

## AM, MP & LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **15/02960/MNR** APPLICATION DATE: 17/12/2015

ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: Edge Developments (UL) Ltd  
LOCATION: 30 SPRINGFIELD GARDENS, MORGANSTOWN, CARDIFF,  
CF15 8LQ

PROPOSAL: 4 NO. NEW BUILD DETACHED DWELLING HOUSES IN LAND  
TO THE REAR OF 30 SPRINGFIELD GARDENS,  
MORGANSTOWN (INCLUDING DEMOLITION OF  
DETACHED GARAGE STRUCTURE AND ASSOCIATED  
EXTERNAL WORKS)

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**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 matter detailed in paragraphs 5.9 and 8.24 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents :

1948-099 (site location plan), 1948-106 C (site plan), 1948-109 B ( site context plan), 1948-108 ( site section), 1948-101 C (house type A), 1948-102 B ( house type B), 1948-103 C ( house type C) and 1948-105 (house type D revised).

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no extension shall be placed within the curtilage of the dwellings or any alteration undertaken to the roofs.

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

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

- i) The first floor windows in the north west elevation of house type A;
- ii) The first floor bedroom window on the south east elevation of house Type A.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no further windows shall be inserted in the dwellings hereby approved.

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

6. Prior to the construction of the dwelling units above foundation level, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

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

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

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be

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

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

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

9. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

10. Any site won recycled aggregate material shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the recycled material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the local planning authority.

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

11. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the

development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of the development. The scheme to be submitted shall:

- a. Undertake infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753.
- c. Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the 5l/s for all return periods
- d. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
- f. Incorporate appropriate pollution prevention measures to protect surface water runoff which enters surface water drains and/or the nearby minor watercourse from pollution during construction.

Reason: To decrease the risk of flooding elsewhere and prevent hydraulic overload of the public sewerage system in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan and to prevent pollution in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

12. No development shall take place until such time as an Operations and Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority, giving details on how the surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas on site (outside of individual plot boundaries) shall be provided to the LPA. The development shall be managed in accordance with the approved Plan.

Reason: To decrease the risk of flooding elsewhere and prevent hydraulic overload of the public sewerage system in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan.

13. No development shall take place until such time as a groundwater assessment has been undertaken to identify the likely risk of groundwater flooding. The groundwater assessment shall be submitted to and approved by the Local Planning Authority prior to the commencement of



development. Where groundwater is identified, a scheme to manage and mitigate the risks associated with flooding from this source shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed and mitigated in accordance with the approved scheme.

Reason: To decrease the risk of flooding elsewhere and prevent hydraulic overload of the public sewerage system in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan.

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

- A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.
- A landscaping implementation programme.
- Scaled planting plans.
- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level. Services and drainage features should be positioned so as not to conflict with landscaping proposals.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities informed by the SRS and SRP.
- Scaled tree pit sectional and plan drawings informed by the SRS and SRP.
- A topsoil and subsoil specification for all planting types (trees, shrubs, grassland etc.) informed by the SRS and SRP. The specification shall make provision for the importation of topsoil and subsoil that has been certified in accordance with BS 3882:2015 and BS 8601:2013 respectively and shown to be fit for purpose in an interpretive report, if in situ, or otherwise if site won, soil is shown by the SRS to be unsuitable or insufficient for the proposed landscaping. The certification and interpretive report shall be submitted to the LPA and approved in writing by the LPA before the imported soil is emplaced at the site.
- Planting methodology and post-planting aftercare methodology informed by the SRS and SRP.

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

Reason: To enable the Local Planning Authority to determine that the

proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance and to ensure that all usable soil resources are appropriately recovered and protected, and not lost, damaged or sterilised during the construction process, in accordance with Policies KP5: Good Quality and Sustainable Design and KP: 15 Climate Change of the Cardiff Local Development Plan.

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

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of landscaping Condition 14 unless the LPA gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

16. No demolition, site preparation, clearance or development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

- A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

17. Notwithstanding the submitted plans, further details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.  
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
18. The car parking spaces and manoeuvring areas shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.  
Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
19. Prior to the commencement of development, a scheme of construction management shall be submitted to and approved by the Local Planning Authority. This scheme shall include details of the storage of plant and materials used in constructing the development, the parking of contractors/delivery vehicles, wheel washing facilities, restrictions on access/egress to the site by delivery vehicles to outside peak hours together with details of measures to ensure that delivery vehicles will be able to access and leave the site avoiding the situation where they would obstruct the highway by being obliged to wait and unload on the highway. The proposed development shall be managed in accordance with the approved scheme.  
Reason: In the interests of highway safety and public amenity, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
20. The width of the shared access road from its junction with Springfield Gardens to the proposed culverted watercourse on the site shall be as shown on drawing reference 1948-106C.  
Reason: to ensure that vehicles will be able to pass each other and to ensure that any overspill/visitor parking can be accommodated within the site in order to preclude overspill parking on Springfield Garden in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
21. With regard to the demolition of the garage, the following precautionary mitigation measures should be implemented in order to counteract any potential risk of harm to bats:-
- Works should be timed to avoid bats' maternity and hibernation seasons;
  - Tool-box talks should be given to site operatives such that they are aware that bats may be present;

- Features such as roof tiles, soffits, barge-boards, fascias etc., and any other features which bats may use to roost or to access a roost should be 'soft-stripped';
- An ecologist should be on call in case bats are found during demolition, etc. If bats are found during these works, they should stop immediately and Natural Resources Wales contacted for advice;

Reason: To avoid harm to bats or their roosts, which are protected in accordance with Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.

22. Prior to the commencement of development, a reptile mitigation method statement shall be produced and submitted to the Local Planning Authority for approval. The mitigation of impacts upon reptiles shall be carried out in accordance with the approved method statement. The method statement shall include, but not be limited to, details of capture, exclusion to prevent re-colonisation, transfer and release to an agreed receptor site, and subsequent habitat management of that receptor site.

Reason: To ensure reasonable avoidance of harm to reptiles, which are protected species in accordance with Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.

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

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

24. Notwithstanding the submitted plans, details of refuse storage facilities shall be submitted to and approved by the Local Planning Authority. The facilities shall be provided prior to the development being brought into beneficial use and retained thereafter.

Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

25. Prior to the commencement of development a scheme to minimise dust emissions arising from demolition/construction activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The demolition/construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the demolition/construction phase.

Reason: To reduce the impacts of dust disturbance from the site on the local environment/nearby dwellings in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

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

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

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

**RECOMMENDATION 3:** R1 Construction Site Noise

**RECOMMENDATION 4:** R4 Contamination and Unstable Land Advisory Notice

**RECOMMENDATION 5:** The Council's Ecologist has recommended that the following measures be incorporated into the scheme in the interests of nature conservation:

In order to compensate for the loss of bird nesting, roosting and foraging habitat caused by removal of trees and bushes on site, it is recommended that a number of bird boxes be erected in remaining vegetation, as suggested by sections 6.2.6 and 6.2.7 of the Ecological Assessment Report.

Measures should be incorporated into the drainage strategy, on the advice of an ecologist, which help to avoid amphibians getting trapped in gulley-pots. There are some simple measures which can avoid this such as offsetting the gulley pot from the kerb, installing 'wildlife kerbs' adjacent to the gulley pot or installing amphibian ladders in gulley pots.

Enhancement measures for bats should be incorporated into new buildings, such as bat bricks, bat tiles or providing bat access to roof voids

**RECOMMENDATION 6:** R2 Radon Gas Protection (basic measures)

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to construct four detached houses on land comprising part of the rear garden at 30 Springfield Gardens and land within the ownership of 38 Springfield Gardens, Morganstown.

- 1.2 Details of the layout and appearance of the proposed development are shown on the attached plans together with its relationship with neighbouring and nearby properties.
- 1.3 The houses are to be accessed from Springfield Gardens via a driveway to the side of existing house. This will be facilitated by the demolition of an existing garage located next to the boundary with the neighbouring property at no.26 Springfield Gardens. A further garage located at the front of the house will be retained for the use of the existing dwelling. The entrance onto Springfield Gardens is shown to be widened to approximately 6.5 metres permitting two vehicles to pass each other.
- 1.4 The proposed development comprises 2no.four bedroom houses, a five bedroom house and a two bedroom house occupying an overall site area of 0.36 ha.
- 1.5 The proposed dwellings at plots A, B and are C are two storeys in scale rising to a ridge height of approximately 8.7 metres. Following discussions with the Agent, the house proposed at plot D has been reduced in scale and height to approximately 7.1 and now incorporates a single storey wing with the first floor accommodation partly contained in the roof space. The dwelling at plot A has a one and a half storey element attached to its south east facing elevation rising to a ridge height of approximately 6.7 metres. All of the proposed units have attached or integral garages. The dwellings follow the topography of the site and occupy finished levels below that of the neighbouring houses.
- 1.6 Proposed materials comprise brown brick elevations with grey slate roofs. The windows and fascias/soffits are shown to be powder coated grey and combined with the proportions of the glazing elements, are intended to provide for a subtle contemporary aesthetic to the design. The simple pitched roofs seek to reflect the traditional form of the surrounding properties.
- 1.7 In addition to a Design and Access Statement, the application is supported by a several documents including a Drainage Strategy, Ecology Report, Tree Report, Flood Risk Assessment, Noise Assessment and a Geotechnical Desk study.
- 1.8 With regard to the drainage strategy for the site, a surface water attenuation pond is proposed with foul flows proposed to connect to the public sewer in Springfield Gardens enabled by a private pump chamber located within the site.
- 1.9 The application proposes the removal of several trees and other planting. None of the trees are covered by preservation order and the supporting Tree Survey classifies the trees as either Category C (i.e., of either low quality) or U. It should be noted that a number of trees have been felled and some site clearance undertaken since the planning application was first submitted for determination. The application includes an indicative planting scheme for the site which has been subject of discussions with the Council's Tree Officer.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises the site of 30 Springfield Gardens, a relatively modern detached dwelling occupying a large plot with a substantial rear garden extending northwards towards Ravensbrook, together with part of the rear garden of a neighbouring property at 38 Springfield Gardens.
- 2.2 Springfield Gardens consists of a mixture of detached, semi-detached and terraces houses, generally of traditional pitched roof appearance with short front gardens/enclosures. No. 30 is an exception as the house is set back approximately 16.0 metres from the footway. A double garage is positioned in front of the dwelling set back 10.0 metres from the footway.
- 2.3 The vehicular access to the property is located towards the side boundary of the neighbouring property at 26 Springfield Gardens. There is a further garage positioned to the rear of no. 30 next to the boundary with the neighbouring property.
- 2.4 There is a fall in ground levels across the site from south to north. The topography slopes upwards beyond its northern boundary towards Ravensbrook. This area is screened with trees/shrubs. The rear garden of no.30 is crossed by a small open watercourse which generally divides the more formal lawn area to the south from informal areas of tree/shrub planting to the north.
- 2.5 The properties adjoining the application site in Springfield Gardens typically have long rear gardens. Nearby houses to the north and west of the site occupy elevated positions in relation to the site, including the terrace at Teaman's Row. Consequently, some properties have an outlook across the site.

### 3. **PLANNING HISTORY**

- 3.1 90/0992W: Outline planning application for 2 no. dwellings refused for the following reasons:
- i) *The proposal is a form of 'tandem' development which would give rise to a serious loss of privacy and amenity for the occupier of no. 30 Springfield Gardens resulting from the use of the existing drive and its extension through the back garden by the occupiers of the proposed houses and by the dramatic reduction in the size of the back garden.*
  - ii) *The occupation of the proposed houses could give rise to an unreasonable loss of privacy for the occupiers of adjoining houses and the applicant's house especially if the boundary hedges die or are cut back.*
  - iii) *The proposed houses would not provide adequate living environments in view of the extremely limited length of their back gardens.*

### 4. **POLICY FRAMEWORK**

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

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

#### 4.2 Supplementary Planning Guidance includes:

Supplementary Planning Guidance: Cardiff Infill Sites (2017);  
 Supplementary Planning Guidance: Access, Circulation and Parking (2010);  
 Supplementary Planning Guidance: Waste Collection and Storage facilities (2016);  
 Supplementary Planning Guidance: Green Infrastructure (November, 2017);  
 Supplementary Planning Guidance: Planning Obligations (2017)

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

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

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

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

4.7.4: Local Planning Authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or



near corridors well served by public transport (or with the potential to be so served).

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

4.11.11: Local Planning Authorities and developers should consider the issue of accessibility for all.

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

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

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

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

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

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

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

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design stage, construction and demolition stage should be made by developers.

13.2.1: Flood risk is a material planning consideration

## **5. INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation raises no objection to the application on highway safety/transportation grounds, advising as follows:

*The proposed layout makes adequate provision for off-street curtilage parking for both the proposed new dwellings and also the retained existing dwelling, while any visitor parking could be adequately accommodated on the new shared access*

road. I note that a large number of objections, including a petition, have been submitting opposing the application on grounds which include highway/parking concerns. I am satisfied that the proposed development will not generate the feared overspill parking on Springfield Gardens and would not thereby exacerbate existing kerbside pressure, while the proposed four new dwellings would generate in the order of only some 3 additional two way vehicle movements along Springfield Gardens during peak hours.

For the foregoing reasons I consider that an objection on highways grounds would be very difficult to sustain at any future appeal and I would therefore not raise an objection, subject to conditions relating the retention of parking (D3D) and to the proposed new shared access road being a minimum of 4.5 metres in width along its length to ensure that vehicles will be able to pass each other and to ensure that any overspill/visitor parking can be accommodated within the site in order to preclude overspill parking on Springfield Gardens). With respect to the objections raised, I would comment that the associated widening of the existing access onto Springfield Gardens would be marginal only and not to a degree that an objection on the grounds of loss of existing kerbside space would be sustainable.

I would also request the imposition of a Construction Management Plan as follows:

Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the LPA. This scheme shall include details of the storage of materials, and the parking of contractors/delivery vehicles, equipment and wheel washing facilities within the site, restrictions on access/egress to the site by delivery vehicles to outside peak hours together with details of measures to ensure that delivery vehicles will be able to access and leave the site avoiding the situation where they would obstruct Springfield Gardens by being obliged to wait and unload on the highway. Reason: in the interests of highway safety and public amenity, and to preclude overspill parking which would exacerbate existing kerbside pressure on Springfield Gardens.

I would also suggest a second recommendation advising the applicant of the need to secure the consent of the Operation Manager, Street Operations (via 'Highways@cardiff.gov.uk') prior to undertaking any works within the existing adopted highway in relation to the necessary widening of the existing footway vehicular crossover.

In response to additional representation from Councillor McKerlich, the Officer comments as follows:

Rather than separate accesses serving no. 30 and the proposed new dwellings, all are to be served by an improved single shared access and a condition has been requested requiring that this shared access be a minimum of 4.5 metres in width to both ensure that vehicles will be able to pass each other whilst also ensuring that any overspill/visitor parking can be adequately accommodated within the site without generating overspill parking on Springfield Gardens itself.

The Councillor raises a concern with regards to the potential for inconsiderate parking on Springfield Gardens resulting in obstruction of vehicles seeking to

*access/egress the proposed development. This is a common problem throughout Cardiff on many older narrower streets which experience heavy parking pressure. Parking in such a manner as to obstruct an access is illegal and would be a matter for the police. However, in this instance the 'existing' access is to be widened which will have the effect of aiding access/egress manoeuvres to/from the site. I am satisfied that the widening the existing access to 4.5 metres will be sufficient to ensure that such problems do not arise in the future.*

The Officer has also provided the following additional comments in response to further concerns from a local resident:

*I note the concerns raised with respect to kerbside parking congestion creating difficulty for access by large vehicles, and have addressed this in my previous comments in terms of this being an 'existing' problem, which, since adequate off-street parking is proposed for the new dwellings and for visitors, would not be exacerbated to a significant degree by the proposed development.*

*Where these concerns may be more pertinent would be during the course of the construction period when delivery vehicles will be seeking to access the site. If cars are parked in close proximity to the site access, it may have the effect of precluding their ability to turn into the site obliging them block the road while they unload before undertaking lengthy reversing manoeuvres back to Ty Nant Road. However, mindful of the transient nature of such a problem and that deliveries would take place in the daytime where parking levels may be expected to be less, I do not consider that it would be a sustainable reason for objection.*

*I am sure that such a scenario can be avoided and consider this can be adequately addressed via the requested Construction Management Plan.*

5.2 The Operational Manager Waste Management advises as follows:

The distance from the bin store to the dwellings it serves is a concern to Waste Management. The Officer advises that it may be possible for the collection vehicle to use the access road to reach the proposed properties, but vehicle tracking must be submitted to ensure its largest vehicles can enter and exit the site in a forward gear.

5.3 The Operational Manager, Drainage Management, having assessed the information submitted with the application and having considered the detailed representations submitted by local residents, raises no objections to the positive determination of the application on drainage/flood risk grounds subject to conditions, commenting as follows:

*We have reviewed the information available on the planning portal objecting to the planning application and also provided our recommendations for conditions.*

*It is worth noting the application is classified as a 'minor' development and as such, the information submitted must be proportionate.*

*As part of the application process, information has been received from neighbouring residents in relation to groundwater flooding concerns. Much of this information relates to the level of underlying groundwater and the potential changes to this regime in circa 20 years, should CEMEX cease dewatering operations.*

*As with any planning applications, whilst future implications such as climate change must be considered, assessing a potential unknown such as third party ceasing existing operations a significant time in the future is both difficult to quantify and unreasonable to impose on a current planning application. Should a third party, in this instance CEMEX, ultimately decide to cease dewatering operation then it would be implicit for their technical team to confirm such an action at that time would not have a detrimental impact on the surrounding area and environment.*

*Concerns have also been raised with regard to groundwater flooding at the site itself, notably through reference to groundwater level observations from a borehole constructed approximately 100m to the southwest and historic boreholes constructed in the surrounding area. Pre-commencement planning conditions are proposed below which deal with detailed assessments and the design of the scheme. Notably, the proposed conditions require overall site drainage design along with site specific investigations in relation to the hydrological and hydrogeological regime, which will provide further clarity on the current site specific setting and these will dictate the ultimate design requirements.*

*It is noted that the objections raised also pose concerns in relation to the future operation of the site drainage strategy, namely that the residents will be required, in perpetuity to:*

- i) pay the communal maintenance charge for bi-annual inspection and clearance of the watercourse, attenuation pond, land drainage and flow control chambers;*
- ii) maintain manageable levels of vegetation within the watercourse;*
- iii) pay their electricity bills for the sewage pumping station.*

*It is common place on planning applications for the applicant to propose sustainable drainage systems (SuDS) to manage storm water at source and this is welcomed as part of the drainage design. A design has been put forward, which has been agreed, in principle, but will be subject to refinement following intrusive investigation, to control storm water at source via an attenuation basin in accordance with the principle of SuDS. The conditions suggested also state that the design needs to be in accordance with best practise document CIRIA C753. The maintenance and management of the SuDS will be determined following the agreement of the detailed design.*

*With respect to the maintenance of the watercourse, there is a requirement for a riparian owner to maintain their watercourse. In addition, regarding any blockages that are not maintained, the Council has powers under the Section 25 of the Land Drainage Act 1991 to require any nuisance to be abated. Any enforcement under this Section will be based on a flood risk assessment.*

*The foul sewage will be put up for adoption by the developer by Dwr Cymru Welsh Water and this is common place. These discussions will be held between the relevant parties.*

*In summary, the conditions suggested seek to ensure that the site is drained in a sustainable manner and the storm water is managed at source. In addition, the conditions will determine the hydrological and hydrogeological aspects of the site and ensure compliance with the requirements of TAN15. Finally, the management of the SuDs in perpetuity is reflected in the suggested conditions and this will be undertaken in accordance with an approved scheme.*

*The applicant proposes to deal with surface water flows via onsite attenuation with discharge to the onsite watercourse at 5l/s. Current assessments identify a reduction in run-off to the watercourse post development as a result of the implementation of this and a perimeter drain which will intercept and attenuate overland flow to 85l/s. This approach is welcomed to providing a flood risk reduction downstream of the site and we would look for this strategy to possibly be refined at detailed design to further this reduction.*

*In addition, there will be a requirement for a detailed maintenance and operation plan to be presented for review by the Local Authority to confirm who will ultimately be responsible for the ongoing maintenance of the system in perpetuity.*

*I would recommend the following conditions:*

1. *No development shall take place until detailed a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted and approved in writing by the Local Planning Authority (LPA) in consultation with Cardiff City Council as the Lead Local Flood Authority (LLFA). The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:*
  - a. *Undertake infiltration testing, in accordance with BRE 365 guidance, to be completed and results submitted to demonstrate suitability (or otherwise) of the use of infiltration SuDS*
  - b. *Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C753.*
  - c. *Evidence that the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm has been limited to the 5l/s for all return periods*
  - d. *Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and storms durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.*

- e. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing.
2. No development shall take place until such time as an Operations and Maintenance Plan has been submitted to and approved in writing by the LPA, in consultation with the LLFA, giving details on how the entire surface water and foul water systems shall be maintained and managed after completion for the life time of the development. The name of the party responsible, including contact name and details, for the maintenance of all features within the communal areas onsite (outside of individual plot boundaries) shall be provided to the LPA.
  3. No development shall take place until such time as a groundwater assessment has been undertaken to identify the likely risk of groundwater flooding. Where groundwater is identified, a scheme to manage and mitigate the risks associated with flooding from this source should be submitted to and approved in writing by the LPA in consultation with the LLFA.

*With regard to the culvert, any maintenance is the responsibility of the riparian owner and therefore a developer would not be responsible for such assets off their land. I would note that this culvert has recently undergone a root cutting exercise and has therefore improved capacity and operation.*

*The flail that remains in the culvert is within a manhole so does not have the same risk posed to flooding should it have been stuck in the culvert barrel. Nevertheless, we are hoping to attend to remove the obstruction shortly but timing will be determined by the resident's agreement.*

*Further to the late representation with respect to the above planning application, specifically with regard to the CEMEX quarry operation, I can confirm that historic pumping/dewatering within the quarry commenced in the a late 1980's/early 1990's and up to the present day has discharged surface water and perched groundwater only into the River Taff. The permissions and issuing of licences to extend (deepen) the quarry operations are the responsibility of Natural Resources Wales and I understand the future dewatering works have been granted.*

*The Flood and Coastal Risk Management team's understanding of the situation is detailed below:*

- *There is no obvious geological structure that would convey water directly to the development site;*
- *Groundwater movement within the limestone is secondary porosity with limited evidence of voids at depth (based on a series of site investigations);*
- *A review of recorded regional groundwater levels confirms that quarry dewatering operations have not yet impacted the regional groundwater body;*
- *Any influence of perched groundwater water bodies on the development are no longer relevant as the pathways have been permanently removed by quarry workings at shallow depth;*
- *The current flows observed within the development site can be considered a baseline condition.*

*In conclusion, there has been no detrimental influence on the development from the historic dewatering and the present day conditions can be considered a baseline. With the onset of the permanent dewatering of the groundwater body there is the potential for the operation to have regional groundwater flows reduced, until such a time that the operation ceases. Should there be an impact on the development site (note: hydraulic continuity is not proven) there will be a reduction in groundwater flows (i.e. betterment with regard to flood risk) until cessation of pumping, where groundwater levels will rebound to somewhere near present day conditions. It is not considered that there is any need for further investigation into this specific topic.*

- 5.4 Pollution Control (Noise & Air): The officer has also requested a condition relating to dust control and informative R1 (Construction Site Noise).
- 5.5 Pollution Control (Contaminated Land): Standard conditions are requested relating to unforeseen contamination, importation of soils and aggregates, use of site won aggregates together with informatives R2: Radon Gas Protection and R4: contaminated/unstable land.
- 5.6 The Tree Officer advises that a provisional Tree Preservation Order (TPO) initially applied to the trees within and bounding the site. Following a site visit, and taking account of the submitted tree report, the Officer concluded that the trees within the development site were of low arboricultural quality and should not be considered a significant constraint to development. The provisional TPO was subsequently left to lapse.
- 5.7 The Council's Ecologist comments as follows:

*I have considered the report into the Ecological Assessment, and also the 'Survey for Trees with Bat Potential' report, both carried out by David Clements Ecology Ltd in support of this application, and have the following comments to make.*

#### Designated Sites

*It is agreed that the development is unlikely to affect any locally or nationally designated sites nearby and I do not consider that any of the habitats on site would justify designation as a Site of Importance for Nature Conservation.*

#### Habitats

*I agree with the assessment of the habitats present on site provided in the Ecological Assessment, although detail provided on the stream habitats is limited. In relation to the stream, I am satisfied that it would not support any high priority species such as Otter, Water Vole, or Freshwater Crayfish and also that it would remain relatively intact, subject to the introduction of a culvert, following development. Therefore my overall view is that the severity of the impact would be relatively low, provided the drainage system on the development site does as much as possible to avoid contamination of the stream. I do not say that there are not species of plant and animal in the stream, nor that there will be no impact*

*whatsoever, but in the context of ongoing development in Cardiff, the scale of impact of this proposal would be relatively minor.*

*Consultees on this application have referred to the stream as being a Priority habitat under the UK Biodiversity Action Plan (UKBAP). The UK BAP that is referred to is now defunct, and in Wales we work to the Section 7 list of the habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The priority habitats on that list do not include streams, and the watercourse on this site is not a 'River', as set out on that list. Even if this watercourse were of a habitat type on the Section 7 list, that in itself would not entail any protection of that habitat to the extent that it cannot be touched. Rather, the list (along with the corresponding species list) is a focus of a general duty upon public bodies to seek to maintain and enhance biodiversity in the exercise of their functions, and in doing so to promote the resilience of ecosystems. In that respect the Council has discharged this duty by considering the Ecological Assessment report submitted by the applicant's ecologist, by requesting further surveys and mitigation measures, and will secure those mitigation measures by planning condition, if consent should be granted.*

*Leaving aside the Section 7 list, I do not see that the stream habitats on this site are of such ecological importance as to allow me to advise the planning officer that the planning application be refused on the strength of the impact upon stream habitats. The ecological consultants assessed the stream to be of 'Local' value for wildlife, and much of the vegetation is ornamental (Gunnera and ornamental Iris species), though of course there will be native vegetation as well. The best that can be achieved is to make sure that surface-water run-off into the stream during construction is minimised, along with other construction impacts, and that as much of the stream as possible is retained in its present semi-natural state as possible after construction.*

#### European Protected Species (EPS)

##### Dormice

*I agree that the likelihood of Dormice occurring on this site is low, due to the small size and isolation of the site. Therefore I agree with the decision not to undertake survey or specific mitigation measures for this species.*

##### Roosting Bats – Garage Building

*Having visited the site, I do not agree with the statement at section 3.2.2 of the 'Ecological Assessment' report that 'the building is well sealed with no visible potential access points for bats'. A cursory survey of part of the exterior of this building revealed that the soffits and fascias were not in fact well sealed, but instead showed a series of gaps, at least 3 of which were greater than 1.5 cm wide; large enough for a small species such as a pipistrelle to crawl through.*

*However, there were no other signs of bat use, such as fur staining or grease marks, and there was evidence of disused cobwebs associated with many of the*



gaps. Therefore I would say that the likelihood of bat use is low, and there is not enough evidence to justify requiring a more detailed survey at this stage.

This being the case, the following precautionary mitigation measures are proposed, which should be required as a planning condition:-

Condition: The following precautionary mitigation measures should be implemented in order to counteract any potential risk of harm to bats:-

- Works should be timed to avoid bats' maternity and hibernation seasons
- Tool-box talks should be given to site operatives such that they are aware that bats may be present
- Features such as roof tiles, soffits, barge-boards, fascias etc., and any other features which bats may use to roost or to access a roost should be 'soft-stripped'
- An ecologist should be on call in case bats are found during demolition, etc. If bats are found during these works, they should stop immediately and Natural Resources Wales contacted for advice
- Enhancement measures for bats should be incorporated into new buildings, such as bat bricks, bat tiles or providing bat access to roof voids

Reason: To avoid harm to bats or their roosts, which are protected.

#### Roosting Bats – Trees

Following the detailed tree inspection, the 'Survey for Trees with Bat Potential' report set out in sections 4.3 and 4.4 a series of recommendations namely that trees identified as Tree 2 and Tree 3 should both be subject to a visual inspection immediately prior to felling. Furthermore, a suitably licenced ecologist should use an endoscope inspect each hole which has been highlighted as having potential for bats. If bats or evidence of the presence of bats is found during the visual inspection work in the immediate vicinity must cease immediately and appropriate expert advice sought as a matter of urgency.

These trees have since been felled and through dialogue with the ecological consultants contracted by the landowner I am assured that these measures were implemented on 27th February 2016. No bat roosts were discovered during surveys or during felling, and so it can be concluded that no bats or bat roosts were affected.

#### Bat Foraging Habitat

It can be assumed that a range of species will be using the site for that purpose. Whilst there is no direct mitigation for the impact of loss of foraging habitat available, retention of as many trees as possible together with measures suggested in sections 6.2.5 to 6.2.8 of the 'Ecological Assessment' report, may offset this loss, albeit indirectly.

### Great Crested Newts

*I agree with the assessment that the presence of GCN's at this site is unlikely, although this assessment would have benefitted from a Habitat Suitability Index assessment of the waterbody on site. Having said that, the stream appears to be of low suitability to support this species, which normally prefers ponds rather than streams as a breeding habitat. In addition, we have a reasonably good understanding of the distribution of this species in Cardiff, and in my view, the site is too isolated from the nearest known population (at Goitre Fach, south of the M4) to justify a full GCN survey.*

### UK Protected Species

#### Reptiles

*In general, I accepted the results of the reptile survey, although I did have a number of minor concerns over the methodology that was used. Taking these into consideration, my advice was that the population size class of Slow-worms (a native reptile species) may have been underestimated, and it may be the case that more Slow-worms than expected are encountered during translocation. I asked that this be borne in mind in the selection of a receptor site for translocated animals.*

*Some vegetation clearance has already taken place on part of this site. Slow-worms inhabited the part of this site which was cleared and I understand that six Slow-worms were moved from the area affected to other parts of the garden. Whilst this 'receptor area' already supports Slow-worms, I was satisfied that the habitat could accommodate this very small number of additional animals. There are no legal constraints upon a landowner who moves reptile species such as Slow-worms in this way as long as they are released in suitable habitat. If consent for this scheme is granted, then all of the Slow-worms from the development area would have to be translocated to a safe site elsewhere. Translocation of reptiles is a very widely used tool in the UK to avoid harm to reptile species which live on sites which are to be developed. I gather a site has been identified nearby in Radyr, which can accommodate these animals.*

*The following condition should be used to secure the protection of the remaining reptiles on this site:-*

*Condition: Prior to development, a reptile mitigation method statement should be produced and submitted to the Local Planning Authority. Thereafter, mitigation of impacts upon reptiles should be carried out in accordance with that method statement. The method statement should include, but not be limited to, details of capture, exclusion to prevent re-colonisation, transfer and release to an agreed receptor site, and subsequent habitat management of that receptor site. Reason: To ensure reasonable avoidance of harm to reptiles, which are protected species.*

### Nesting Birds

As there are likely to be nesting birds on the site, the following condition is recommended, which accords with the recommendations set out in section 6.1.4 of the Ecological Assessment:-

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

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

*Furthermore, in order to compensate for the loss of bird nesting, roosting and foraging habitat caused by removal of trees and bushes on site, it is recommended that a number of bird boxes be erected in remaining vegetation, as suggested by sections 6.2.6 and 6.2.7 of the Ecological Assessment.*

*Some vegetation clearance has already taken place at this site, and concerns were raised by nearby residents that nesting birds may have been affected by this work. However, clearance of vegetation in itself is not an activity that is controlled by the Local Planning Authority. I was assured by ecological consultants working at this site that site operatives were aware of the potential presence of nesting birds, and of the protection afforded to them. Nonetheless, I am aware that the local wildlife crime liaison officer, attended the site and I believe spoke to the workmen. No breach of the legislation afforded to nesting birds was identified. The landowner of this site further confirmed that he had re-iterated to site operatives the need to avoid harm to nesting birds.*

### Native Amphibians

*A number of common amphibians are reported to have been found on site, although the species is not specified. At a site visit I observed approximately 15 clumps of Common Frog spawn which were in an advanced stage of development. Given that the stream on site is reported to have potential for amphibians to breed, and presuming this will remain the case after development, then measures should be incorporated into the drainage strategy which help to avoid amphibians getting trapped in gulley-pots. For example, where gulley pots are adjacent to full-depth kerbs (i.e. not dropped kerbs) there is a well-established danger that amphibians will follow the kerb and fall into the gulley pot and get trapped. There are some simple measures which can avoid this, such as offsetting the gulley pot from the kerb, or installing 'wildlife kerbs' adjacent to the gulley pot, or installing amphibian ladders in gulley pots. Whilst the common amphibian species on this site do not benefit from any relevant statutory protection, we should nonetheless recommend that the applicant implements these on the advice of their ecologist, if consent is granted, i.e.,*

*Recommendation: gully-pots and of roadside kerbs should be designed, under the advice of an ecologist, to avoid trapping amphibians which inhabit the proposed development site.*

### **Biodiversity and Resilience of Ecosystems Duty**

*These comments contribute to this Authority's discharge of its duties under Section 6 of the Environment (Wales) Act 2016. This duty is that we must seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions.*

- 5.8 The Housing Development Officer advised that in accordance with Local Development Plan Policy H3: Affordable Housing, an affordable housing contribution of 20% of the four units proposed (1 unit) should be sought. Although the priority is for on-site affordable housing in the form of affordable rented accommodation, given the proposed design of the scheme, the number of units as well as the affordability and practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, the Officer advised that a financial contribution of £131,080 would be acceptable in this instance.

In response to this request, the applicant commissioned a viability assessment of the scheme which was subsequently reviewed by the District Valuer (DVS) on the Council's behalf. The DVA's assessment is that the scheme would be marginally unviable and consequently no affordable housing contribution is sought in respect of the proposed development.

- 5.9 The Parks Planning Manager has agreed, in principle, to the translocation of Slow-worms to Council owned land around the Motte and Bailey in Morganstown subject to the payment of a commuted sum towards the future habitat management of the site. The Officer has assessed the contribution to be £5,200 which would need to be secured via a S106 planning obligation. The applicant has agreed to the provision of the sum.

## **6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 Natural Resources Wales provided the following pre-application advice directly to the applicant (summary):

### **Flood Risk Management**

*The proposed application site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2014). Furthermore, the application site lies outside of the flood zones as detailed in our Flood Map information, which is updated on a quarterly basis. Based on this information, flood risk is considered to be minimal at this location and a Flood Consequences Assessment would not be required.*

*We advise the proposed culverting of the watercourse will require consent from*

*the Local Authority in their capacity as Lead Local Flood Authority.*

#### *Surface Water Drainage*

*The information submitted in support of the enquiry indicates surface water drainage is to discharge to watercourse. The proposed development is potentially increasing impermeable surfacing in the site. We therefore advise surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SuDs). SuDs are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SuDs involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands.*

*The variety of SuDs techniques available means virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs. Where this is not possible, any proposed drainage scheme should ensure run-off from the proposed development is reduced or will not exceed existing runoff rates.*

*A surface water assessment / drainage design strategy should be undertaken which should include the design of the surface water drainage system and how it will affect the site layout.*

#### *Pollution Prevention*

*We advise the implementation of appropriate pollution prevention measures to protect surface water runoff which enters surface water drains and/or the nearby minor watercourse from pollution during construction.*

*To further protect the water environment, we advise the production of a construction method statement prior to construction, including any demolition.*

*In respect of the current planning application, Natural Resources Wales provides the following representations:*

*We do not object to the application as submitted. We offer the following advice in relation to the proposal; flood risk management; surface water drainage; and, European protected species.*

#### *Flood Risk Management*

*The application site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). We note the submitted Flood Consequences Assessment prepared by C D Gray and Associates, Ref:8960-FCA-Rev0, dated September 2015, confirms the above. Furthermore, the application site lies outside of the flood zones as detailed in our Flood Map information, which is updated on a quarterly basis. Based on this information, flood risk is considered to be minimal at this location.*

#### *Surface Water Drainage*

*TAN15 advises for development located in Zone A the justification test is not applicable and surface water requirements apply. We note surface water requirements have been assessed in the submitted Drainage Strategy prepared by C D Gray and Associates, Ref: 8960-DrainageStrategy-Rev0, dated September 2015. We note it is for your Authority's Land Drainage Department to comment on the suitability of these proposals.*

#### *European Protected Species*

*We note the submitted Ecological Assessment, prepared by David Clements Ecology Ltd, dated September 2015 and recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of European Protected Species (EPS) being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2), surveys may be required. Please consult us again if any surveys undertaken find EPS are present at the site and you require further advice from us.*

NRW has been made aware of biodiversity and drainage/flood risk concerns raised by a number of residents and has responded as follows:

*With regards to the surface water issues raised, this is a matter for the Lead Local Flood Authority (LLFA) which is Cardiff City Council. We advise you to contact your Land Drainage Department for further advice in this matter.*

*With regards to European Protected Species (EPS) and other Biodiversity issues we refer back to the advice in our response to the original planning application. We recommend you consult your own in-house ecologist regarding the presence of EPS and to re-consult us if any surveys find that EPS are present.*

NRW was consulted following the receipt of amended drainage information and again raised no objections to the application commenting as follows:

*We do not object to the application as submitted. We offer the following advice in relation to the proposal; flood risk management; surface water drainage; and, European protected species.*

#### *Flood Risk Management*

*The application site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The submitted Flood Consequences Assessment prepared by C D Gray and Associates, Ref:8960-FCA-Rev0, dated September 2015, confirms the above. Furthermore, the application site lies outside of the flood zones as detailed in our Flood Map information, which is updated on a quarterly basis. Based on this information, flood risk is considered to be minimal at this location.*

#### *Surface Water Drainage*

*TAN15 advises for development located in Zone A the justification test is not applicable and surface water requirements apply. Surface water requirements have been assessed in the submitted Drainage Strategy and associated*

*appendices prepared by C D Gray and Associates, Ref: 8960-DrainageStrategy-Rev4, dated November 2016. We note it is for your Authority's Land Drainage Department to comment on the suitability of these proposals.*

#### European Protected Species

*We note the submitted Ecological Assessment, prepared by David Clements Ecology Ltd, dated September 2015 and recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of European Protected Species (EPS) being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning paragraph 6.2.2), surveys may be required. Please consult us again if any surveys undertaken find EPS are present at the site and you require further advice from us.*

#### Other Matters

*Our comments above only relate specifically to matters included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.*

- 6.2 Welsh Water/Dwr Cymru advise that they have reviewed the Flood Consequence Assessment ref 8960-FCA-Rev 0 and the Drainage Strategy ref 8960-Drainage Strategy-Rev 0 dated September 2015 and request the following condition in the event that the application is recommended for approval:

*No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details of 8960-drainage strategy-Rev 0. Thereafter no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.*

*Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.*

The Company comments as follows having reviewed additional drainage information.

*We have reviewed the additional drainage information submitted as part of the above application and can provide the following updated consultation response.*

*The updated Drainage Strategy document reference 8960-R4 and dated November 2016 indicates that surface water will not drain to a public sewer and identifies the potential to use a soakaway or discharge to a nearby watercourse/culvert. As the statutory sewerage undertaker we are only able to provide comment on any proposal seeking to connect to the public sewerage system. Therefore, our assessment of the drainage proposal and this consultation response will focus on the foul drainage proposal only.*

*Turning to the foul drainage proposal we can confirm that the principle of connecting foul only flows to the public sewer in Springfield Gardens is acceptable . We note that the Drainage Strategy indicates that a sewerage pumping station is required in order to achieve the required public sewer connection. This proposal is indicative and we advise that the foul drainage proposal will be vetted in detail by our engineer via an application submitted under Section 104 of the Water Industry Act 1991.*

*Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.*

## **7. REPRESENTATIONS**

### **7.1 Councillor McKerlich objects to the application, initially commenting as follows:**

*Springfield Gardens is in effect a narrow cul de sac running east to west; at the top (west) end is Teamans Row, a mature ( most built in 1847) development of 6 houses ,4 of which do not have parking facilities. There is normally no scope to turn a car at the top of Springfield Gardens due to the number of densely parked vehicles and there is never scope to turn a large delivery vehicle or a refuse vehicle (this point can be verified with waste management). These large vehicles have to reverse up to the top or reverse back down again through 2 rows of parked vehicles with little clearance. The proposed site for these four houses, in a dip at the bottom of slopes going down from Teamans Row, Springfield Gardens and Ravensbrook; the site, in effect, acts as a large soakaway for surrounding homes and gardens; it is boggy and has an open stream running through it; despite the presence of this soakaway, gardens to the east in Springfield Gardens are very wet in times of heavy rain and, often have standing water. The nature of this site has made it a natural home for a wide variety of birds, bats and other rare wildlife and plants.*

*My concerns are:*

- i) I object on grounds of over-development; the original building is subservient to the proposed development and planned access is inadequate.*
- ii) I am concerned that the proposed access will go very close to the existing house at 30 Springfield Gardens (SG) and the neighbouring house at 26 Springfield Gardens. This will be an invasion of privacy and intrusive with cars on headlights returning late at night.*
- iii) Springfield Gardens is very narrow and is already home to many parked cars. Further development, with several cars will exacerbate existing severe access issues and make it difficult for emergency vehicles and will oblige parked vehicles to be reversed down Springfield Gardens and onto the busy Tynant Road to turn. The submitted photos illustrate this point.*
- iv) The proposed development is on boggy ground with an open stream traversing it; I assume that the open stream will be diverted in to a culvert but this will disrupt the natural drainage from surrounding land which, at present, goes into the stream.*
- v) Homes on Teamans Row are located at the top of a steep escarpment above the development site which will be subject to a great deal of*



*groundworks including the culvert. Has a slope stability study been made on this slope and on the slope up to Ravensbrook?*

- vi) The site provides habitat for a variety of animals and birds and the developer commissioned a study detailing some but not all of these; this study accepts that the habitat will be converted to tarmac almost in its entirety.*
- vii) There are trees worthy of preservation on the site and Cardiff Council is in process of establishing TPOs on these.*
- viii) The new homes will significantly impair the privacy of the homes and gardens of several houses in Teamans Row, Springfield Gardens and Ravensbrook.*

The Councillor requests a site visit prior to the determination of the application given the petition with 100 names and the unusual aspects of the terrain. He also requests to speak on behalf of residents at Planning Committee.

The Councillor subsequently submitted the following additional representations:

*I have done further research and walked the site and surrounding area. I think that a site visit is an essential prelude to determination for the following reasons:*

*The stream going across the site has a significant volume and if it is culverted into the existing culvert, it may overload that culvert which goes under the B4262. The hydrological study does not address this but it is difficult to see how any consequent overload could be remedied.*

*If the stream is culverted what would happen to the water arising in the surrounding areas which at present vents into the stream?*

*The land on either side of the stream is a very deep peat bog of considerable age. How will effluent from the proposed houses find its way uphill into the public sewer? Is the proposed solution reliable?*

*The northern part of the site has a number of very old trees with an extensive root structure. When these are removed it will be necessary to construct a substantial retaining wall along the boundary with Ravensbrook to prevent erosion of the land to the south of Ravensbrook. No such wall appears on the plans.*

*Given that there will be separate access to 30 Springfield Gardens and the planned new houses, the access road to the new houses will not be wide enough for 2 vehicles to pass. As a result of the narrow exit, when a vehicle exiting from the new houses reaches the current Springfield Gardens, it will not be possible to turn left if parked vehicles are situated opposite and near to the eastern side of the exit.*

*I believe that the site requires a proper survey to establish how much of the planned development is part of 30 Springfield Gardens; the area to the north east where the SuDS might be located is advised to be orphan land and the owners of 26 and 24 Springfield Gardens advise that they have a provable history of maintaining the sections at the end of their gardens. The area to the north*

*appears to include land in the ownership of residents of Ravensbrook.*

- 7.2 Mark Drakeford AM and Kevin Brennan MP write in support of the case for a site visit by Planning Committee in advance of its determination, as follows:

*The proposal in question involves a series of discrete but interlocking considerations which, we believe, would benefit greatly from being viewed directly by members of the committee.*

*Those considerations include:*

- Very real concerns at the impact of the proposed development on the existing and complex drainage arrangements at the site which include a series of streams, culverts, steep escarpments, together with a very deep peat bog of considerable age. Unless the proposed development can demonstrate a convincing set of mitigating actions, the increased risk of flooding to existing properties would remain a legitimate source of continuing anxiety to those whose existing properties would be affected.*
- The current drainage arrangements culminate in a culvert which underpasses the B4262. Without significant safeguards - which it is difficult to envisage - there is a real risk that this culvert could be overloaded as a result of the proposed development, leading to major disruption in the wider locality.*
- The challenge of producing a remedial plan to address these drainage concerns is compounded by the complexity of land ownership in the immediate vicinity of the proposed development - a complexity which the current proposal fails adequately to address.*
- A site visit would also allow members of the committee to view for themselves the major challenges to traffic and parking which already exist in the immediate locality and which can only be exacerbated by further development.*
- Finally, in this non-exhaustive list of concerns, we draw attention to the local authority's own Local Development Plan which identifies the M4 as a boundary beyond which development should not be permitted. The current proposal violates that intention. While it is relatively modest in nature, the fact that it does not comply with the local authority's own major planning statement should, we believe, be regarded as a material factor in the planning committee's consideration.*

*We do hope that, taking all these factors into consideration, you will feel able to agree to a site visit.*

- 7.3 A 100 signature petition of objection has been submitted from local residents. The grounds of objection are as follows:

*Destruction of vital green space, destruction of the environment, ecological impact, loss of privacy, light and noise pollution, flood risk and the impact on an already oversaturated infrastructure, parking, road and pedestrian safety, amongst many other reasons.*

- 7.4 Some 62 representations have been received from neighbouring occupiers and

local residents objecting to the planning application on a variety of grounds. A summary of the objections received are identified below. Copies of the detailed objections can be viewed on the Council's website.

*Parking and Highway safety concerns.*

Inadequate parking provision. There is concern that the proposed development would lead to increased demand for parking space on Springfield Gardens (e.g., visitors to the proposed dwellings) coupled with reduced capacity for parking on Springfield Gardens due to the proposed widening of the access road. The street accommodates residents' vehicles from neighbouring streets who have no private parking or roadside parking. This results in the street being at saturation point, not only for parking but for the safe and free flow of traffic. Adding more traffic flow to an already busy street with limited passing and turning points, will create greater danger to residents. Vehicles exiting the site onto Springfield Gardens from an incline will become a dangerous hazard to other vehicle, pedestrians and cyclists.

Service vehicles struggle to manoeuvre in the street and on refuse collection day vehicles must wait whilst the refuse truck reverses half way up then stops whilst it is loaded. In an emergency, an ambulance, fire truck or police van would be hindered in its approach if this development goes ahead due to parked cars and loss of vision.

*Impact on the living conditions of neighbouring and nearby occupiers and future occupiers.*

The application will decrease the quality of life for residents. Neighbouring residents enjoy a private and quiet environment. The proposed development would change this irreversibly. There will be noise, light pollution and invasion of privacy. The topography of the area means that all the proposed houses would be overlooked. The proximity of the proposed driveway will result in an intolerable level of noise, disruption, loss of privacy and light to adjacent occupiers.

The development of the houses will result in the loss of dark skies with light from the houses being a constant feature.

Disruption and noise during building work would be inconvenient for many people living on the street who work shifts and have small children.

Loss of views. Concerns regarding possible structural damage to neighbouring property. Reference has been made to an historical planning application dating from 1990 for the refusal of planning permission for two detached houses to the rear of 30 Springfield Gardens.

*Adverse Impact on the Environment/Ecology/Conservation Interests*

Concerns that the proposed development would destroy part of an important wildlife corridor and result in a loss of green space/habitat. The site is host to many different species of reptiles, amphibians, birds, mammals and insects. There is concern that the ecological assessment conducted on behalf of the

developers is inadequate.

The proposed development area is also a locally important habitat including several mature trees, and a spring and brook. Building four detached houses around the spring and brook flies in the face of the attempts to improve biodiversity in Wales.

Building four detached houses in the centre of this green space will destroy the local character of the area. The proposed development will have an unacceptably high density and is a clear case of garden grabbing.

#### *Drainage and Flood Risk Concerns.*

The increased risk of flooding to existing properties has been raised as a significant issue. The site is crossed by a stream/ditch which culminates in a culvert which continues beyond the site across third party land. There is concern that the culvert could become overloaded as a result of the proposed development, leading to major disruption in the wider locality. The calculations and assumptions in the submitted drainage strategy and supporting information have been disputed by residents. It is contended that the calculated flood risk in the revised drainage strategy is a significant underestimate of the real flood risk, ignoring the groundwater flow and the effects of shallow water table conditions on runoff generation. It is also contended that flood risk in the proposed development area will increase further once operations in the nearby CEMEX quarry cease. Given the uncertainties relating to the hydrogeology, it is contended that currently it is not possible to quantify this risk. Residents comment that given severe flooding of the proposed development area has occurred in living memory, it would be reckless to allow properties and a sewage pumping station to be built in this area which is believed to act as the 'Sustainable Drainage Solution' for the neighbourhood.

Any development will diminish the amount of soakaway available for surface water to drain away, possibly resulting in increased ground water level, dispersing it to neighbouring properties.

The submitted Flood Consequences Report does not give sufficient assurance that the development will not cause downstream problems for residents in close proximity.

#### *Other Matters.*

- Concerns have been expressed about the stability of banks around parts of the application site.
- The application site is not sustainably located in relation to local facilities/services. Inadequate school provision.
- The description of the application is misleading because the plans are to build houses behind both numbers 30 and 38 Springfield Gardens.
- The proposed development would have a detrimental effect on property values.
- Query as to why an affordable housing contribution is not being sought.

- The Local Development Plan has been released recently and provided for many thousands of houses. The proposed development does not form part of that development plan and is not required.
- Building on a greenfield site
- Reference to a possible right of way over the site.
- The accuracy of the submitted plans are questioned with possible encroachment onto adjoining land ownerships.

7.5 A further representation from the 'Morganstown Community' objecting to the application was circulated on the late representation schedule for the 7<sup>th</sup> February, 2018 Committee meeting. The objection letter can be viewed on the Council's website. In summary, it concludes as follows;

*We believe there are many good reasons why this development should be Refused permission. The developer has underestimated the complexity of the hydrogeological environment and the significance of the impact the development would have on the local area and its amenities. We understand the Council will draw up its own reasons, but we consider there are at least four matters which justify refusal:-*

- i Its adverse impact on the amenities of neighbouring residents through noise and disturbance, loss of privacy, loss of vegetation and availability of parking;*
- ii Its failure to recognise and to address flood risk from groundwater and surface water or to prepare an adequate drainage strategy;*
- iii Its unsustainable location;*
- iv Its poor design (over development).*

## 8. **ANALYSIS**

8.1 This application was deferred by Planning Committee at its meeting on 10<sup>th</sup> January 2018 in order to undertake a site visit. The visit took place on Monday, 29<sup>th</sup> January 2018 and the application was reported back for determination on 7<sup>th</sup> February, 2018 when it was resolved to defer a decision in order for officers to examine a potential reason for refusal on grounds relating to the adverse impact of the development on the amenities of neighbouring and future occupiers. A suggested reason for refusal is offered in section 10 of this report.

8.2 Detailed planning permission is sought to construct four detached houses on land comprising part of the rear garden at 30 Springfield Gardens and land within the ownership of 38 Springfield Gardens, Morganstown. The site lies within the settlement boundary as defined in the Cardiff Local Development Plan and there is no 'in principle' objection to its redevelopment for residential purposes. Planning Policy Wales advise that in contributing to the Well-being of Future Generations Act goals, planning decisions and proposals should '*promote resource efficient and climate change resilient settlement patterns that minimise land take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitably previously developed land and buildings, wherever possible avoiding development on green field sites.*' Notwithstanding the removal of soils and loss of impermeable surfaces over part of the land to facilitate the development, this needs to be balanced against the

benefit of development on a resource efficient site within the settlement boundary.

8.3 The main planning issues are considered to relate to the following matters:

- (i) the likely effect of the proposed development on the character and appearance of the area and street scene;
- (ii) the likely effect on the living conditions/residential amenity of the occupiers of neighbouring and nearby houses (including the occupants of the existing house on the site) and the quality of the living environment for future occupiers of the proposed dwellings;
- (iii) drainage and flood risk;
- (iii) highway safety/ parking;
- (iv) the effect on trees and ecology/conservation interests.

8.4 The proposed scheme constitutes backland development and would therefore need to be assessed in relation to the Council's Infill Sites Supplementary Planning Guidance (SPG) on this matter.

8.5 The Infill sites SPG includes the following advice in respect of backland development:

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

*Loss of privacy and spaciousness.*

*Loss of daylight.*

*Inadequate access.*

*Loss of green/garden space.*

*Enclosure of public utility services.*

*Loss of car parking.*

*The prejudicing of future development through piecemeal development.*

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

8.6 Paragraph 3.5 of the Infill Sites SPG states that *'Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.'*

8.7 Paragraph 4.11 of the Infill Sites SPG states that *'to safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.'*

8.8 Paragraph 3.5 of the Infill Sites SPG states that *'Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be*

*demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.'*

- 8.9 With respect to the effect of the proposed development on the character and appearance of the street scene, the dwellings would have limited visual impact from the public realm of Springfield Gardens having regard to their siting to the rear of the existing dwelling and their distance from the highway. The units would occupy a lower ground level than Ravensbrook to the north and would not be dominant in views from this estate, having regard to the topography of the area and the screening effect of retained planting. The development would be clearly visible from the terrace of properties at Teaman's Row, sited in an elevated position in relation to the application site. The occupiers of these properties would inevitably experience a change in outlook. However, this, in itself, is not considered sufficient ground on which to refuse the application.
- 8.10 The proposed development is not considered to represent an over development of the site which is relatively large, measuring approximately 0.36 ha in area. The provision of 4 new dwelling units and retention of the existing dwelling house represents a gross density of under 14 dwelling units per ha (approximately 5.6 dwelling units per acre). This is not considered to be an overly intensive level of development assessed against current standards. The layout has been amended by reducing the area of hard surfaces initially proposed to provide more space for landscaping in front of houses and around the stream. The revised house D design has also allowed for more landscaping.
- 8.11 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 enjoy a high quality of internal living space. Private amenity spaces are in excess of the minimum requirements outlined in the Council's Infill Sites SPG. Whilst the overlooking of certain plots would be possible from elevated neighbouring gardens, this could be mitigated to a degree by a scheme of tree/hedge planting.
- 8.12 The Infill Sites SPG advises that for backland sites, buildings of a lower height are often more appropriate to minimise overbearing issues and reduce impact on residential amenity. The advice states that account should be taken of ground levels as development is likely to have greater impact on neighbouring properties when it is located on higher ground. In this case the proposed dwellings would generally occupy lower ground levels than the neighbouring properties adjoining the site. Following discussions with the Agent, the house proposed at plot D has been reduced in scale and height and now incorporates a single storey wing with the first floor accommodation partly contained in the roof space.
- 8.13 Tandem development is a form of backland development where one new house is placed directly behind another either sharing the same, or an additional driveway/access. The infill Sites SPG states that this form of development is generally unacceptable because of the consequential impact on the residential amenity of the surrounding dwellings. However, it also comments that where plots are of a sufficiently large size, proposals which are sensitively designed to limit their impact upon neighbouring properties may be considered.

- 8.14 On balance, the current proposal is considered acceptable in this regard given the size of the site, the width of the proposed access which would exceed that of a normal driveway allowing two vehicles to pass each other and the screening effect of proposed boundary enclosures. There are no windows in the main side elevation of the neighbouring dwelling at no. 26 Springfield Gardens. A single ground floor window in the side elevation of the existing house at no. 30 is of secondary nature. Whilst it is inevitable that neighbouring occupiers will experience some noise disturbance from the coming and going of vehicles, a noise assessment submitted with the application concluded that the level would not be unacceptable. The Council's Pollution Control Officer has not raised an objection to the application on this ground or in respect of light pollution.
- 8.15 Neighbouring and nearby occupiers are concerned that the proposed development would have an overbearing effect on the adjoining properties and that there would be unacceptable overlooking issues. However, the proposed layout achieves or exceeds the recommended minimum overlooking distance of 10.5 metres from a habitable room window to a garden area of a separate dwelling. Advice in the Infill Sites SPG states that normally, a minimum of 21.0 metres should be maintained between principal windows to habitable rooms which is also achieved and significantly exceeded in most cases. The house proposed at plot D has been reduced in scale and height and now incorporates a single storey wing with the first floor accommodation partly contained in the roof space. It is considered that the amended design is acceptable in terms of its likely effect on the living conditions of the neighbouring occupiers.
- 8.16 The proposed scheme has not been designed to provide access for refuse vehicles. Waste would need to be collected from Springfield Gardens and a bin store area would be provided near the site entrance. It is considered that there is sufficient space for such a facility to be provided without causing unacceptable harm to the amenity of neighbouring occupiers.
- 8.17 Concern has been raised regarding the stability of the slopes leading down to the site from Ravensbrook/Teaman's Row. Although the submitted plans do not show encroachment of works onto the banks, this point was brought to the attention of the Agent who advises that the matter has been appraised by the applicant's consulting engineers stating that the embankments are of long-standing and show no signs of movement or slippage.
- 8.18 With regard to concerns about the possible impact of any works on the neighbouring property at no. 26 Springfield Gardens, the agent advises, having liaised further with the applicant's engineers, that they are satisfied no building work is proposed immediately adjacent to no. 26 except for a lightweight bin store structure which would have no impact. They comment that proposed driveway is indicated as being 2.0 metres away from the gable and as such would not undermine, weaken or cause subsidence to the property. They further comment that longer term use of the road would be by lightweight vehicles and the engineer does not anticipate excess vibration or ground disturbance arising.



- 8.19 Although there has been mention of a possible right of way over the site, Council records indicate that there is no public right of way affecting the land. The submitted plans are considered to provide sufficient accuracy to enable the planning application to be determined. With regard to land ownership, the red line boundary corresponds to land registry documentation for the ownership of the site.
- 8.20 Reference has been made to historical planning application dating from 1990 for the refusal of planning permission for two detached houses to the rear of 30 Springfield Gardens (see paragraph 3.1). That application proposed development on a smaller site comprising part of the rear garden to the south of the stream/ditch. On balance, the current application is considered acceptable in terms of its likely effect on the living conditions/residential amenity of the occupiers of neighbouring and nearby houses, including the existing dwelling at the site, for the reasons outlined in this report.

#### Ecology/Nature Conservation

- 8.21 Numerous objections have been raised by neighbouring and local residents to the proposed development on ecology/nature conservation grounds and this matter has been given careful consideration. A provisional Tree Preservation Order initially applied to the trees within and bounding the site. However, it was subsequently left to lapse with the Tree officer concluding that the trees within the development site were of low arboricultural quality and should not be considered a significant constraint to development.
- 8.22 Natural Resources Wales (NRW) has been consulted on the application and raises no objections, recommending that the advice of the Council's in-house ecologist be sought to determine if there is a reasonable likelihood of European Protected Species (EPS) being present within the application site.
- 8.23 The Ecologist's detailed assessment of the application is outlined in section 5.7. The application site is not subject to any statutory nature conservation designation. The officer advises that the proposed development is unlikely to affect any locally or nationally designated sites nearby and does not consider that any of the habitats on site would justify designation as a Site of Importance for Nature Conservation. With regard to the stream crossing the site, he considers that its habitats are not of such ecological importance to justify of the application on this ground.
- 8.24 With regard to UK Protected Species, Slow-worms have been identified as inhabiting the site. The Officer advised that if planning permission is granted, the Slow-worms from the development area would have to be translocated to a safe site elsewhere. He comments that translocation of reptiles is a very widely used tool in the UK to avoid harm to reptile species which live on sites which are to be developed. The Parks Planning Manager has agreed, in principle, to the translocation of Slow-worms to Council owned land around the Motte and Bailey in Morganstown subject to the payment of a commuted sum towards the future habitat management of the site. The Officer has assessed the contribution to be £5,200 which would need to be secured via a S106 planning obligation. The

applicant has agreed to the provision of the sum. Notwithstanding this, the Officer has recommended a condition to secure the protection of reptiles by requiring the approval of an appropriate a reptile mitigation method statement.

- 8.25 The Officer has also recommended a number of other conditions and informatives to mitigate the effects of the development on bats, nesting birds and native amphibians.

#### Drainage/Flood risk

- 8.26 With regard to the drainage strategy for the development, a surface water attenuation pond is proposed to the front of House C, perimeter land drainage is proposed and foul flows are proposed to connect to the public sewer in Springfield Gardens enabled by a private pump chamber located within the site. The application has been supported by several documents including a Drainage Strategy, Flood Risk Assessment, Noise Assessment and a Geotechnical Desk Study.
- 8.27 Numerous objections have been received to the application expressing concerns at the impact of the proposed development on the existing drainage arrangements at the site. The increased risk of flooding to existing properties has been raised as a significant issue. The site is crossed by a stream/ditch which culminates in a culvert which continues beyond the site across third party land. There is concern that the culvert could be overloaded as a result of the proposed development, leading to major disruption in the wider locality. The calculations and assumptions in the submitted drainage strategy and supporting information have been disputed by residents. It is contended that the calculated flood risk in the revised drainage strategy is a significant underestimate of the real flood risk, ignoring the groundwater flow and the effects of shallow water table conditions on runoff generation. It is also contended that flood risk in the proposed development area will increase further once operations in the nearby CEMEX quarry cease. A resident comments that given the uncertainties relating to the hydrogeology, it is currently impossible to quantify this risk, although historical evidence suggests it may be severe. Residents comment that given severe flooding of the proposed development area has occurred in living memory, it would be reckless to allow properties and a sewage pumping station to be built in this area which is believed to act as the 'Sustainable Drainage Solution' for our neighbourhood.
- 8.28 The application has been subject of consultation with the Natural Resources Wales (NRW), Welsh Water/Dwr Cymru (WW/DC) and the Council's Drainage Engineer. The consultees have been informed, where appropriate, of local resident's concerns in respect of drainage/ flood risk issues.
- 8.29 NRW's advice is contained in section 6.1 of the report. It advises that the application site lies entirely within Zone A as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). It further comments that the application site lies outside the flood zones as detailed in its Flood Map information. Based on this information, it comments that flood risk is considered to be minimal at the location.

With regard to surface water drainage, NRW comments that it is for the Council's Drainage Department to comment on the suitability of the proposals.

- 8.30 WW/DC's advice is contained in section 6.2 of the report. The Company has reviewed the Flood Consequence Assessment and Drainage Strategy submitted with the application. It raises no objections to the proposed development subject to an appropriate drainage condition. It notes that surface water is not proposed to drain to a public sewer. As the statutory sewerage undertaker, it advises that it is only able to provide comment on any proposal seeking to connect to the public sewerage system. With regard to the foul drainage proposal, the Company confirms that the principle of connecting foul only flows to the public sewer in Springfield Gardens is acceptable. It notes that a sewerage pumping station is required in order to achieve the public sewer connection and advises the foul drainage proposal will be vetted in detail by our engineer via an application submitted under Section 104 of the Water Industry Act 1991.
- 8.31 The Council's Drainage Engineer has given lengthy and detailed consideration the planning application, the concerns raised by neighbouring and local residents and to the representations received from the Local Councillor and the AM/MP. The Officer's advice is set out in section 5.3 of the report. Having assessed the proposed development, he raises no objections to the positive determination of the application on drainage/flood risk grounds subject to conditions to address the detailed design of the drainage scheme, its future maintenance and management and further investigations in relation to the hydrological and hydrogeological regime.

#### Highway Safety/Parking

- 8.32 The houses are to be accessed from Springfield Gardens via a driveway to the side of existing house. The entrance onto Springfield Gardens is shown to be widened to approximately 6.5 metres with the proposed driveway continuing beyond the existing house at a width of approximately 4.5 metres.
- 8.33 The Transportation Officer has considered the application and taken account of the highway concerns raised by residents, the Local Councillor and the AM/MP. His advice is set out in paragraph of the 5.1 of the report. He comments that the proposed layout makes adequate provision for off-street curtilage parking for both the proposed new dwellings and the retained existing dwelling and any visitor parking could be adequately accommodated on the new shared access road. He is satisfied that the proposed development will not generate unacceptable overspill parking and exacerbate existing kerbside pressure.
- 8.34 Consequently, the Officer does not raise an objection on highway grounds subject to conditions to ensure the provision/retention of off street parking and provision of an access road of sufficient width (as shown) to enable vehicles to pass each other within the site in order to preclude overspill parking on Springfield Gardens. With respect to the widening of the existing access onto Springfield Gardens, he comments that this would be marginal only and not to a degree that an objection on the grounds of loss of existing kerbside space would be sustainable. The Officer has also requested a condition requiring the approval

of a Construction Management Plan to include details of restrictions on access/egress to the site by delivery vehicles to outside peak hours.

### Affordable Housing

- 8.35 The application has been assessed in relation to Local Development Plan Policy H3: Affordable Housing. In accordance with the Policy, an affordable housing contribution was initially requested by the Housing Strategy Officer. In response to this request, the applicant commissioned a viability assessment of the scheme which was subsequently reviewed by the District Valuer (DVS) on the Council's behalf. The DVA's assessment is that the scheme would be marginally unviable. Consequently, no affordable housing contribution is therefore sought in respect of the proposed development.
- 8.36 In conclusion, the proposed development, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions and to the conclusion of a planning obligation relating to the habitat management relating to the translocation of Slow-worms from the site.

## 9. **OTHER CONSIDERATIONS**

### 9.1 Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### 9.2 Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

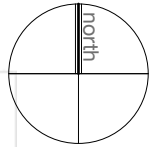
### 9.3 Well-being of Future Generations (Wales) Act 2015

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

10. **COMMITTEE RESOLUTION**

10.1 If members are minded to refuse planning permission in accordance with the resolution of 7<sup>th</sup> February, 2018, the following reason is suggested:

1. The proposed development would be likely to give rise to an unacceptable loss of amenity to neighbouring and future occupiers. As such, the proposal would be contrary to criterion x. of Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan, Paragraphs 3.5 and 4.11 of the Cardiff Infill Sites Supplementary Planning Guidance (November, 2017) and paragraph 9.3.3 of Planning Policy Wales (Ed.9, 2016).



# SITE LOCATION PLAN

SCALE: 1:1250 on A4  
CENTRE COORDINATES: 312626 , 181643



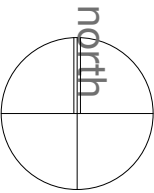
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Rev	Date:	Action:
This drawing is copyright.		
Dimensions to be checked on site and any discrepancies reported to the Architect immediately .		
Do not scale, use figured dimensions only.		



Dan Adams	
Springfield Gardens	
site location plan	
1:1250 @ A4	
1948-099	-
6 north road, cardiff. cf10 3du 029 2034 0491 <a href="http://www.cfw-architects.co.uk">www.cfw-architects.co.uk</a>	





Key to Abbreviations

Asp.	Asphalt
B	Bollard
BB	Belisha Beacon
BH	Bush
Bl.	Block wall
Br.	Brick wall
BT	British Telecom Cover
B/W	Barbed Wire
CB	Telephone Control Cabinet
C/B	Close Boarded
CCTV	Closed Circuit Television
CDP	Cable Draw Pit
C/I	Corrugated Iron
CL	Cover Level
C/L	Chain Link
C/P	Chestnut Paving
Conc.	Concrete
Elec.	Electricity Inspection Cover
EI Sub Stn	Electricity Sub Station
EP	Electricity Pole
ER	Earth Rod
FH	Fire Hydrant
FW	Foul Water
G	Gully
Gab.	Gabion Wall
GV	Gas Valve
IC	Inspection Chamber
IL	Invert Level
I/R	Iron Railings
LB	Litter Bin
L/L	Larch Lap
LP	Lamp Post
MH	Manhole
Mkr	Marker
PIR	Post and Rail
RE	Rodding Eye
RS	Road Sign
RWP	Rain Water Pipe
SL	Sump Level
St.	Stone Wall
SV	Stop Valve
SW	Surface Water
TL	Traffic Light
TOW	Top of Wall
TP	Telegraph Pole
TV	Cable Television Cover
UTL	Unable to Lift
VP	Vent Pipe
WL	Water Level
WM	Water Meter

LINE TYPES

	Building
	Canopy
	Edge of Surfaces
	Embankments and ditches
	Fences
	Overhead cables
	Vegetation
	Walls, Kerbs etc.
	Hedges

Kerb levels are channel levels unless otherwise stated.

Station	Easting	Northing	Level
A1	312636.593	181581.157	48.918
A2	312664.898	181613.818	45.509
A3	312655.867	181626.382	44.249
A4	312644.482	181634.659	43.925
A5	312632.756	181637.147	44.079
A6	312610.658	181654.307	42.764
A7	312615.564	181669.808	42.630
A8	312688.176	181663.818	42.859
A3A	312647.771	181610.664	46.018
A5A	312632.582	181628.127	44.443
A6A	312591.672	181641.441	43.570

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Dan Adams  
Springfield Garden  
Site plan  
1:200 @ A1

1948-106

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C



SCALE: 1:1250 on A4  
CENTRE COORDINATES: 312626 , 181643



B	11.08.16	plot type C repositioned
A	23.5.16	site location plan OS substituted for Google earth background image
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Dan Adams	
Springfield Garden	
Site context plan	
1:500 @ A3	
1948-109	B
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note: heights and profiles of adjacent properties are estimated

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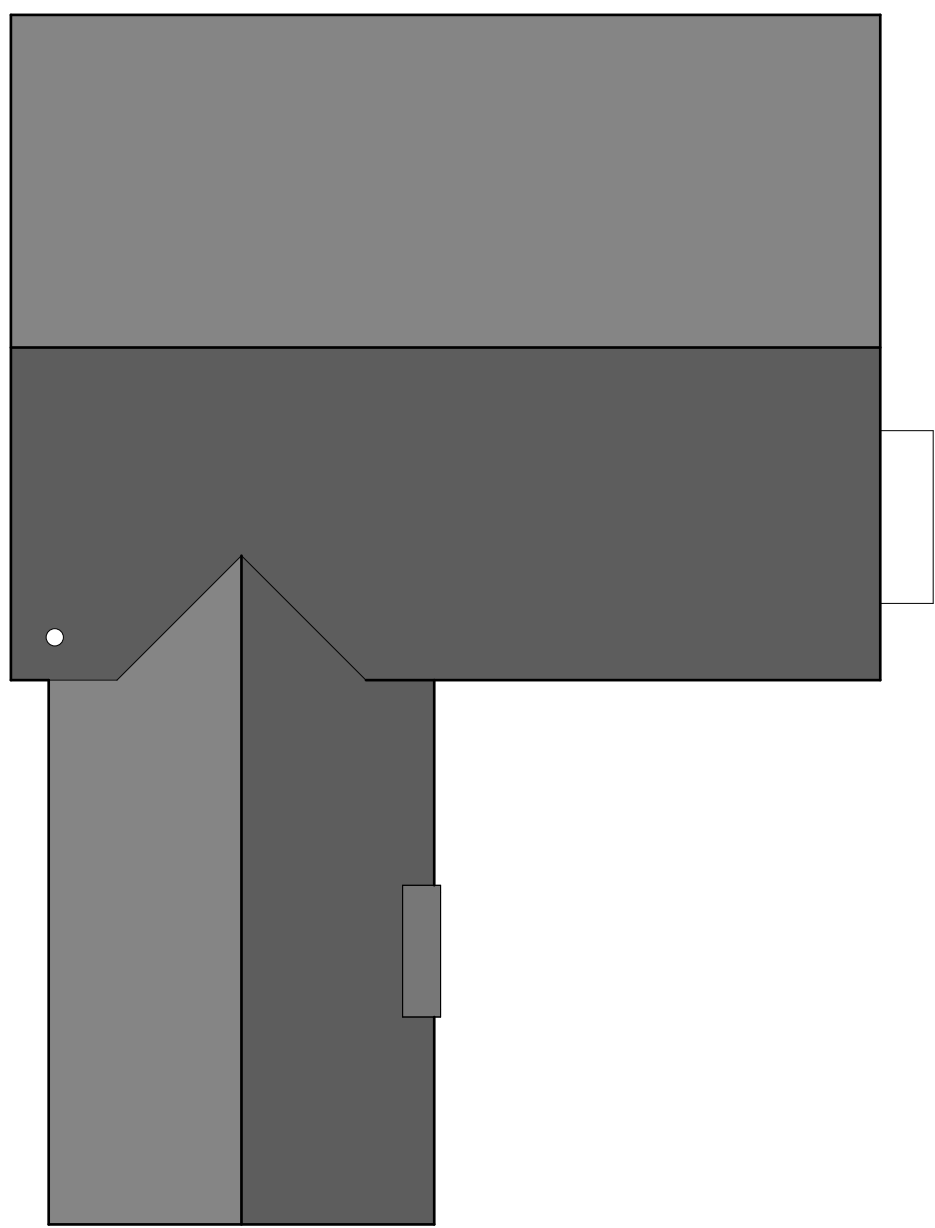
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Dan Adams  
Springfield Garden  
Site Section  
1:100 @ A1

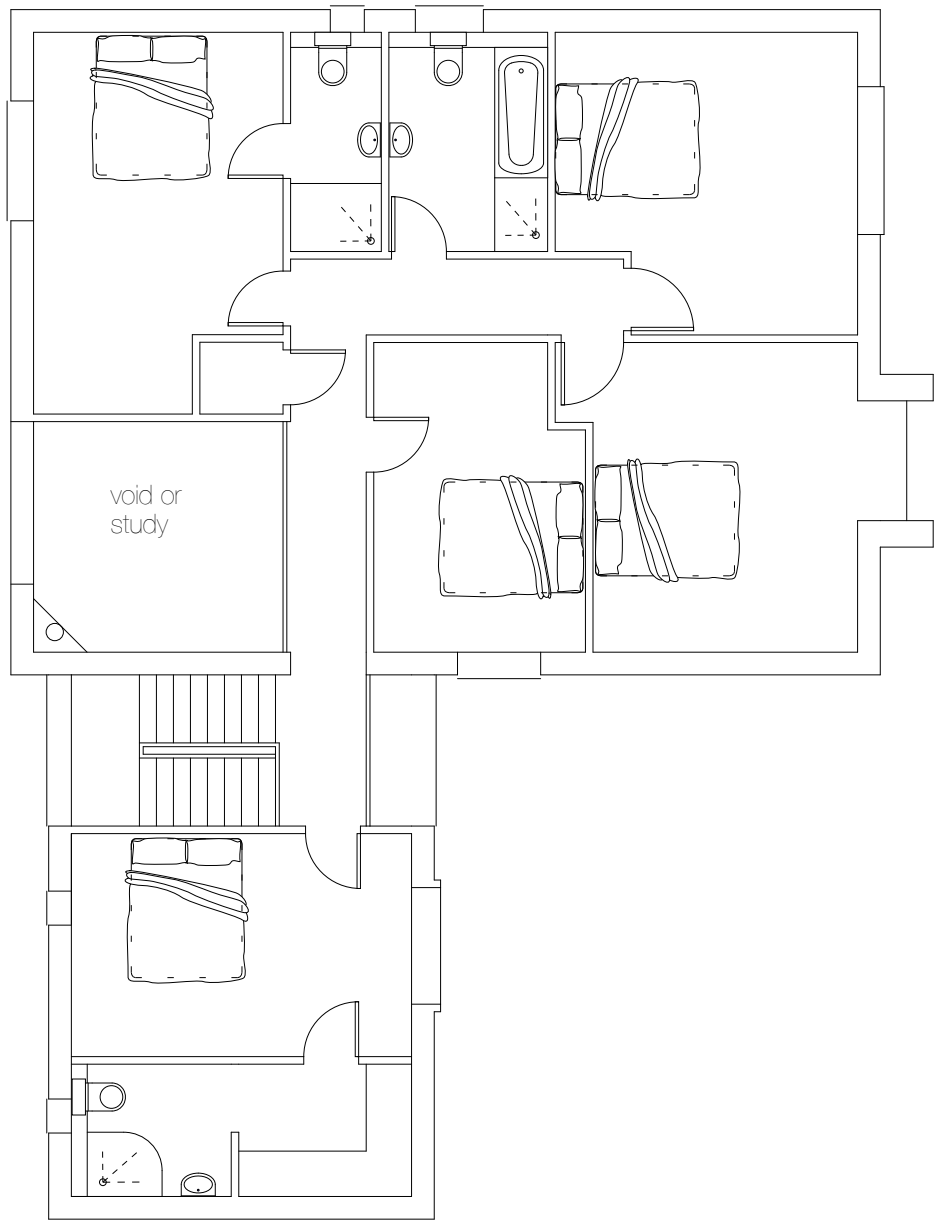
1948-108	-
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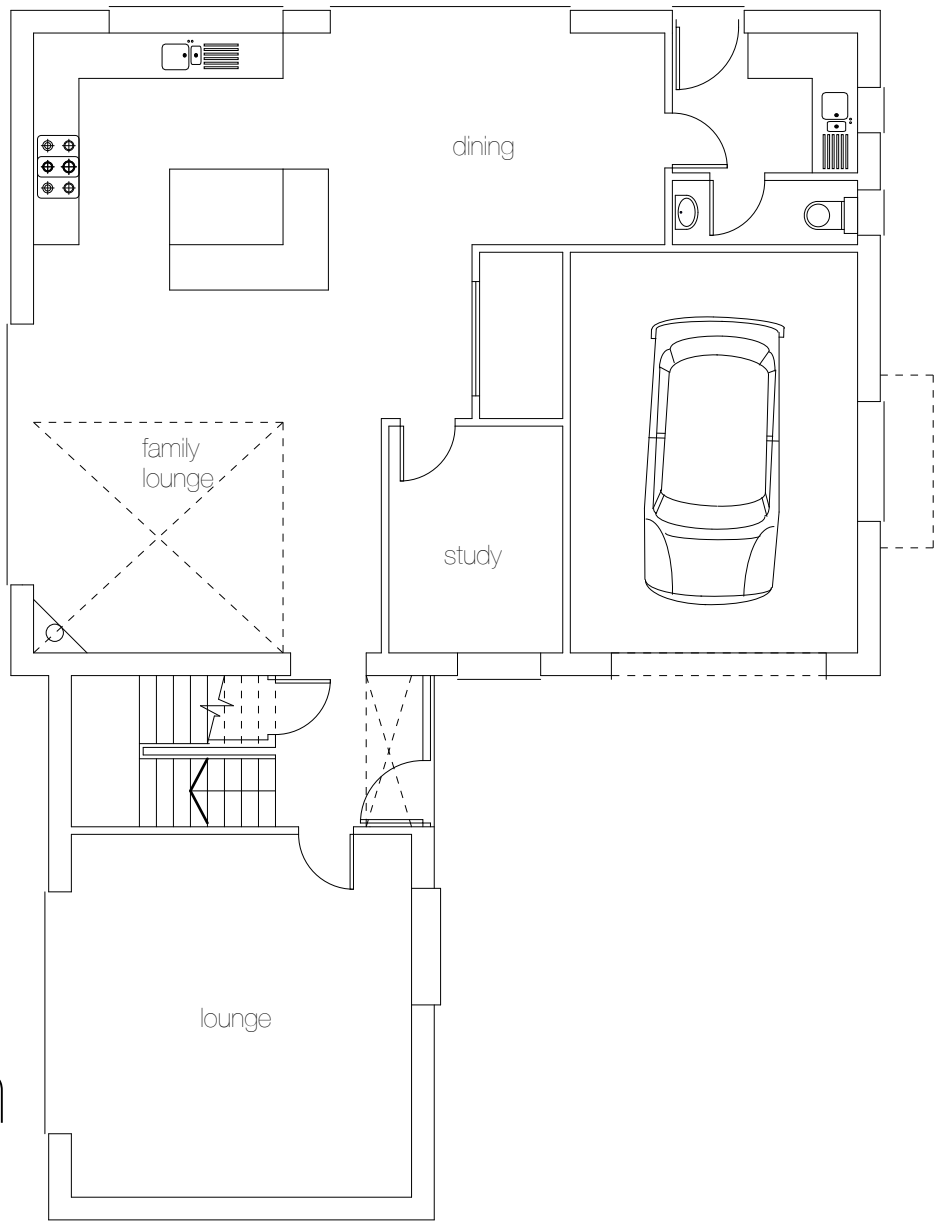
roof plan



first floor plan



ground floor plan



north west elevation



south west elevation



north west elevation



south east elevation

external materials  
roof - slate  
walls - brown multi- brickwork  
doors/windows - dark grey powder coated aluminium  
fascias/soffits/rainwater goods - dark grey powder coated aluminium

house type A



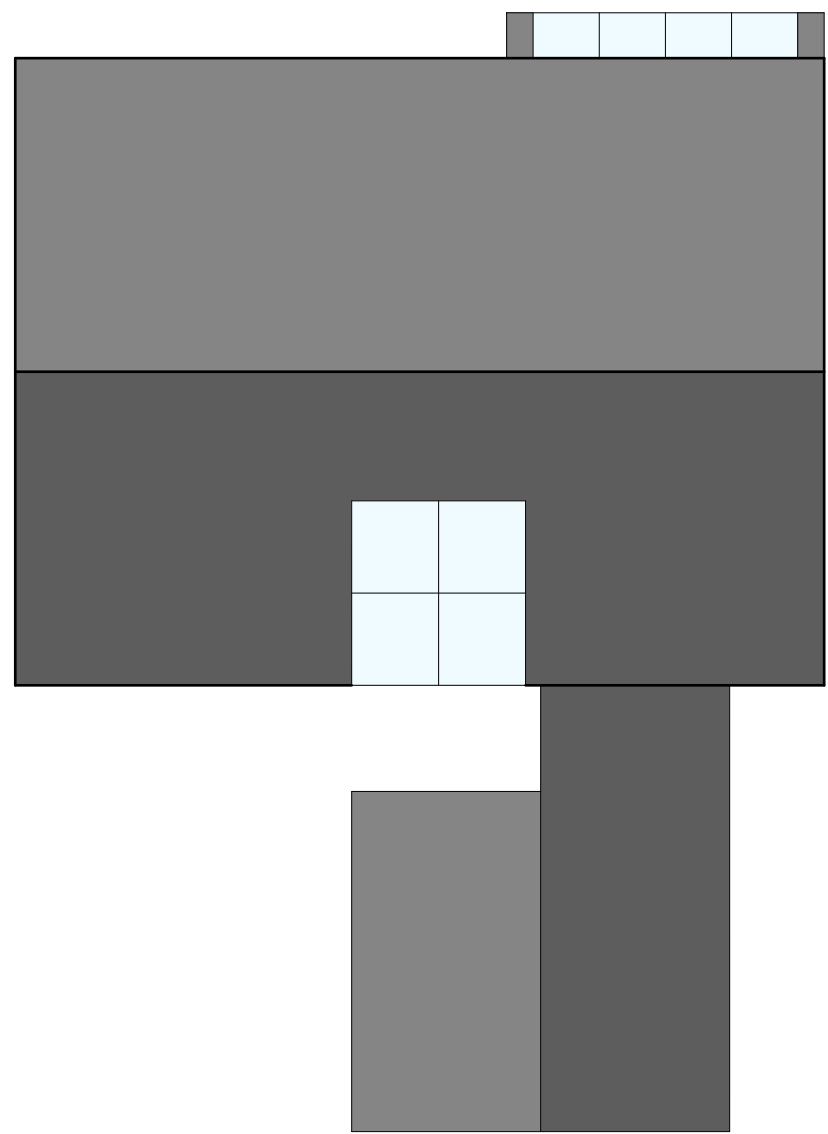
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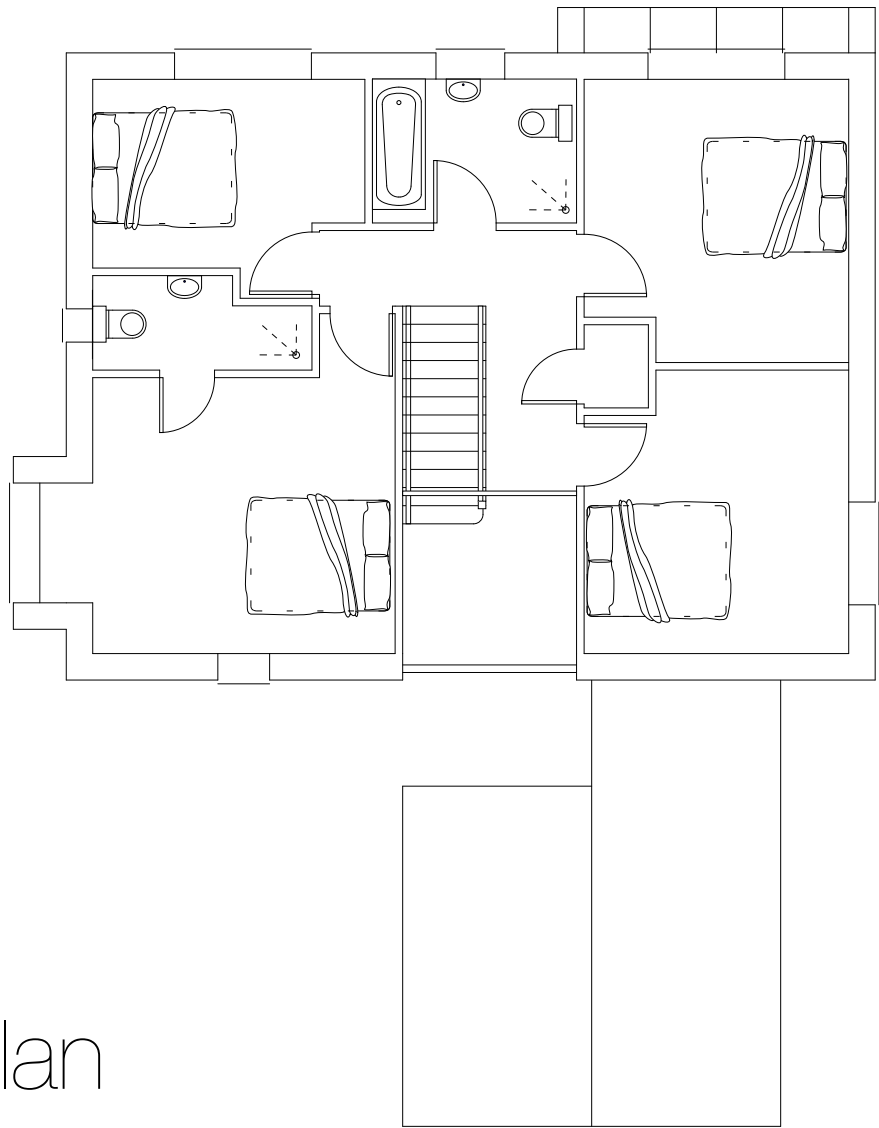
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Springfield Garden	
House Type A	
1:100 @ A1	
1948-101	C
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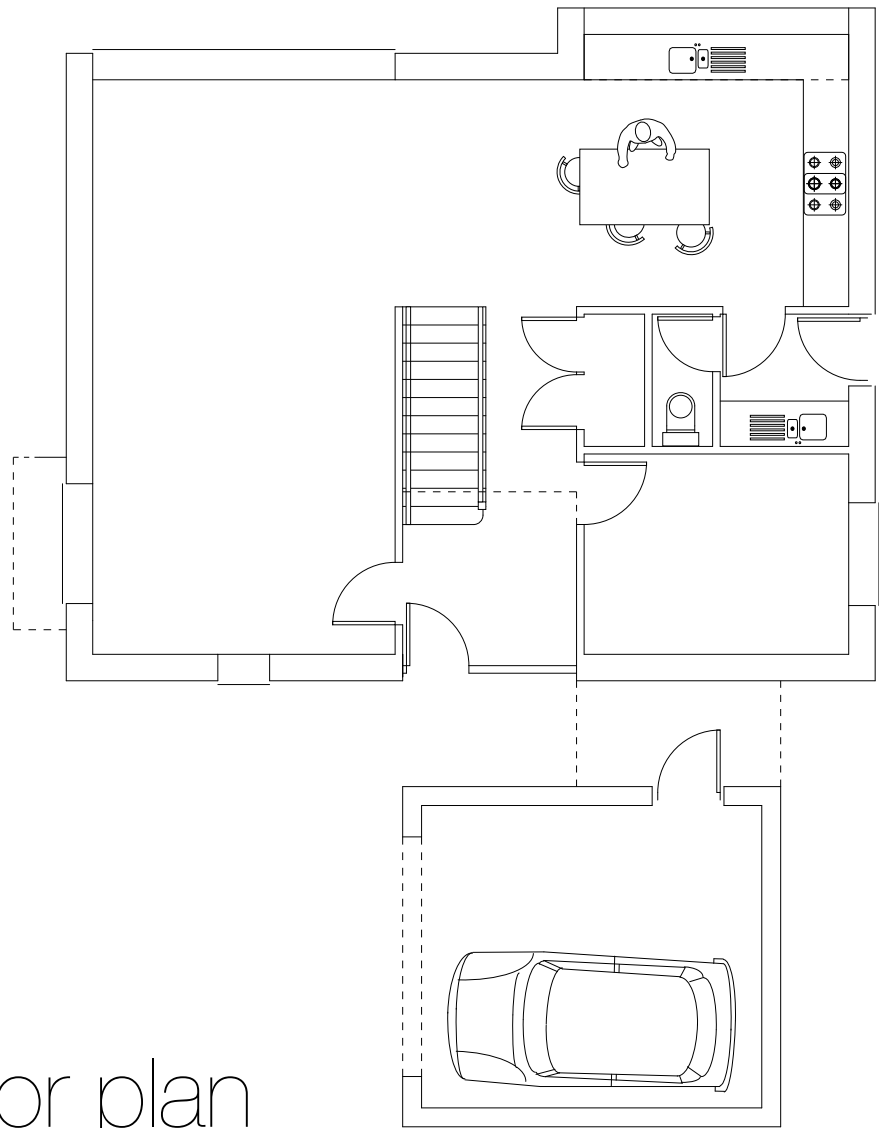
roof plan



first floor plan



ground floor plan



north east elevation



south east elevation



south west elevation




north west elevation

external materials  
roof - slate  
walls - brown multi- brickwork  
doors/windows - dark grey powder coated aluminium  
fascias/soffits/rainwater goods - dark grey powder coated aluminium

house type B



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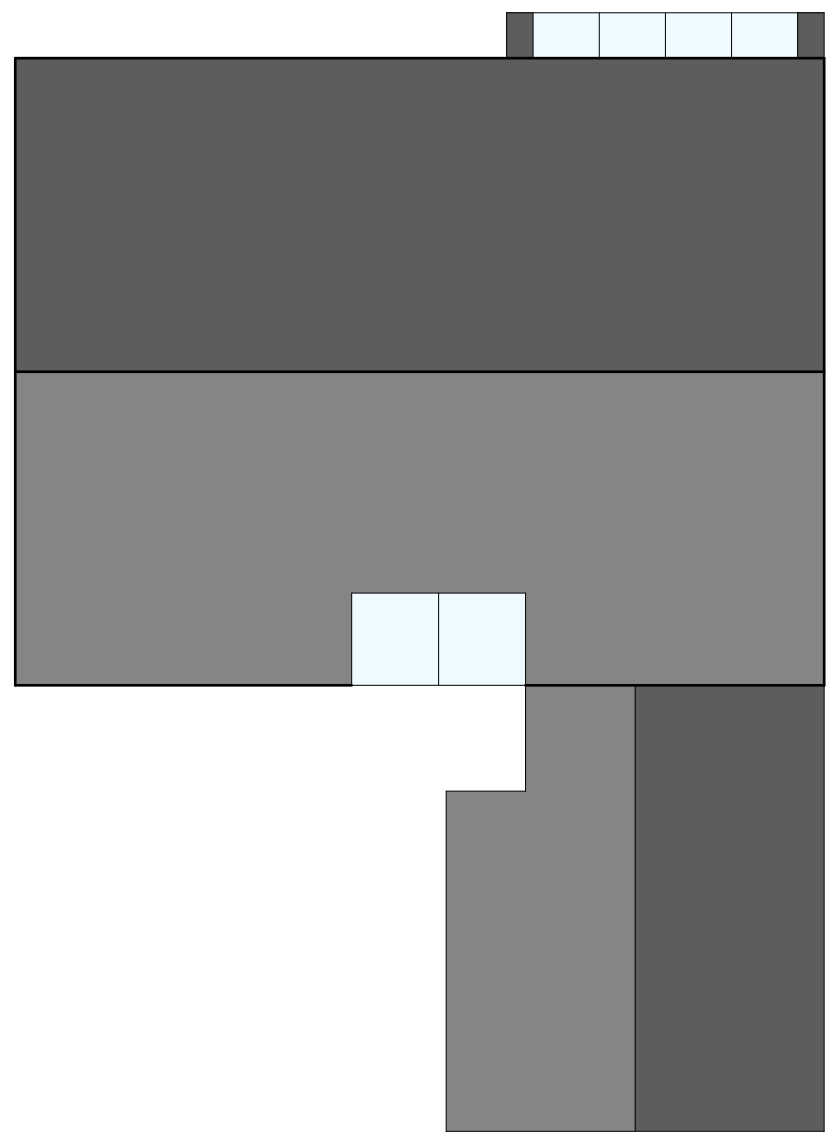
Dan Adams  
Springfield Garden  
House Type B  
1:100 @ A1  
1948-102

B

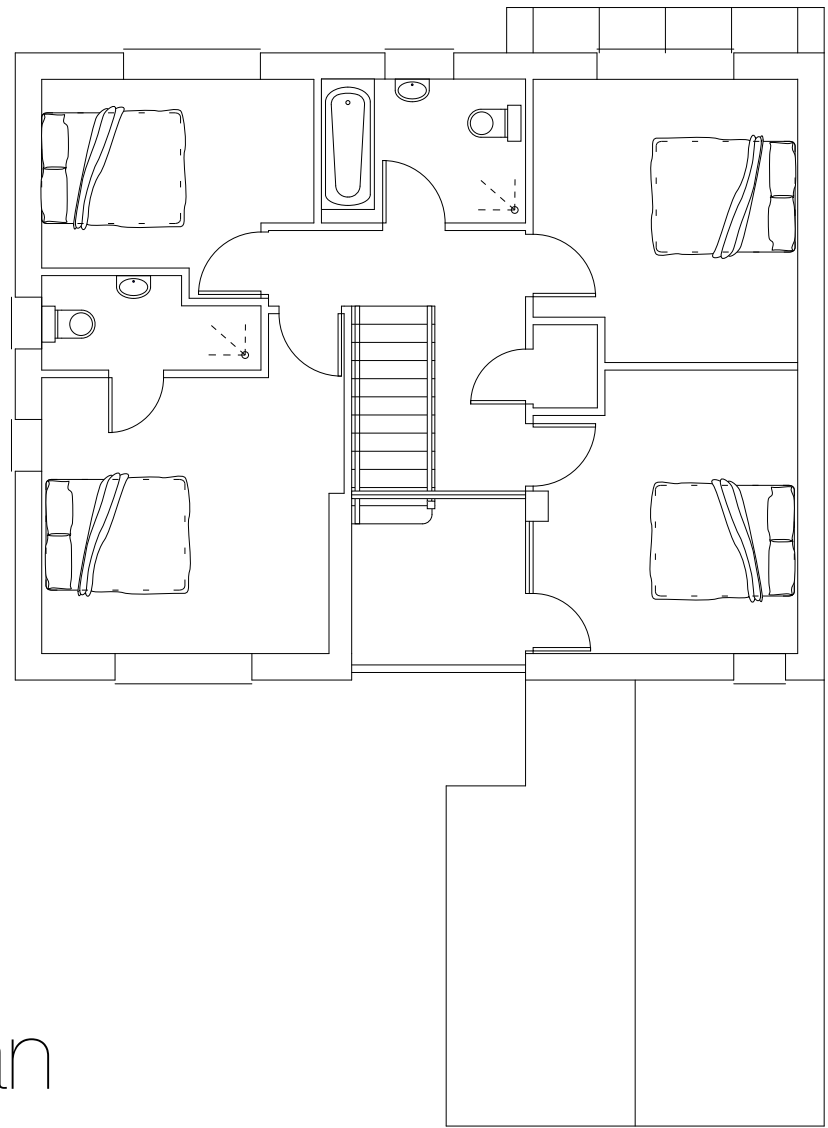
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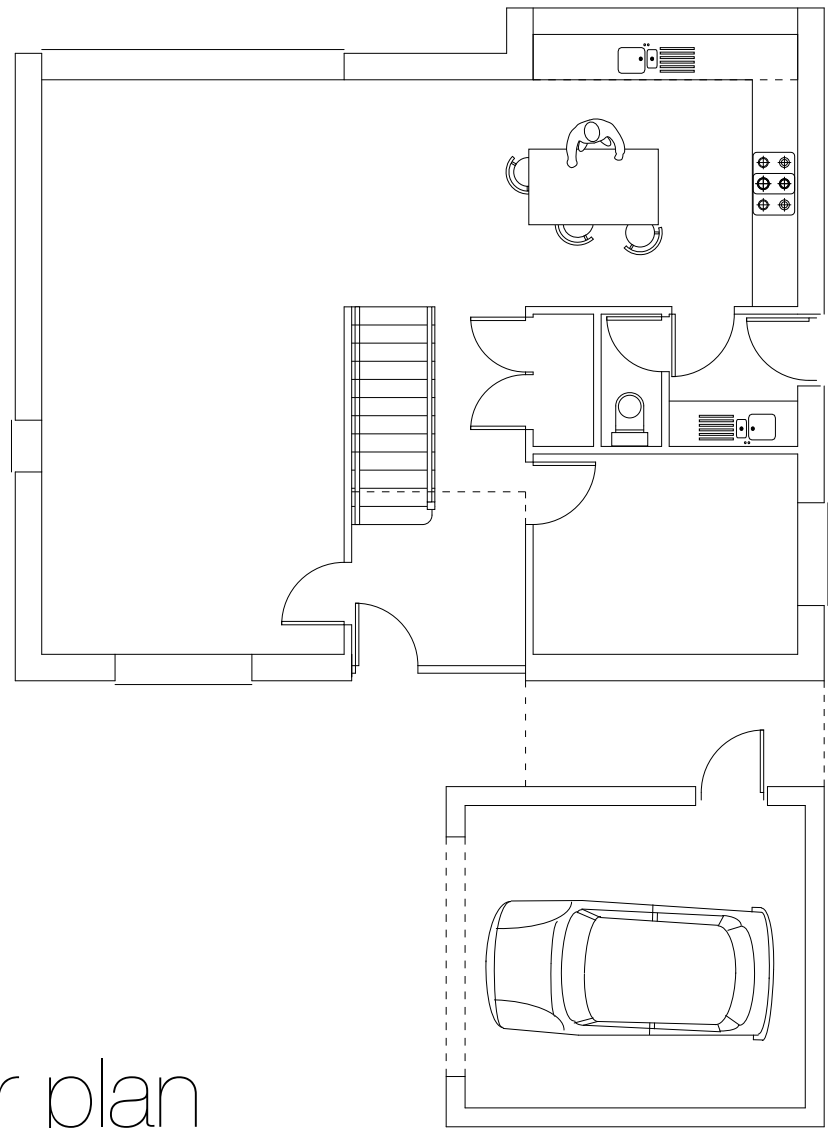
roof plan



first floor plan



ground floor plan



south east elevation



south west elevation



north west elevation




north east elevation

external materials  
roof - slate  
walls - brown multi- brickwork  
doors/windows - dark grey powder coated aluminium  
fascias/soffits/rainwater goods - dark grey powder coated aluminium

house type C



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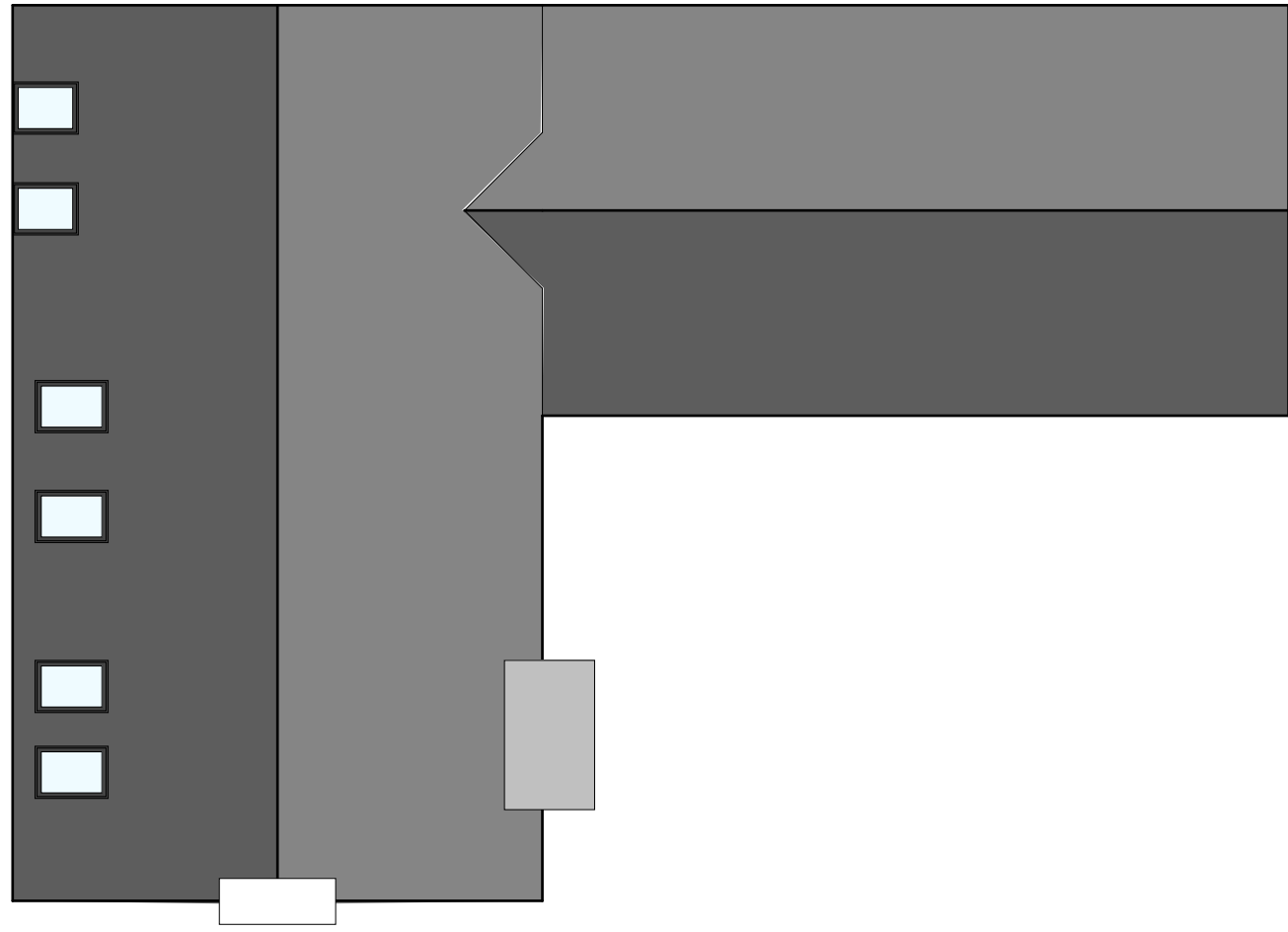


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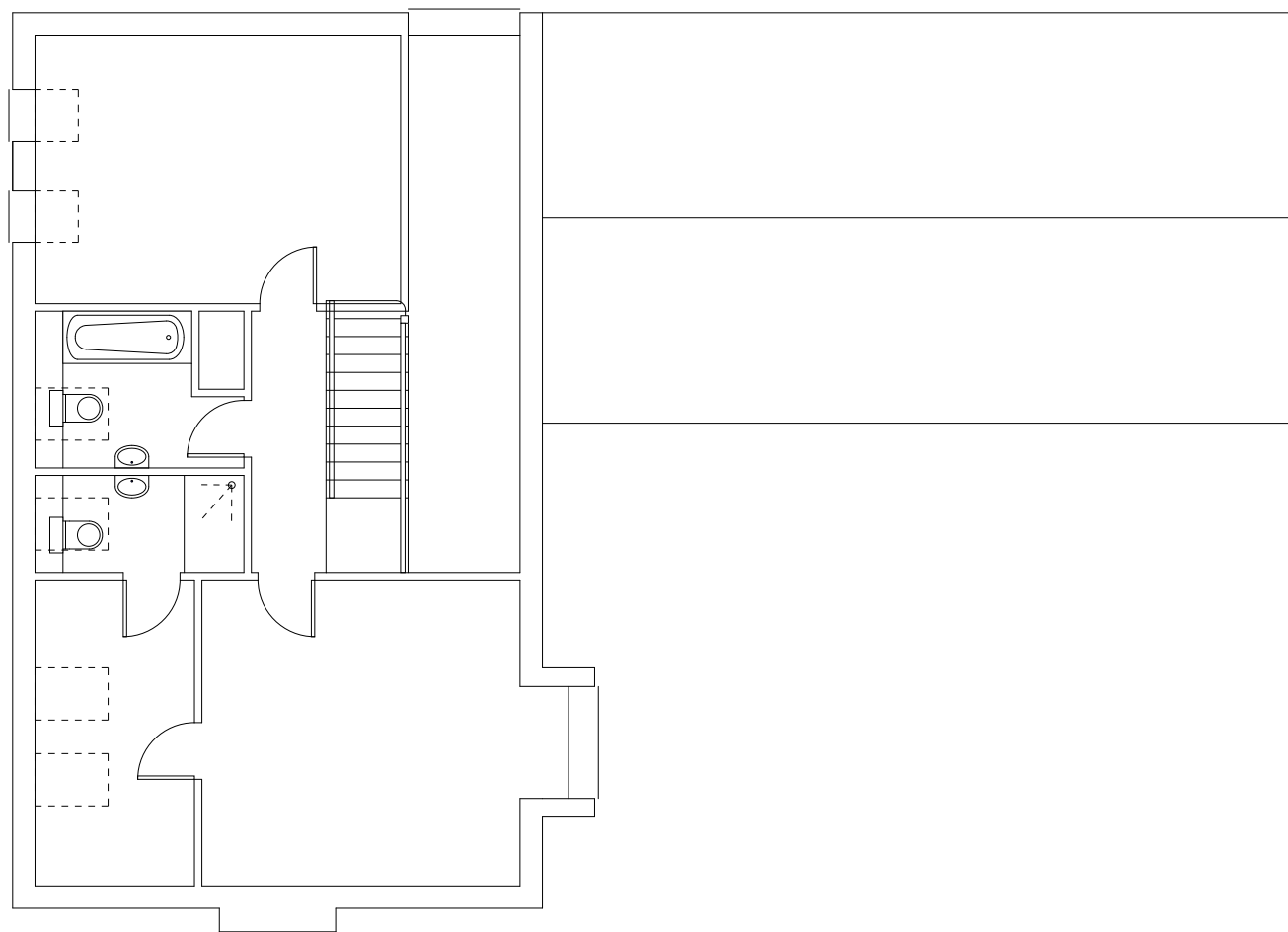
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Springfield Garden  
House Type C  
1:100 @ A1  
1948-103

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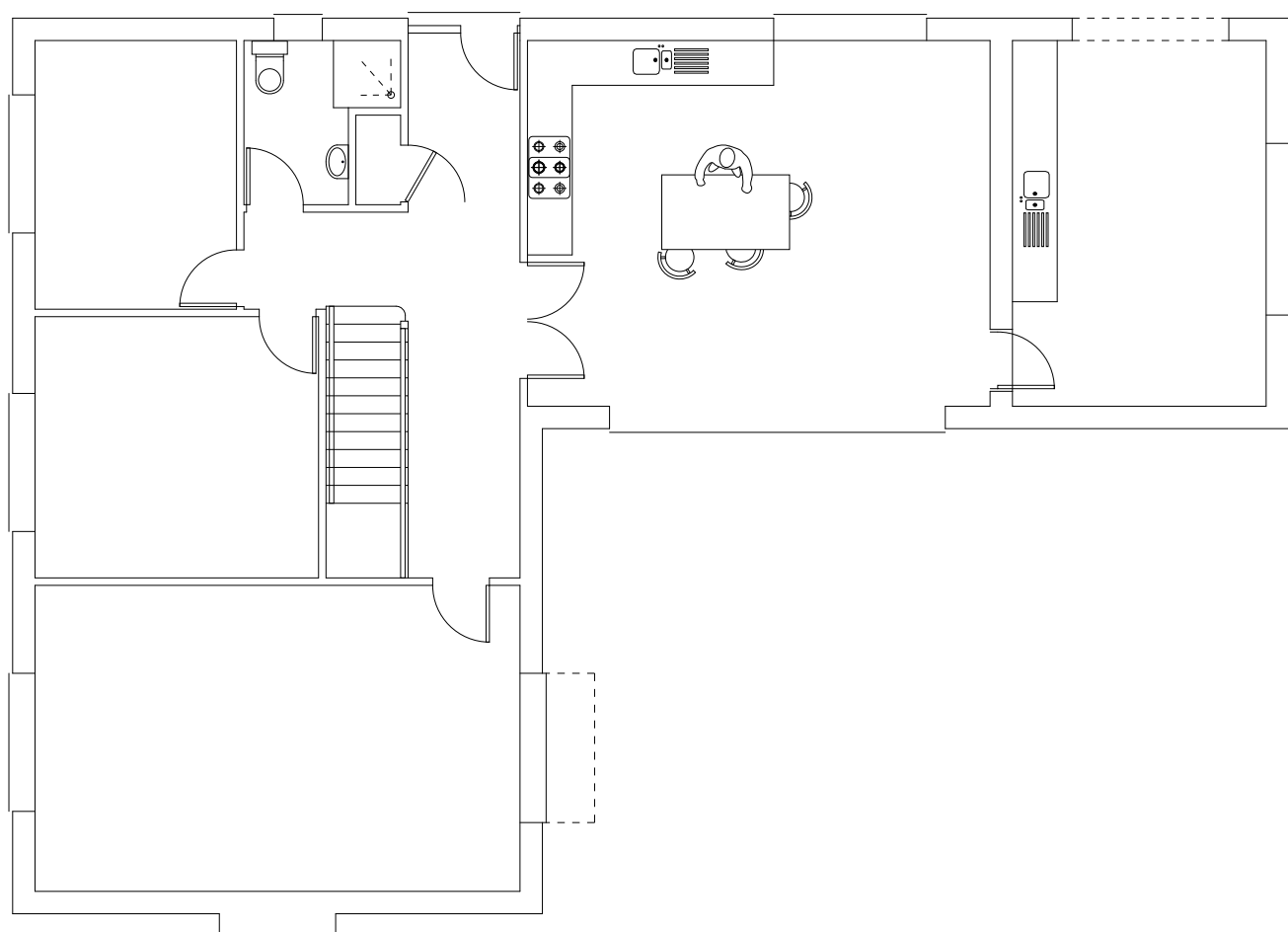
C



roof plan



first floor plan



ground floor plan



north west elevation



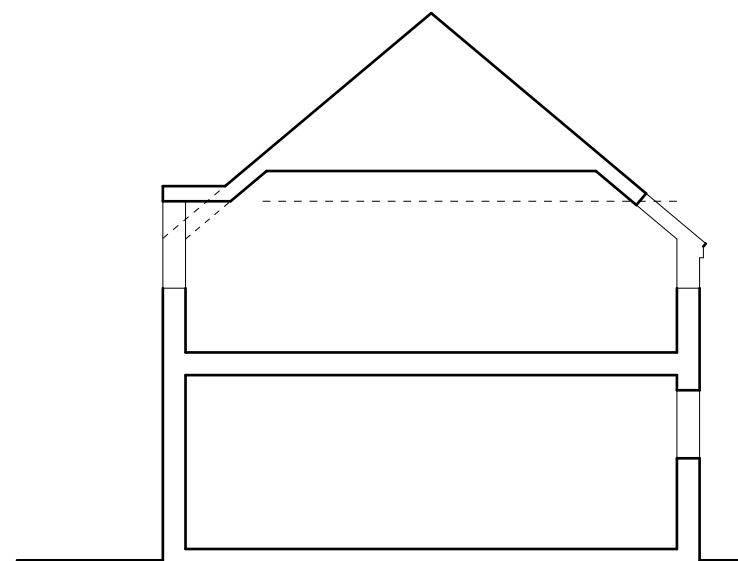
south west elevation



south east elevation

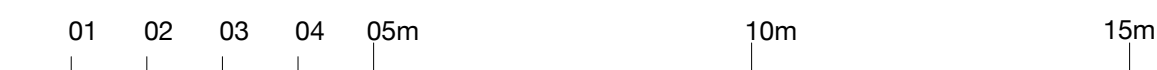


north east elevation



external materials  
roof - slate  
walls - brown multi- brickwork  
doors/windows - dark grey powder coated aluminium  
fascias/soffits/rainwater goods - dark grey powder coated aluminium

house type D (revised)



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House Type D (revised)  
1:100 @ A1  
1948-105

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