

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 13/02/2019

APPLICATION No. **18/02698/MNR** APPLICATION DATE: 21/11/2018

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: MR ANDREW BATES – GERAINT JOHN PLANNING
LOCATION: 19 LLANDENNIS AVENUE, CYNCOED
PROPOSAL: DEMOLITION OF THE EXISTING TWO-STOREY DWELLING AND GARAGE TO PROVIDE A 6NO. BEDROOM, THREE STOREY DWELLING WITH GARAGE, SWIMMING POOL, POOL HOUSE AND AMENITY SPACE

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

1. Statutory Time Limit (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 shall be carried out in accordance with the following approved plans and Documents:

Plans

P169-201 Rev B - Site Plan, Location Plan & Street Scenes
P169-202 Rev B - Floor Plans,
P169-203 Rev B - Elevations
P169-201 Rev A - Block Plans & Sections

Documents

Bat and Barn Owl Surveying Services – Survey for Bats April – July 2018
Planning, Design and Access Statement
Arboricultural Report (Produced by ArbTS) Dated May 2018
Tree Protection Plan and Arboricultural Method Statement. Project Ref 458.8 (Produced by ArbTS)

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

3. No above ground works shall be commenced until samples, of the external finishing materials have been 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 a satisfactory finished appearance to the development in accordance with Policy KP5 of the Cardiff Local Development Plan (2006 - 2026).

4. 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, but not be limited to, 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:
 - i. 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.

Reason: To ensure disposal of surface water via possible sustainable means in accordance with Policy EN10 of the Cardiff Local Development Plan (2006 - 2026).

5. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy EN10 of the Cardiff Local Development Plan (2006 - 2026).

6. Notwithstanding the approved plans, details of the means of enclosure to the front of the property along Llandennis Avenue shall be submitted to and approved in writing by the Local Planning Authority. These details shall have regard to return enclosures as far back at the front elevation of the dwelling and the materials to be used. The approved means of enclosure shall be constructed prior to the beneficial occupation of the dwelling and thereafter retained and maintained.

Reason: To ensure an acceptable finish to the to the development in

accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006 - 2026).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway without the prior written consent of the local planning authority.
Reason: The comprehensive design and layout of the development would be adversely affected by the erection of means of enclosure, particularly of different types, in front of dwellings, in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006 - 2026)
8. The development hereby consented shall be undertaken in accordance with the submitted Tree Protection Plan and Arboricultural Method Statement.
Reason: To ensure that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006-2026)
9. Notwithstanding the submitted details, prior to beneficial occupation, full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - A landscaping implementation programme.
 - Scaled planting plan.
 - Evidence that service layouts including drainage do not conflict with proposed landscaping.
 - Schedules of plant species, sizes, numbers and densities.
 - Scaled tree pit sectional and plan drawings that show the Root Available Soil Volume for each tree.
 - Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil is appropriate for the landscaping type proposed and not only meets British Standards, but exceeds them in terms of suitability for the proposed end use. The specification shall be supported by a methodology for handling, amelioration and placement.
 - 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 full 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 in accordance with policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006-2026)

10. Any newly planted trees, plants or hedgerows, 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 condition 5, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area in accordance with policy EN8 of the adopted Cardiff Local Development Plan (2006-2026).

11. The noise emitted from fixed plant and equipment on the site shall not exceed a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy EN13 adopted Cardiff Local Development Plan (2006-2026).

12. 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 will be revised, and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will 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 of the adopted Cardiff Local Development Plan (2006 - 2026).

13. Prior to beneficial occupation of the dwelling, two bat boxes for crevice-dwelling bats shall be provided within the site, the model and location of which to be determined by the applicant's ecological consultant. The bat boxes shall thereafter be retained and maintained.

Reason: In accordance with section 6 of the Environment (Wales) Act 2016, Planning Policy Wales and Policies EN6 and EN7 of the adopted Cardiff Local Development Plan (2006 - 2026).

RECOMMENDATION 2: The applicant is advised that before any alterations are undertaken to the adopted highway, they will require the technical approval of the Highways Authority.

RECOMMENDATION 3: The applicant is advised that they may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

RECOMMENDATION 4: 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.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the demolition of No. 19 Llandennis Avenue; including the outdoor swimming pool and pool house to its rear and its replacement with a 6.no Bedroom, three-storey flat roof dwelling with garage, car-port, indoor swimming pool and associated amenity space.
- 1.2 The proposal also seeks to amend the vehicular access to the site from the

existing in out arrangement to a single, central, access point. Landscaping provision to the front of the dwelling is also included as part of the proposed scheme.

- 1.3 Amended plans have been received at the request of the Local Planning Authority, which show a reduced area of hardstanding/parking at the front of the proposed dwelling and an increased area of landscape provision. The applicants have also made a minor change to the internal layout of the rear annexe within the amended plans. Additionally, the location of a WC and changing room serving the swimming and fitness room within the rear annexe, which is semi-internalised, would be relocated within the annexe within the amended scheme.

2. DESCRIPTION OF SITE

- 2.1 No. 19 Llandennis Avenue is a large detached, two storey, hipped roof, dwelling located within a street characterised by large, detached properties set within large plots. The building is set back from Llandennis Road by approximately 15m, which is consistent with others along this particular section and side of the street, though there is no strict building line evident. An attached double garage projects forward of the dwelling towards the street in the northeast corner of the site.
- 2.2 The existing property stretches cross the majority of the width of the site, sitting just inside of the boundary with the property to the east and approximately 4m in from the boundary with the property to the west.
- 2.3 The application section of Llandennis Avenue is on a slight gradient and therefore No. 19 sits on a marginally lower ground level than No. 17 Llandennis Avenue and higher ground level than No. 21.
- 2.4 The property benefits from an extensive rear garden measuring approximately 40m in length and 25m in width. The garden contains an outdoor swimming pool and brick built pool house. Mature trees line the boundary of the site with the neighbouring properties to the south, located on Pennant Crescent.
- 2.5 Two vehicular access points serve the existing dwelling from Llandennis Avenue in an in out type arrangement. A large hardstanding parking area is located directly in front of the double garage and property with a semi-circular shaped lawn located between it and Llandennis Avenue.
- 2.6 The application site is not located within a conservation area or a flood zone, as identified TAN 15 Development Advice Map.
- 2.7 No listed buildings or trees subject of a Tree Preservation Order are affected by this proposal.

3. SITE HISTORY

- 3.1 05/02802 /E – Internal alterations, demolish porch, construct new porch -

Permitted

- 3.2 98/01878/N – Construction of a double garage, circular drive and exit to highway, internal alterations and front entrance porch - Permitted
- 3.3 88/01736/N – Demolition of existing garages & outbuildings – new double garage with 2 bedrooms and bathrooms over - Permitted

4. POLICY FRAMEWORK

4.1 National Planning Policy

- Planning Policy Wales (Edition 10, December 2018)

Paragraph 3.9 of Planning Policy Wales (Edition 10) states that; *‘The special characteristic of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.’*

Paragraph 3.16 states that; *‘Planning authorities shouldnot attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.’*

- Technical Advice Note 12: Design

Paragraph 4.9 of Tan 12 states that *‘Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.’*

- Environment (Wales) Act 2016.

4.2 Cardiff Local Development Plan 2006 -2026

- Policy KP5 (Good Quality Sustainable Design)
- Policy KP7 (Planning Obligations)
- Policy KP14 (Healthy Living)
- Policy KP15 (Climate Change)
- Policy H3 (Affordable Housing)
- Policy KP16 (Green Infrastructure)
- Policy EN8 (Trees, Woodlands and Hedgerows)
- Policy EN10 (Water Sensitive Design)
- Policy EN13 (Noise, Air , Light Pollution and Land Contamination)
- Policy T5 (Managing Transportation Impacts)
- Policy T6 (Managing Transport Impacts)
- Policy C3 (Community Safety/Creating Safe Environments)

- Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Supplementary Planning Guidance

- Managing Transportation Impacts (July 2018)
- Infill Sites SPG (November 2017)
- Residential Design Guide (January 2017)
- Waste Collection and Storage Facilities (October 2016)
- Green Infrastructure (November 2017) (Including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and provision of Open Space in New Development; Soils and Development)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operation Manager: Traffic and Transportation raised concerns over the amount of car parking space proposed, indicating that the Managing Transportation Impacts SPG advocates a maximum of two spaces. Concerns were also raised that the number of secure cycle storage spaces proposed did not meet the numbers set out in the SPG.
- 5.2 A request for an advisory be added to any grant of planning permission requiring the applicant to obtain a licence from the Council to create a new vehicle crossover/dropped kerb was also made.
- 5.3 Following the receipt of amended plans, the Operation Manager: Traffic and Transportation raised no objection to the scheme, noting that the cycle storage provision is now in line with the guidance contained in the SPG and the reduced parking area is now acceptable having regard to the accessibility and manoeuvrability.
- 5.4 The Operation Manager (Waste Management) raises no objection to the proposal, providing advice with regard to waste collections and containers.
- 5.5 The Operation Manager (Shared Regulatory Services – Pollution Control: Noise and Air): Raise no objection subject to a condition controlling plant noise and an advisory regarding noise from demolition and construction activities
- 5.6 The Operational Manager Drainage raises no objection to the application subject to a condition controlling surface water drainage.
- 5.7 The Housing Strategy Manager: advises that given that the application site exceeds 0.1 hectares, a financial contribution of £31,134 towards affordable housing would be sought.
- 5.8 The Council's Tree Officer raises no objection to the application subject to condition controlling landscaping and its aftercare.
- 5.9 The County Ecologist: Raises no objection to the application proposal subject

to conditions requiring the provision of an updated bat survey should demolition works not commence within 2 years and the provision of bat boxes on site.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Welsh Water have no objection subject to a drainage condition and an advisory regarding any connection to the public sewer.

7. REPRESENTATIONS

- 7.1 The owners/occupiers of 16 neighbouring properties have been consulted on the proposal.
- 7.2 In total, 17 letters of objection (including three further objections) have been received in opposition to the proposal along with a petition containing 70 signatures.

- 7.3 A summary of the objections received are below;

- The application proposal contravenes the guidance set out in the Council's Infill Sites SPG through failing to protect the amenity of new and existing residents, failing to make a positive contribution to the creation of distinctive communities, places and spaces, and failing to respond to the context and character of the area. The proposal would also fail to respond to the localised scale and massing of neighbouring dwellings, predominant facing material and local architectural detailing.
- The proposal would form a visually discordant addition.
- Llandennis Avenue is characterised by the presence of mature houses built in the 1930's to 1950's which are of a style and size to complement each other. The contemporary design of the proposed development would subsequently be out of keeping with the rest of the avenue.
- The proposal will do nothing to enhance the road or the surroundings.
- The design of this new proposed house would form a visually discordant, incongruous and overbearing addition within the street.
- The proposed dwelling, being of three storeys, is too high and disproportionately large.
- The proposal, a three-storey, flat roofed property, will overlook the handsome houses around it and will be out of character and place. Any new dwelling should be in keeping with the other houses in the road.
- The development is too large for the site and road, being significantly larger than the existing house on the plot.
- There are no other 3-storey buildings on this scale in the road and the flat roof design is not in character with the other properties in the road, which have pitched roofs.
- The proposed development is not consistent with the Council's own Local Development Plan Policy KP5 (Good Quality and Sustainable Design) for the following reasons;

- The design does not respond to the local character and context of the building and landscape setting.
- The design does not integrate with the existing high quality buildings and quality landscape topography.
- The proposal represents an overdevelopment of the site.
- The proposal would have no positive connection with surrounding communities.
- The development would have an adverse effect on the value of other properties in the surrounding area and would put off perspective buyers of other properties in the street or cause delays in their sale.
- Llandennis Avenue is of high reputation and value as a residential area. The “totally out of place” design proposed will spoil its character and reputation.
- The proposed boundary wall will make the front garden look more like a compound.
- The design is an eyesore of cubes and flat roofs.
- The swimming pool element of the proposed dwelling would form an intrusive addition along the boundary with the neighbouring property and impact upon the amenity of the neighbouring residents.
- Past extensions to houses and new builds within the street have been sympathetic to the other properties in the street.
- At some 9000 sq ft, the proposed dwelling is a gross overdevelopment of the site.
- The construction of the dwelling would involve heavy vehicles using the roadway causing noise, inconvenience and damage to the road surface.
- The development would harm the amenity of the neighbourhood by virtue of its design and over-bearing presence contrary to policies KP5 and H5 of the LDP.
- The third floor terrace of the proposed dwelling would provide a sightline into neighbouring gardens.

7.4 The Local Ward Members for Cyncoed were also consulted and letters of objection have been received to the proposal from Councillors Bablin Molik and Kathryn Kelloway for the following reasons.

7.5 Councillor Bablin Molik requested (comments provided verbatim)

- *The proposed build is out of character for Llandennis Avenue. Llandennis Avenue is a very well proclaimed road across Wales and its characteristic and infill developments requirements need to be preserved. The application is not honouring the characteristic of the road and the proposed build, though impressive, is not suited for this location on several grounds:*
 - 1) *The flat roofing style is not observed on any other residential properties on the avenue.*
 - 2) *Three storey build is also not observed on this avenue*
 - 3) *The materials (walls, doors and windows) and aesthetics of the*

- proposed build is also out of character for the avenue*
- 4) *The roof top green area will infringe on surrounding properties privacy*

7.6 Councillor Kathryn Kelloway

- Llandennis Avenue consists predominantly of large traditional family dwellings. The proposed three storey, flat roofed development is of a modern and bulky design which does not fit in with the architectural character of this suburban section of Llandennis Avenue and is contrary to the principles set out on page 25 of the "Cardiff Residential Design Guide" Supplementary Planning Guidance, which advises that new developments should integrate sympathetically with existing buildings and protect or enhance elements which contribute to the local character. The proposed development, by virtue of its scale, use of materials, massing and architectural style, would form an incongruous element in the local street scene and would be out of keeping with the character and design of other existing buildings.*
- The dimensions of the existing detached dwelling at 19 Llandennis Avenue fit well on the site. The proposed development would be significantly higher, wider and longer than the existing structure and could present an overdevelopment of the site. This would be contrary to the advice given on page 25 of the "Cardiff Residential Design Guide" Supplementary Planning Guidance, which states that developments should "complement the scale and massing of neighbouring built forms..." At page 52, the SPG also states "We will resist forms of developments where the scale and massing of any buildings or other elements of a scheme are discordant, or aspects of the scheme are poorly chosen or located in the street scene". The proposed development, by virtue of its scale and massing, would stand out and have an overbearing impact on the street scene, to the detriment of the residential amenity of other local occupants.*
- The existing building at 19 Llandennis Avenue integrates well into its street setting in so far as it does not impact adversely upon the quiet enjoyment by adjacent residents of their properties. The proposed building would bring it nearer to the boundaries and, by virtue of its increased height, would accentuate the dominating effect of the building and could cause issues of overlooking. It is also noted that the location of the proposed plant room, at the boundary with 17 Llandennis Avenue, would likely further erode the residential amenity of the neighbours by virtue of the noise this generates, particularly as the room is proposed at ground level and there is no indication that it will be sufficiently sound proofed.*
- Local residents are not adverse to a reasonable development and in fact there have been many pleasing and architecturally sympathetic extensions and reconstructions along the road but the proposed development is likely to be of an un-neighbourly nature which will be*

detrimental to the local character of the area and to the amenity of other residents. The proposed development is also contrary to the LDP, KP5 and Sustainable Design and Infill Sites SPG's. It is a concern that if this development were to go ahead, it would create a precedent that would further diminish the local character of the road in the future.

7.7 Both Councillor Molik and Kelloway have requested that the application be considered by planning committee.

7.8 Following the report being presented to committee on 23rd January 2019, the following late representations were received;

- Councillor Molik requested that the planning committee visit the application site. This was undertaken on 4th February 2019.
- The owner/occupier of No. 23 Llandennis Avenue on the basis that the proposed development fails to respond to the context and character of the area in its style, size, number of storeys and materials used.
- The owner of No.15 Llandennis Avenue requested that committee visit the application site and raised concerns over the 'on balance' recommendation in the 23/01/2019 committee report making the following comments;
 - *The obvious incongruity of the proposed design is all too clear and surely on any reasonable interpretation does not sit well with the surrounding built form.*
 - *While varied, there exists at present a consistency of design of broadly vernacular character in Llandennis Avenue which would be endangered if the development were to proceed. In terms of both size and configuration I believe that few would see your interpretation as standing up to scrutiny in this respect.*
 - *The Council's own SPG requires that newbuilds should be sensitive to and complement the existing pattern of development. There is indeed another newbuild in the road that well reflects this obligation with the result that it has aroused no opposition as far as I am aware. The contrast with the present proposal could not be more evident.*
 - *The planning application makes reference to the sustainability of the new development. Suffice to say that a justification of sustainability that involves the destruction of an existing sustainable property is by its very nature self-contradictory.*
- The owner of No. 17 Llandennis Avenue makes the following comments; (provided verbatim)
 - 1. *I have serious concerns about the contents of your report to the planning committee not the least of which is that it fails altogether to acknowledge the fact the proposal completely ignores the Council's own guidelines. and particularly the*

Supplementary Planning Guidance on infill sites.

2. Your report states that “the scale, massing, siting and layout of the proposed development is considered to appropriately respond to the surrounding built form” Can the council please explain in detail how does this bulky, flat roofed, three storey, surveyor-designed (someone not trained in building design) alien proposal, “appropriately respond to the surrounding built form”. With great respect to you, it is utter nonsense to suggest it does.

3. Page 5 of the Infill Sites SPG gives examples of infill developments, which ‘successfully employ elements of contemporary design whilst also responding to character and context’. As is claimed in the report that Llandennis Avenue has “an evident variety in the design, arrangement, roof forms and finish of the properties along the street” the successful examples referred to also show an ‘evident variety’ of styles, but are viewed as being successful because

- their scale and massing is appropriate to neighbouring dwellings
- (their) design reinvents the various shapes and features in the adjacent buildings

In light of this: can the Council explain how the scale and massing of a three storey flat roof house is appropriate to neighbouring dwellings, which are all two storey with pitched roofs. Furthermore can it be explained how this particular design ‘reinvents’ the various shapes and features in the adjacent buildings?

4. Paragraph 3.8 of the SPG requires infill development - which this proposal undoubtedly is - 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...complement the character of the surroundings Paragraph 3.18 of the SPG requires infill development to
- ...take account of and respond to ...scale and massing of buildings **in the street** (emphasis is mine)

The Report completely ignores the fact that all existing properties in Llandennis Ave are two storey (notwithstanding the fact that some may have accommodation within their roof-space) and that all have tiled or slated pitched roofs. Why has the Report completely ignored the above referred to requirements of the Council’s own SPG?

5. Please provide the committee with paragraph 2.7 of the council’s Supplementary Planning Guidance including the photographs on that page.

6. I would be grateful if you assure me that the concerns spelt out here will be drawn to the attention of the planning committee.

7. I conclude with an important request which I make in light of the following three matters -

(i) that your recommendation is expressed to be “on balance” demonstrates you are not sure that the proposal is an acceptable form of development and complies with the relevant planning policies,

(ii) the particular policies applicable to this proposal,

(iii) the specific nature of my objections and of the other points/questions raised in this letter.

The request is that you recommend to the committee that before they decide whether to accept your recommendation or not they visit the site together. If they do so, I am sure that the force of the objections and of the points made here will persuade them of the unacceptability of the proposal. I rely on you to read to them this last paragraph.

8. ANALYSIS

8.1 This application was deferred by Planning Committee at its meeting on 23rd January 2019 in order to undertake a Site Visit. The Site Visit took place on Monday 4th February 2019 and the application is now reported back for determination.

8.2 The changes made within the submitted amended plans have been considered as part of the below analysis.

8.3 The key issues for consideration are:

- i. The effects of the proposed development on the character and appearance of the street scene and area.
- ii. The impact of the proposed development on the amenities of neighbouring occupiers;
- iii. The acceptability of the proposed parking/access arrangements and boundary enclosure
- iv. Affordable Housing
- v. Other Matters

The effects of the proposed development on the character and appearance of the street scene and area

8.4 Policy KP5 of the adopted 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 the 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 The Council's approved Infill Sites Supplementary Planning Guidance: (2017) advises at paragraph 2.13 that;

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

- *Maintain a useable amenity space or garden for new as well as any existing dwellings/ occupiers.*
- *Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site.*
- *Maintain appropriate scale and massing which respects buildings in the vicinity of the site.*
- *Respect the building line and be of a design which complements the existing street scene.*

The SPG further advises, at paragraph 3.8, 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. A thorough understanding of detailing in the street scene which contributes to the form and character of the area needs to be gained and responded to.'

8.6 Llandennis Avenue is not located within a conservation area and whilst the properties within it are generally large and of a traditional design, they are not considered to exhibit such uniformity in their form, finish, scale and massing, that the proposed development would unacceptably undermine its character.

Scale, Massing & Building Line

8.7 The proposed dwelling would be located in a street consisting of large detached dwellings set in substantial plots. Whilst the dwelling would be larger than that of the existing property on the site, it is not considered that its scale and massing would be excessive within the plot or within the context of the street scene. The principal, street frontage, element of the dwelling would be positioned in broadly the same location as that of the existing property and sited on approximately the same building line. The proposed dwelling would actually sit squarer within the plot and therefore sit more comfortably within it than the existing dwelling.

- 8.8 Whilst the existing dwelling on the site is two-storey, the proposed building would be approximately 1.5m taller than the existing dwelling at its highest point, despite being three-storeys. The dwelling would however be no taller than that of the ridge height of the neighbouring properties on either side, as is illustrated in the submitted 'Proposed Street Scene.' The height of the principal 2-storey element of the proposed dwelling would be approximately 1.5m higher than the eaves height of the existing property, though at a consistent height as that of the eaves height of no. 17. The second floor of the proposed dwelling, being set back and in, would also aid in reducing the perceived massing of the top floor of the building. Taking the above into consideration, the height of the proposed dwelling is considered acceptable within the context of the streetscene and considered to be consistent with the requirements of Policy KP5 of the adopted LDP in this sense.
- 8.9 It is noted that other properties along Llandennis Avenue contain accommodation within their roof-spaces, equivalent to the second floor of the proposed dwelling. Whilst the third floor of the proposed dwelling is of a more prominent design, through not being located within a roof-space, it is not considered unreasonable for living space to be accommodated at second floor level within the proposed scheme.
- 8.10 The layout and massing of the proposed dwelling is such that the two-storey element of the building would project back into the site just beyond the single-storey rear extension to the rear of No. 17 but be in line with that of the principal rear elevation of No. 21 on the opposite side. Whilst the single storey annexe, containing a swimming pool and gym, would project back further into the site, it is not considered that the principal mass of the proposed dwelling would project back into the site by an uncharacteristic or therefore unacceptable distance.
- 8.11 The single storey annexe proposed at the rear of the dwelling would project back into the site well beyond the principal rear elevation of the proposed dwelling. The rear annexe would however be set off the boundary with no. 17 by approximately 1.4m and be of a consist scale as that of the swimming pool extension at the rear of No. 21 next door. It is therefore considered that the scale of the annexe is proportionate to the principal element of the application dwelling and within the context of the site and area. A suitably generous garden area would also be retained.
- 8.12 Whilst the proposed carport would project forward of the principal elevation of the dwelling, it would be located in approximately the same location as that of the existing double garage. As such, its addition would be considered acceptable

Spacing

- 8.13 The footprint of the proposed dwelling, through siting squarer within the plot than that of the existing property, would be positioned further away from the boundary with No. 17 than the existing dwelling. The proposed dwelling would sit closer to the boundary with No. 21 however, with a gap of approximately 1.8m being retained between its side elevation and the shared boundary and

3m between buildings. Whilst the proposal would reduce the spacing between this neighbouring property, the retained spacing would be considered acceptable within the context of the street where there is no clear or characteristic spacing rhythm between properties and similar separation distances as that proposed are evident.

Architectural Style

- 8.14 Paragraph 3.9 of Planning Policy Wales (Edition 10) states that; *'The special characteristic of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.'* However under Paragraph 3.16 it further states that; *'Planning authorities shouldnot attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.'*
- 8.15 Paragraph 4.9 of Tan 12 states that *'Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.'*
- 8.16 Concerns have been raised by local residents that the proposed dwelling would not be in keeping with other properties along Llandennis Avenue, which have pitched roofs and are generally of a traditional vernacular. There is however an evident variety in the in the design, arrangement, roof forms and finish of the properties along the street and within the wider area. It is not for the Local Planning Authority to dictate architectural style and having regard to Planning Policy Wales and Tan 12, there is no policy requirement for the proposal to match or replicate that of its surroundings. Llandennis Avenue is not located within a conservation area and whilst the properties within it are generally large and of a traditional design, they are not considered to exhibit such uniformity in their form, finish, scale and massing, that the proposed development would unacceptably undermine its character.
- 8.17 The proposed dwelling would be of a flat roof contemporary design, however taking paragraph 3.16 of Planning Policy Wales into account and given that the scale, massing, siting and layout of the proposed development is considered to appropriately respond to the surrounding built form, it would be unreasonable to refuse this application on the basis of the contemporary design and flat roof finish proposed alone.

The proposed dwelling would be finished in white acrylic render with dark grey aluminium cladding and dark grey aluminium fins to the carport. The windows would be powder coated aluminium in a matching dark grey. The roof would be finished in a grey single ply membrane and green sedum. The areas of sedum roof would be restricted to the rear annexe and rear section of the two-storey element of the building. Numerous skylights and PV panels would also

be sited on the differing roofs of the dwelling.

There is a wide variety of finishing materials evident along Llandennis Avenue, including the widespread use of render. Whilst no other sedum roofs are evident along Llandennis Avenue, the sections of roof proposed on the application dwelling would be located towards the rear of the building. As such, it would not represent a prominent addition within the street scene.

Guidance contained in the Infill Sites SPG states that; *'Materials (colour, texture and extent) used for roofing, walls, doors and window frames should respond to the dominant construction or facing material in the area; materials should either match exactly or be complimentary'*,

Taking into consideration the broad variety of finishing materials evident in the locality, the finishing materials proposed are considered to meet the above guidance and therefore Policy KP5 of the LDP.

The impact of the proposed development on the amenities of neighbouring occupiers

- 8.18 Policy KP5 (x) of the adopted Cardiff Local Development Plan requires consideration to be given to the impact of development upon the amenity of neighbouring occupiers. Further guidance is provide in the Council's Infill Sites SPG. Under Paragraph 4.11, this 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.'*

Overlooking

- 8.19 It is considered that the proposed development would not result in the neighbouring properties, or their associated amenity spaces, being unacceptably overlooked. The principal rear elevation of the proposed dwelling would project only marginally further back into the application site than that of the rear projection at the rear of No. 17 which sits directly adjacent to the boundary with No. 19. Whilst balconies are proposed at the rear of the proposed dwelling on both the first and second floors, these have been designed with walls at either end, thereby restricting views towards the neighbouring properties and their associated amenity spaces to oblique angles.
- 8.20 Whilst some angled views over parts of the neighbouring properties rear gardens will be inevitable from the first and second floor windows and balconies of the proposed dwelling, a degree of mutual overlooking between neighbouring dwellings is a common feature of urban living and the proposal would not be unusual or unacceptable in this respect. It is also noted that the existing property benefits from numerous first floor windows at its rear along with an external terraced area. Whilst the rear of the proposed dwelling would be heavily glazed, taking the existing situation into consideration and given the above, it is not considered that the proposed development would result in an unacceptable level of overlooking upon the neighbouring properties at

either side.

- 8.21 It is noted that a window is proposed in the side elevation of the gym on the second floor of the proposed dwelling. It is not considered necessary for this window to be obscurely glazed due to limited overlooking opportunities which it would be afforded given its height and the set back of the second floor. It is also noted that a window was present on the western elevation of the existing property and that windows in the eastern elevation of No. 21 are obscurely glazed. It is not therefore considered that the introduction of this window would have any greater overlooking impact than that currently exists.
- 8.22 The other windows proposed on the side elevations of the dwelling are either at ground floor and high level, ground floor and serve a WC or boot room or at first floor and serve an ensuite. As such, the provision of these windows would not allow for any overlooking of the neighbouring properties.
- 8.23 It is not considered that the relationship between the proposed dwelling and the houses on the opposite side of Llandennis Avenue would be materially changed in terms of overlooking, as a result of the proposed development from that of the existing.
- 8.24 The windows in the first and second floor rear of the proposed dwelling would be located greater than 10.5m to the rear boundary of the site and greater than 21m to the neighbouring property to the rear.

Overbearing & Overshadowing

- 8.25 The proposed dwelling would be larger than that of the existing dwelling on the site. However, given the arrangement of the different elements of the building, including the set back of the second floor and the positioning of its differing elements relative to the neighbouring properties, it is not considered that the dwelling would have an unacceptable impact upon the neighbouring properties in terms of overbearing or overshadowing beyond that existing. The proposal is therefore considered to accord with the guidance set out in the Infill Sites SPG and the requirements of policy KP5.
- 8.26 The single storey annexe proposed at the rear of the dwelling would project back into the site well beyond the principal rear elevation of the proposed dwelling. Whilst this annexe would measure 3.5m in height along its entire length, taking into consideration its flat roof design, its siting approximately 1.4 m off the shared boundary with No. 17 and the ground level difference between the site and No. 17, the proposed rear annexe would not be considered to have an unacceptable overbearing impact upon No. 17.
- 8.27 Given the siting of the rear annexe towards the eastern side of the rear garden of the application site, it would be approximately 17m away from the boundary with No. 21. It is not therefore considered that the annexe would have an unacceptable Overbearing & Overshadowing impact upon this property.

The acceptability of the proposed parking/access arrangement and boundary enclosure

- 8.28 The design proposed access/driveway would represent an enhancement on that existing at the property. The development would see the existing access arrangement rationalised into a single vehicular and pedestrian access point, which is supported from a highway safety perspective.
- 8.29 With regard to the level of cycle and car parking provision proposed, the proposal, as amended, shows the provision of 6 secure and covered cycle stands instead of the 4 originally proposed, along with a reduction in the amount of car parking spaces down to the 2 contained in the carport. Whilst it is acknowledged that other space is available and may be used for parking vehicles, this space is necessary to allow vehicles to manoeuvre into and out of the carport and garage.
- 8.30 Taking the above into consideration, the proposal is considered acceptable from a highway and transportation perspective.
- 8.31 A 1.8m high, rendered, wall is proposed along the boundary of the site with Llandennis Avenue. It is however considered that a rendered wall would appear out of place within the street scene where boundary enclosures are predominantly low-level stone or brick walls and/or hedges. It is therefore considered necessary to condition the means of enclosure along this boundary with the site to ensure that a more in keeping finish would be realised. It is also considered necessary to remove permitted development rights for alterations to boundary enclosures to the site frontage.

Affordable Housing

- 8.32 As the application proposal seeks permission for a replacement dwelling on a site of greater than 0.1 Ha, the proposal triggers Policy H3 of the adopted Cardiff Local Development Plan (2006- 2026). Policy H3 seeks a 20% affordable housing on Brownfield sites. As such, a financial contribution of £31,134 would be sought towards affordable housing provision as a result of the proposal.
- 8.33 Information provided by the applicant evidences that the development of a single dwelling would not deliver sufficient value to support the requested contribution towards off-site affordable housing. Given the circumstances of the proposed development, this is acknowledged by officers and no independent verification has been sought. The Housing Strategy Manager has confirmed their acceptance of the proposal in this instance.

Other Matters

Landscaping

- 8.34 The proposed development would necessitate the removal of some, non-protected trees/landscaping at the front of the property. It is subsequently considered pertinent to impose conditions regarding the replacement planting and its aftercare. The landscaping provision proposed would soften the

aesthetic of the hardstanding area to the front of the property and is considered acceptable subjection to conditions.

Ecology

- 8.35 The County Ecologist has commented that;

'As a general principle, survey work which is more than 2 years old will be regarded with caution, as certain species may colonise or leave an area in the interim period. This is particularly the case with mobile species such as bats, and bat surveys greater than 2 years old will have to be repeated.'

As such, he has requested a condition requesting an updated Bat Survey be submitted for approval should the existing property not be demolished within a two-year period. Condition 12 has subsequently been included.

A further condition has been added requiring the provision of two bat boxes within the site as a statutory duty of all public bodies to seek to maintain and enhance biodiversity, and in doing so to promote the resilience of ecosystems, in the exercise of their functions under the Environment (Wales) Act 2016. Condition 13 has subsequently been included.

Amenity Space

- 8.36 The proposed dwelling would retain an large rear garden well above the minimum size requirement set out in the Infill Sites SPG and consistent with that of the gardens of neighbouring properties. Whilst the proposed dwelling is of a large size, the building would not occupy an unreasonable proportion of the site such that it could be considered to represent an over development of the site.

Plant

- 8.37 Given that the proposed dwelling includes two plant rooms, pollution control (Noise and Air) have requested that a condition be applied controlling plant noise in order to protect the amenity of neighbouring residents.

Response to third party objections not considered above

- 8.38 The impact of the proposed development on the saleability of neighbouring properties currently on the market, or on localised property values, is not a material consideration in the determination of this planning application. Additionally, there is no evidence to suggest that the development would affect property prices along the street, positively or negatively.
- 8.39 The perceived reputation of Llandennis Avenue, is not a material consideration in the determination of this planning application.
- 8.40 Each planning application is judged on its individual merits having regard to all material considerations. The architectural approach adopted by residents for past extensions to dwellings or re-builds in the locality, is not a material consideration in the determination of this planning application.

- 8.41 With regard to the development potentially forming a precedent within the street and wider area, all planning applications are judged on their individual merits having regard to both national and local planning policy.
- 8.42 Policy H5 is not applicable to this application as it does not propose the conversion of the building to flats or a House in Multiple Occupation.
- 8.43 With regard to the potential creation of noise, traffic and disruption during construction activities, it is inevitable that a certain amount of disruption would be generated as a result of the proposed development. It is not however considered that the demolition and rebuilding of a single, albeit large, dwelling would result in an unacceptable level of disruption for neighbouring residents or within the local area. An advisory has been included regarding the control of dust and noise during demolition works and working hours.
- 8.44 The comments contained in the late representations received to the application prior to the 23rd January committee have been considered with Section 8 of this report.

9. OTHER CONSIDERATIONS

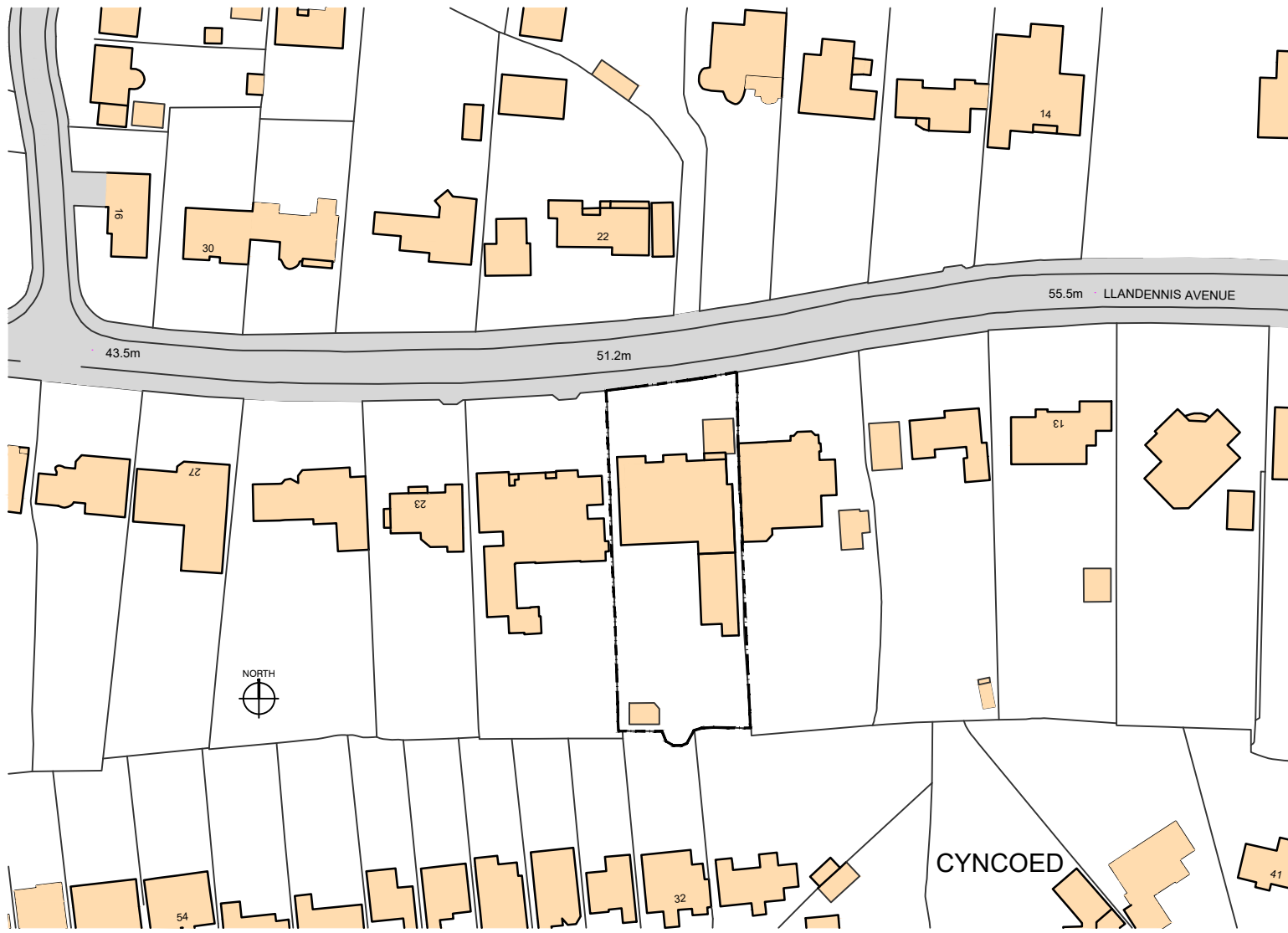
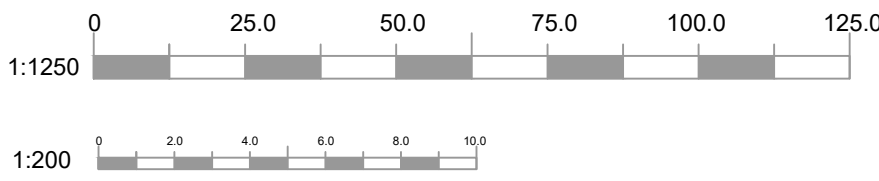
- 9.1 Crime and Disorder Act 1998 - section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and 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 Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

10. S106 REQUIREMENTS

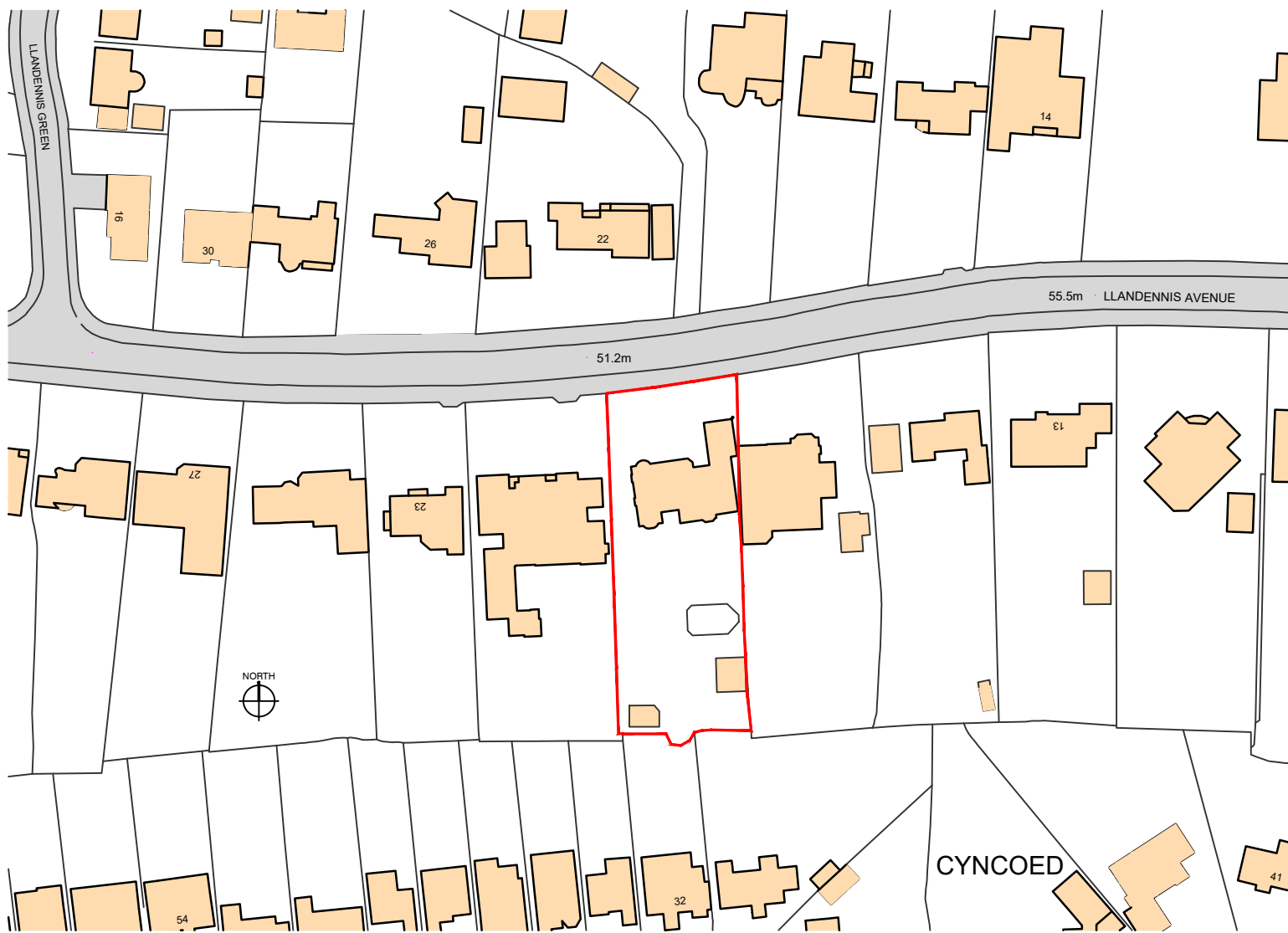
- 10.1 Given the assessment of the viability of the proposed development, detailed in paragraph 8.32, no financial contribution towards affordable housing would be sought in this instance.

11. CONCLUSION

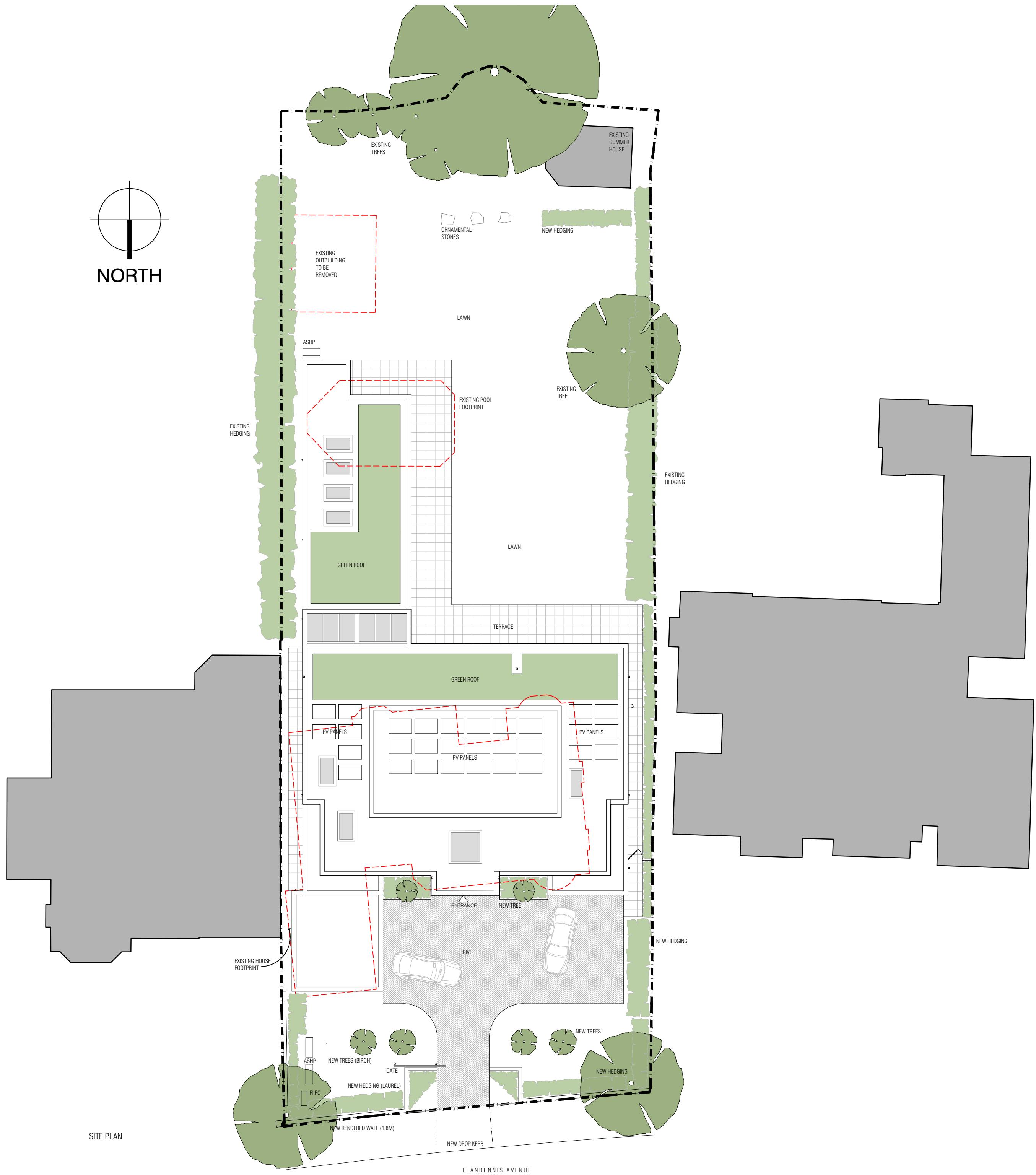
- 11.1 The proposed scheme is, on balance, considered an acceptable form of development for the site and approval is recommended subject to conditions.



CONTEXT PLAN



LOCATION PLAN



SITE PLAN

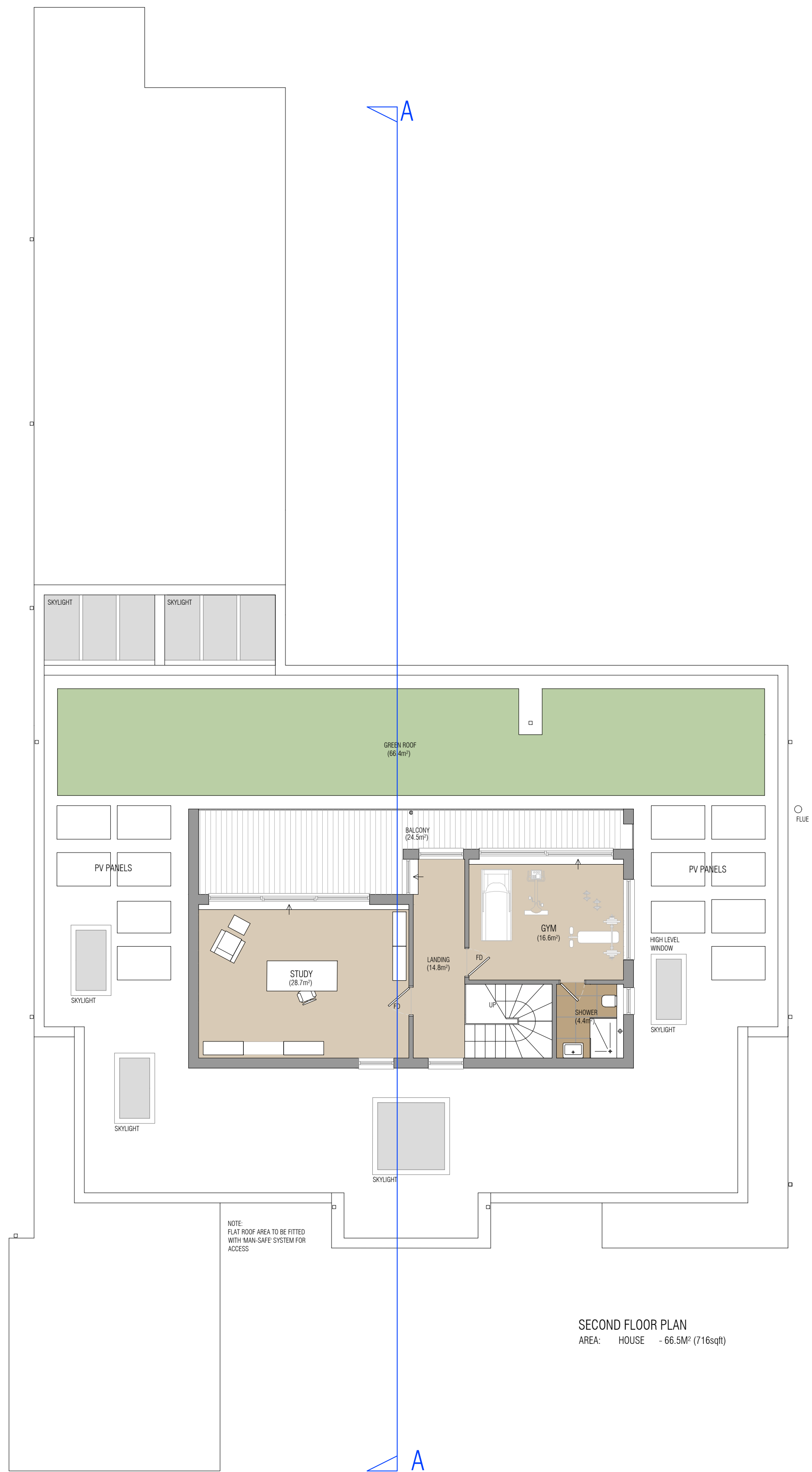
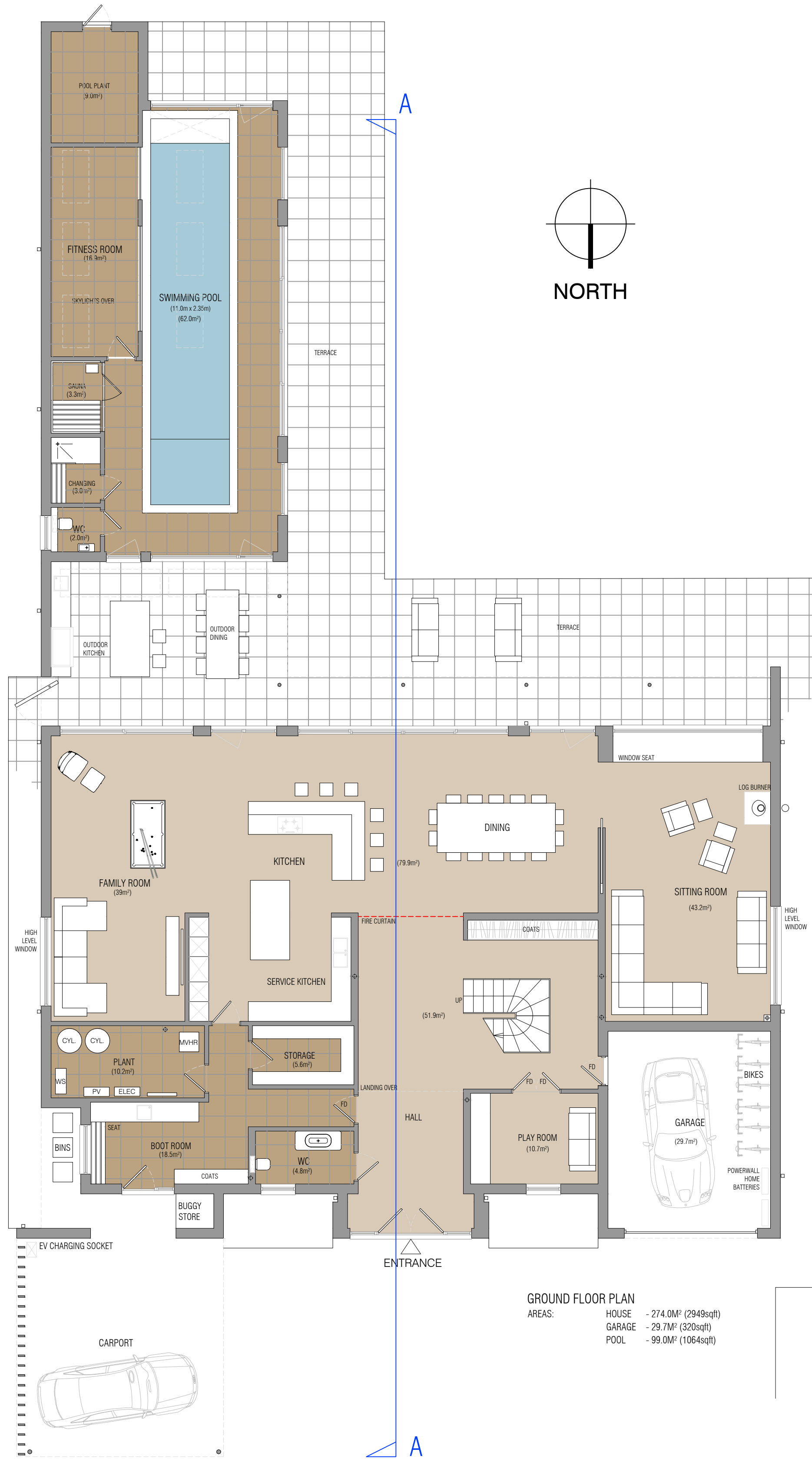
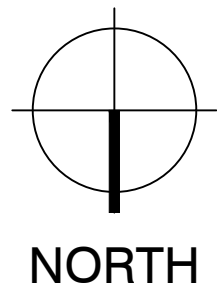


EXISTING STREET SCENE



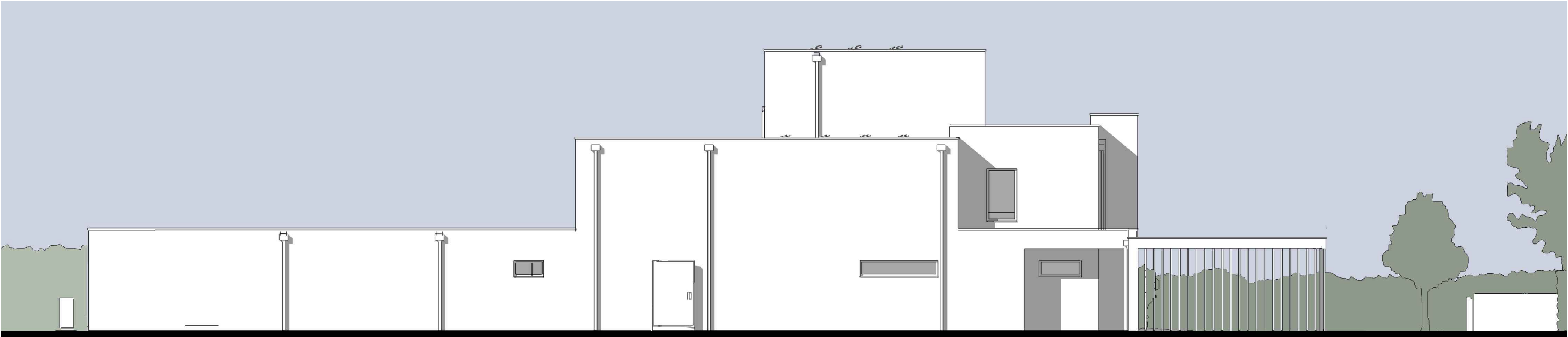
PROPOSED STREET SCENE

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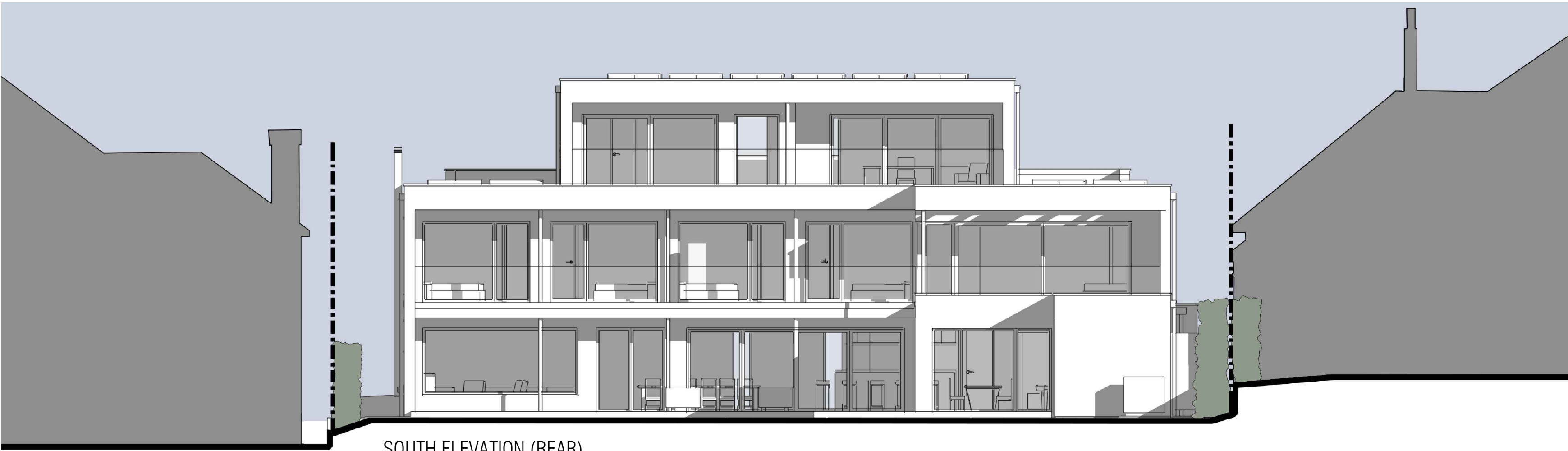




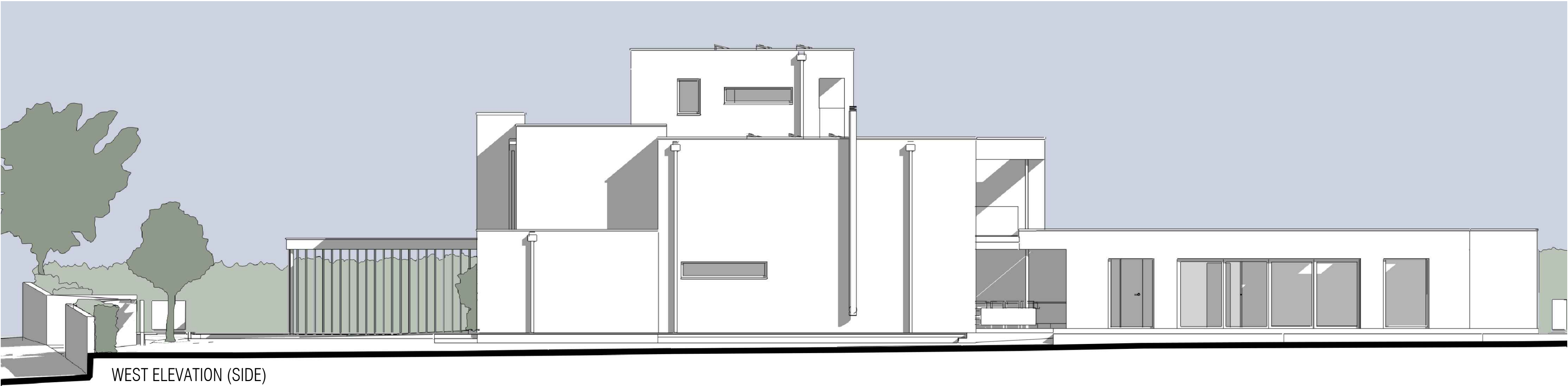
NORTH ELEVATION (FRONT)



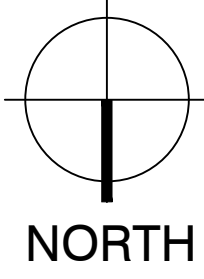
EAST ELEVATION (SIDE)



SOUTH ELEVATION (REAR)



WEST ELEVATION (SIDE)



BLOCK PLAN

