

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **16/03067/MNR**

APPLICATION DATE: 28/12/2016

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr & Mrs LLewellyn

LOCATION: LAND OFF MILL ROAD, TONGWYNLAIS, CARDIFF

PROPOSAL: PROPOSED RESIDENTIAL DWELLING.

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

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

Site Location Plan 1664/SLP-01 Rev A
House Plans and Elevations 1664/HDS/204 Rev A
Site Layout 1664/SL-01 Rev C
Site with Public Footpath Route 1664/FP/01 Rev A
Site Sections 1664/CS-01 Rev D
Site Plan 1664/SP-01 Rev G
Ecology Addendum Report August,2017

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

3. Prior to the construction of the building 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.

4. Notwithstanding the submitted information, full 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.

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

- A basic soil assessment based on the preparation of trial pits. Soil physical characteristics should be recorded, photographed and submitted as evidence of the suitability of the soil for its intended end use, and a strategy for soil handling, storage and placement prepared, that accords with the principles set out in BS 3882:2015, BS 8601:2013 and the DEFRA Code.
- A landscaping implementation programme.
- Scaled planting plans to include tree pit sectional and plan drawings
- 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.
- A topsoil and subsoil specification for all planting types (trees, shrubs, grassland etc.).
- Schedules of plant species, sizes, numbers or densities.
- Planting methodology and post-planting aftercare methodology.

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.

6. 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, 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 5 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.

7. No 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.

- 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

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

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

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

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

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

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

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

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

11. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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

12. Prior to the commencement of any development works, a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required then no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

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.

13. Prior to the construction of the dwelling hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing by the Local Planning Authority. The construction of the dwelling shall not commence until:
- i) ground conditions have been proven (in accordance with the procedure outlined in BRE 365) capable of supporting infiltration methods of drainage and it is demonstrated that the groundwater level will not encroach within 1 metre of the underside of such infiltration drainage structures;
 - ii) the performance of the proposed surface water sewerage has been assessed in relation to the impact of a 1 in 100 year return period storm and a climate change allowance of +30%. Locations of flooding from the proposed surface water sewerage, along with their flood flow routes and proposed method of on-site management shall be included in the scheme for approval.

The drainage scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of the development.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure with regard to flood risk and to ensure that the impact of storms in excess of the required design return period do not cause or exacerbate any adverse condition on the development site, or the wider community, in accordance with Policy EN10: Water Sensitive Design of the Cardiff Local Development Plan.

14. 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.

15. No site clearance of trees, bushes, shrubs or scrub 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.

16. The first floor windows in the west facing elevation of bedroom 2 and the first floor study window shall be non-opening below a height of 1.7 metres above internal floor level, glazed with obscure glass (as shown on drawing 1664/HDS/204 Rev A) and thereafter be so retained.

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

17. 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 dwelling house hereby approved.

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

18. 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 or any alteration undertaken to the roof of the dwellings hereby approved.

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

19. If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the most recent Preliminary Ecological Assessment, the site shall be re-surveyed and the impact of the proposed development upon nature conservation interests re-assessed.

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

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

20. Notwithstanding the submitted details, prior to commencement of development, final plans showing the proposed floor levels of the dwelling 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: 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.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of

Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

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

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

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

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

RECOMMENDATION 4: The applicant is advised that developers of all new residential units are required to purchase the bin provision for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

RECOMMENDATION 5: The applicant is advised that the granting of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way. For matters relating to the public right of way next to the application site, the applicant is advised to contact the Lead Officer (PROW), City of Cardiff Council at JGriffiths@Cardiff.gov.uk. The Officer seeks to improve the footpath way-marking along this route and has requested that the applicant/landowner liaises with the Council to ensure the route is clearly marked.

RECOMMENDATION 6: The applicant is advised to contact highways@cardiff.gov.uk prior to undertaking the works associated with the access in order to obtain the necessary licence.

RECOMMENDATION 7 : This development falls within a radon affected area and may require full radon protective measures, as recommended for the purposes of the Building Regulations 2010.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought to construct a two storey detached dwelling on land off Mill Road, Tongwynlais. The application is supported by a various plans and documents including a topographical survey, cross sections, arboricultural and ecological reports and a Design and Access Statement (DAS).
- 1.2 The site forms part of an area of approximately 0.4 ha which is allocated for residential development in the Cardiff Local Development Plan with an estimated capacity of 5 units. The principle of residential development has therefore been established and it is anticipated that a further planning application will be submitted for consideration in due course for the remainder of the site.
- 1.3 The proposed development comprises a two storey dwelling with a hipped slate roof and render/reconstituted stone elevations.
- 1.4 The position of the proposed dwelling is intended to accommodate the tree constraints plan for the Category 'A' Ash trees located outside but adjacent to the eastern site boundary.
- 1.5 In support of the application, the DAS comments as follows with respect to the planning history of the site:

The site forms part of a larger site which was the subject of a previous planning application for three dwellings, dismissed at appeal in 1994 primarily on the grounds that the site fell outside the defined urban area. Whilst the Inspector also made reference to the impact of the development of the site on the character of the wider area including Castel Coch, there have been significant material changes since the determination of the Appeal including:

- i) the allocation of the site for residential development in the current LDP which firmly establishes the principle of new development at the site;*
 - ii) the subsequent development of new residential development in the area including Fairways Cottage and the extension of the Lodge (both located to the west of the application site between the proposed dwelling and Castell Coch; and*
 - iii) the current shortage of housing land in Cardiff as confirmed within the Joint Housing Land Availability Study at 3.8 years which compares to the Welsh Government; minimum requirement of 5 years.*
- 1.6 Following discussions with the agent/applicants, revised plans have been received which reduce the finished floor level of the dwelling and amend the elevations with a view to reducing the massing of the building, particularly to Mill Road. The proposed means of enclosure adjacent to the public right of way has also been adjusted to retain a greater degree of 'openness'.

- 1.7 Access to the site is proposed via the existing driveway from Mill Road which also serves Castle Farm, The Lodge and Fairway Cottage. An indicative access off Mill Road was shown on an earlier plan to serve the remainder of the allocated housing site. It should be noted that development on this part of the allocated site does not form part of the current planning application which is for a single dwelling-house, utilising the existing access.

2. **DESCRIPTION OF SITE**

- 2.1 The application site, amounting to approximately 0.99ha, forms part of a larger (0.4 ha) parcel of land at Mill Road, Tongwynlais allocated for residential development in the Cardiff Local Development Plan. To the northwest, the site is bounded by three existing dwellings which are accessed off a private drive providing direct access to Mill Road. The dwellings comprise a mix of single and two storey houses with render/stone and brick elevations. A public right of way lies adjacent to the application site's northern and western boundaries which links to Wellington Street to the south. To the north of the dwellings lies Castell Coch Golf Course with Castell Coch itself located on elevated ground some 300 metres to the north west of the site.
- 2.2 To the south, beyond the remaining residential allocation are the residential properties of Wellington Street. To the east lies Mill Road with residential properties on the opposite side of the road.
- 2.3 The land comprises 'vacant' scrub. It is set above Mill Road and slopes from north to south and from west to east. Levels range from approximately 55.0 metres AOD on the western boundary of the site to approximately 53.0 metres AOD on the eastern boundary with Mill Road occupying a lower level of approximately 47.0 metres AOD.
- 2.4 The initially submitted ecology survey identified the site as a disused area of grass, scrub, bramble and knotweed with no evidence of protected species. The Tree Report confirms the presence of three category 'A' Ash trees located outside but adjacent to the eastern site boundary.

3. **SITE HISTORY**

- 3.1 There have been several historical planning applications proposing development on or near the application site. Of particular relevance is planning application ref. 93/001067/N for three detached dwellings which was refused on 12th October, 1993 for the following reasons and subsequently dismissed at appeal.
- i) *The proposals are contrary to proposal 3 of the approved Tongwynlais and Wenallt Local Plan in which there is a presumption against new housing sites other than for those identified on the proposals map.*
 - ii) *The proposal fails to meet the criteria listed in Proposal 4 of the Deposit City of Cardiff Local Plan in that the site is of visual and nature conservation value to the area.*
 - iii) *The proposals will result in the substantial removal of existing embankments along Mill Road/Castle Road to the detriment of the surrounding residential areas as a whole: no such works are shown within the planning application and given the alignment of Mill Road in the vicinity of the proposed access and the traffic speeds along this section of road, the*

- proposals are objected to on highway safety grounds.*
- iv) *The proposals will result in the removal of existing trees and hedgerows along the Mill Road frontage that currently contributes to the visual amenity of the area as a whole.*

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;
KP5: Good Quality and Sustainable Design;
KP7 Planning Obligations;
KP15 Climate Change;
KP17: Built Heritage;
EN6 Ecological Networks and Features of Importance for Biodiversity;
EN9: Conservation of the Historic Environment;
EN13: Air, Noise, Light Pollution and Land Contamination;
T5: Managing Transport Impacts;
EN8: Trees, Woodlands and Hedgerows;
EN7: Priority Habitats and Species;
EN10 Water Sensitive Design;
EN14 Flood Risk;

- 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);
H1: Non-Strategic Housing Sites H1.9 Land at Mill Road (0.4 ha, estimated units 5);

- 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.

6.5.9 Local planning authorities are required to consult the Welsh Ministers on any development proposal that is likely to affect the site of a scheduled monument, or where development is likely to be visible from a scheduled monument and meets certain criteria.

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

- 4.4 TAN 24: The Historic Environment
TAN 5: Nature Conservation and Planning

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation raises no objections to the proposed dwelling on highway safety and parking grounds advising as follows:

Access to the proposed new dwelling is via an existing shared private drive off Mill Road which currently serves three dwellings. Visibility at its junction with Mill Road is adequate and I would have no objection to its serving one additional dwelling. Two off street parking space are proposed which is satisfactory. A condition relating to their future retention (D3D) is required.

Whilst the Officer notes the highway/traffic concerns raised by local residents, and, in particular, access to the 'future residential development', he comments that this area is not within the red line boundary and does not comprise part of the current application which must therefore be determined on its own merits. He states that the Council's policies enable up to 5 dwellings to be served off a shared private drive; a number which will not be exceeded as a consequence of the current application, and that an objection on highway grounds to this limited increase in use of the existing access would therefore be very difficult to sustain at appeal.

He presumes that an objector's comments regarding visibility being restricted by the boundary wall of 19 Mill Road relates to a separate new access to serve the 'future residential development' since this is not the case for the existing access.

The Officer advises in response to an objectors' comment regarding the need for Stage 1 and 2 Road Safety Audits that whilst such audits may be appropriate for larger scale developments, to require them in association with a development of only a single dwelling would be excessively onerous and unnecessary.

- 5.2 The Operational Manager, Shared Regulatory Services (Pollution Control - Contaminated Land Team) comments as follows:

In reviewing available records and the application for the proposed development, former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.

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

Shared Regulatory Services requests the inclusion of the following conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of

the Cardiff Local Development Plan:

PC13. GROUND GAS PROTECTION

PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION

PC15A IMPORTED SOIL

PC15B IMPORTED AGGREGATES

PC15C USE OF SITE WON MATERIALS

R2 RADON GAS PROTECTION

R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

- 5.2 The Operational Manager, Environment (Pollution Control) recommends several standard conditions/ informatives relating to the importation of materials, contamination, road traffic and construction site noise.
- 5.3 The Operational Manager, Shared Regulatory Services (Pollution Control – Noise and Air Team) requests an informative relating to construction site noise.

Each property will require the following for recycling and waste collections:

1 x 140 litre bin for general waste

1 x 240 litre bin for garden waste

1 x 25 litre kerbside caddy for food waste

Green bags for mixed recycling (equivalent to 140 litres)

Developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team.

- 5.4 The Operational Manager, Drainage Management advises that on review of the information submitted, it is reasonable to assume that there is potential for infiltration at the site. As such, he considers that the drainage of the proposed development can be dealt with by an appropriate condition (refer to Condition 13).
- 5.5 The Tree Officer has advised that subject to the development being undertaken in accordance with an approved Arboricultural Method Statement and Tree Protection Plan, unacceptable harm will not result to trees of amenity value. The Officer comments that as the implementation of development is likely to result in disturbance to and sealing of vegetated soil, there is potential for conflict with Policy KP15: Climate Change, which appropriate landscaping should help to offset. He advises that key to a successful landscaping scheme is an understanding of the existing soil resource and has therefore recommended that a basic soil assessment should be carried to inform the landscape scheme.
- 5.7 The Public Rights of Way Officer has been involved in discussions on the application with a view to ensuring that the proposed development retains an acceptable relationship with the PROW which runs along the access lane and adjacent to the site.
- 5.8 The Council Ecologist, having considered the Preliminary Ecological Appraisal (PEA) report submitted with the application, requested a map to show as far as possible the extent of habitats on the site. The Agent subsequently submitted an ecology addendum report to clarify the site habitat features remaining following

clearance of vegetation.

The Officer notes from the addendum report dated that vegetation suitable for dormice and nesting birds has been cleared from the immediate site of the application and that any trees that remain are not to be felled. He also notes that the stand of Japanese Knotweed is outside the red line boundary of the application though it is on the wider site. On this basis, the Officer does not raise objections to the application on ecology grounds but advises that should development not take place within two years of the last ecological survey, the site should be re-surveyed and the impact of any proposed development upon nature conservation interests re-assessed.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Cadw raises no objections, commenting as follows:

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site.

It is a matter for the Local Planning Authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas.

The application area is located some 300m southeast of scheduled monument Castell Coch (GM206). This monument comprises the remains of a medieval castle and much later Victorian Gothic-style castle. Situated on a natural ledge of Carboniferous Limestone at the mouth of the Taff Gorge, Castell Coch 'the red castle' commands a highly visible and defensive position with key views from the castle to the northwest and south along the River Taff.

The proposed development comprises a single building. This will be visible from the higher parts of the castle but is not in an identified significant view. It will be seen behind the existing buildings of Castle Farm, The Lodge and Fairways Cottage and will be further screened by existing vegetation. The modern residential development along Castell Coch View will be seen in the background of this view. As such it will be viewed as an infill in the existing modern development to the southeast of the castle and therefore in our opinion will not have an impact on the setting of scheduled monument Castell Coch (GM206)

6.1 Welsh Water/Dwr Cymru requests a planning condition requiring that no surface water and/or land drainage should connect directly or indirectly with the public sewerage network.

7. **REPRESENTATIONS**

7.1 Councillor Mike Jones-Pritchard objects to the application. It should be noted that the Councillor's initial representations were submitted when he was a community councillor for Tongwynlais and prior to his election as the local member for Whitchurch/Tongwynlais Ward. He is of the view that there are inconsistencies

between the reality of the impact of the proposals shown on the submitted drawings and statements about the impact on the village and the other documents submitted in support of the application. He comments that the proposal in no way preserves or enhances the setting of Castell Coch, which is a Scheduled Ancient Monument surrounded by either a SSSI or Local Nature Conservation Site. He comments that the proposal fences off the whole of the site and imposes itself on the surrounding properties, looking down on them with a floor level higher than the top of the roof of the adjoining properties on Mill Road.

He comments that the proposed dwelling is set much higher than other properties, is located at the highest point of the site, with retaining walls to the two lower sides, raising it even more above the existing ground level. Contrary to the assertion in the DAS, he states that the proposal will negatively affect the amenity and privacy of neighbouring properties.

He states that the site was cleared of vegetation with numerous trees felled prior to the ecological survey and that any wildlife requiring preservation had therefore been removed prior to the planning application being made. He comments that many residents will state their experiences of Badgers living on the land, foraging in the gardens around it.

The Councillor asserts that whilst the land has been allocated for housing, very few other aspects of the Local Development Plan relating to the site, the Ancient Monument and good design have been followed.

- 7.2 The Clerk to Tongwynlais Community Council has submitted a petition of containing approximately 160 signatures objecting to the planning application. The Community Council objects to the application for the following reasons (summary):

There has already been an application submitted to Cardiff City Council for a residential development on this land historically, which was rejected.

The plans shows a large area marked as "future residential development", but there are no plans or documentation to support this development making it impossible to calculate the full impact of the proposal.

Having regard to scale of the dwelling and its siting on top of an embankment the overall impact for residents on Mill Road is more reflective of a 5-6 storey building than a two storey house. This will make a very imposing building having a dominating effect on properties on Mill Road, Castle Road, Castell Coch View and Wellington Street.

The proposed dwelling will offer no privacy for any resident to the property and will enable its occupiers to see directly into the rear windows and gardens of properties on Wellington Street.

It is also not in keeping with any other dwelling on Mill Road, Castle Road or Wellington Street, which all have the front elevation facing the road.

To build a property of the size proposed may require building up the embankment to provide support and prevent any subsidence. This would involve using the embankment to the side of the applicant's land which belongs to Cardiff City Council and not the applicant.

Any further development on the plot of land would require a new access road to be cut into the embankment, as the single track lane shown on the plans is not adequate to support traffic from the existing properties, without the added impact of further residential or construction vehicles needing access to the site.

Alongside the area for development is a public footpath that is well used by local residents, as well as tourists to the village who often mistake it for access to Castell Coch. The proposed 1.8 metre fencing will make this footpath into a dark alleyway and completely remove the current open aspect which is an attraction of the site.

The proposed dwelling will not be screened by trees in the surrounding area as the majority have already been removed and destroyed by the applicant. The applicant had begun clearing the area of land prior to ecological and wildlife surveys being conducted, which may be considered to be a deliberate attempt to remove any wildlife and provide misleading information. The area is known to be rich in wildlife with foxes, badgers, hedgehogs, voles, toads and slowworm. Many of these are protected species under the Wildlife and Countryside Act 1981.

The area of land is also known to have Japanese knotweed, which was noted in the ecological survey.

This area of land is one of the remaining green spaces in the village and provides an iconic view of Castell Coch for all who travel to the village and those travelling along the M4 or on the A470. Any development on the land would give the impression that this Ancient Monument is set in amongst a housing estate and would do nothing to preserve or enhance its setting. The scale of the development would impede the view of Castell Coch for residents on Mill Road and Castell Coch View, having a detrimental effect on the enjoyment of the village.

Traffic congestion is problematic in Tongwynlais particularly on Mill Road, which is heavily used by commuters from Caerphilly and those wishing to avoid the M4 and A470. Throughout the day cars are parked on both sides of Mill Road making it difficult for traffic to flow and adding to congestion. Any additional residential development will increase traffic and congestion in what is already a very problematic area and have a negative effect on highway safety.

Any development on this land will have an impact on drainage and would impact on existing drains on Mill Road, Merthyr Road and Wellington Street. . Any surface water run-off from this elevated land may cause potential problems for residents on Wellington Street and Mill Road and could cause a flood risk.

The LDP shows the land as a non-strategic housing site reference H1.9 with an estimate of five dwellings. It is therefore already assumed, prior to the application, that the land is appropriate for housing long before any surveys had been conducted.

Noting the amended plans, the Community Council comments that the proposed dwelling will still be dominating in its intended location and overbearing for properties on adjacent Mill Road and Wellington Street. It states that the design of the property is still not in keeping with other properties in the village and that its objections to the application still apply.

- 7.3 A representation has been received from Councillor Linda Morgan. In summary, she considers that the sheer size and height of the proposed dwelling would be alien to surrounding properties and would not enhance Castle Coch. There is concern that the privacy of nearby properties would be affected and that their outlook would be harmed. It is not considered that the retention of trees (not on the application site) would screen the development, as suggested. It appears to the Councillor that 'planners' have been told to approve the development as all requirements have been met but the Councillor feels that this is not the case stating that the proposal does nothing to preserve or enhance Castell Coch or the character of Tongwynlais.
- 7.4 Some 30 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.

Effects on the character and appearance of the street scene and on the setting of Castell Coch.

The proposed house is out of character with the area. The elevated site and its design/scale is such that it will result in an intrusive development for neighbours and would not be in keeping with other dwellings in the village.

The proposal is not considered to preserve or enhance the setting of Castell Coch and will have a detrimental effect on views of this Listed Ancient Monument.

The field is of strategic value and its visual amenity value of prime importance because of its undeveloped nature affording attractive views of Castell Coch.

Highway safety/traffic concerns.

Additional properties and /or access roads onto Mill Road will exacerbate existing traffic difficulties in the area with consequent safety concerns and risk to pedestrians on the highway and public right of way.

The current access off a narrow drive serves as a public footpath as well as main access route for three existing properties. The drive which is steep and its width allows the use of a single car at any one time and is too narrow for cars and pedestrians to pass safely. Access for construction and delivery vehicles would be difficult and would be likely to disrupt the traffic flow on Mill Road.

Concerns have been submitted regarding access to the 'future development area' stating that such an access would be likely to have sub-standard visibility and would be likely to result in the substantial removal of the existing grassy embankment along Mill Road to the detriment of the surrounding residential area.

Given the alignment of Mill Road in the vicinity of the proposed access and traffic speed along the road, the proposals should be rejected on highway safety grounds.

The proposals should be subject of Road Safety Audit.

Impact on the living conditions of neighbouring and nearby occupiers

The proposed property given its scale and elevated position will be over powering and oppressive for neighbouring and nearby residents, impacting on outlook/views, privacy and light/overshadowing.

Adverse impact on the environment and nature conservation interests.

Many residents have referred to the removal of vegetation and felling of trees from the site prior to the application being made and question the ecological survey submitted in support of the application. Residents refer to the presence or sighting of a wide variety of wildlife in the field and to the loss of wildlife habitat were the development to be permitted.

Drainage/flood risk

There is concern that the proposed development will cause drainage and flood risk issues to nearby properties. Reference is made to already over loaded public drainage system. The application lacks an outline drainage strategy for the foul drainage and storm water runoff from the proposed dwelling or the 'future residential area'.

The field currently provides resilience to local flooding which will be eroded by the proposed development.

Other matters

No details have been provided for the proposed future residential development on the remainder of the field. Consideration should be given to the site as a whole and the implications in terms of access, drainage and visual impact.

The site contains Japanese knotweed.

Reference is made to previous planning applications for residential development on the land which were refused.

No consideration has been given to social housing provision.

Lack of capacity in the local school for additional children.

Reference is made to the Council's duty under the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. The Council has an opportunity to carry out its function in ensuring that this green open space can be enjoyed by future generations.

There have been no site notices erected along Mill Road to advertise the planning application.

- 7.5 Following consultation on amended plans, some twelve further representations have been received objecting to the application. In summary, the objections/concerns are as follows;

There is little change from original plans and previously submitted objections remain;

The site is located in an area sensitive to development, on the southern slopes of Castell Coch, which is a scheduled ancient monument, and close to a Special Area of Conservation and a Site of Special Scientific Interest (SSSI).

The proposed dwelling will be prominent, over-bearing and will detract from the visual amenity of immediate neighbours and from further afield;

Permitting the development will lead to a presumption of further development even though historical planning records show earlier refusal on grounds of site sensitivity, amenity and highway considerations;

The building will deprive views of Castell Coch to passers-by including the many tourists who visit the monument;

Adverse effects on highway safety and convenience of road users. Any further access on to Mill Road would pose significant dangers due to existing heavy traffic and parking demands and the alignment of the road;

The potential spreading of Japanese knotweed across the site and neighbouring gardens;

The content of the ecology survey is questioned. Destruction of habitats for a wide variety of wildlife:

Loss of privacy;

Drainage/flooding concerns remain.

- 7.6 Councillor Mike Jones Pritchard, having looked at the amended planning documentation, is of the view that whilst officers have been successful in getting improvements, there are still inconsistencies between the reality of the impact of the proposals shown on the drawings and the statements about the impact on the village and the other documentation submitted. The Councillor states that in general, his representations made previously still stand (refer to section 7.1). However, he has submitted further updated comments, having regard to the amendments, which he advises are also from all four ward councillors. A copy of the comments can be viewed on the Council's website. In summary, the concerns are as follows:

The proposed dwelling is shown with the eaves facing Mill Road, and just 9 metres behind the existing boundary fence, to be around 5.5 metres above finished ground floor level, but that is on top of the embankment. The grass bank adjoining the site is another 6 metres above the footpaths on Mill Road. Adding these means that the overall impact is 12 metres to the eaves, and approximately 16 metres to the ridge. This is the equivalent of over a 5 storey building, rather than a two storey house just 38 metres away.

Even the view of the site when looking from Castle Road, further up the hill, is that of a 12 metre high building and ridge line, set well above the levels of the road.

The main elevation impacting the public highway is noted as being the rear elevation, whereas as all the other properties in the vicinity, have their front elevations facing the public highway. This rear elevation comprises a large expanse of white render, a door to the utility room and small windows to the utility, four bathrooms, one bedroom and the garage. The elevation facing up Mill Road is an improvement on the original with more variation and less render.

1.8 metre high timber fencing was shown to the whole of the boundary of the public right of way although this appears to have been removed. The impact of this would make the public right of way more of a dark alleyway and completely remove the open aspect of the site as it is now. Likewise, if 1.8 metre high fencing is erected on the boundary, it will remove the open aspect currently enjoyed which will impact

negatively on the residents and users of Mill Road. The erection of such boundary treatments will also obstruct views of Castell Coch and will not preserve or enhance the setting of the Listed Building.

Should Committee agree with the recommendation and permit the application, a condition is requested restricting the height of boundary treatment, including hedges or trees. It should be noted that the trees remaining on the boundary, and not felled in advance of the planning application now form a high dark barrier, at odds with the open aspect of the rest of the site and severely restrict the daylight and sunlight to properties on Mill Road. They also restrict the views of Castell Coch from many positions, including from the first floor of houses on Castell Coch View. The high hedges Act, which is meant to provide protection from this form of hedge, does not help the residents of Mill Road, that are directly affected, as the highway between them and the trees means that they do not share a boundary. It is therefore down to a planning condition to prevent a similar situation being created by the owners or occupants of any houses on the site.

The proposed dwelling, located as shown, is not subservient and does not set itself into the scenery. On the contrary, it is large, intrusive, inappropriate and set very much higher than the surrounding land and properties on Mill Road, such that it is nowhere near a similar scale and is detrimental to the character of the area.

The proposed dwelling is set much higher than other properties and it is located at the highest point of the field.

The proposals will negatively affect the amenity and privacy of neighbouring properties. The impact of the proposal on Castle Farm and adjoining properties may be minimised, as they are at similar levels, but the scale and massing is totally different and inappropriate. From the properties on Mill Road, opposite the site, the impact will be virtually equivalent to a more than five storey building set less than 40 metres away or just 20 metres from the footpath of Mill Road. Concern has also been raised by the residents of Castle Farm as to the minimum distances for privacy from habitable rooms being less than recommended.

The site was cleared of all vegetation and left as topsoil. Numerous trees were also felled in the months prior to the inspections being undertaken. Any wildlife requiring preservation had therefore been deliberately removed prior to the application being made. Many local residents will state their experiences of Badgers living on the site and foraging in the gardens around it. The stand of Japanese Knotweed is also within the site and not outside it.

The LDP shows the site, incorporating both red and blue bordered elements of land, including that noted as Future Residential Area, as a non-strategic housing site, reference H1.9 in the LDP, with an estimate of five units. It is therefore already agreed that the site is appropriate for housing. The application makes much of this and seems to make a case that the approval is also a foregone conclusion, also stating, that Cardiff's supply of housing is a material consideration. It is not considered that this should be a reason to permit this single large property in an inappropriate location.

The tree and ecological surveys only refer to the condition of the land at the time of the survey. This might be seen to be deliberately misleading as they were both undertaken after the site had been cleared of virtually all growth, by heavy machinery, and a large number of trees had been felled.

The proposal does not preserve or enhance the setting of Castell Coch, let alone the local environment and character of Tongwynlais. The majority of properties in the vicinity are small scale, with fronts facing public streets and with relatively low eaves appropriate to a domestic two storey properties.

Whilst the application makes reference to Castell Coch, it also states that it is over 300 metres away and virtually dismisses the Castle and the need to “preserve or enhance” the setting of the Listed Building and Ancient Monument.

Whilst the land has been allocated for housing, very few other aspects of the LDP relating to this site, the Ancient Monument and Listed Building, and good design, have been followed.

8. **ANALYSIS**

8.1 This application was deferred by Planning Committee at its meeting on 7th February, 2018 in order to undertake a site visit. The visit took place on Monday, 26th February and the application is now reported back for determination.

8.2 Full planning permission is sought to construct a two storey detached dwelling on land off Mill Road, Tongwynlais.

8.3 The main planning issues are considered to relate to:

- (i) the effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers;
- (ii) the effect on the setting of Castell Coch; a scheduled ancient monument;
- (iii) the acceptability of the proposed parking/access arrangements;
- (iv) the effect on trees of amenity value;
- (v) the effect on nature conservation interests;
- (vi) whether the proposed development will provide an acceptable living environment for prospective occupiers;
- (vii) drainage/flood risk.

8.4 The site lies within the settlement boundary and is allocated as a non- strategic housing site under Policy H1: Non-Strategic Housing Sites of the adopted Cardiff Local Development Plan. The principle of residential development has therefore been established. Planning Policy Wales advises 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 urban sprawl*’. As an allocated housing site within the Local Development Plan, the application is considered to contribute to this objective. The site is not subject to any statutory or non-statutory ecological or landscape designation or tree preservation orders. Castell Coch, which is a Scheduled Ancient Monument (SAM) is located on elevated ground some 300 metres to the north west of the site separated by existing residential properties and Castell Coch Golf Course. Policy KP17 of the LDP seeks to protect and enhance the character and setting of SAM’s.

8.5 Policy KP5 of the Local Development Plan : states that... *all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by* (inter alia):

(i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;

(x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities.

8.6 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: Cardiff Infill Sites (November, 2017).

8.7 At paragraph 3.5 the SPG states that:

Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.

8.8 At paragraph 3.8 the SPG states that:

Infill development needs to be sensitive to its context. It is important that in residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatments (e.g. gates, railings, walls and hedges) complement the character of the surroundings.

8.9 At paragraph 4.1 the SPG states that:

Any infill, backland or site redevelopment must consider both the new and future occupiers' amenity, as well as the amenities available to neighbouring residents.

8.10 At paragraph 4.11 the SPG states that:

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

8.11 The proposed house would not be dissimilar in scale to the nearby Castle Farm and The Lodge. However, given the elevated nature of the application site, it was of concern that the building, as initially proposed, would have been unduly prominent within the street scene fronting Mill Road. Whilst it is acknowledged that degree of setback from the embankment would offset this impact, it was considered necessary to seek revisions to reduce its overall massing. Following discussions with the agent, the application has been amended with a view to reducing its visual effect. To this end, key changes include the reduction in the finished floor level of the proposed building and amendments to the elevations, and, in particular to the roof design. On balance, and subject to further appropriate landscaping, the revisions are considered to have satisfactorily addressed the concerns outlined above.

8.12 The application area is located some 300m southeast of Castell Coch. With regard to the effect of the proposed development on its setting, Cadw has assessed the views from the Castle and has concluded that the development would not adversely affect the setting of the monument (refer to section 6.1). Views towards the Castle can be enjoyed from a very wide area and it will not be

possible to protect every one of these indefinitely. With regard to the current planning application, views to Castell Coch will remain from the southerly end of the allocated housing site. The impact on views of the Castell resulting from the development of the wider housing site will need to be assessed in consideration of a further planning application.

- 8.13 With regard to the likely effect on the living conditions of neighbouring occupiers, the proposed dwelling would be sited approximately 19.0 metres from the neighbouring property (Castle Farm) at its nearest point and would occupy a lower ground level to the south east of this property. It is not considered that such a relationship would be unduly overbearing or dominating.
- 8.14 Whilst there would be a significant difference in levels between the floor level of the proposed dwelling and the neighbouring houses in Wellington Street to the south (as illustrated on the site section plans), a distance of approximately 50.0 metres would separate the southern elevation of the proposed house and the rear garden boundaries of the nearest properties in Wellington Street. A distance of approximately 58.0 metres would separate the rear elevation of the proposed house and the side elevation of 19 Mill Road which adjoins the south eastern corner of the allocated housing site. These distances significantly exceed the recommended guidelines set out in the Council's approved Infill Sites SPG to allow for adequate privacy for the occupiers of the proposed buildings as well as for neighbouring properties.
- 8.15 Several occupiers in Mill Road have expressed concerns that the proposed house would be at such an elevation that it would be overbearing and result in a loss of light. The amended section plan shows that the proposed dwelling would occupy a ground level approximately 6.0 metres above that of the nearest house on the opposite side of the Road (46 Mill Road). However, a distance of approximately 38.0 metres would separate both properties. Notwithstanding the difference in elevation between both sites, this should ensure no significant overshadowing issues that would justify the refusal of the application on this ground.
- 8.16 Although the Mill Road site is allocated for housing in the Cardiff Local Development Plan, detailed proposals for houses on the wider allocated site would need to be the subject of a further planning application. The effect on the living conditions of neighbouring occupiers would form part of the assessment of such an application.
- 8.17 The Operational Manager, Transportation has raised no objections to the proposed dwelling on highway safety and parking grounds. He notes that access to the proposed new dwelling is via an existing shared private drive off Mill Road which currently serves three dwellings. He is satisfied that visibility at its junction with Mill Road is adequate and advises that he has no objection to its serving one additional dwelling.
- 8.18 The Officer advises that the proposed off street parking provision is satisfactory and seeks a condition to ensure its future retention. Whilst he notes the highway/traffic concerns raised by local residents, and, in particular, access to the 'future residential development', he comments that this area is not within the red line boundary and does not comprise part of the current application which must therefore be determined on its own merits. He states that the Council's policies enable up to 5 dwellings to be served off a shared private drive; a

number which will not be exceeded as a consequence of the current application, and an objection on highway grounds to this limited increase in use of the existing access would therefore be very difficult to sustain.

- 8.19 The Officer advises in response to an objectors' comment regarding the need for Stage 1 and 2 Road Safety Audits that whilst such Audits may be appropriate for larger scale developments, to require them in association a development of only a single dwelling would be excessively onerous and unnecessary.
- 8.20 Although an indicative access off Mill the Road was shown on an initial plan submitted with the application to serve the remainder of the allocated housing, development on this part of the allocated site does not form part of the current planning application. Detailed proposals for houses on the wider allocated site would need to be the subject of a further planning application. The acceptability of the access would form part of the assessment of such an application taking account of the alignment of Mill Road and any other matters that may impact on visibility.
- 8.21 The Public Rights of Way Officer has been involved in discussions on the application with a view to ensuring that the proposed development retains an acceptable relationship with the PROW which runs along the access lane and adjacent to the site.
- 8.22 The site has been the subject of significant clearance of vegetation. A Preliminary Ecological Appraisal and subsequent Ecology Addendum Report has been submitted in support of the planning application. The latter report has been provided following a request for further information by the Council's Ecologist regarding any remaining ecological habits on the site, mitigation for dormice, and assessment of potential bat roost features in trees on the site. The Ecologist, having considered the application and supporting documents, raises no objection to the approval of the application on nature conservation grounds. The Officer advises that should development not take place within two years of the last ecological survey, the site should be re-surveyed and the impact of any proposed development upon nature conservation interests should be re-assessed.
- 8.23 The Tree Officer has advised that subject to development being undertaken in accordance with an approved Arboricultural Method Statement and Tree Protection Plan, unacceptable harm will not result to trees of amenity value. Subject to appropriate conditions, including the approval of a planting scheme for the site, no objections are raised on tree/landscaping grounds.
- 8.24 With regard to living environment for prospective occupiers, the Infill sites SPG advises that the size and type of external amenity space should be appropriate to the type of development and to the urban grain of the area. The proposed garden significantly exceeds the minimum size requirements set out in the Infill Sites SPG.
- 8.25 The application site falls below the threshold for consideration of affordable housing. However, this matter will require assessment in regard to the remainder of the allocated housing site.
- 8.26 No technical objections have been raised by Welsh Water/Dwr Cymru or by the Council's Drainage Officer to the approval of the application on drainage grounds. An appropriate drainage condition is recommended.

- 8.27 On balance, the proposal, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions.

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*

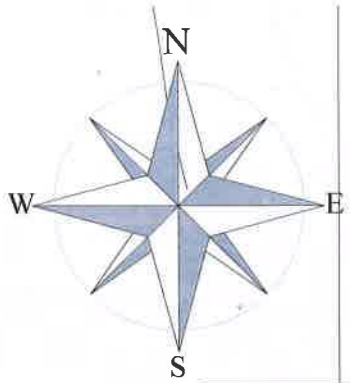
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in 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.

9.4 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.



- Site Key**
- Line of public right of way
 - Line of 450mm high knee rail
 - Line of 1.8m high chain link fence
 - 1.8m Close Board Fence
 - 0.9m High Timber Ranch Rail
 - Retaining Wall
 - x Personnel Gate
 - Parking Space
 - Parking - Tarmac
 - Private footpaths - Grey Concrete slabs
 - Proposed Landscaping & Trees
 - Trees/hedge to be removed
 - Existing trees/hedges.

| | | |
|------|---|------------|
| REV. | DESCRIPTION | DATE |
| G. | Amendment to development boundary, landscaping and footpath width. | 08.12.2017 |
| F. | Amendment to Bedroom 3 and Garage windows. | 20.10.2017 |
| E. | Adjustments to boundaries and footpath details. | 17.06.2017 |
| D. | Adjustments to boundaries and footpath details. | 14.06.2017 |
| C. | Public footpath and site boundary details added. | 26.05.2017 |
| B. | Amendment to position of garden retaining wall. | 26.04.2017 |
| A. | Adjustments to the roof design and ground floor FFL dropped by approximately 300mm. | 27.04.2017 |

| REV. | DESCRIPTION | DATE |
|-------------------------|-----------------|-----------------|
| CLIENT | | |
| MR J LLEWELLYN. | | |
| JOB TITLE | | |
| MILL ROAD, TONGWYNLAIS. | | |
| DRAWING TITLE | | |
| Site Plan | | |
| SCALE | | |
| 1:500@A2 | DATE | DRAWN BY |
| | Dec 2016 | |
| DRAWING NO. | | |
| 1664/SP-01 | REVISION | DATE |
| | G | |

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Figured dimensions must be taken in preference to scaled dimensions and any discrepancies are to be referred to Hammond Architectural Ltd. Contractors, subcontractors and suppliers must verify all dimensions on site before commencing any work or making any workshop drawings.





FRONT ELEVATION



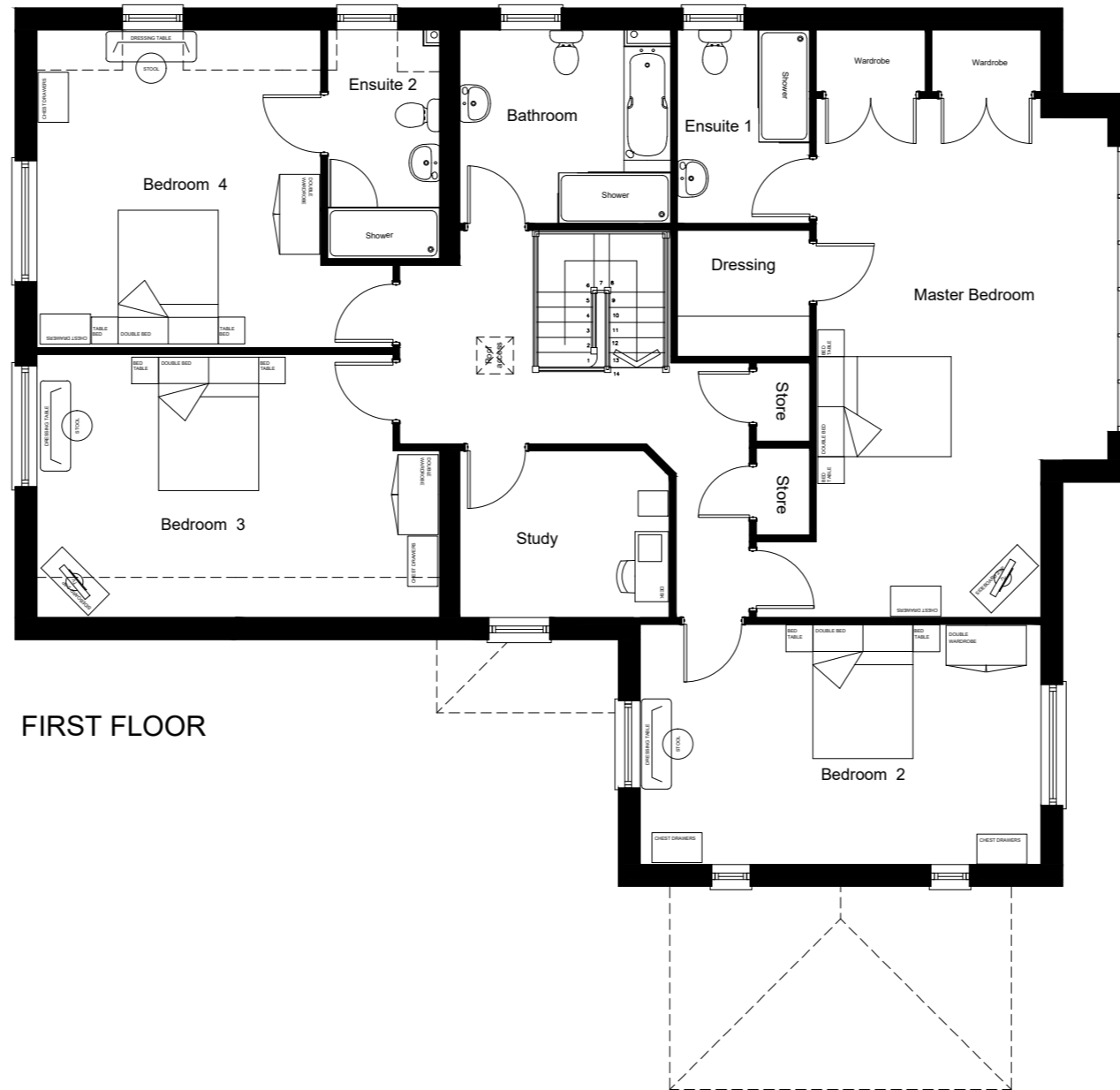
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR



FIRST FLOOR



SIDE ELEVATION



External Finishes Specification

Roof Finishes:
Roof finish to be Marley Rivendale slates or similar, with terracotta ridge tiles.

External Walls:
Walls: To be finished in a white render with detailing in Forticrete Premier Pentstone reconstituted stone in cottage face finish or similar approved.

Windows/Conservatory:
uPVC double glazed dark brown woodgrain effect.

Doors:
GRP insulated dark brown woodgrain effect.

Fascia/Soffit:
uPVC dark brown.

Rainwater Goods:
Gutters to be 1/2 round dark brown uPVC
Downpipes to be round dark brown uPVC

Heads and Cills:
Reconstituted stone buff colour.

Garage Door:
Dark brown woodgrain finish.

A. Windows for Bedroom 2 and Study amended to lower fixed with top-hung vent and obscure glazing. 15.02.2018

REV. DESCRIPTION DATE

CLIENT
Mrs J LLEWELLYN.

JOB TITLE
MILL ROAD, TONGWYNLAIS.

DRAWING TITLE
House Plans & Elevations

SCALE DATE DRAWN BY
1:100@A2 Dec 2017 .

DRAWING NO. REVISION
1664/HDS/204 A

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HOUSE TYPE AREA

M² = 283 Ft² = 3046

Measured structurally between inner faces of blockwork & excludes any integral garage

GARAGE AND STORE

M² = 47 Ft² = 506

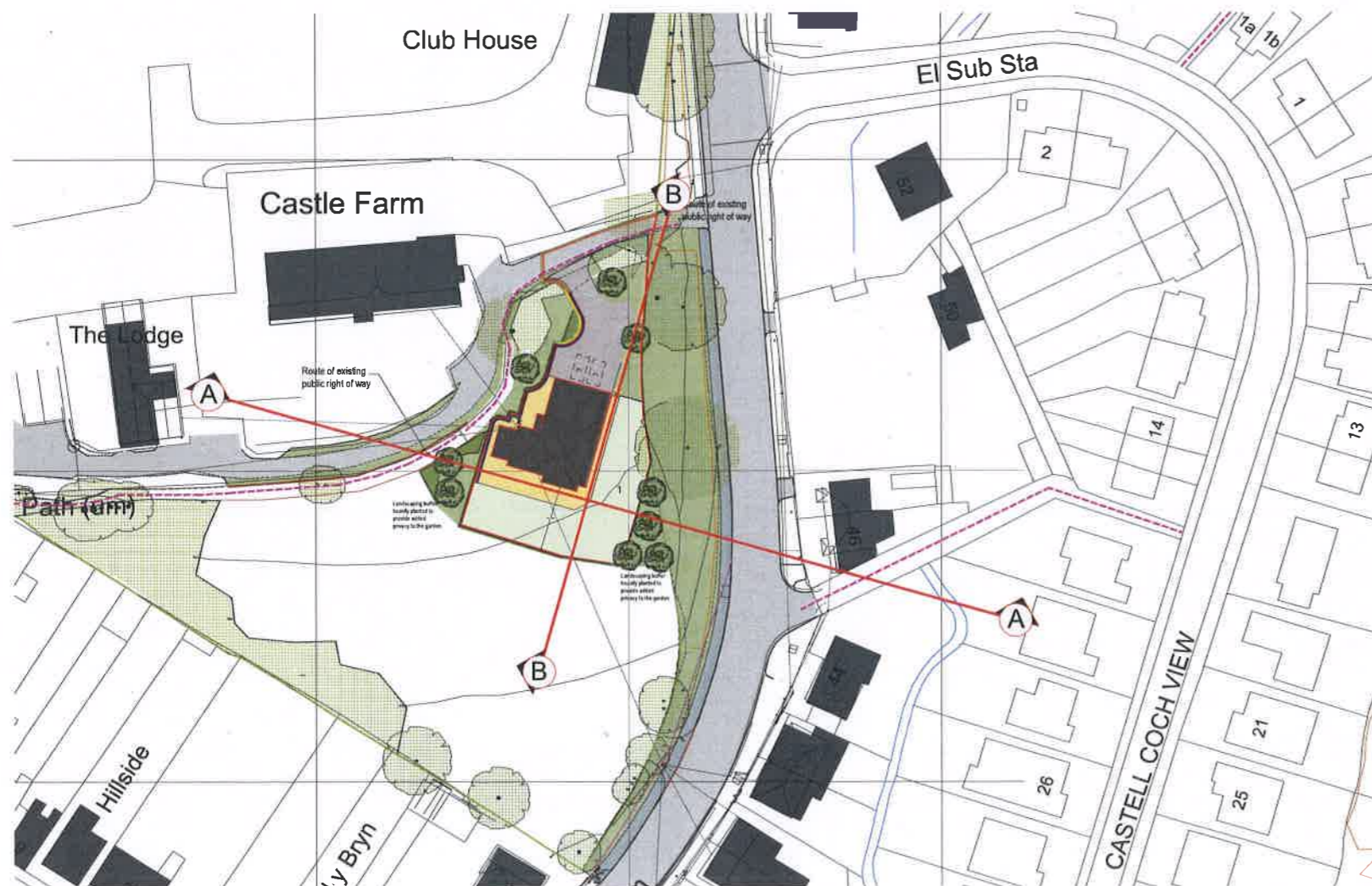
Measured structurally between inner faces of blockwork & excludes any integral garage



Section A-A



Section B-B



Site Plan (1:500)

| REV. | DESCRIPTION | DATE |
|------|--|------------|
| D. | Adjustments to boundaries and footpath details. | 12.12.2017 |
| C. | Adjustments to boundaries and footpath details. | 17.06.2017 |
| B. | Adjustments to boundaries and footpath details. | 14.06.2017 |
| A. | House design amended and ground floor slabs level dropped by 800mm | 25.05.2017 |

| REV. | DESCRIPTION | DATE |
|------|-------------|------|
|------|-------------|------|

CLIENT
MR J LLEWELLYN.

JOB TITLE
MILL ROAD, TONGWYNLAIS.

DRAWING TITLE
Site Sections

SCALE
1:200@A1

DATE
Nov 2016

DRAWING NO.
1664/CS-01

REVISION
D

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Castle Farm



Site Key

- Line of public right of way
- Line of 450mm high knee rail
- Line of 1.8m high chain link fence
- 1.8m Close Board Fence
- 0.9m High Timber Ranch Rail
- Retaining Wall
- Personnel Gate
- Parking Space
- Parking - Tarmac
- Private footpaths - Grey Concrete slabs
- Proposed Landscaping & Trees
- Trees/hedge to be removed
- Existing trees/hedges.

Route of existing public right of way

Landscaping buffer heavily planted to provide added privacy to the garden

Landscaping buffer heavily planted to provide added privacy to the garden

SCALE BAR



| C | Amendment to development boundary, landscaping and footpath width | 08.12.2017 |
|-----|---|------------|
| E | Amendment to Backdoor 3 and Garage windows | 20.10.2017 |
| A | Adjustments to boundaries and footpath details | 17.03.2017 |
| REV | DESCRIPTION | DATE |

CLIENT
MR J LLEWELLYN.

JOB TITLE
MILL ROAD, TONGWYNLAIS.

DRAWING TITLE
Site Layout

SCALE
1:200@A2

DATE
Aug 2017

DRAWING NO.
1664/SL-01

REVISION
C

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