

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 13/01/2016

APPLICATION No. **15/01268/MNR** APPLICATION DATE: 02/06/2015

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Future Civil Engineering (Wales) Ltd

LOCATION: 1 HEOL DON, WHITCHURCH, CARDIFF, CF14 2AR

PROPOSAL: PROPOSED DEMOLITION OF THE EXISTING EXTENSIONS, CONVERSION AND EXTENSION OF 'VAYNOR' TO FORM 3 DWELLINGS, DEMOLITION OF THE EXISTING COACH HOUSE AND CONSTRUCTION OF A PAIR OF COTTAGES, CONSTRUCTION OF A DETACHED DWELLING, CREATION OF A NEW SITE ACCESS, IMPROVEMENTS TO THE EXISTING SITE ACCESS AND THE CONSTRUCTION OF ASSOCIATED PARKING AREAS AND BIN STORES

RECOMMENDATION 1 : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The car parking spaces 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 the site, in accordance with Policy 17 of the Cardiff Local Plan and Policy 2.57 of the deposit Cardiff Unitary Development Plan.
3. No development shall take place until samples of the external finishing materials have been submitted to and approved 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 Policies 3 and 11 of the Cardiff Local Plan and Policies 2.20 and 2.53 of the deposit Cardiff Unitary Development Plan.
4. Notwithstanding the submitted plans, full details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

Reason: To ensure that the amenities of the area are protected in accordance with Policy 2.24 of the Deposit Cardiff Unitary Development Plan.

5. Prior to the erection of the dwelling units hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: In the interests of the proper drainage of the site, in accordance with Policy 2.61 of the deposit Cardiff Unitary Development Plan.

6. E7Z Imported Aggregates

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy 2.63 of the Cardiff Unitary Development Plan.

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning

Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policy 2.63 of the Cardiff Unitary Development Plan.

9. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.
10. C2H No Structures Within Curtilage
11. 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 windows shall be inserted in the dwelling units other than those windows hereby approved.
Reason: To ensure that the privacy of adjoining and future occupiers is protected in accordance with Policy 2.24 of the deposit Cardiff Unitary development Plan.
12. The existing vehicle crossover onto Heol Don shall be reinstated as footway in accordance with details to be submitted to and approved by the Local Planning Authority prior to the beneficial occupation of the dwelling units hereby approved.
Reason: In the interest of pedestrian safety and convenience.
13. Notwithstanding the submitted plans, further details of facilities for the storage of refuse containers shall be submitted to and approved in writing by the Local Planning Authority. The facilities approved shall be provided before the development is brought into beneficial use and shall be thereafter retained for future use.
Reason: To secure an orderly form of development and protect the amenities of the area in accordance with Policy 2.74 of the deposit Cardiff Unitary Development Plan.
14. The development shall be carried out in accordance with the recommendations set out in the Bat Survey from Just Ecology dated May, 2015 unless otherwise agreed in writing by the Local planning Authority.
Reason: To mitigate the effect of the proposed development on bats which are a European protected species.
15. No clearance of trees, bushes, shrub and scrub vegetation to take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority.

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.

16. No obstruction to vision exceeding one metre in height shall be placed within the vision splay onto Heol Don shown on drawing ref. AL(90)10 (Proposed Access).

Reason: To ensure that the use of the proposed access does not interfere with the safety and free flow of traffic passing along the highway abutting the site.

17. Any gates at the access onto Heol Don shall be set back a minimum of 5.0 metres from the back edge of footway.

Reason: To ensure that the use of the proposed access does not interfere with the safety and free flow of traffic passing along the highway abutting the site.

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

- The first floor window serving bedroom 1 of dwelling unit 2;
- The first floor corridor window of dwelling unit 2 facing towards the rear amenity space of dwelling unit 1;
- The first floor shower and bedroom windows in the rear elevation of the detached dwelling at unit 4;
- The windows in the second floor dormer roof extension of dwelling unit 2;
- Reason: To ensure that the privacy of adjoining occupiers is protected.

19. The consent relates to the application as amended by the revised plan numbered :

AL (90) 10 AL (90) 04 rev b AL (90) 03 rev c AL (01) 05 rev c
AL (01) 04 rev b AL (01) 06 rev b
Site location Plan AL(00)01

Reason: The plans amend and form part of the application.

20. No development, including demolition, shall take place until such time as a demolition/construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of site hoarding, vehicle and plant access, contractors parking, materials storage, provision for skips and other refuse vessels, wheel washing facilities, construction traffic routes, and such measures as will be proposed to mitigate nuisance to adjoining and nearby neighbours as might be caused through noise, dust, or site wastes or debris.

Reason: to mitigate against nuisance to neighbours and ensure safety on the highway network.

21. Notwithstanding the submitted plans and reports, no site clearance, demolition, preparation or development shall take place until a finalised Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) has been to and approved in writing by the Local Planning Authority. The AMS and TPP shall address the construction of the proposed refuse store and the car-parking/ turning space shown within the root protection zones on drawing AL(90)04 Rev B and potential damage to soft landscaping (potentially harmful cultivation, level changes, herbicide and fertiliser applications). The AMS shall include full details of an auditable system of arboricultural site monitoring.
Reason: The trees are of value to the local environment and should be protected and maintained in the interests of amenity.
22. Notwithstanding the submitted plans and reports, no site clearance, demolition, preparation or development shall take place until a finalised soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section, planting and 5 year aftercare methodology and an implementation programme. The soft landscaping scheme shall be informed by a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. 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 of the area, and to monitor compliance
23. C4R Landscaping Implementation

RECOMMENDATION 2: The applicant is advised to secure the consent of the Council's Operational Manager, Street Operations prior to undertaking any works adjacent to the adopted highway in relation to the construction of the proposed access.

RECOMMENDATION 3 : 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 4 : The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

RECOMMENDATION 5 : That the developer be advised that where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats etc.) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 This planning application relates to a property known as 'Vaynor' 1 Heol Don, Whitchurch, where full planning permission is sought to;

- (i) demolish elements of the existing house, construct new extensions and convert the property to form three dwelling units;

- (ii) demolish the coach house located towards the north western corner of the site and construct a pair of semi-detached dwellings;
 - (iii) construct a new detached dwelling on land next to the north eastern elevation of the existing house, and ;
 - (iv) Construct a new site access, associated parking areas and bin stores.
- 1.2 Details of the siting and appearance of the proposed development are shown on the attached plans.
- 1.3 The existing site access onto Heol Don will be repositioned slightly further north and extended in width within the site. Parking and manoeuvring areas are proposed to serve the proposed dwelling units. The existing site access will be closed and a new section of brick boundary wall constructed to matching the existing established wall.
- 1.4 The extension and subdivision of the main building will create three 4-5 bed residential units over 2 – 3 floors. The proposed detached dwelling to the north east of the existing building will comprise a two storey, 5 bedroom unit with second floor accommodation contained in the roof space. The two semi-detached units are two storeys in scale with each unit containing 3 bedrooms.
- 1.5 Within the site, a dedicated communal bin store facility and a bin holding area adjacent to the site entrance is proposed.
- 1.6 It is proposed that the extension of the main building will comprise materials to match the original property, namely red/brown facing brickwork with painted sandstone detailing around the windows and painted timber detailing to the second floor/roof elevations under a grey slate roof. Following discussions with the agents, amended plans have been submitted which revise the design and appearance of the proposed detached dwelling and pair of semi-detached houses. The finishes of these units will also reflect the proposals for the main building.
- 1.7 The application is supported by an arboricultural report which identifies the trees on site, their condition, quality and benefit within the context of the proposed development. The report identifies the trees to be removed (the majority being category C2 trees with a category B2 Norway Maple located in the vicinity of the proposed access driveway) and pruned as a result of the development together with guidelines for the protection retained trees during construction works. The applicant states that the intention is to manage established retained trees within the site to ensure their long term future and provide enhanced and safer access to the site.
- 1.8 The applicant commissioned a building inspection to investigate the possibility of the presence of nesting birds and roosting bats within the buildings. Although the Bat Survey advised that no bats were recorded emerging from the coach house, it recommends a precautionary approach to the demolition works.

- 1.9 With regard to the amended plans submitted following discussions with officers, the agents make the following points in support of the scheme:

Proposed detached dwelling (Unit 4) west of the main building.

To make the building subservient and sympathetic to the original property in terms of scale, massing, positioning, detailing and in relation to views from Heol Don, the scheme has been substantively re-designed. In summary, the proposed dwelling has been set back significantly from the principal southern elevation of the existing building (10.4 metres), separated by 3.9 m from the east elevation and lies outside the tree protection zone of adjacent trees. The re-positioning of the proposed dwelling will result in it having a clear visual separation from the existing house, particularly when viewed from points around the current site entrance on Heol Don.

The reduced scale of the new dwelling in terms of footprint, width, depth and mass will further assist in rendering it subservient to the existing building. The re-positioning of the dwelling will also 'open up' views of the north eastern elevation of the existing house including its chimney, porch and adjacent projecting annex.

Whilst the north east elevation of the proposed dwelling is significantly smaller and subservient to the main building, its detailing carefully reflects the original building, and, in particular, the gable feature.

To avert any possible overlooking of the private amenity area of 3 Heol Don, the principal window to bedroom 1 has been orientated to the north east elevation with the remaining secondary window being fixed pane and obscurely glazed.

Alterations to the existing house.

To avoid possible overlooking of the private amenity area of Unit 1, the first bedroom window and the adjacent hallway window of Unit 2 will be fixed pane and obscurely glazed to 1.8 m.

The rear private amenity area of Unit 1 will be enclosed by a red brick facing brick wall.

The curtilage boundary to the south of Unit 1 and the adjacent shared boundary with Unit 3 will be delineated by a painted wrought iron fence reinforced with hedgerow planting.

Proposed semi-detached units.

The extent and form of the dwellings have been amended to maintain a minimum of 10.5 metres to the eastern boundary.

The internal layouts have also been revised to reduce the number of habitable rooms to the front elevation at first floor level from two to one and bedroom 1 has been repositioned to avoid overlooking the private amenity area of Unit 1.

The dwellings have been redesigned to render them more compatible with the original main house, incorporating traditional grey slate roofs, red facing brick elevations with simple head details and gable features.

To minimise disturbance and maintain the original appearance of the eastern boundary, the rear wall of the original coach house will be reduced in height to 2.4 m, repaired and rebuilt, as necessary, with an appropriate coping fitted.

2. DESCRIPTION OF SITE

- 2.1 Vaynor is a large detached red brick Edwardian house which occupies substantial grounds located towards the southern end of Heol Don, Whitchurch. The northern boundary of the site adjoins No. 3 Heol Don; another detached Edwardian property within a large plot. To the south, the site adjoins a development of flats at Heol Don Court together with a single detached dwelling known as New House.
- 2.2 The vehicular access from Heol Don is located towards the south east corner of the site, opposite its junction with Church Road. The driveway also provides access to a modern two storey detached house known as Broadacres which occupies a rectangular plot to the west of Vaynor and which would have formed part of the curtilage of the original property.
- 2.3 In the north western corner of the site to the north of Broadacres, there is coach house which is in a poor state of repair. The rear elevation of this structure backs onto the rear gardens of nos. 10-14 The Avenue.
- 2.4 The application site contains numerous mature trees and other vegetation. Trees along the southern and eastern boundaries are protected by preservation order. The boundary along the Heol Don is enclosed by a brick wall.
- 2.5 The property is located within the Church Road, Whitchurch Conservation Area.

3. SITE HISTORY

- 3.1 Outline planning permission granted on the 14th October 1999 for 'alterations and extensions to existing coach house' - ref. 99/01356/N.

4. POLICY FRAMEWORK

- 4.1 The site lies within the Church Road Whitchurch Conservation Area.
- 4.2 The following policies of the Cardiff Local Plan and deposit Cardiff Unitary Development Plan are considered relevant:

Local Plan -

- 3 (Development in Conservation Areas);
- 11 (Design and Aesthetic Quality);
- 17 (Parking and Servicing Facilities);

18 (Provision for Cyclists);
19 (Provision for Pedestrians);
30 (Insensitive or Inappropriate Infilling).

Deposit Cardiff Unitary Development Plan

2.20 (Good Design);
2.24 (Residential Amenity);
2.45 (Trees, Woodlands and Hedgerows);
2.53 (Conservation Areas);
2.57 (Access, Circulation and Parking Requirements);
2.74 (Provision for Waste Management Facilities in Development).

4.3 *Supplementary Planning Guidance - Access, Circulation and Parking Standards* (January 2010); *Trees and Development* (March 2007); *Waste Collection and Storage Facilities* (March 2007); *Church Road, Whitchurch, Conservation Area Appraisal* (2006); *Design Guidance for Infill Development* (2011).

4.4 Relevant National Planning Guidance is contained in *Planning Policy Wales (PPW)*, Edition 7 (2014).

PPW contains the following advice;

4.4.3: Planning policies and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns, wherever possible avoiding development on greenfield sites
- Locate developments so as to minimise the demand for travel, especially by private car
- Minimise risks relating to unstable land, contaminated land and flooding
- Facilitate sustainable building standards
- Ensure that all communities have sufficient good quality housing, including affordable housing, in safe neighbourhoods
- Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity.

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.

4.11.10: In areas recognised for their landscape, townscape or historic value and more widely in areas with an established and distinctive design character, it can be appropriate to seek to promote or reinforce traditional and local distinctiveness.

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

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

4.12.4: Refers to 'Practice Guidance in Planning for Sustainable Buildings' which provides guidance for local planning authorities and developers on sustainable building design.

6.1.2: Local authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs.

6.5.17: If any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the granting of planning permission.

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

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

- 4.5 TAN 12, at paragraph 11.5.3, advises that *'the design of housing layouts and built form should respect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area.'*
- 4.6 Planning (Listed Buildings and Conservation Areas) Act 1990 and Welsh Office Circular 61/96.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 *Operational Manager Transportation:* No objection on highway safety or parking grounds subject to conditions requiring the provision and maintenance of parking facilities within the site, any access gates to be set a minimum of 5.0 metres from the back edge of footway, the reinstatement of the redundant crossover access onto Heol Don and a construction management plan. The Officer comments that if a refuse vehicle is to enter the site, there should be sufficient space to enable the vehicle to enter and leave in a forward gear. The Officer also advises that any alterations to the existing access directly abutting the adopted highway will require the appropriate licence from the Highway Authority.
- 5.2 *Operational Manager, Drainage:* No objections subject to an appropriate drainage condition.
- 5.3 *Strategic Planning Manager (Pollution Control):* No objections subject to standard conditions relating to unforeseen contamination, use of site won materials, imported materials/soils together with the Contamination and Unstable Land advisory notice.
- 5.4 *Chief Officer Highways and Waste Management (Waste):* The Officer has been notified of the application. No representations have been received.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 *Welsh Water/Dwr Cymru* advises as follows:

Foul water and surface water discharges should be drained separately from the site.

No surface water should be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Land drainage run-off should not be permitted to discharge, either directly or indirectly, into the public sewerage system.

A water supply can be made available to serve this proposed development.

7. **REPRESENTATIONS**

7.1 The application has been advertised by means of a site notice and in the press. Neighbouring occupiers have also been notified.

7.2 Councillor Christopher Davis objects to the application commenting as follows:

- (i) The Councillor comments that there may be party wall issues as the coach house lies next to the boundary with properties backing onto the site in The Avenue. The Councillor believes that that under S15 of the Party Wall Act etc. 1996, the owner/developer of Heol Don should serve a written notice on the neighbouring residents as the coach house forms part of their boundary. He states that the neighbours' agreement would not be obtained meaning that the development could not proceed.
- (ii) Windows in the proposed development will overlook the neighbouring residents of 8-14 The Avenue affecting their privacy. The Councillor states that he has photographs to illustrate this.
- (iii) The Councillor comments that there are plans for further development opposite the Heol Don site and that this will cause overdevelopment in a densely populated residential area.

7.3 Following initial neighbour notification, thirteen letters/e-mails were received from neighbouring and local residents objecting to the proposed development. In summary, the objections relate to the following matters:

- (i) The proposal is an over-development of the site which fails to preserve or enhance the character of the Conservation Area and would be contrary to guidance in the Church Road Conservation Area Appraisal and the Council's Infill Sites SPG;
- (ii) The will result in the loss of a number of trees which make a positive contribution to the character of the area;
- (iii) The siting of the dwelling between the existing house and the highway would materially affect the setting of the property. There would be a considerable increase in hard surfaced areas within the site at the expense of soft landscaping;

- (iv) The proposed alterations to the access, which includes the removal of a section of the historic boundary wall, would also materially affect the character and appearance of the Conservation Area;
- (v) Impact on the amenity of residents neighbouring the site including loss of privacy, noise and possible light intrusion. The occupier of the dwelling within the site (Broadacres) is concerned that the proposals will result in a significant increase in vehicle movements within close proximity to his property affecting his living conditions. He is also concerned that he will be overlooked resulting in a material loss of privacy. The occupiers of properties in The Avenue are concerned that they will be overlooked resulting in a loss of privacy as a consequence of the demolition of the coach house and its replacement with a pair of semi-detached houses and also raise security/safety issues resulting from the proposed demolition of the structure. The occupier of 5 Alfreda Road is concerned at possible damage to the outbuilding in their garden as a consequence of the proposed demolition works
- (vi) The Coach House should be restored and retained for future generations. A resident states that if the building was to be removed, he would prefer to see its rear wall retained or rebuilt using the existing bricks;
- (vii) Possible highway safety with increased traffic accessing the site onto Heol Don at a busy location;
- (viii) Possible adverse effect on the bio-diversity of the area;
- (ix) The quality of the resulting residential accommodation for future occupiers is questions in certain respects.

7.4 Whitchurch Heritage Action Group object to the application on the following grounds (summary):

- Overdevelopment of the site and negative precedent for the development of sites within the Conservation Area;
- Coach houses are a special feature of a number of properties in Heol Don and Church Road. Residents are well aware that they would not be permitted to demolish their own coach houses and it appears that controls are stricter for householders than for commercial developers;
- Concern at loss of trees and reduction of soft landscaping;
- The design of the pair of semi-detached houses is stark and utilitarian and not in keeping with the Conservation Area. Whilst the design of the detached house is sympathetic, its siting would detract from the quality of the conservation Area;
- An extra access might cause problems on a very busy road;
- The bat survey, whilst professionally produced, appears to find fewer bats than most properties in the area enjoy;

7.5 Neighbours have been notified of amended plans. Three further letters / emails have been received from the occupiers of 10, 14 The Avenue and 3 Firwood Close reiterating their concerns which in summary are as follows :

- The loss of architectural heritage with the demolition of the coach house, detrimental impact on privacy from being overlooked, noise and light intrusion, security issues;
- The overdevelopment of the site plot;
- The potential loss of mature trees and effect bio-diversity of the area;;
- The detrimental change to the conservation area;
- Traffic concerns.

8. **ANALYSIS**

8.1 The planning application seeks permission to undertake the following works:

- demolish elements of the existing house, construct new extensions and convert the property to form three dwelling units;
- demolish the coach house located towards the north western corner of the site and construct a pair of semi-detached dwellings;
- construct a new detached dwelling on land next to the north eastern elevation of the existing house, and;
- construct a new site access, associated parking areas and bin stores.

8.2 The main issues to be considered are the impact of the development on the character and appearance of the Conservation Area, the effect on the amenities of neighbouring occupiers, the acceptability of the living conditions for future occupiers, impact on trees, ecology and highway safety.

8.3 In assessing the impact on visual amenity and character, the proposal should be considered against current design policy, including advice contained in the Council's approved Supplementary Planning Guidance : Design Guidance for Infill Sites (2011),

8.4 The SPG advises at paragraph 2.14 that:

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

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

8.5 At paragraph 3.12, the SPG states that:

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

landscaping and boundary treatment (e.g. gates, railings, walls and hedges) complement the character of the surroundings. A thorough understanding of detailing in the street scene which contributes to the form of character of the area needs to be gained and responded to.

8.6 At paragraph 3.8, the 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.

8.7 At paragraph 4.11, the SPG states that:

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

8.8 Local Planning Authorities are required by Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.9 A separate application for Conservation Area Consent has been submitted in relation to the proposed demolition of the coach house and this is considered under application 15/1269/MNR. The loss of the building is a material consideration in determining any application for planning permission for redevelopment.

8.10 Section 33 of Welsh Office Circular 61:96 indicates that there should be a general presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. In cases where a building makes little or no such contribution, the authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for redevelopment.

8.11 The likely impact of the proposed development on the character and appearance of the conservation area has been assessed as follows:

8.12 Conversion and Extension of Vaynor

The single storey later additions to the rear of Vaynor are not visually prominent within the conservation area and do not make a positive contribution to the building. As such, their demolition would have a neutral impact upon the character and appearance of the conservation area.

8.13 The extension proposed to the western side of the building would form a significant addition to it. However, the extension it would aid in rationalising the overall aesthetic of the front elevation. The proposed gable feature would

replicate the existing gable on the front elevation of the building in terms of its scale, pitch and detailing.

- 8.14 The contemporary finish proposed on the northwest elevation of the extension and the introduction of doors and enlargement of certain ground windows on the front elevation of the building would not be prominently viewed within the conservation area and are not considered to harm its character.
- 8.15 Proposed detached dwelling to the east of Vaynor (unit 4)

The Church Road Conservation Area Appraisal states that;

The footprint of new buildings should fit into the urban context of the area and wherever possible, relate to the existing 'grain'. The use of materials generally matching in appearance or complementary to those described in the appraisal is important, as is ensuring that materials, detailing and finishes are all of high quality. Within these criteria, new development should aim to achieve creative design solutions, whether contemporary or traditional in style. The character and context described in this appraisal can be expressed in:

- *The use of a common building line, plot size and subdivision;*
- *The strengthening and maintenance of existing vertical and horizontal building rhythms,*
- *Adjacent building heights, roofs and cornice lines;*
- *Respecting significant views in and out of the conservation area and along its principal roads*
- *The use of local building materials;*
- *The retention and strengthening of existing boundary walls.*

- 8.16 The proposed detached dwelling (as amended) has been set back significantly from the principal southern elevation of Vaynor (10.4 metres) and separated from its eastern elevation by a distance of 3.9 metres. Its siting is such that the central projecting gable feature and porch on the eastern elevation of Vaynor will not be unduly obscured. The dwelling would have a modest footprint and a lower ridge and eaves height than Vaynor ensuring that it would appear appropriately subservient in scale.
- 8.17 Whilst the proposed dwelling would be sited between the eastern elevation of Vaynor and Heol Don, it would not encroach beyond the building line along this part of the street. Views of the dwelling from the road would be mitigated by retained boundary trees/planting. The general finish and detailing of the dwelling would appropriately replicate the architectural language of the existing property and therefore sit comfortably against it and within the context of the street scene.
- 8.18 Demolition of the coach house and its replacement with a pair of semi-detached dwellings

Whilst the vacant coach house has some aesthetic merit, the building is in a poor state of repair and occupies a backland site within the grounds of the main

house. It cannot be prominently viewed from public areas within the conservation area, with private views limited towards the rear elevation or obliquely towards the side/front elevations. Clear views of the front are possible only from the rear of Vaynor itself. As such, it would be difficult to sustain a strong objection to its demolition and replacement with the proposed pair of semi-detached dwellings.

8.19 The pair of semi-detached units would be sited forward of the area vacated by the demolished coach house to provide private rear gardens and ensure compliance with the Council's privacy guidelines. However, it is not considered that their siting would interrupt the landscaped and spacious setting of Vaynor. The dwellings would be subservient in scale and form to the main building and would not be prominent in public views from outside the site. They would be finished using materials consistent with Vaynor and combined with the inclusion of features such as gables on the front elevation, are considered to be appropriate within the context of their surroundings. The application, as amended, seeks to retain part of the rear wall of the coach house at a height of 2.4 metres as a means of enclosure to separate the site from the neighbouring houses.

8.20 On balance, it is considered that the demolition of the coach house and its replacement with the pair of semi-detached houses would have a neutral impact upon the character and appearance of the conservation area.

8.21 Revised site access, internal site enclosures and bin stores

The existing site access onto Heol Don will be repositioned slightly further north and extended in width within the site. The existing site access will be closed and a new section of brick boundary wall constructed to matching the established wall. This alteration is considered acceptable, subject to the bricks from the section of wall to be removed being re-used in its reconstruction and any additional bricks required matching those of the original wall. It is also expected that the proposed refuse store located near the site entrance will be constructed in brickwork to match the boundary wall.

8.22 The proposed introduction of low level railings reinforced with planting as a means of demarcating the amenity spaces at the front of units 1 and 3 is considered to be a pragmatic and sensitive approach to the enclosure of the front gardens whilst reasonably retaining the open setting of the building within its grounds.

8.23 Concern has been expressed that the proposed development represents an over development of the site. However, the site is large, measuring approximately 0.33 ha in area. In respect of the proposed intensity of use, the provision of 6 dwelling units on the site (a net gain of 5 units) represents a gross density of approximately 18 dwelling units per ha (approximately 7.3 dwelling units per acre). This is not considered to be an overly intensive level of development assessed against current standards.

- 8.24 It is not 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 will enjoy a good quality of internal living space. Private amenity spaces are in excess of the minimum requirements outlined in the Council's Infill Sites SPG. The proposed layout provides off street parking and manoeuvring space in accordance with Council guidance and to the satisfaction of the Operational Manager, Transportation. Significant areas of soft landscaping will be retained within the site and new tree planting proposed in mitigation for the trees to be removed.
- 8.25 The Infill Sites SPG advises that for backland sites, a less conspicuous building of a lower scale in building height is often more appropriate to minimise overbearing issues and reduce impact on residential amenity. The proposed new dwellings will be subservient in scale and form to the main building at the site.
- 8.26 Neighbouring occupiers are concerned that the proposed development would be overbearing and that there would be unacceptable overlooking issues.
- 8.27 The proposed pair of semi-detached houses would be sited some 10.5 metres from the boundary with properties backing onto the application site in The Avenue. These properties have long rear gardens at least 20 metres in length. Although the coach house is to be demolished, the rear wall will be partially retained at a height of 2.4 metres, repaired and rebuilt, as necessary, with an appropriate coping fitted. There are no windows proposed in the side elevation of the dwellings which would face towards the rear garden of Broadacres or the rear garden of no. 3 Heol Don. The block would be sited over 14 metres from the rear elevation of Broadacres and to the north of that property.
- 8.28 On balance, it is not considered that the likely impact of the proposed block, as amended, would be so unreasonable as to justify refusal of the application on overbearing or privacy grounds, having regard to the Council's guidelines.
- 8.29 The proposed extension and sub-division of Vaynor to create three dwelling units would retain a distance of approximately 7 metres between the building and the side boundary of Broadacres, at its nearest point. There would be no windows in the side elevation of the extension that would unacceptably overlook this neighbouring property. It is not considered that vehicle movements and general activity within the site would be so excessive that the occupier's living conditions would be adversely affected to the extent that would support refusal of the application.
- 8.30 The proposed detached dwelling to the east of Vaynor would be sited approximately 9.0 metres from the boundary with no. 3 Heol Don at its nearest point. First floor windows in the northwest elevation of the proposed dwelling, serving a bathroom and secondary bedroom window, are to be glazed with obscured glass. It is not considered therefore that the dwelling would impact unacceptably on the amenities on the neighbouring occupier.
- 8.31 The proposal is considered acceptable in terms of highway safety and on-site parking provision, subject to the conditions recommended by the Operational

Manager, Transportation. The proposed new access will have the benefit of improving visibility when compared to the existing situation and serve to mitigate concerns with regard to the limited additional number of vehicle movements which will be generated as a consequence of the proposal.

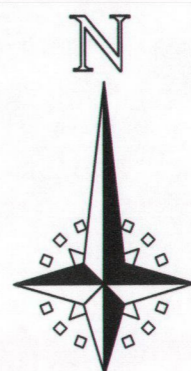
- 8.32 The application has been supported by a tree report together with a report relating to bat. Mitigation measures are proposed in respect of bats. The landscaping proposals for the site include planting of several new trees in lieu of trees which are to be removed from the site. Appropriate conditions are recommended to secure the protection of retained trees and the approval/implementation of an appropriate landscape scheme for the site.
- 8.33 In conclusion, it is considered that the proposed development will not result in an unreasonable impact upon the character and appearance of the Church Road Whitchurch Conservation Area, highway safety or the amenities of existing and future residents, and will comply with national policy requirements relating to sustainable development. The application is, accordingly, recommended for approval subject to the attached conditions



LOCATION PLAN
1:500



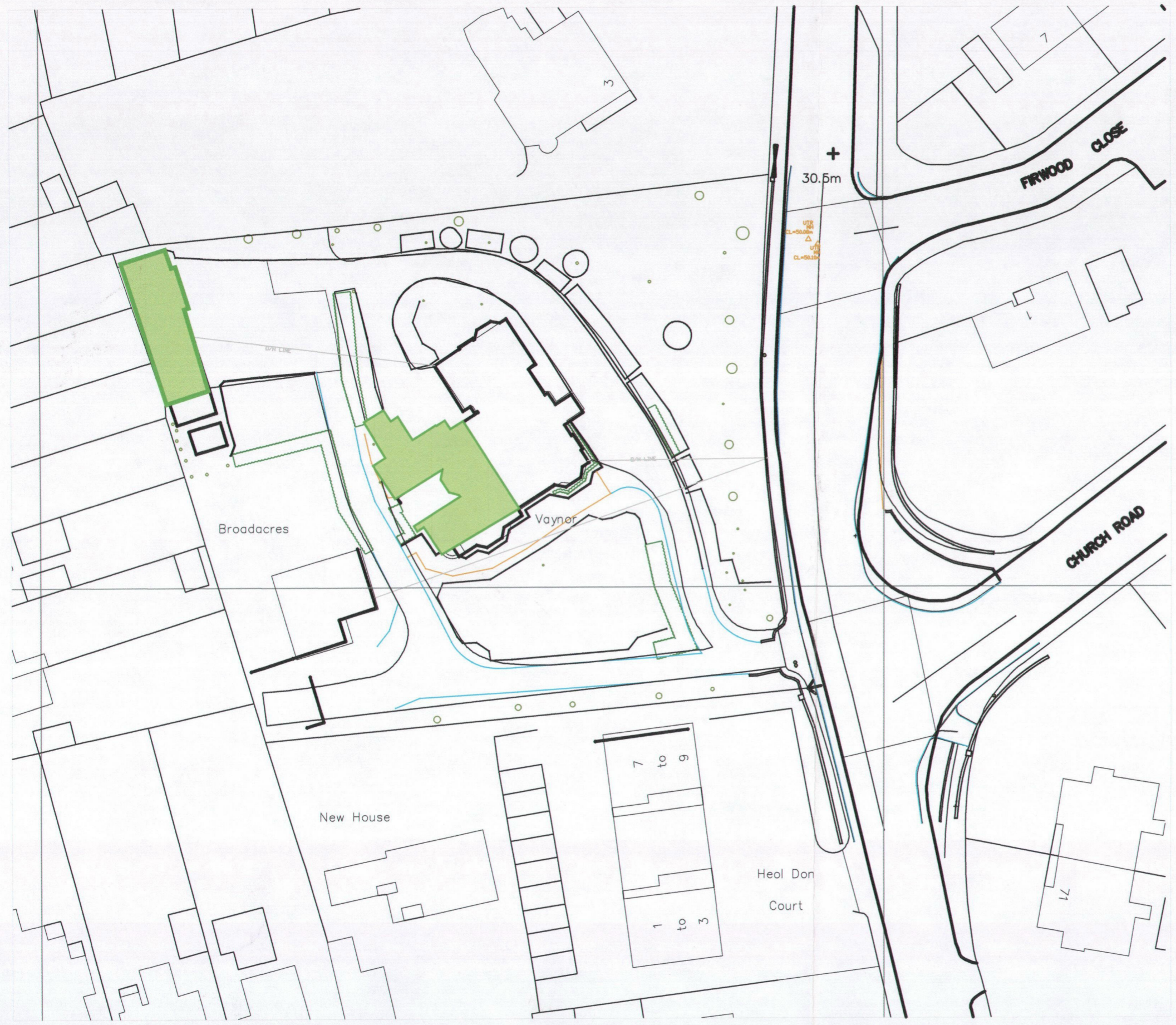
LOCATION PLAN
1:1250




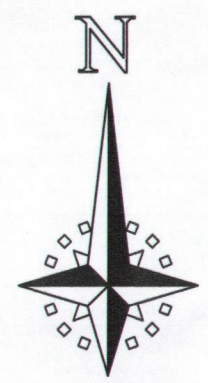
Development Vaynor Stables 1 Heol Don		Job No. 15_014	Rev.
Title Location Plan		Dwg No. AL(00)01	
Date 10/03/15	Drawn BK	Scale 1:500/1250 @ A3	


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 Proposed demolition



Development Vaynor Stables 1 Heol Don		Job No. 15_014	Rev.
Title Proposed Demolition Plan		Dwg No. AL(90)02	
Date 10/03/15	Drawn BK	Scale 1:500 @ A3	
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Date
18/06/15

Drawn	Check	Description
***	***	Dimensions and refs to rear neighbour added.
***	***	Drawing updated in line with planning comments
***	***	Drawing revised in line with planning comments


Rev.
A
B
C



01



02

Proposed Development		Job No.
Vaynor Stables		15_014
Heol y Don		Dwg No. Rev.
		AL(90)03 C
Title		
Proposed Site Plan - Context		
Date	Drawn	Scale
08/05/15	***	1:500 @ A3
		Town planners
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Date	Drawn	Check	Description	Rev.
10.11.15			A No dig construction note added	
20.11.15			B Proposed trees species added to list	



KEY

	2m high red brick wall
	90mm high wrought iron fencing painted green
	1.8m close boarded fence
	Extent of rear wall of existing coach house to be retained to a height of 2.4m
	Extent of new wall built to match remaining coach house wall, height to be 2.4m
	Proposed New Tree
A	Betula Pendula "Swiss Glory" (=Zwisters Glory)
B	Ginkgo Ginkgo Giloga "lakeview" "Fastigiata Blagou" or "Princeta setry"
C	Ilex aquifolium "Handsworth New Silver"
D	Acer Campestris
E	Acer Buergerianum
F	Magnolia x Soulaigeaia
	Tree root protection zone
	Area of construction within root protection zone. Construction within this area to be no dig.

Proposed Development		Job No.	15_014
Vaynor Stables		Dwg No.	AL(90)04
Heol y Don		Rev.	B
Title Proposed external works			
Date	Drawn	Scale	
08/05/15	***	1:500 @ A3	
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Date	Drawn	Check	Description	Rev.
29.09.15	***	***	Elevations updated in line with planners comments	A
10.11.15	SJD	***	Roof light removed from north east elevation.	B



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION




NORTH WEST ELEVATION



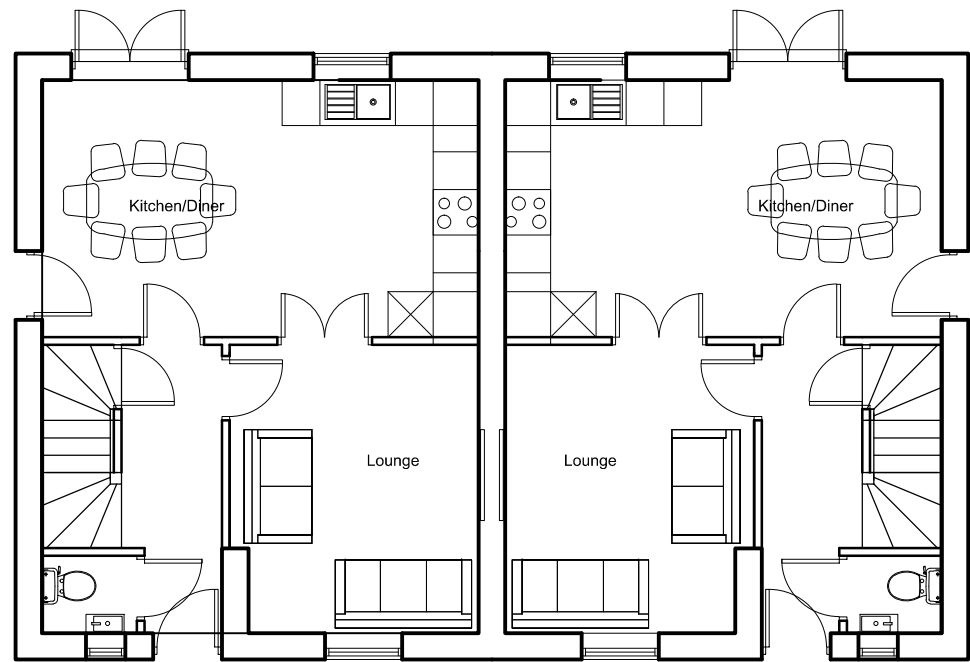
NORTH EAST ELEVATION

PROPOSED ELEVATIONS 1:200

Proposed Development	Job No.	15_014
Vaynor Stables	Dwg No.	AL(01)06
Heol y Don	Rev.	B
Title		
Proposed Elevations (conversion) Option 2		
Date	Drawn	Scale
21.08.15	***	1:200 @ A3


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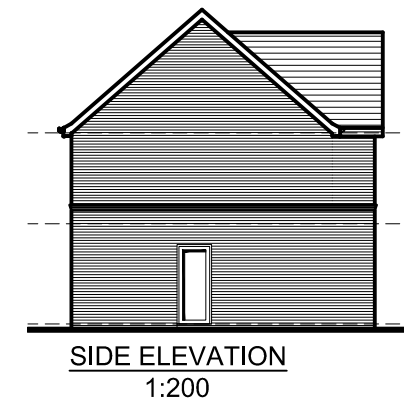
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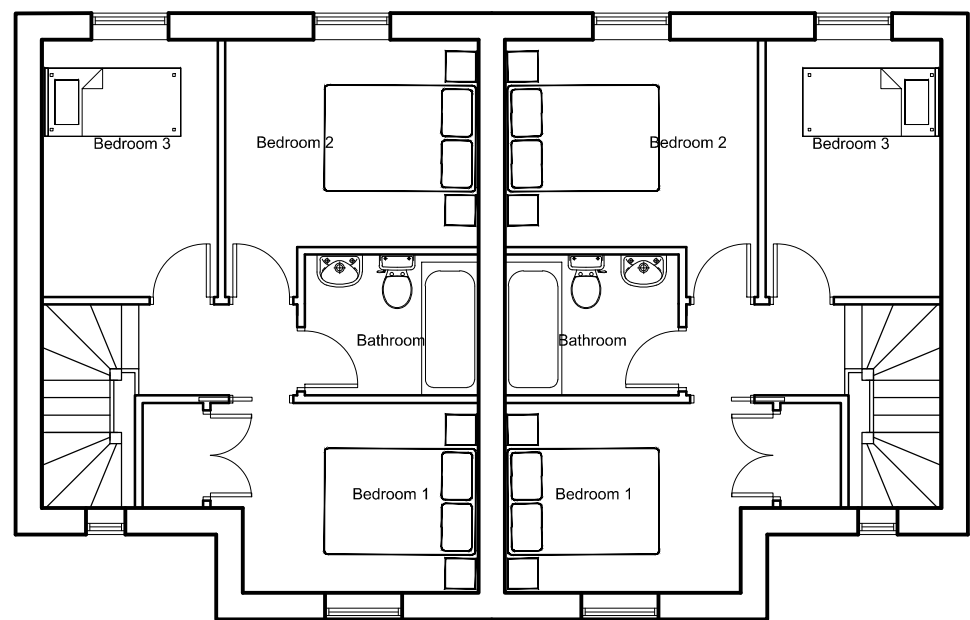
GROUND FLOOR
1:100



FRONT ELEVATION
1:200



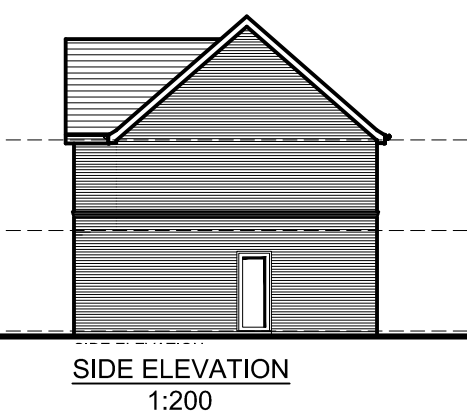
SIDE ELEVATION
1:200



FIRST FLOOR
1:100



REAR ELEVATION
1:200



SIDE ELEVATION
1:200

HOUSE TYPE B
3 BED
GF: 42.5m / 454sqft
FF: 39.2m / 422sqft

Proposed Development	Job No.	15_014
Vaynor Stables	Dwg No.	AL(01)04
Heol y Don	Rev.	B
Title Proposed Plans and Elevations - Type B (New Build)		
Date	Drawn	Scale
08/05/15	***	1:100/200 @ A3

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PROPOSED NEW BUILD 1:100/200



SOUTH EAST ELEVATION



SOUTH WEST ELEVATION




NORTH WEST ELEVATION



NORTH EAST ELEVATION

EXISTING ELEVATIONS 1:200

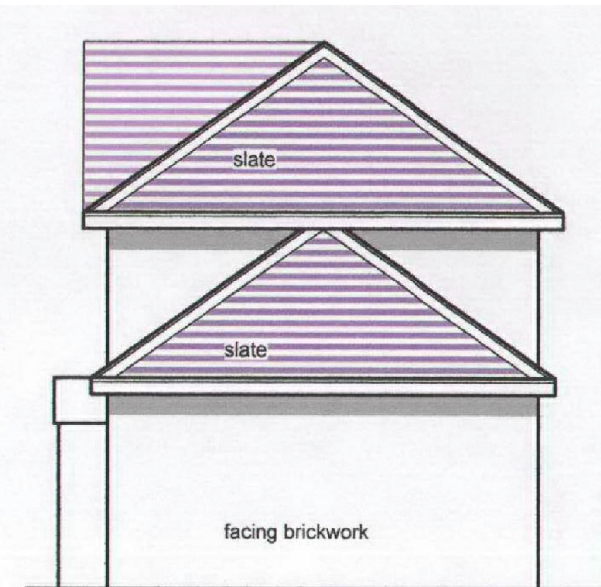
Proposed Development	Job No.	15_014
Vaynor Stables	Dwg No.	AL(00)04
Heol y Don	Rev.	
Title		
Existing Elevations		
Date	Drawn	Scale
08/05/15	***	1:200 @ A3


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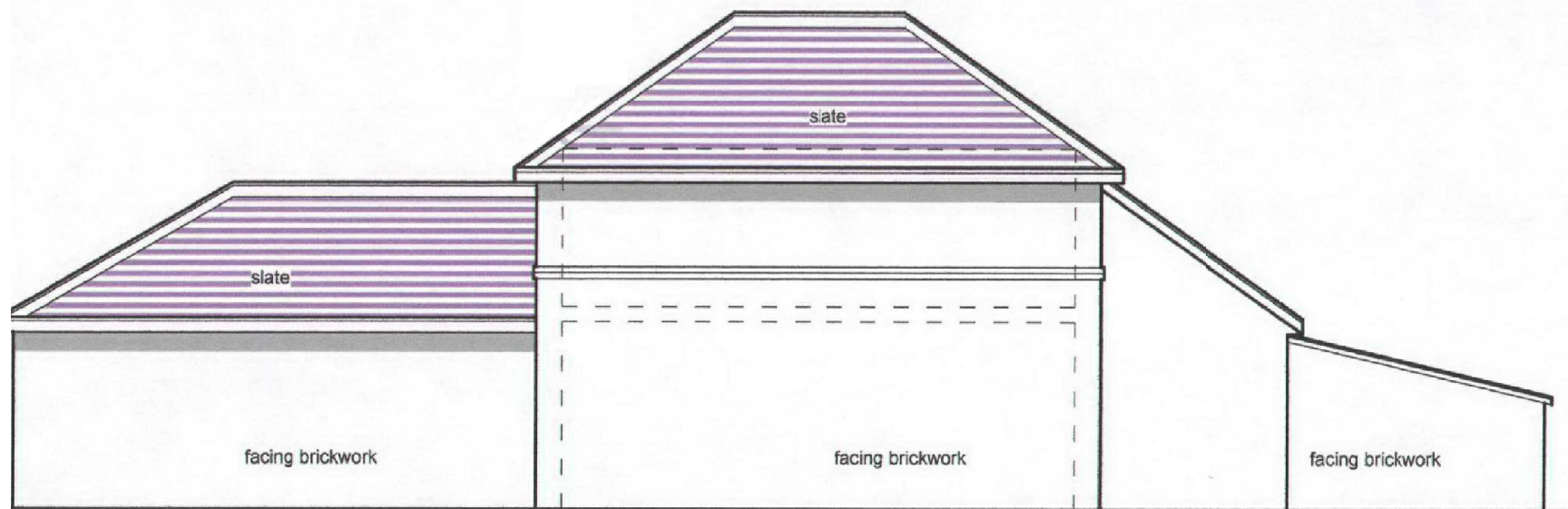
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EAST ELEVATION



NORTH ELEVATION




WEST ELEVATION



SOUTH ELEVATION

EXISTING ELEVATIONS COACH HOUSE 1:100

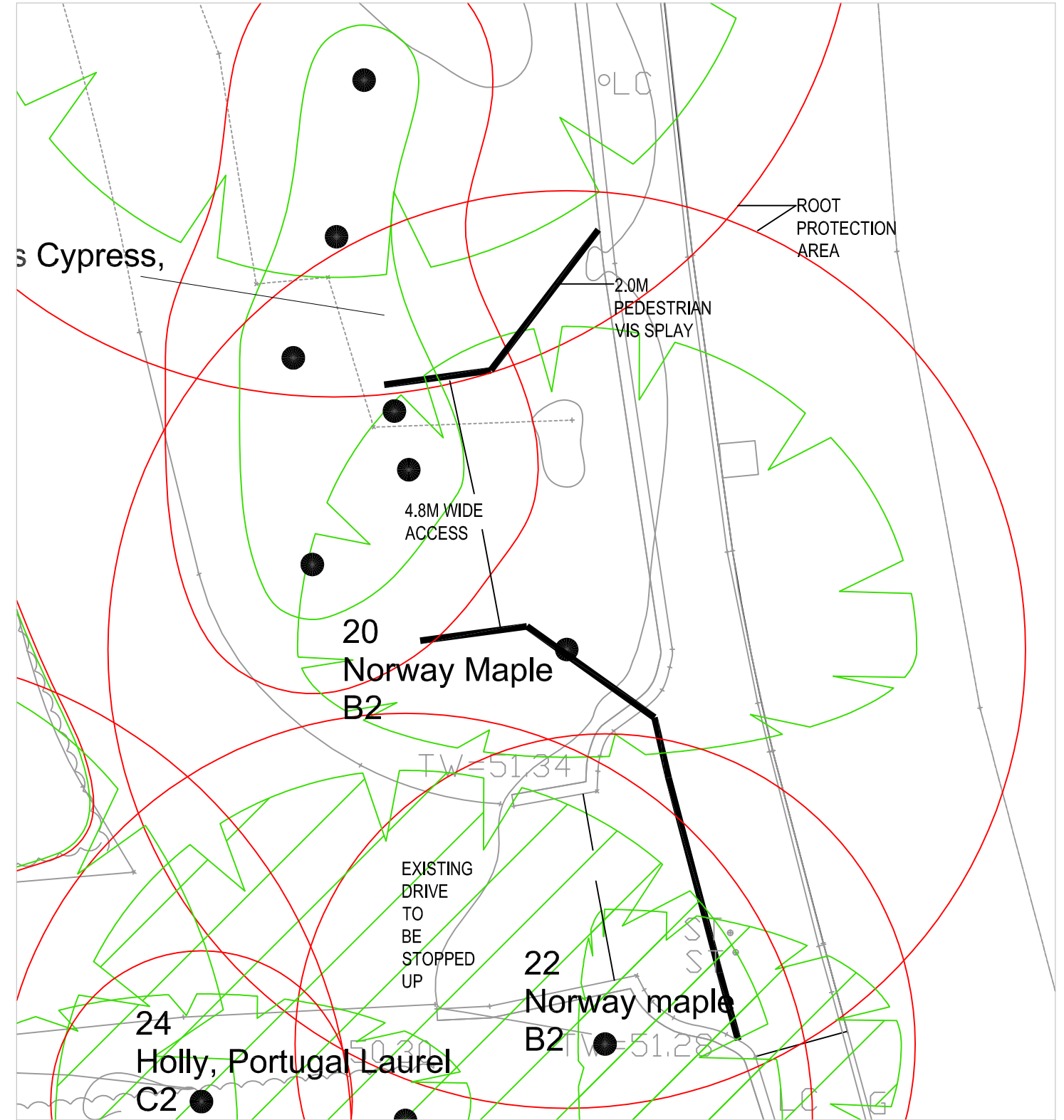
Proposed Development	Job No.	15_014
Vaynor Stables	Dwg No.	AL(00)06
Heol y Don	Rev.	
Title		
Existing Elevations - Coach House		
Date	Drawn	Scale
08/05/15	***	1:100 @ A3


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VISION SPLAY PLAN
1:500



ENTRANCE PLAN
1:100

Proposed Development		Job No.
Vaynor Stables		15_014
Heol y Don		Dwg No. Rev.
		AL(90)10
Title		
Proposed Access		
Date	Drawn	Scale
08/05/15	***	1:100/500 @ A3
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