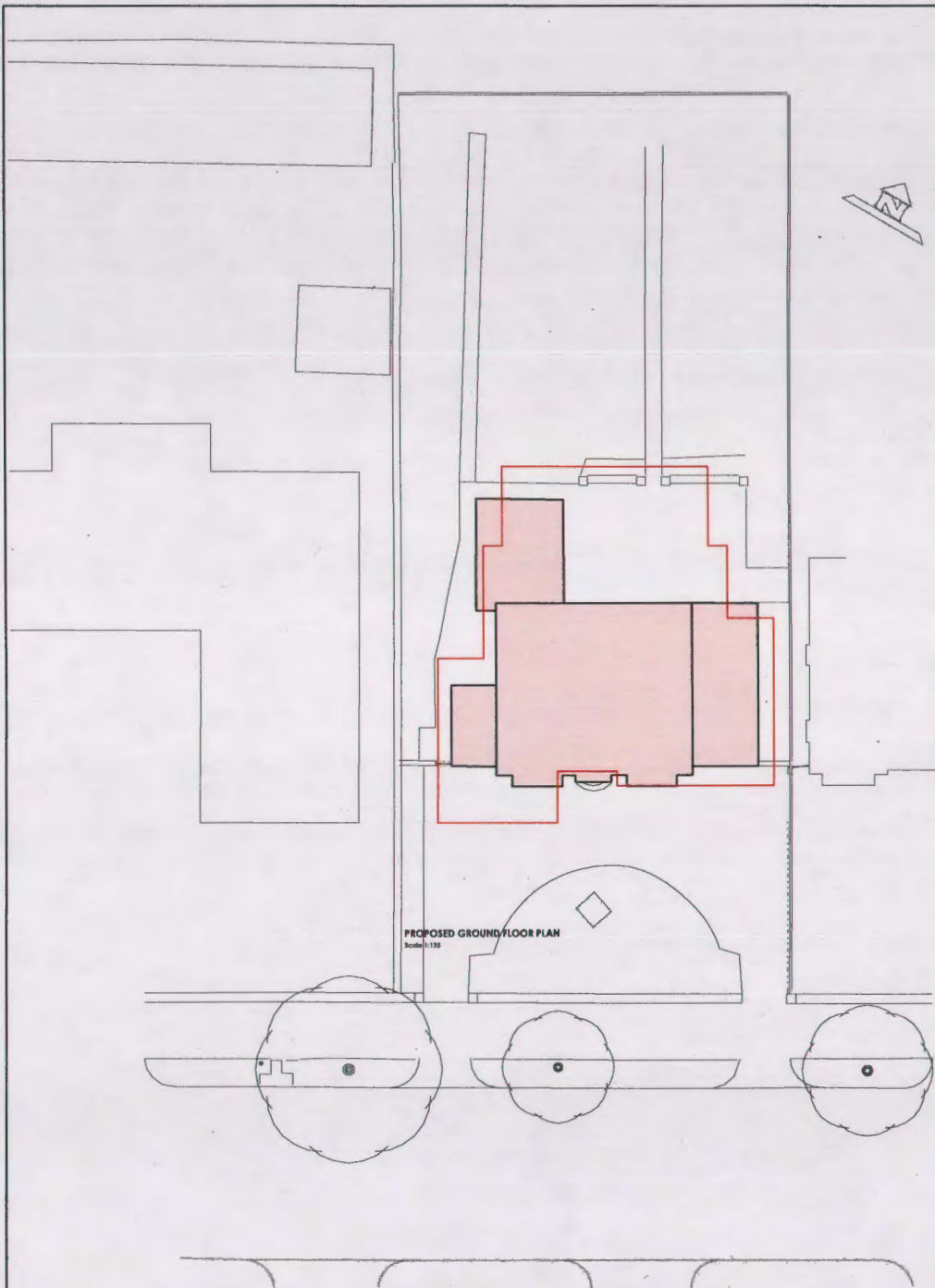
Affordable Housing – £77,430.00 – Towards the provision of affordable housing off-site, in lieu of one unit.

The agent has indicated that the requested Affordable Housing contribution is acceptable.

8.8 In light of the above, and having regard for adopted planning policy guidance it is recommended that outline planning permission be granted.



• PROJECT 149 HEATHWOOD ROAD			• CLIENT LAKESIDE PROPERTIES LTD	
CARDIFF			NIGEL ARNOLD ARCHITECT • 1, THE WASHINGTON • STANWELL ROAD PENARTH VALE OF GLAMORGAN C F 6 4 2 A D  • 029 2070 2501 • • FAX 2070 2516 •	
• TITLE				
SITE LOCATION PLAN				
DRAWN NA	DATE 01/15	SCALE 1:1250	DRWG No.	REV.
This drawing is copyright. Scaled dimensions may be used for approximation. Ensure only dimensions are used for construction.			39914:01	



Client LAKEHIDE PROPERTIES LTD				
Project RESIDENTIAL DEVELOPMENT, 148 HEATHWOOD ROAD				
Title EXISTING SITE PLAN COMPARISON OF EXISTING WITH PROPOSED				
Status	Date	Scale	Drawing No.	Rev
Design	Mar 2016	1:125 @ A1	39914:15	
- The Studio - 3 Parnell Road Lane - Parnell - 1000 of Clontarf, Co. DU - T: 01 201 2101 - E: info@nigelarnold.com				
nigel arnold / architect				

