LOCAL MEMBER OBJECTION

COMMITTEE DATE: 19/12/2018

APPLICATION No. 18/02484/MNR APPLICATION DATE: 23/10/2018

ED: LISVANE

APP: TYPE: Full Planning Permission

APPLICANT: Mr & Mrs Hughes

LOCATION: 4 GRAIG VIEW, LISVANE, CARDIFF, CF14 0TG

PROPOSAL: DEMOLITION OF EXISTING SUB-STANDARD HOUSE,

CARPORT, AND OUTHOUSES. CONSTRUCTION OF 2 SMALL DETACHED PROPERTIES WITH INTEGRAL

GARAGES

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

1. C01 Statutory Time Limit

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 42017:08
 - 42017:09 Rev A
 - 42017:02
 - Arbtech Bat survey Preliminary Roost Assessment and mergence Survey dated 12th October 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. 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. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, hard surfacing materials, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods) and an implementation programme. The landscaping shall be carried out in accordance with the approved design and implementation programme. 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.
- 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 finalised Tree Protection Plan (TPP) in the form of a scale drawing showing the 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. If site clearance in respect of the development hereby approved does not commence within 2 years from the date of the most recent survey for bats, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes.

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

- 9. 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), there shall be no extension or roof alteration of either dwelling hereby approved.
 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.
- 10. 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.
- 11. 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.

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

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

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

13. 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.

14. Prior to the erection 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 to the local planning authority. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: 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.

- 15. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
 - Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
- No development shall take place until details showing the provision of cycle parking provision have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose. Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
- 17. The first floor windows in the side elevations of the dwelling units shall be non-opening below a height of 1.8 metres above internal floor level, glazed with obscure glass and thereafter be so maintained.
 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: 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 to secure the consent of the Operational Manager, Asset Management (via 'highwaysnetworkmanagement@cardiff.gov.uk') prior to undertaking any works within the adopted highway in relation to the proposed crossover.

RECOMMENDATION 5: The applicant is advised that developers of all new residential units—are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500. With regard to demolition, as mentioned in section 3.11 of the Council's Waste Collection and Storage Facilities Supplementary Planning Guidance, it is considered best practise to have a Site Waste Management.

RECOMMENDATION 6: Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or

construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

RECOMMENDATION 7: The applicant is advised to incorporate the bat enhance measures (two bat access slate tiles incorporated into each dwelling house) specified in section 4.2 of the Arbtech Bat survey Report) prior to beneficial occupation.

1. <u>DESCRIPTION OF PROPOSED DEVELOPMENT</u>

- 1.1 This application relates to the site of large detached property located within a cul-de-sac at Graig View, Lisvane where planning permission is sought to demolish the dwelling and construct two smaller 4no.bedroom properties.
- 1.2 A previous planning application for two detached houses on the site was refused permission on 18th December,2017 as it was considered that the proposal would have had an overbearing and dominating effect on the occupiers of the neighbouring properties at 3 Mill Place and 3 Graig View. The decision was appealed against and the appeal was subsequently dismissed by the Planning Inspectorate. The current application seeks to overcome the previous reason for refusal.
- 1.3 The proposed dwellings are of the same design and appearance, with a slightly staggered footprint and set further back into the site than the existing house. The dwellings rise to a height of approximately 7.0 metres to the ridge of a hipped roof. The proposed design incorporates projecting garage elements on the front elevation and single storey extensions on the rear elevations. Proposed materials comprise light coloured render for the elevations and blue black cement roof slates.
- 1.4 The sub-division of the site, as proposed, provides a rear garden area of approximately 209sq metres for the southernmost dwelling (plot 1) and 180sq metres for the northernmost dwelling (plot 2).
- 1.5 A Preliminary survey of bat roost potential concludes that there is a likely absence of roosting bats in the building and that no further evaluation should be necessary to allow a planning consent decision. It does, however, recommend that two "Habibat"1 bat access slate tiles be incorporated into each of the newly formed dwellings as a positive biodiversity enhancement measure.
- 1.6 The application is also supported by a Tree Report.

- 1.7 Having regard to the Inspector's conclusions on the appeal, the agent states that the current proposal shows:
 - *i)* two smaller dwellings;
 - ii) a shortened two storey side wall facing 3 Mill Place;
 - the shortened two storey side wall being moved over 5m towards the road and out of the field of view from the rear of 3 Mill Place;
 - iv) the properties now being in a light coloured render finish rather than brick; v) the ridge line of the proposed house at plot 2 being 500mm lower than that of the existing house and some 5.0m away from the side boundary with 3 Mill Place. This compares to the higher ridge line of the existing property which is only 0.75m away from that side boundary.
- 1.8 The proposed units are set the further back into the site than the existing house such that the main front elevations will be positioned approximately 8.0 metres from the back edge of footway.
- 1.9 The proposed single storey projection at the rear of plot 2 is shown to extend approximately 4.2 metres beyond the rear elevation of 3 Graig View, which adjoins the application site to the north. The main two storey element is shown to be broadly in line with the rear elevation of this neighbouring property. In the previous planning application, the proposed dwelling at plot 2 was shown to extend approximately 3.3 metres beyond the rear elevation of the neighbouring house at two storey scale. The main two storey side elevation of the existing house projects approximately 3.8 metres beyond the front elevation of 3 Graig View with a single storey element extending beyond this. The proposed dwelling at plot 2 will also extend approximately 3.8 metres beyond the neighbour's front elevation and the proposed structure will be a similar distance from the boundary as the existing house.
- 1.10 To the south, the application site adjoins the side and rear garden of 3 Mill Place; a two storey dwelling dating from the 1960's with a 'butterfly' style roof. This neighbouring property is orientated at almost 45 degrees to the boundary with 4 Graig View.
- 1.12 The application is supported by plans which compare the siting of the existing house with the proposed dwellings and the previously refused scheme in context with the neighbouring properties on either side.
- 1.13 The boundary between 4 Graig View and 3 Mill Place is shown to be approximately 27.2 metres in length. The proposed dwelling at plot 1 is shown to be constructed approximately 1.0 metre from this boundary which is comparable to the existing distance. It will project approximately 2.6 metres beyond the rear elevation of the existing house. This compares to a projection of approximately 7.6 metres for the proposed dwelling in the previously refused scheme.
- 1.14 At the front, the two storey element of the proposed dwelling will extend approximately 1.4 metres beyond the main front elevation of the existing house (i.e., excluding its 6.0 metre long car port). This is approximately 4.4 metres further

forward than the proposed dwelling in the previously refused scheme. The two storey side elevation of the proposed house is approximately 11.5 metres in length. This compares to a length of approximately 7.5 metres for the existing house. The ridge height of the proposed house, at approximately 7.0 metres, is shown to be some 500mm lower than the ridge of the existing house. The proposed roof design incorporates a hip and this high point will be approximately 5.0 metres away from the side boundary with 3 Mill Place. As the existing house has a pitched roof, its higher ridge line is much closer to the side boundary.

- 1.15 An outbuilding located at the rear of the house and sited close to the boundary would be removed as part of the proposed development.
- 1.16 The southern boundary of the application site also adjoins the rear garden of 5 Mill Place. The rear corner of the proposed dwelling at plot 1 would be positioned approximately 7.0 metres from the north western corner of the neighbour's garden. This compares to a distance of approximately 2.0 metres for the proposed dwelling in the previously refused scheme.
- 1.17 The eastern boundary of the application site adjoins the rear gardens of no.1 Cherry Tree Close and nos.6 and 8 Rowan Way. The two storey rear elevations of the proposed dwellings would be sited between 18.0 metres and 23.0 metres from this boundary.
- 1.18 The two storey front elevations of the proposed dwellings are shown to be sited between 22.5 metres and 23.4 metres from the houses on the opposite side of the Close.

2. **DESCRIPTION OF SITE**

- 4 Graig View comprises a relatively large, two storey pitched roof property located in a small cul-de-sac accessed off Mill Place. The other properties also comprise two storey pitched roof houses although they are not of uniform appearance. No.4 is positioned forward of its neighbour at 3 Graig View and has a large single storey car port projection.
- 2.2 To the south, the application site adjoins the side and rear garden of 3 Mill Place: a two storey dwelling dating from the 1960's with a 'butterfly' roof. This neighbouring property is orientated at almost 45 degrees to the boundary with 4 Graig View.
- 2.3 Proposed materials in the Close comprise a mix of render and buff/yellow coloured stonework (cladding).

3. **SITE HISTORY**

3.1 Demolition of existing sub-standard house, carport and outhouses and construction of 2no.detached two storey properties with car parking and gardens: The application was refused on 18th December, 2017 for the following reason:

The proposed development, by virtue of the siting and scale of the proposed dwellings would be likely to have an overbearing and dominating effect on the

occupiers of the neighbouring properties at 3 Mill Place and 3 Graig View. As such, the proposal would be contrary to advice contained in Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan, paragraph 4.11 of the Cardiff Infill Sites Supplementary Guidance (November, 2017) and paragraph 9.3.3 of Planning Policy Wales (Edition 9, 2016).

The Council's decision was appealed against and subsequently dismissed.

4. **POLICY FRAMEWORK**

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

KP5: Good Quality and Sustainable Design;

KP15: Climate Change;

EN13: Air, Noise, Light Pollution and Land Contamination;

T5: Managing Transport Impacts; EN10 (Water Sensitive Design);

EN7: Priority Habitats and Species;

EN8: Trees, Woodlands and Hedgerows;

4.2 Supplementary Planning Guidance: Cardiff Infill Sites (November, 2017)

Supplementary Planning Guidance: Managing Transport Impacts (2018);

Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016)

Supplementary Planning Guidance: Green Infrastructure (November, 2017)

- 4.3 Planning Policy Wales Edition 10 (2018):
 - 1.17 Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.
 - 2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. 3.6 Development proposals must address the issues of inclusivity and accessibility for all
 - 3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.
 - 3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.
 - 3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.
 - 3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.
 - 4.1.34 New development must provide appropriate levels of secure, integrated,

convenient and accessible cycle parking and changing facilities.

- 4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.
- 4.1.53 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.
- 4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.
- 4.2.23 Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.
- 6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.
- 6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function.
- 6.6.27 Planning authorities should be aware of the risk of surface water flooding and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS.

5. INTERNAL CONSULTEE RESPONSES

5.1 The Operational Manager, Transportation raises no objections on highway safety and parking grounds commenting as follows:

The proposal relates to the demolition of a large detached property, to be replaced by two detached 4-bedroom dwellings.

The existing house has a driveway/dropped kerb access onto Graig View, and this would be replaced with 2 separate driveways/dropped kerbs. This is considered acceptable, although a vehicle crossover license would be required. It is proposed that each dwelling has an integral garage with an additional on-plot space available on the driveway. This is in line with parking standards. It is considered that the access and vehicle parking aspects of the proposal are acceptable.

Cycle parking will be required at the amount of one space per bedroom, and this will need to be secure, covered and accessible. The DAS indicates that there will be room in the rear of the properties, and whilst this is likely to be the case, the cycle parking/storage will need to be suitably accessible from the public highway with adequate widths provided and not too distant from the house. A cycle parking condition is recommendation for approval.

Comments on the transport-related points raised by objectors as follows:

- i) It is not considered that a single additional dwelling at the site will materially change the traffic and parking issues on the street or result in safety concerns related to parent parking associated with the primary school.
- ii) Each dwelling will have 2 on-plot spaces, which is the maximum allowed according to the adopted standards and the loss of on-street parking as a result of the proposal is minimal.
- 5.2 The Operational Manager, Environment (Pollution Control) recommends several standard conditions/ informatives relating to the importation of materials and contamination.
- 5.3 The Operational Manager, Waste Management provides guidance on appropriate refuse storage requirements for the dwelling as follows:
 - 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)

The storage of which should be sensitively integrated within the design.

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 Drainage Engineer notes that the applicant has provided insufficient detail relating to either flood risk or surface water drainage proposals.

The Officer recommends that if the local planning authority is minded to grant planning permission the following condition the following condition should be attached.

No development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall include an assessment of the potential disposal of surface water via sustainable means. Where a sustainable drainage scheme is to be provided the submitted detail shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measure taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a period for its implementation; and
- iii. Provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or

statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water/Dwr Cymru advises that no surface and /or land drainage should connect with the public sewerage network.

7. **REPRESENTATIONS**

- 7.1 Councillor Walker objects to the application. The Councillor considers that the two properties proposed to replace the existing single dwelling would result in an unneighbourly and overbearing outcome for nearby neighbours.
- 7.2 The Occupiers of 2 Graig View object to the application for the following reasons (summary):

It is noted that note that the amended application does nothing significantly different from the original plans and planning application. The occupiers therefore wish to repeat their main objection which is the overbearing effect that the proposal will have on local residents, replacing one house with two houses. The occupiers state that the proposal would result in a 25% increase in the number of houses in Graig View, will significantly alter the nature of the Close and affect the privacy and the amenity of the neighbours. They comment that the proposed shape of the proposed properties is totally out of keeping with others in the near vicinity where buildings are generally wide fronted.

They state that number 4 Graig View is appropriately sized for one dwelling not two and should be refurbished rather than knocked down. They comment that the building of 2no.four bedroom houses will significantly increase the density of a small close and not in any way safeguard the amenity as existing residents.

They comment that the proposed development is close to the local primary school and will increase the already hazardous parking by parents whilst dropping off their children in Mill Place which spills into Graig View daily. The occupiers are concerned that an additional household will add to this congestion and safety of people who live in Graig View.

- 7.3 The occupier of 5 Mill Place objects to the application on the grounds that the proposal is not in keeping with the character of the area and is also unneighbourly, impacting significantly on the living conditions of neighbouring residents with increased noise, disturbance and loss of privacy. The occupier comments that any development of the property should take place within the boundary of the existing building.
- 7.4 The occupier of 3 Mill Place has submitted copies of previous letters of objection in respect of planning application 17/02023/MNR and a further letter of objection in relation to the current planning application. In summary, the occupier's objections are as follows:

The occupier would like to endorse previous and any further objections made by the neighbouring property owners and other interested parties.

The revised plans are noted. However, the occupier states that whilst the foot print of the new dwelling encroaches less onto the outlook of 3 Mill Place than the original proposed plan, the overall effect still remains domineering and unduly intrusive. This is because the side elevation will consist of dominating solid wall that extends out further on both sides than the current arrangement. The occupier comments that the new rear elevation will encroach into the existing outhouse, whereas currently there is a first floor outcropping from the existing house, which allows for a broken view and the outhouse is presently a low level structure.

The occupier states that whilst it is a single story set back structure, the proposed day room will still encroach into the sight lines, and, depending on window height, may also have a view into the back garden and ground floor windows.

The rear outlook of 3 Mill Place is angled so as to specifically create an outlook that does not take in number 4 Graig View. The new plan will significantly encroach into and narrow this field of view in an intrusive manner and the extension of the frontage of the property will close off existing light and view to the side of the rear garden further increasing the dominating impact compared to the existing arrangement.

The occupier states that the plans do not specify whether the ground floor windows overlooking 3 Mill Place are to consist of obscured glass. Presently the ground floor windows are clearly higher than the boundary fence, and the new ones would also be able to see into the property.

The occupier reiterates all previous relevant objections and draws attention to the various references made to applicable planning guidance etc. These should be considered in the context of the context of the revised plans.

It is noted that neighbouring property owners have reiterated concerns about the departure from the intended design character of the neighbourhood; namely wide fronted single house plots and other impacts, such as those on, density, congestion, etc. The occupier endorses these objections.

The occupier wishes to formally record that the fence at the rear of her garden is not sitting on the legal boundary between the two properties. She states that husband granted the former owner a licence to position the fence 6 inches into no.3 Mill Place land to allow greater access along the side of the house. This licence no longer subsists, and the present plans and any building works, including a new party fence, should recognise the correct property line.

7.5 Objections have been submitted by the son of the occupier of 3 Mill Place on her behalf raising the following concerns (summary):

The separate letter of objection from the objector's mother is fully endorsed. The objector has submitted copies of previous letters of objection in respect of planning

application 17/02023/MNR and reasserts the grounds set out in those letters where they remain applicable to the current application.

The occupier wishes to adopt and endorse the previous and any further objections made by the neighbouring property owners and other interested parties. It is noted that neighbouring occupiers have reiterated concerns about the departure from the intended design character of the neighbourhood – namely wide fronted single house plots and other impacts, such as those on, density, congestion, etc.

The occupier states that he is extremely familiar with his mother's property having grown up there, and can confirm that the revised plans will still have a detrimental and intrusive impact on the rear aspect of 3 Mill Place. The new dwelling will also pose privacy issues as set out in his mother's letter of objection.

Whilst he accepts that the plans have been revised in the light of the previous refusal, they are not, in his mind, appropriate for the reasons stated. He also remains concerned at the growing trend to acquire properties in the area, and then seek to maximise return on investment by exploiting the land in a manner completely out of the character of the locality and damaging to the amenity and privacy of neighbouring property owners.

7.6 The occupiers of 3 Graig View object to the application for the following reasons (summary):

The proposed development, even as amended in the most recent application, is totally unacceptable on the many grounds as detailed below.

The existing plot accommodates a reasonably sized detached house with a proportionate frontage and access to the small cul de sac of Graig View. The proposed construction of two four bedroom dwellings with the consequential increase in density, car parking and driveways is completely out of proportion to the surrounding area.

The replacement of the existing house with two houses will represent significant over-development of the site and would lead to a cramped appearance to the detriment of Graig View as a whole.

The proposed new properties would have an overbearing and dominating effect on neighbouring properties in particular 3 Mill Place, 3 Graig View and 5 Mill Place.

The proposed development would have an upsetting and adverse impact upon the amenity and quiet enjoyment of our home and garden and that of our neighbours.

The proposal will lead to an over development of the plot with the consequential impact on neighbours and the local area. The 20% increase in density of the small cul de sac will significantly impact upon the quiet enjoyment of neighbouring properties.

The already limited on street parking will be further impacted by the two driveways of the proposed 2no.two story properties. The limited integral parking,

necessitated by the redesign to remain primarily within the current footprint of the existing property, will only serve to require more on street parking in the cul de sac which will already have lost the use of parking area through the additional proposed driveway of the second property.

This congestion will be further exacerbated by the parking occasioned by the continuous nature of the school run at the closely located Lisvane Primary School. This can only further impact upon the right of quiet enjoyment of existing neighbours.

The previous planning inspector rejected the proposal on the grounds of the overbearing and dominating nature of the proposed development. The most recent changes have reduced the massing of the proposed development, however, they remain overbearing and dominant and the proposed development will also offer the opportunity to look directly into No 3 and No 5 Mill Place from the single storey ground floor extension.

The proposed semi opaque windows on the North elevation of the property (Plot 2) closest to 3 Graig View will result in the loss of privacy and will significantly affect the amenity of the garden and property, contrary to Infill Sites Supplementary Planning Guidance (April 2011).

The Council's Guidance comments that gap site development should maintain the existing building line in the street. The proposed development of No 4 would result in a significant alteration to the existing building line.

The guidance also advises that proposals must:

"Maintain appropriate scale and massing which respects buildings in the vicinity of the site

"Respect the frontage building line and respond to the existing street scene"

Neither the Design and Access statement nor the proposed design demonstrates that these elements have been addressed. The proposed design does not respect buildings in the vicinity of the site, the frontage building line or respond sympathetically to the existing street scene.

The guidance also advises that plot ratios should reflect those prevailing in adjacent properties and that plots must be of sufficient width to accommodate buildings. The existing plot is of sufficient width to accommodate the current wide fronted single building. The replacement of this singular building with two densely packed narrow dwellings will not retain the existing plot boundaries which form a distinctive part of the street scene.

7.7 The occupiers of 1 Graig View object to the application for the following reasons (summary):

The development is in small close of 4 properties and its approval would result in a 25% increase in the number of homes in Graig View. The two houses proposed are also out of keeping with the spacing and character of existing properties. The new houses would appear to be comparatively narrow and are set within close

proximity to one another. The 2 houses, if built, would lead to overdevelopment of the site and have a detrimental impact on the nature and appearance of the close.

There are also concerns about the development due to the close proximity of the local primary school and associated parking issues. There is already limited on-road parking in Graig View and it is frequently difficult to gain access at busy school times due to on road parking and poor visibility created by the parking issues. This on road parking would be further reduced by the additional drive ways and increase in vehicles including those of visitors to the new properties.

The use of the large windows to the front and rear of the houses would reduce privacy to existing occupiers and to the potential occupants of the proposed properties.

- 7.8 An objection to the application has been received from the occupier of 6 Mill Place.
- 7.9 Lisvane Community Council comments that it objected to a similar application which was subsequently refused on 18 December, 2017 and dismissed at appeal in June, 2018. The Community Council wishes to object for the same reasons to the previous application, namely:
 - The replacement of the existing house with two houses will represent significant over-development of the site;
 - This would lead to a cramped appearance to the detriment of Graig View as a whole:
 - The properties would have an overbearing and dominating effect on neighbouring properties;

8. **ANALYSIS**

- 8.1 This application relates to the site of large detached property located within a cul-de-sac at Graig View, Lisvane where planning permission is sought to demolish the dwelling and construct two smaller 4no.bedroom properties.
- 8.2 A previous planning application for two detached houses on the site was refused permission on 18th December,2017 as it was considered that the proposal would have had an overbearing and dominating effect on the occupiers of the neighbouring properties at 3 Mill Place and 3 Graig View. The decision was appealed against and the appeal was subsequently dismissed by the Planning Inspectorate. The current application seeks to overcome the previous reason for refusal.
- 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) whether the proposed development will provide an acceptable living environment for prospective occupiers.
 - (iii) parking/transportation.
 - (iv) trees/landscaping and nature conservation interests.

- 8.4 Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan states that... all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by (inter alia):
 - (i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;
 - (x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;
- 8.5 Planning Policy Wales at paragraph 4.11.9 states that 'visual appearance, scale and relationship to surroundings and context are material planning considerations.'
- 8.6 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: Cardiff Infill Sites (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 complement the character of the surroundings.

8.9 At paragraph 4.3 the SPG states that:

It should be demonstrated that the size and type of external amenity space is appropriate to the type of development and to the urban grain of the area.

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 With regard to the effect of the proposed development on the character and appearance of the street scene, the Infill sites SPG advises that development should seek to respond to the prevailing building line created by the main frontages of houses, taking into account how the buildings are set back from the street scene and any rhythm of existing development or protrusions.

- 8.12 The proposed development would form part of a small cul-de-sac where there is no uniform building line to respect. The proposed dwellings would occupy almost the full width of the plot as does the existing house.
- 8.13 The other properties in the cul-de-sac comprise two storey pitched roof houses although they are not of uniform appearance. The application site does not occupy a prominent location within the wider street scene and the proposed development would be partially screened in views from the south by the neighbouring property at 3 Mill Place; a two storey dwelling dating from the 1960's with an unusual 'butterfly' roof.
- 8.14 Although two driveways would be created, it is considered that the layout would retain sufficient areas of soft landscaping to avoid creating an unduly car dominated frontage. In this instance, it is not considered that there are overriding grounds to resist the proposed development on the basis of its appearance in the street scene.
- 8.15 Neither is it considered that the subdivision of the site to form two plots would result in an unacceptable overdevelopment of the site. In this regard, the Infill Sites SPG advises at paragraph 4.5 that 'Houses and ground floor flats that will serve as family accommodation should include enclosed and secure private amenity areas. Such amenity areas should measure at least 10.5m in depth or 50m2 overall but generally reflect that which is characteristic of the surrounding area'.
- 8.16 The proposed rear gardens, measuring approximately 209sq metres for plot 1 and 180sq metres for plot 2 significantly exceed the Council's minimum guidelines.
- 8.17 The proposed development provides satisfactory off street parking provision and the Operational Manager, Transportation, who has been made aware of residents' concerns, raised no objections on parking or highway safety grounds (refer to section 5.1).
- 8.18 The application has been considered by the Tree Officer and the Council's Ecologist, neither of whom raise objections subject to appropriate conditions/informatives.
- 8.19 The likely impact of the proposed development on the living conditions of neighbouring occupiers has been carefully considered, with particular regard to the impact on 3 Graig View and 3 Mill Place.
- 8.20 With regard to 3 Graig View which adjoins the application site to the north, the proposed single storey projection at the rear of the proposed dwelling at plot 2 is shown to extend approximately 4.2 metres beyond the rear elevation of this neighbouring property at a distance of between 2.2 metres and 3.6 metres from the boundary. The main two storey element is shown to be broadly in line with the rear elevation of the neighbouring property. In the previous planning application, the proposed dwelling at plot 2 was shown to extend approximately 3.3 metres beyond the rear elevation of the neighbouring house at two storey scale.

- 8.21 The main two storey side elevation of the existing house projects approximately 3.8 metres beyond the front elevation of 3 Graig View and is within approximately 1.0 metre to 1.5 metres of the boundary. The proposed dwelling at plot 2 will also extend approximately 3.8 metres beyond the neighbour's front elevation and the proposed structure will be a similar distance from the boundary.
- 8.22 The Inspector, in his consideration of the appeal proposal, found the scheme to be acceptable in terms of its impact on the living conditions of neighbouring residents at 3 Graig View, commenting as follows:
 - 3..... The orientation of No. 3 Graig View is such that its rear elevation turns away from the shared boundary with the appeal site. Its rear ground floor patio window is about 4m from the shared boundary and, measured from the rear corner of No. 3 Graig View, the proposed building would be a similar distance away on the other side of the boundary. The proposed building would extend 3.3m beyond the rear line of the 3 Graig View. I agree with the appellant that such a relationship is not unusual in a suburban street and the angle of the boundary is such that the distance between it and the boundary would increase as it goes further back.
 - 4. The building would be visible from the patio window but given the orientation of the existing and proposed dwellings and the distance between them, I do not consider that the proposed dwelling would have an unacceptable visual impact when seen from this window. The proposed building would have a greater impact when viewed from the garden but, for the same reasons, I do not consider that it would be unacceptable. There is a bedroom window closer to the shared boundary but it is small, constrained by internal walls and I do not consider that the proposed building would have a material impact on the outlook from this window.
- 8.23 Having regard to the Inspector's decision, it is not considered that the likely impact of the current application on the living conditions of the occupiers of 3 Graig View would be such that refusal of the application on this ground would be justified. In this regard, it should be noted that:
 - the two storey side elevation of the proposed dwelling would be sited a similar distance from the boundary as the existing house;
 - ii) the dwelling will extend approximately 3.8 metres beyond the neighbour's front elevation which is a similar distance to the projection of main two storey element of the existing house;
 - the main two storey element of the proposed dwelling is shown to be broadly in line with the rear elevation of the neighbouring property and the projection beyond this comprises a single storey element at a distance of between 2.2 metres and 3.6 metres from the boundary.
- 8.24 It is considered that the privacy of the neighbour can be satisfactorily addressed by appropriate conditions.
- 8.25 The Inspector, in his consideration of the appeal proposal, found the scheme to be unacceptable in terms of its impact on the living conditions of neighbouring residents at 3 Mill Place, commenting as follows:

- 5. No. 3 Mill Place is oriented towards the corner of the junction of Mill Place and Graig View. Consequently its rear windows are at an angle to the appeal property and the distance between the proposed house and the rear of No. 3 Mill Place would increase the deeper into the plot. Further, I acknowledge that the proposed building would not be as tall as the existing and that it would be between 10m and 19m away from the rear windows in 3 Mill Place. However, unlike the existing building, it would extend across almost the full field of view when seen from the rear of No. 3 Mill Place. The side elevation of the proposed house shows 3 narrow windows but it would largely present a long two storey blank brick wall around 1m from the shared boundary. In my view, due to its height, bulk, length, proximity to the shared boundary and design, the proposed building would appear unduly oppressive and overbearing from the rear ground floor windows of No. 3 Mill Place and its rear garden.
- 8.26 With regard to the current application, the proposed dwelling at plot 1 is shown to be constructed a similar distance from the boundary to the existing dwelling (approximately 1.0 metre). It will project approximately 2.6 metres beyond the rear elevation of the existing house. This compares to a distance of approximately 7.6 metres for the proposed dwelling in the previously refused scheme .At the front, the two storey element of the proposed dwelling will extend approximately 1.4 metres beyond the main front elevation of the existing house (i.e., excluding its 6.0 metre long car port). This is approximately 4.4 metres further forward than the proposed dwelling in the previously refused scheme.
- 8.27 The two storey side elevation of the proposed house is approximately 11.5 metres in length. This compares to a length of approximately 7.5 metres for the existing house. The ridge height of the proposed house, at approximately 7.0 metres, is shown to be some 500mm lower than the ridge of the existing house. As the proposed roof design incorporates a hip, this high point will be approximately 5.0 metres away from the side boundary with 3 Mill Place. The existing house has a pitched roof. Consequently, its higher ridge line is much closer to the side boundary.
- 8.28 In assessing the previous planning application, it was acknowledged that 4 Graig View had a higher and closer ridge line than the proposed scheme and that its side elevation contained upper floor windows from which the neighbour's rear garden could be overlooked.
- 8.29 Notwithstanding this existing relationship, it was considered that the proposed would have resulted in an unduly overbearing and dominating effect which would have been to the detriment of the neighbouring occupiers' outlook and enjoyment of their rear garden. The Inspector agreed with this assessment and dismissed the subsequent appeal.
- 8.30 The current application has sought to address this concern, principally by positioning the main side elevation of the proposed dwelling approximately 5.0 metres further forward in the plot. Whilst the dwelling will project approximately 2.6 metres beyond the rear elevation of the existing house, it is considered that its revised siting would represent a significantly improved in the neighbouring occupier's outlook from rear windows and its rear garden when compared to the

previously unacceptable scheme. Although the proposed dwelling will also extend approximately 1.4 metres beyond the main front elevation of the existing house (excluding its 6.0 metre long car port), the part of the neighbour's garden next to this element is not considered to be in the main field of view when seen from the rear of No. 3 Mill Place.

- 8.31 On balance, it is not considered that the likely impact of the current application on the living conditions of the occupiers of 3 Mill Place would be such that refusal of the application on this ground would be justified. In reaching this view, it is also of relevance that the ridge height of the proposed house is some 500mm lower than the ridge of the existing house and as the proposed roof design incorporates a hip, this high point will be approximately 5.0 metres away from the side boundary with 3 Mill Place. The existing house contains upper floor windows from which 3 Mill Place can be overlooked. However, upper floor windows in the side elevation of the proposed dwelling are to be obscurely glazed and a conditioned is recommended to this effect as such. The privacy of the neighbour from ground floor windows can be satisfactorily addressed by an appropriate means of enclosure condition.
- 8.32 With regard to the relationship with other neighbouring and nearby occupiers, the southern boundary of the application site adjoins the rear garden of 5 Mill Place. The rear corner of the proposed dwelling at plot 1 would be positioned approximately 7.0 metres from the north western corner of the neighbour's garden. This compares to a distance of approximately 2.0 metres for the proposed dwelling in the previously refused scheme. The eastern boundary of the application site adjoins the rear gardens of no.1 Cherry Tree Close and nos.6 and 8 Rowan Way. The two storey rear elevations of the proposed dwellings would be sited between 18.0 metres and 23.0 metres from this boundary. The two storey front elevations of the proposed dwellings are shown to be sited between 22.5 metres and 23.4 metres from the houses on the opposite side of the Close. Such separation distances are considered to satisfy the Council's privacy guidelines.
- 8.33 Whilst some concerns have been raised regarding the overlooking of garden areas from other upper floor windows, a degree of mutual overlooking is inevitable in such residential areas and it is not considered that the impact on privacy from such windows would be so significant as to justify refusal of the application on this ground.
- 8.34 On balance, the revised application is considered to have overcome the previous reason for refusal 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

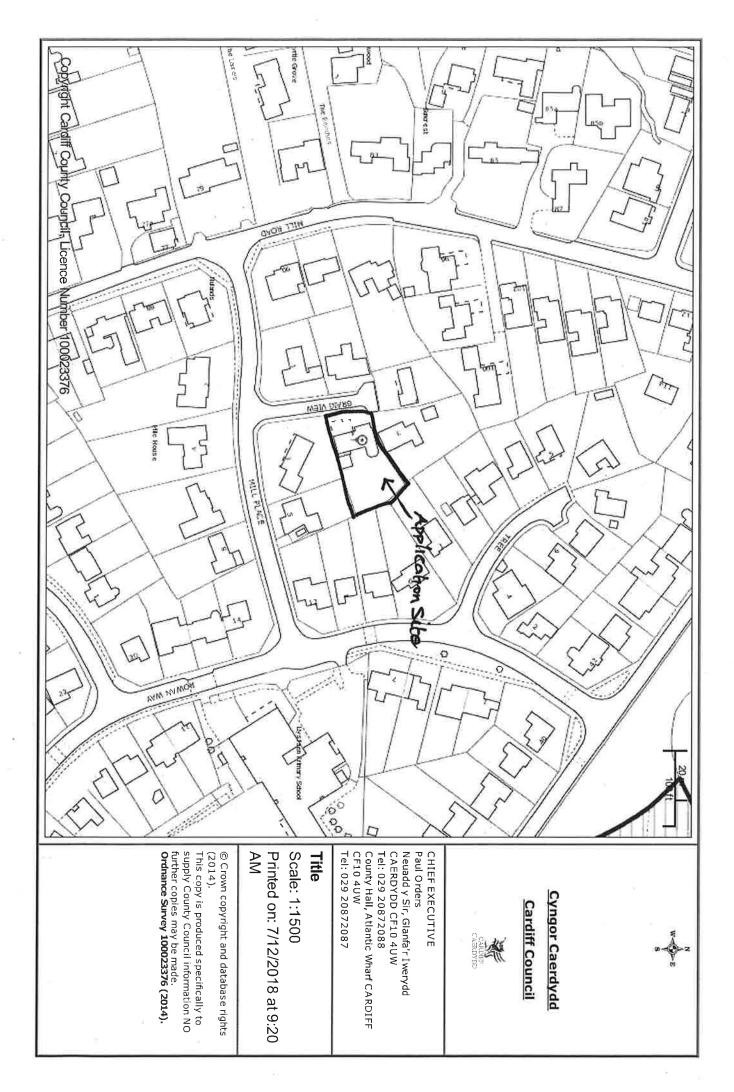
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in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

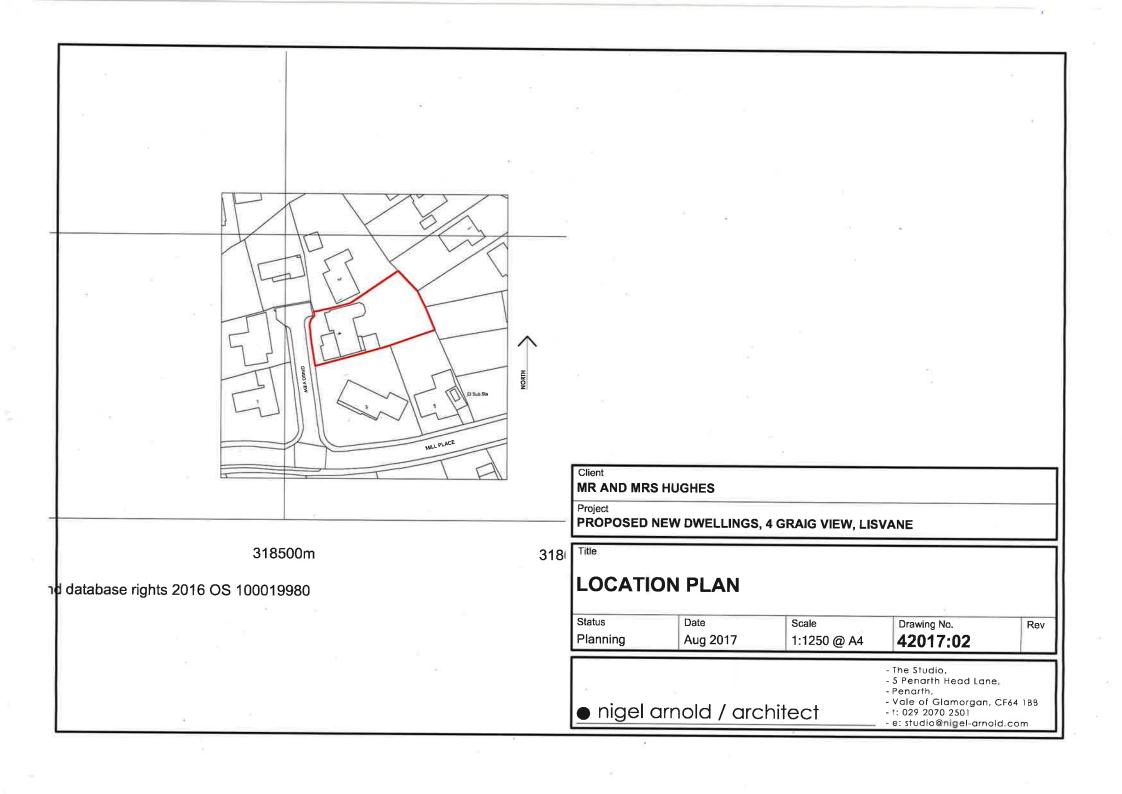
9.3 Well-being of Future Generations (Wales) Act 2015

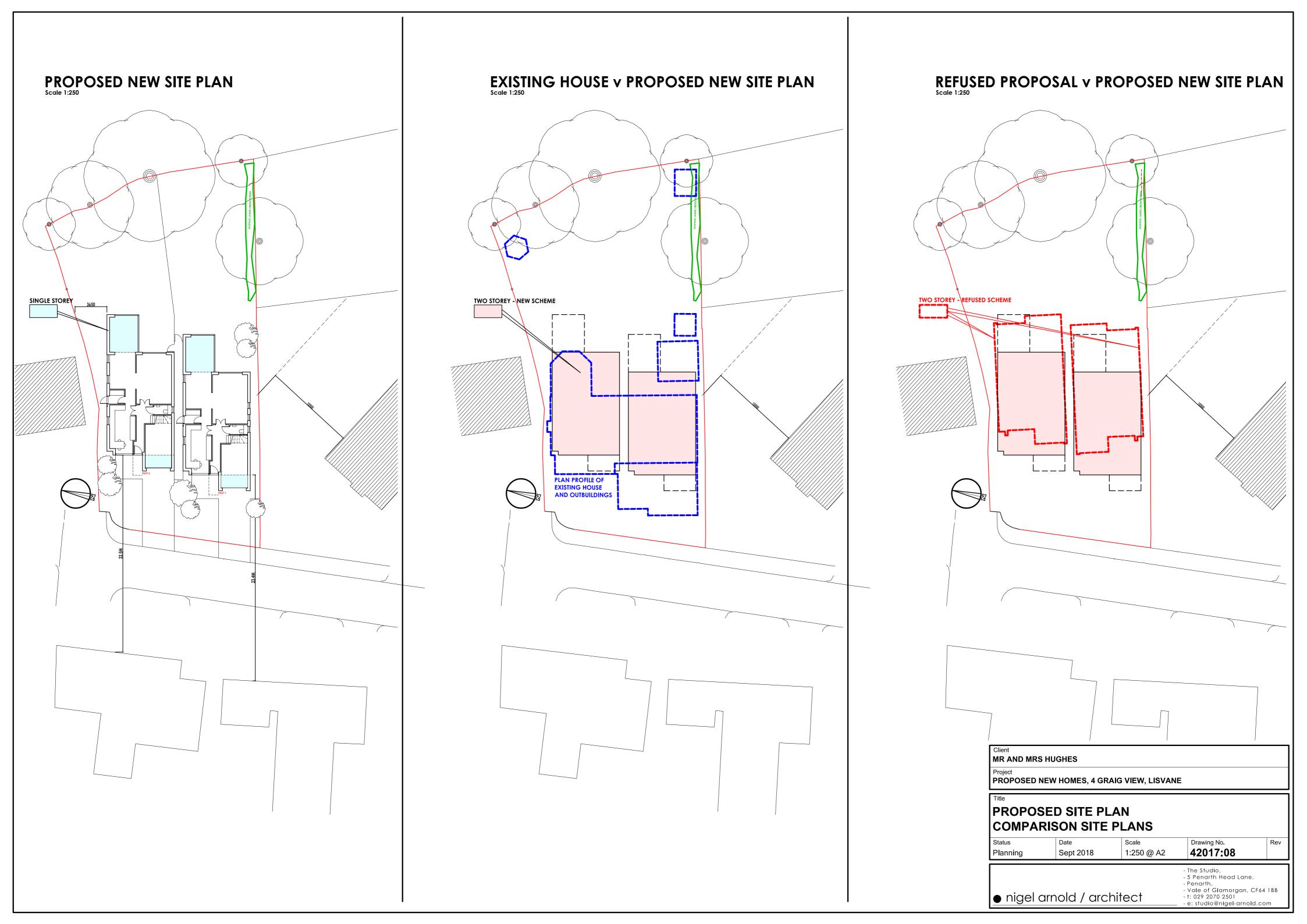
The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social,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

9.4 Environment (Wales) Act 2016

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





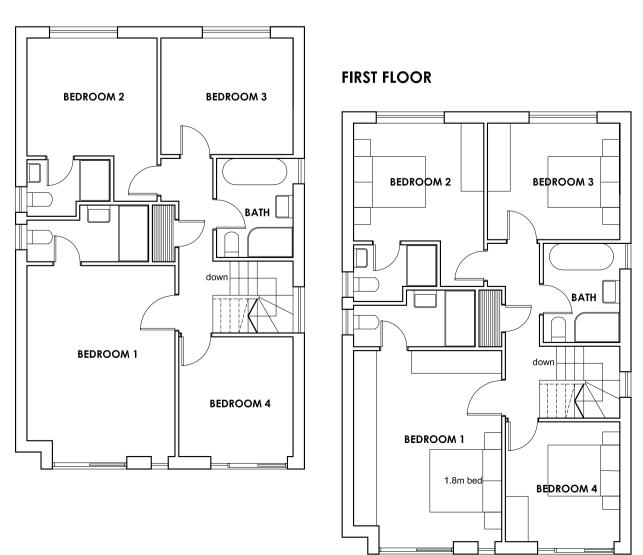


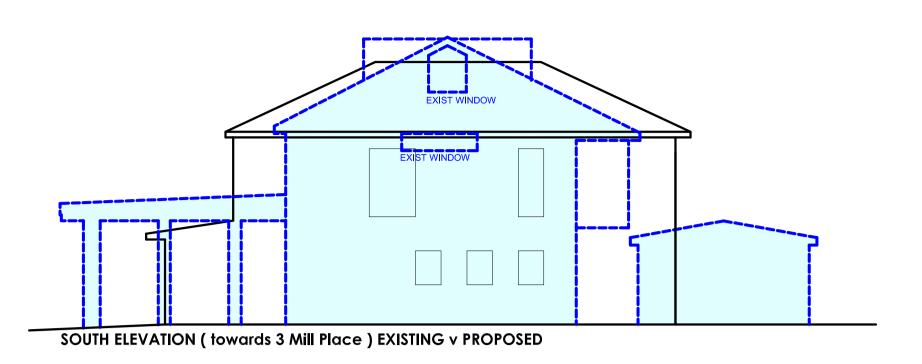
GROUND FLOOR GROUND FLOOR DAYROOM DAYROOM TV / SNUG LOUNGE TV / SNUG LOUNGE KITCHEN / DINER KITCHEN / DINER PLOT 2

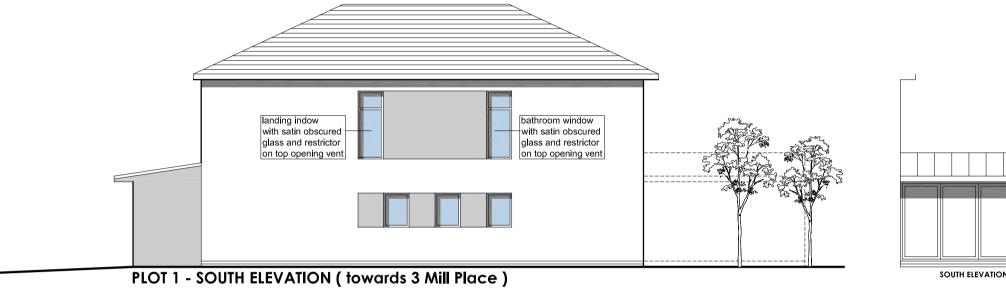


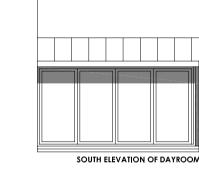
PLOT 1

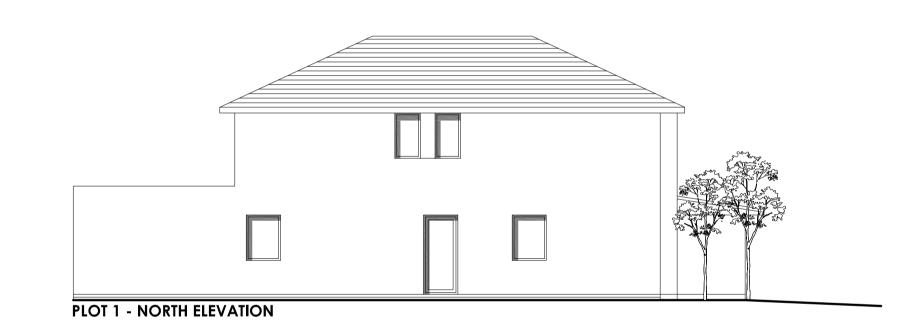
FIRST FLOOR



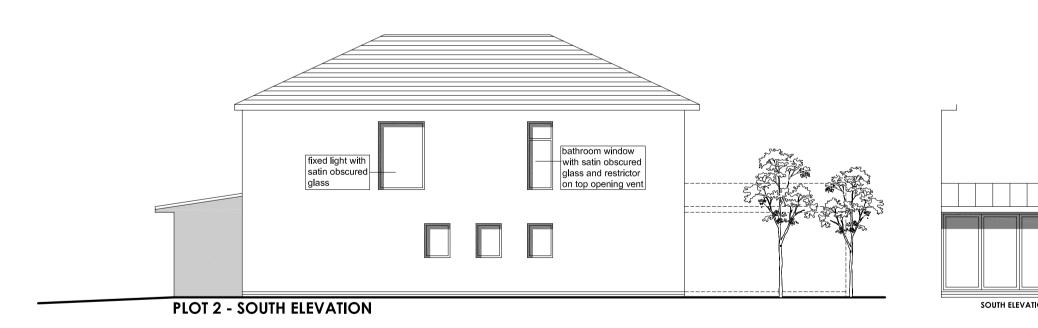


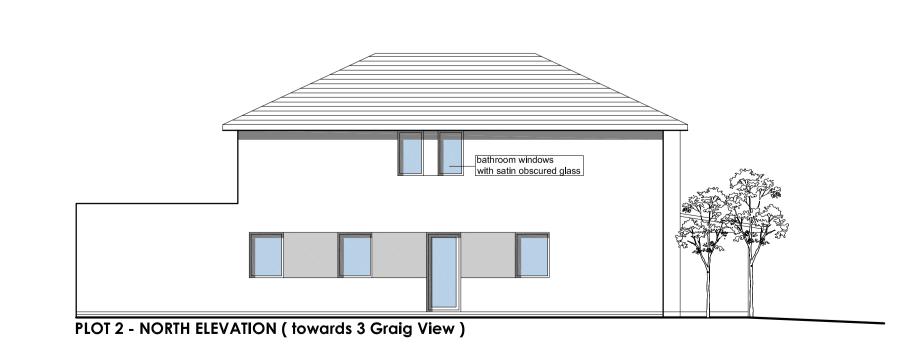














nigel arnold / architect