

## LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 13/02/2018

APPLICATION No. **18/01820/MJR** APPLICATION DATE: 08/08/2018

ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: MELVIN PROPERTIES LONDON LTD

LOCATION: 45-47 DRYSGOL ROAD, RADYR, CARDIFF, CF15 8BS

PROPOSAL: PROPOSED DEMOLITION OF EXISTING DWELLINGS & OUTBUILDINGS. CONSTRUCTION OF TWO 3 STOREY BLOCKS, EACH OF 9 SELF CONTAINED APARTMENTS WITH ONSITE AMENITY, PARKING, CYCLE & REFUSE STORES AND CONSTRUCTION OF DETACHED 4 BED DWELLING WITH NEW ACCESS ONTO DRYSGOL ROAD

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

1. The development permitted shall be commenced before the expiration of two years from the date of this planning permission.  
Reason: In accordance with the provisions of Sec. 91(1)(b) of the Town and Country Planning Act 1990 to allow review of the viability of the proposal, with relevance to meeting the aims of Policies KP6, KP7, KP8, H3, T5, T6 and C5 of the Cardiff Local Development Plan, if the development is not implemented within a two year period.
2. The development shall be carried out in accordance with the following approved plans unless otherwise expressly required by Conditions 3 - 10:
  - AL(01)01 Rev. D – Proposed Ground Floor Plans
  - AL(01)02 Rev. C – Proposed First Floor Plans
  - AL(01)03 Rev. C – Proposed Second Floor Plan
  - AL(01)09 Rev. C – Proposed Elevations Block A
  - AL(01)10 Rev. C – Proposed Elevations Block B
  - AL(01)11 Rev. F – Proposed Elevations
  - AL(01)20 – Proposed Gates
  - AL(02)01 – Proposed House Ground Floor Plan
  - AL(02)02 – Proposed House First Floor Plan
  - AL(02)10 – Proposed House Front & Rear Elevations
  - AL(02)11 – Proposed House Side Elevations
  - AL(90)02 Rev. H – Proposed Site Plan

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. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must 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 must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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

4. No development shall commence until a drainage scheme for the site, including an assessment of potential to dispose of surface water by sustainable means, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, ensure no pollution of or detriment to the environment and in the interests of water sensitive design in accordance with Policies EN10 and EN14 of the Cardiff Local Development Plan 2006-2026.

5. Prior to beneficial occupation use of the development, hereby approved, 30 undercover, secure and accessible cycle parking spaces shall be provided in accordance with details which shall first be approved by the Local Planning Authority. The cycle parking spaces shall thereafter be retained.

Reason: To promote sustainable modes of transport in accordance with Policy KP8 and T5 of the Cardiff Local Development Plan 2006-2026.

6. No development shall commence until a speed survey has been undertaken in the vicinity of the proposed access points to the development, hereby approved, and full details of the means of access, including any amendments required as informed by the speed survey,

have been submitted to and approved by the Local Planning Authority. The access points shall thereafter be implemented in accordance with the approved details prior to beneficial occupation.

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 abutting the site in accordance with Policies T5 and T6 of the Cardiff Local Development Plan 2006-2026.

7. No development shall take place until a finalised, scaled Tree Protection Plan and full details concerning an auditable system of arboricultural site monitoring have been submitted to and approved by the LPA. The submitted plan and details shall be cross referenced within a finalised Arboricultural Method Statement. The development shall thereafter be undertaken in accordance with the approved details. Reason: In the interests of protecting Green Infrastructure in accordance with Policies KP15, KP16 and EN8 of the Cardiff Local Development Plan 2006-2026.

8. No development shall take place until the following landscaping details have been submitted to and approved by the LPA: -

- A scaled planting plan.
- A plant schedule.
- A topsoil and subsoil specification based on a soil assessment carried out in accordance with the Soils and Development Technical Guidance Note.
- Evidence to demonstrate that services, including drainage, will not conflict with proposed planting.
- Tree pit section and plan views showing how the tree will have access to adequate root available soil volume to support healthy long-term growth.
- A planting methodology and 5 year aftercare methodology.
- A landscaping implementation programme.

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

Any 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 \*\*\*, unless the LPA gives written consent to any variation.

Reason: In the interests of the visual amenity of the area, protecting and enhancing Green Infrastructure in accordance with Policies KP5, KP15, KP16 and EN8 of the Cardiff Local Development Plan 2006-2026.

9. Prior to their application details of the external finishing materials and architectural detailing of the buildings, hereby approved, shall be approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.  
Reason: In order to secure a high quality development in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.
10. Any topsoil or subsoil (natural or manufactured) /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 soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.  
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 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:** That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

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

- i determining the extent and effects of such constraints;
- 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.

**RECOMMENDATION 5:** It is considered best practise to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.

For a development of 18 apartments, the following bins are required:

Dry Recyclables:	2 x 1100 litre bulk bins
Food waste:	2 x 240 litre bins
General waste:	2 x 1100 litre bulk bins

These should be split equally between the 2 storage areas.

If communal bins are used the crews would be able to collect from the store on site (as long as the distance travelled was less than 25m from the collection vehicle).

The developer is advised; as bulk containers are required for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle.

Communal bin stores should have double doors that open outward. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided- natural or artificial, and good natural ventilation if completely enclosed.

A designated area for the storage of bulky waste is now a compulsory element of all communal bin stores. The City of Cardiff Council offers residents a collection service, for items which are too large to be disposed of in general waste bins (i.e. fridges, televisions, mattresses etc.). There must be a designated area where these items can be left, with appropriate access to allow Council collection crews to remove. This area will prevent unwanted waste being left in the communal bin store or other areas, thereby improving the aesthetics of the site.

Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (**steel containers are required where capacity exceeds 240 litres**) as determined by S46 of the Environment Protection Act 1990 and can be purchased directly from the Council. Please contact the Waste Management's commercial department for further information on 02920 717500.

The detached dwelling will require the following for recycling and waste collections:

- 1 x 140 litre bin for general waste
- 1 x 240 litre bin for garden waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

The storage of which must be sensitively integrated into the design.

**The bins will need to be placed on Drysgol Road for collection.**

Since 27<sup>th</sup> July 2015, the 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 20717501**.

The kitchens should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.

Refuse storage, once implemented, must be retained for future use.

**RECOMMENDATION 6** : This development falls within

- a] a radon affected area and may require full radon protective measures,
- b] an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations 2010 (As Amended). Should you have any queries in this matter I would suggest you consult with my Building Control Division

**RECOMMENDATION 7** : 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 8:** Welsh Water advise that:

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

The applicant 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](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we

kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

## **1. DESCRIPTION OF THE SITE AND AREA**

- 1.1 The application site comprises the curtilage of two existing large detached houses set in substantial plots. The existing dwellings are both of a differing modern design but share a similar mass and rhythm. Principal features include pitched roofs and front facing gables. Both properties benefit from large frontages with no. 47 benefitting from a substantial area of hard surfacing both frontages are screened by low stone walls with hedging behind. No. 45 is finished in render and no. 47 in brick and cladding. Both properties extend effectively the full width of their plots with minimal spacing retained between buildings.
- 1.2 The immediate area, particularly the row of buildings to this part of Drysgol Road, is characterised by large detached dwellings of differing designs, but sharing a similar mass and rhythm. Buildings within the immediate area are characterised by a white render and red clay tile finish, however, there is variation.
- 1.3 The Radyr Golf club lies directly in front of the site providing an open aspect over the golf course from the site. To the rear of the site is a dense coverage of trees subject to a preservation order. The property to the west side of the site, Whitehall, is a Grade II Listed Building.
- 1.4 The site is located within a suburban area to the north of the City accessible via secondary routes from the A470 and A4119.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 Planning permission is sought for the demolition of the existing buildings, which would be replaced with two apartment blocks and a detached dwelling to the rear of the site.
- 2.2 The proposed apartment buildings would be of three stories in height, approximately 7m to eaves and 11.5m to ridge, and of a contemporary design featuring double fronted facing gables and a significant use of glass, including balcony features. The western block would be finished in brick and the eastern block in render with complementary brick detailing. Both blocks would be completed with pitched roofs finished in grey slate.
- 2.3 Each block would be sited in the approximate location of the existing dwellings, however, the overall footprint and mass, particularly vertically, would be increased. The spacing between neighbouring boundaries and buildings would, however, be increased.



- 2.4 The frontage would consist of a car park with two access points, served by gates, off Drysgol Road. The car park would benefit from 20 parking spaces. To each side boundary space for refuse and cycle storage is provided. The frontage would be landscaped with trees and a hedge to the front boundary, behind a stone wall, which would screen the car park.
- 2.5 To the rear a large communal gardens would be provided with boundary planting and an area of hard surfacing.
- 2.6 The proposed detached dwelling would be sited to the north east of the site directly behind the eastern apartment block. The dwelling would be of two stories in height with the first floor partly within the roof space and, therefore, is approximately 4.4m to eaves and 8.5m to ridge at its highest point. Incorporating gable features the design is contemporary in nature and to be finished in white render, grey slate with brick detail.
- 2.7 The proposed detached dwelling would be accessed from a private drive way off Drysgol Road along the eastern boundary of the site and would benefit from substantial grounds including a driveway for the parking of vehicles and private amenity space.

### **3. PLANNING HISTORY**

- 3.1 There is no pertinent planning history relating to the application site.

### **4. POLICY FRAMEWORK**

- 4.1 National Planning Policy
- Planning Policy Wales (10<sup>th</sup> Ed, 2018)
  - Technical Advice Note 2: Planning and Affordable Housing (2006)
  - Technical Advice Note 5: Nature Conservation and Planning (2009)
  - Technical Advice Note 10: Tree Preservation Orders (1997)
  - Technical Advice Note 11: Noise (1997)
  - Technical Advice Note 12: Design (2016)
  - Technical Advice Note 15: Development and Flood Risk (2004)
  - Technical Advice Note 16: Sport, Recreation and Open Space (2009)
  - Technical Advice Note 18: Transport (2007)
- 4.2 Cardiff Local Development Plan 2006-2026
- Policy KP1 (Level of Growth)
  - Policy KP3(B) (Settlement Boundaries)
  - Policy KP5 (Good Quality and Sustainable Design)
  - Policy KP6 (New Infrastructure)
  - Policy KP7 (Planning Obligations)
  - Policy KP8 (Sustainable Transport)
  - Policy KP13 (Responding to Evidenced Social Needs)
  - Policy KP15 (Climate Change)
  - Policy KP16 (Green Infrastructure)
  - Policy KP17 (Built Heritage)

- Policy KP18 (Natural Resources)
- Policy H3 (Affordable Housing)
- Policy EN6 (Ecological Networks and Feature of Importance for Biodiversity)
- Policy EN7 (Priority Habitats and Species)
- Policy EN8 (Trees, Woodlands and Hedgerows)
- Policy EN9 (Conservation of the Built Environment)
- Policy EN10 (Water Sensitive Design)
- Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
- Policy EN14 (Flood Risk)
- Policy T5 (Managing Transport Impacts)
- Policy T6 (Impact on Transport Networks and Services)
- Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport)
- Policy W2 (Provision for Waste Management Facilities in Development)

#### 4.3 Supplementary Planning Guidance

- Green Infrastructure (November 2017)
- Infill Sites (November 2017)
- Managing Transportation Impacts (July 2018)
- Planning Obligations (January 2017)
- Residential Design Guide (January 2017)
- Waste Collection and Storage (October 2016)

### 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager (Flood & Coastal Risk Management) has been consulted, no representations have been received.
- 5.2 The Operational Manager (Traffic and Transportation) advises that there is no in principle objection to the proposal. An appropriate planning condition and a Sec. 278 agreement will be required with regard to the crossover and access points. With regard to the access points it is considered that further information is required to ensure that there is no adverse impact upon highways safety, a condition is recommended in this regard. The proposed car parking accords with the maximum allowable based upon the current guidelines. Cycle parking will need to be provided at a ratio of 1 per bedroom and should be covered, secure and accessible further details are required in this regard. Given the overall increase in dwellings, and the desire to maximise the use of sustainable modes of transport contributions of £10,000 would be sought to provide improvements to bus stops on Park Road are considered necessary to maximise sustainable modes of transport.
- 5.3 The Operational Manager (Waste Management) advises that it is considered to be best practice to have a site waste management plan for demolition projects. The proposed storage for 18 apartments is acceptable. Advice with regard the required storage containers and general advisory notes are provided.

- 5.4 The Operational Manager (Shared Regulatory Services – Pollution Control) advises that a scheme of sound insulation works to the floor/ceiling and party wall structure between each unit must comply with Part E of the Building Regulations and that a noise assessment shall be submitted in respect of fixed plant conditions are requested in this regard. An advisory note in respect of construction site noise is also requested.
- 5.5 The Operational Manager (Parks and Sport) advises that an open space requirement of 0.061ha is required for the development, on the basis that no on-site provision is to be provided a financial contribution of £25,835 should be sought towards new or existing open space.
- 5.6 The Operational Manager (Housing Development) advises that 20% affordable housing would be required in respect of this brownfield site. The priority is to provide on-site provision, however, given the proposed design and configuration a financial contribution of £310,996, in lieu of on-site provision, should be sought.
- 5.7 The Operational Manager (Shared Regulatory Services – Environment Team) raises no objection to the proposal advising that the site is formerly residential and contamination is not known at the site, however, conditions are recommended in respect of unforeseen contamination and imported materials. Advisory notes in respect of Radon Gas and contamination are provided.
- 5.8 The Council's Planner (Trees and Landscaping) advises that subject to the development being carried out in full accordance with the details submitted no harm is likely to result to trees of amenity value. There is concern that future residents may consider the trees over dominant and seek their removal or unsuitable pruning as a consequence. Underground services could substantially compromise root protection areas of trees. Whilst the indicative planting proposed is welcomed fully detailed landscaping proposals are required.
- 5.9 The Council's Planner (Ecology) has been consulted, no representations have been received.

## **6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water raise no objections to the proposal subject to condition requiring further details of drainage, to include an assessment of the potential to dispose of surface water by sustainable means. Advisory notes are also provided.
- 6.2 The District Valuer has assessed the Viability Report submitted with the application and concludes that for a fully open market scheme, with a fixed benchmark of 2.6m and allowing for a 17.5% developer return a significant deficit of -£419,230 would result. The scheme is unviable and may indeed be undeliverable unless cost savings are found or profit expectations lowered. If planning permission is granted on the basis of no contributions it is suggested a time scale for delivery is agreed which if not met triggers a viability review.

## **7. REPRESENTATIONS**

7.1 The application was advertised by way of neighbour consultation letters, site notices and advertisement in the press.

7.2 A Petition of 97 signatories has been received objecting to the proposal. The petitioners object on the basis that the proposed development:

- constitutes overdevelopment of the site;
- would be overbearing upon the setting of the neighbouring Listed Building;
- would be out of character and scale;
- consists of a large car park to the frontage which will be detrimental to visual amenity;
- results in a detached dwelling to the rear which would create a new building line;
- will result in increased traffic creating highway safety issues and there are inadequate vision splays;
- would not be adequately screened, as detailed in the Design and Access Statement, from the rear by TPO trees.

7.3 Letters of representation, objecting to the proposal, have been received from a total of 12 parties representing the following addresses:

- 43 and 49 Drysgol Road
- 40, 46 and 82 Heol Isaf
- 9 Windsor Avenue
- 10 Ffordd Y Berllan
- 27 Maes Y Crofft
- 29 Penrhos
- 6 Maes Y Bryn
- 5 Maple Tree Close

A summary of the objections are detailed below:

- The existing houses contribute to the character of the area;
- The proposal is out of keeping and detrimental to the character of the area and constitutes overdevelopment;
- The proposal would have an adverse impact upon the setting of a Listed Building;
- The site is not included in the development plan for new housing;
- The proposal would overshadow and restrict light to neighbouring properties, be of detriment to privacy of neighbouring occupiers and detrimental to outlook from neighbouring properties;
- Increased traffic, parking congestion and detriment to highway safety;
- Inconvenience, disturbance and pollution resulting from construction works;
- There is insufficient information relating to the proposals impact upon protected species;

- Increase in air pollution;
- The proposal would put strain on local services;
- Existing flats are available nearby and, therefore, there is no need for additional flats;
- Proposal does not accord with Wellbeing of Future Generations Act.

7.4 Local Ward Member Cllr McKerlich objects to the proposal. For reason that the houses to be demolished contribute greatly to the character of the area and are of a scale and type which are necessary to provide a range of family accommodation in the area. Conversely the flats proposed are out of keeping with neighbouring homes and will add significantly to traffic within the area, where there have been several accidents and many near misses, and that insufficient parking is provided for visitors, service vehicles and residents.

7.5 Radyr and Morganstown Community Council object to the proposal. Detailing that the proposal would:

- have an adverse effect on the neighbouring Listed Building;
- not provide affordable housing or planning gain;
- result in the loss of substantial detached houses which greatly contribute to the character of the area and are required to provide a range of family accommodation in the area;
- be out of character with neighbouring homes;
- result in significant additional traffic in an area that has been the scene of several accidents and many near misses;
- provide insufficient parking provision for visitors, service vehicles and residents.

## **8. ANALYSIS**

### **8.1 Introduction**

8.1.1 The application site lies within the defined settlement boundary within an existing residential area. The existing dwellinghouses are provided no protection by planning policy and their demolition, subject to agreement of the means of demolition and restoration of land, are 'permitted development' not requiring the approval of the Local Planning Authority. Policy KP1 provides allowances for windfall sites, particularly on brown-field sites, and, therefore, the principle of the proposal is considered acceptable.

8.1.2 The principal matters for consideration are:

- the effect of the proposal upon the character of the area;
- the impact upon the amenity of neighbouring occupiers and the area,
- the proposals transport impact;
- planning obligations and viability.

### **8.2 Impact Upon the Character of the Area**

- 8.2.1 Policy KP5 requires that all new development should respond *‘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’*.
- 8.2.2 A range of properties, principally large detached dwellings, which share a similar mass and rhythm, defines the local character, however, there is a significant variety of design and detailing within the area and whilst there is a core palette of materials there is some variety. The variation in design throughout the area allows for some diversity in design and although contemporary buildings are proposed the design reflects the key characteristic features of the area, such as gable features and use of render. The variety between the design of the two blocks is also considered to reflect the variety found within the area.
- 8.2.3 The proposal would provide a different type of dwelling to that which is principally found within the area, however, planning policy supports a mix of types of housing of different tenure and given the residential nature of the proposal it is not considered that there would be any fundamental harm to the residential character. The provision of flats of such number is considered to be an efficient use of land that provides housing choice.
- 8.2.4 The density of such a development does require a greater size of building and it is acknowledged that in terms of its overall mass each block is larger than other properties within the area. Regard must be given, however, to the existing context including the existing dwellinghouses to be demolished and neighbouring properties which are in themselves large buildings. In order to compensate for the increased depth and height, although the latter would not exceed that of the building to the east, the proposal would result in increased spacing between neighbouring buildings and has a varied form to its frontage and roof which serves to somewhat mask the bulk.
- 8.2.5 The Listed Building to the east of the site would not be dominated by the proposal the increased height is limited relative to the existing building and the increase in spacing compensates for any height increase. Therefore, it is considered that the setting of the building would not be affected.
- 8.2.6 The proposed detached dwelling would not be highly prominent within the streetscene and, therefore, has limited potential to impact upon the character of the area. Whilst the proposal constitutes ‘backland development’ it is suitably subservient relative to the existing and proposed principal frontage development.
- 8.2.7 Accordingly it is considered that the proposal has due regard to the context of the area and would complement its character, and, therefore, accords with the principles of Policy KP5 of the Cardiff Local Development plan.

### **8.3 Impact Upon the Amenity of Neighbouring Occupiers and the Area**

- 8.3.1 Policy KP5 seeks to ensure that *'no undue effect on the amenity of neighbouring occupiers'* results from development.
- 8.3.2 The proposed apartment blocks, whilst higher than the existing buildings, have been sited so that spacing between neighbouring properties is increased and they do not significantly project beyond neighbouring buildings such that there would be potential for an overbearing impact, loss of light or overshadowing.
- 8.3.3 The proposed detached dwelling would be effectively screened from the majority of neighbouring properties by existing protected vegetation and is of a limited mass in proximity to neighbouring boundaries. Given its siting and scale it is considered the proposal has little potential to impact adversely on neighbouring amenity.
- 8.3.4 Neither the apartment blocks or detached dwelling, would benefit from windows, rooflights, balconets or balconies that would provide unrestricted views at a distance below 10.5m from boundaries or 21m from habitable room windows which is considered adequate to ensure privacy is protected, based upon current guidance.
- 8.3.5 The proposal benefits from sufficient amenity provision and there is no reason to believe that the use of the development would have any adverse impact upon the general amenity of the area to the detriment of neighbouring occupiers.
- 8.3.6 Accordingly it is considered that the proposal would not have any undue impact upon the general amenity of neighbouring occupiers or the area, and, therefore, accords with the principles of Policy KP5.

### **8.4 Transport Impact**

- 8.4.1 Policy KP8 seeks to achieve a 50:50 modal split between journeys by car and other more sustainable means and, therefore, seeks to reduce reliance on the private car as a means of transport in favour of more sustainable methods. Policy T5, supports this key policy, by seeking to ensure *'that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes'*.
- 8.4.2 The proposal provides for adequate car parking facilities in accordance with current guidelines.
- 8.4.3 Bicycle parking spaces are proposed within the apartment curtilage to encourage and promote this sustainable mode of transport and the proposed dwelling benefits from sufficient space, including a large garage, to store bicycles.

8.4.4 It is considered in principle, with reference to the suitable car and bicycle parking provision, that the proposal could be provided without any adverse transport impact resulting. The location of one of the three access points, in close proximity to a curve in the road, does raise cause for concern as do the vision splays in general. In this regard it is considered further detail of the access points, vision splays and crossovers are required to ensure that there is no detriment to highway safety and a condition is recommended to address this matter.

8.4.5 It is considered, subject to conditions, that the proposal would have no adverse transport impact having a minimal impact upon the road network and, therefore, accords with the principles of Policies KP8 and T5.

## **8.5 Planning Obligations and Viability**

8.5.1 National Policy and CIL regulations outline the legal requirements for a valid Planning obligation. Policy KP7 is also relevant and the Council's approved Planning Obligations SPG provides further guidance.

8.5.2 With reference to the Community Infrastructure Levy tests and approved SPG, contributions of £310,996 towards affordable housing provision, £10,000 towards bus stop improvements to promote this sustainable mode of transport and £25,835 towards public open space were sought.

8.5.3 A viability assessment has, however, been provided for the proposed development. The submitted assessment has been independently verified by the District Valuer (DVS) who finds the proposed development would be unviable if contributions were sought.

8.5.4 The relevant sections of the Council accept that it would be unreasonable to request financial contributions given the findings of the independently verified viability report.

8.5.5 In their report the DVS conclude that if the LPA are minded to grant planning permission on the basis of no contributions being provided, then a time scale for delivery should be agreed, which if not met would trigger a viability review. In respect of this matter a two year time limit to implement development is considered appropriate and recommended by condition.

## **8.6 Other Matters**

8.6.1 Policy EN10 and EN14 require water sensitive design solutions that do not increase risk of flooding elsewhere are incorporated within new developments. In this regard insufficient information is provided on how surface water will be disposed of and a condition requiring further details is recommended to address this matter.

8.6.2 Policies KP15, KP16 and EN8 seek to ensure that green infrastructure is protected and the effects of climate change associated with such loss are mitigated. The principle of the proposed development in this regard is



considered acceptable, however, further detail is required to ensure that appropriate landscaping is provided and that no harm results. A condition is recommended to address this matter.

- 8.6.3 Policies KP16, EN6 and EN7 are principally relevant in respect of ecological concerns. The Councils Ecologist has been consulted in respect of the application and has not raised any concerns.
- 8.6.4 The construction of the proposal, including demolition, would likely result in some disturbance and inconvenience to the area in the short term and this is to be expected when such works are being undertaken. It is considered, however, that the space within the curtilage of the site in and around the proposed buildings would provide sufficient space for a proposal of this size to be adequately managed without undue harm to the amenities of the area and neighbouring occupiers. Other controls exist in respect of matters that could cause harm including operational working hours and use of the highway, therefore, it is considered that planning controls in this regard, given the context of the site and proposal, are not warranted.
- 8.6.5 The comments of Shared Regulatory Services, referenced at para. 5.4 & 5.7 of this report, in respect of sound insulation and fixed plant are noted, however, it is considered that controls in this regard would not be appropriate. The sound insulation requirements duplicate controls of the Building Regulations and no fixed plant is proposed to the exterior of the building, therefore, conditions in this respect would not meet the tests of condition which include they must be reasonable, necessary and relevant to the development to be permitted.
- 8.6.6 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.
- 8.6.7 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.
- 8.6.8 *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

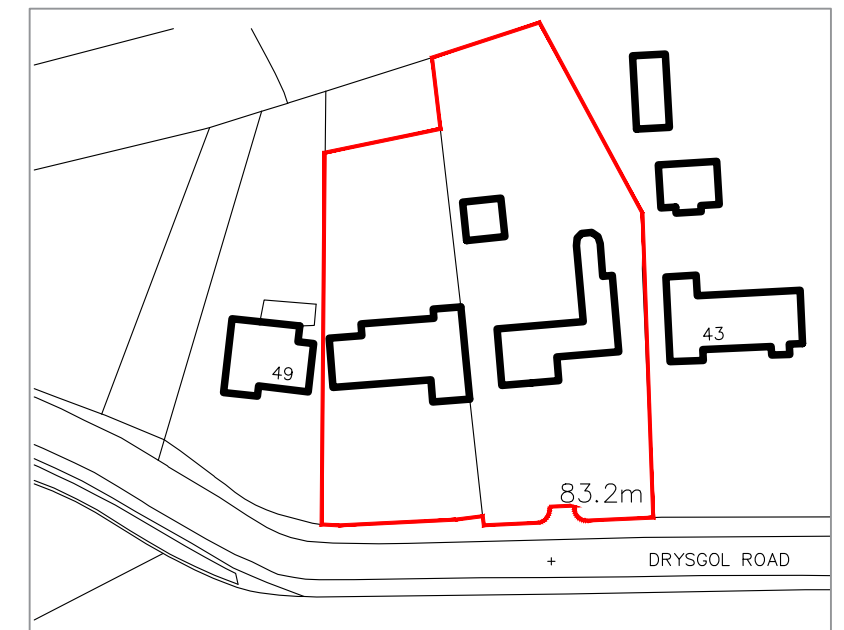
considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## **8.7 Conclusion**

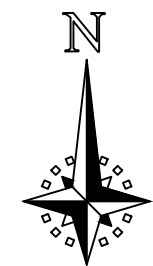
- 8.7.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended, subject to conditions, that planning permission be granted.



LOCATION PLAN  
1:500



LOCATION PLAN  
1:1250



Proposed Residential Development at 45-47 Drysgol Road, Cardiff		Job No. 17 117
Title Location Plan		Dwg No. AL(90)01
Date 22/01/2018	Drawn WS	Rev. A
		Scale 1:500 & 1:1250 @ A3
 Architects · Town planners Environmental & Urban design		
Unit 1A, Compass Business Park, Pacific Road, Cardiff. CF24 5HL		www.cjarchitects.co.uk tel: 029 20452100



Site Plan  
1:500 @ A3

Planning Submittal Scheme



Proposed Residential Development at 45-47 Drysgol Road, Cardiff		Job No. 17 117
Title Proposed Site Plan		Dwg No. AL(90)02
Date 22/01/2018	Drawn MC	Rev. H
Scale 1:500 @A3, 1:250 @A1		



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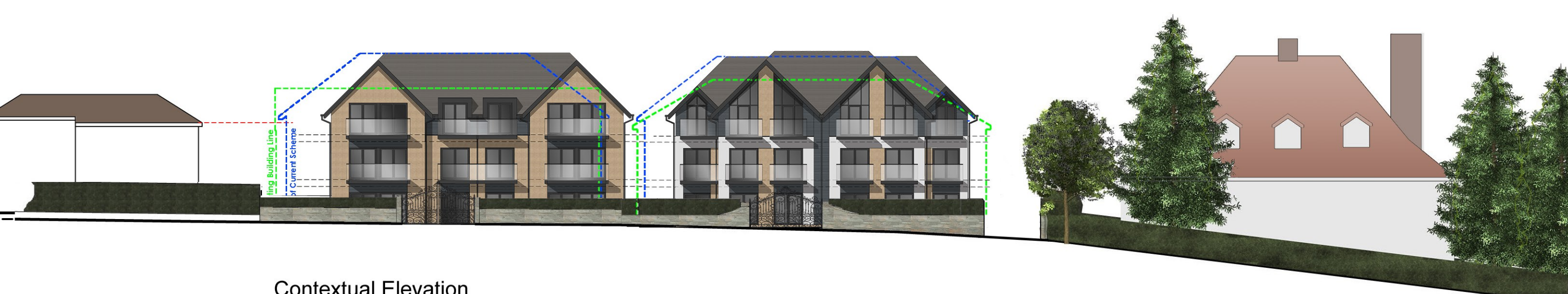
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Site Elevation  
1:250 @ A3



Contextual Elevation  
1:250 @ A3

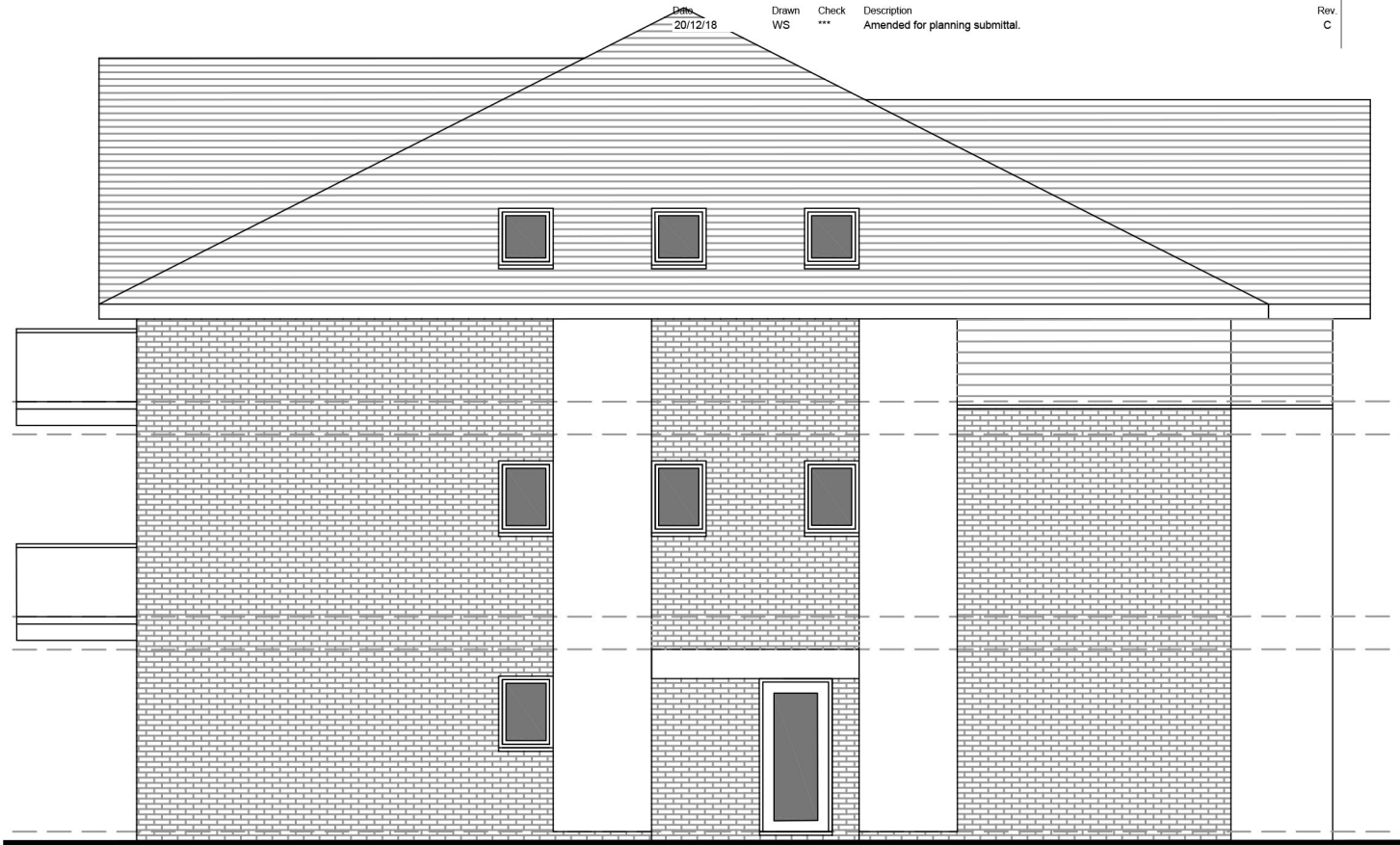
Planning Submittal Scheme

Proposed Residential Development at 45-47 Drysgol Road, Cardiff		Job No. 17 117	
Title Proposed Elevations		Dwg No. AL(01)11	Rev. F
Date 12/02/2018	Drawn MC	Scale 1:250 @A3	
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Front Elevation Block A  
1:100 @ A3



Side Elevation Block A  
1:100 @ A3




Rear Elevation Block A  
1:100 @ A3

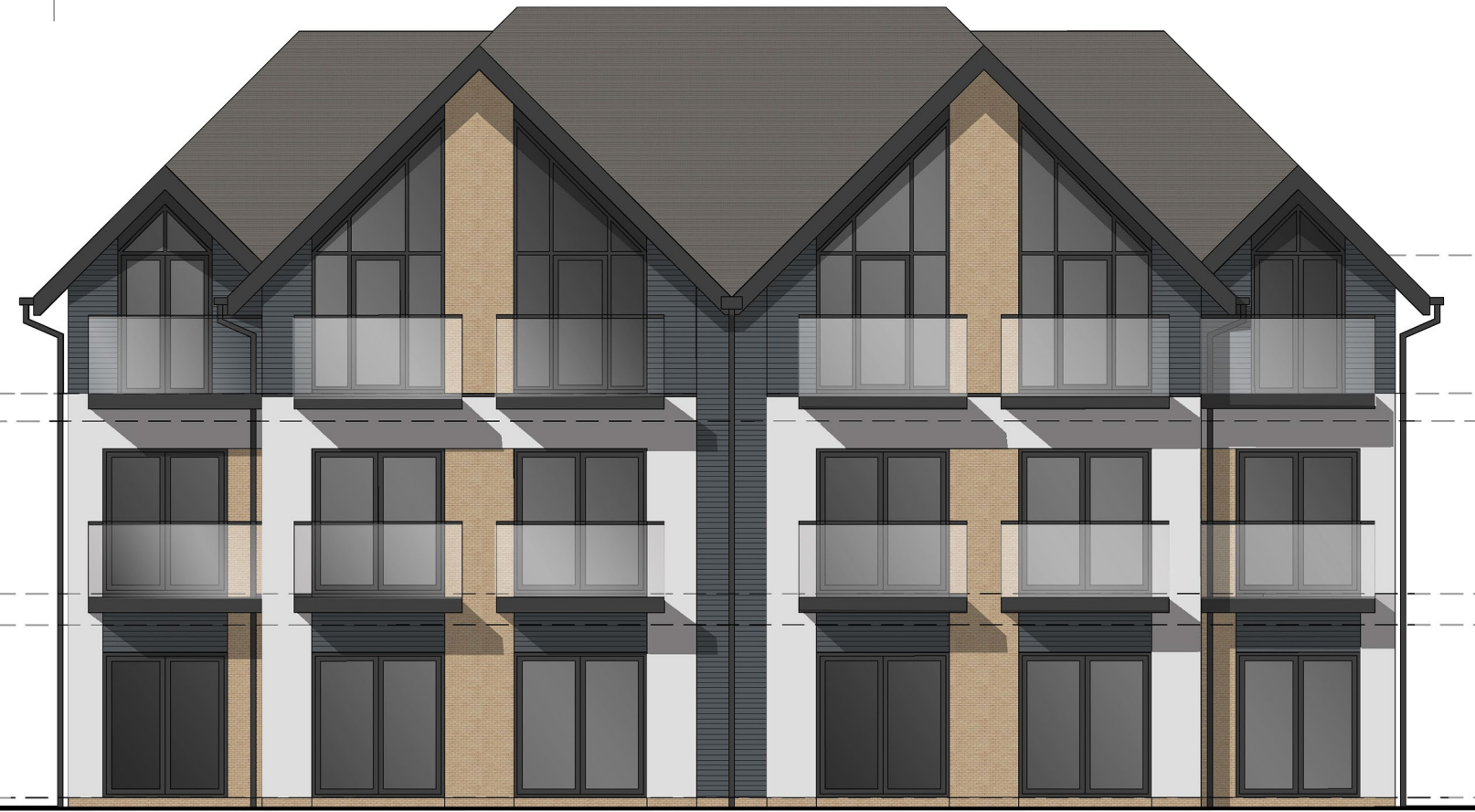


Side Elevation Block A  
1:200 @ A3

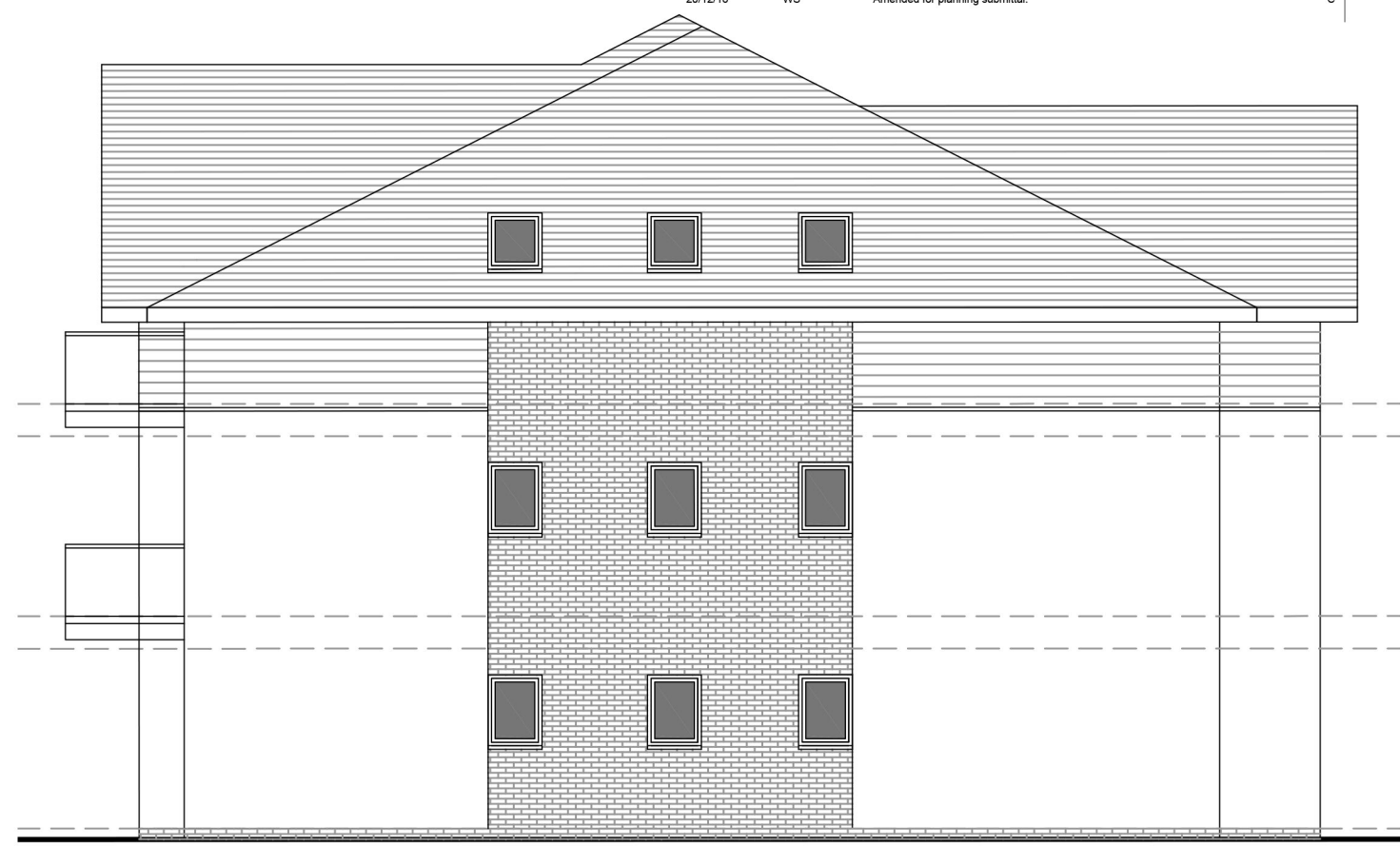
Planning Submittel Scheme

Proposed Residential Development at 45-47 Drysgol Road, Cardiff		Job No. 17 117	Rev. C
Title Proposed Elevations Block A		Dwg No. AL(01)09	
Date 12/02/2018	Drawn MC	Scale 1:100 & 200 @ A3	
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Front Elevation Block B  
1:100 @ A3



Side Elevation Block B  
1:100 @ A3



Rear Elevation Block B  
1:100 @ A3



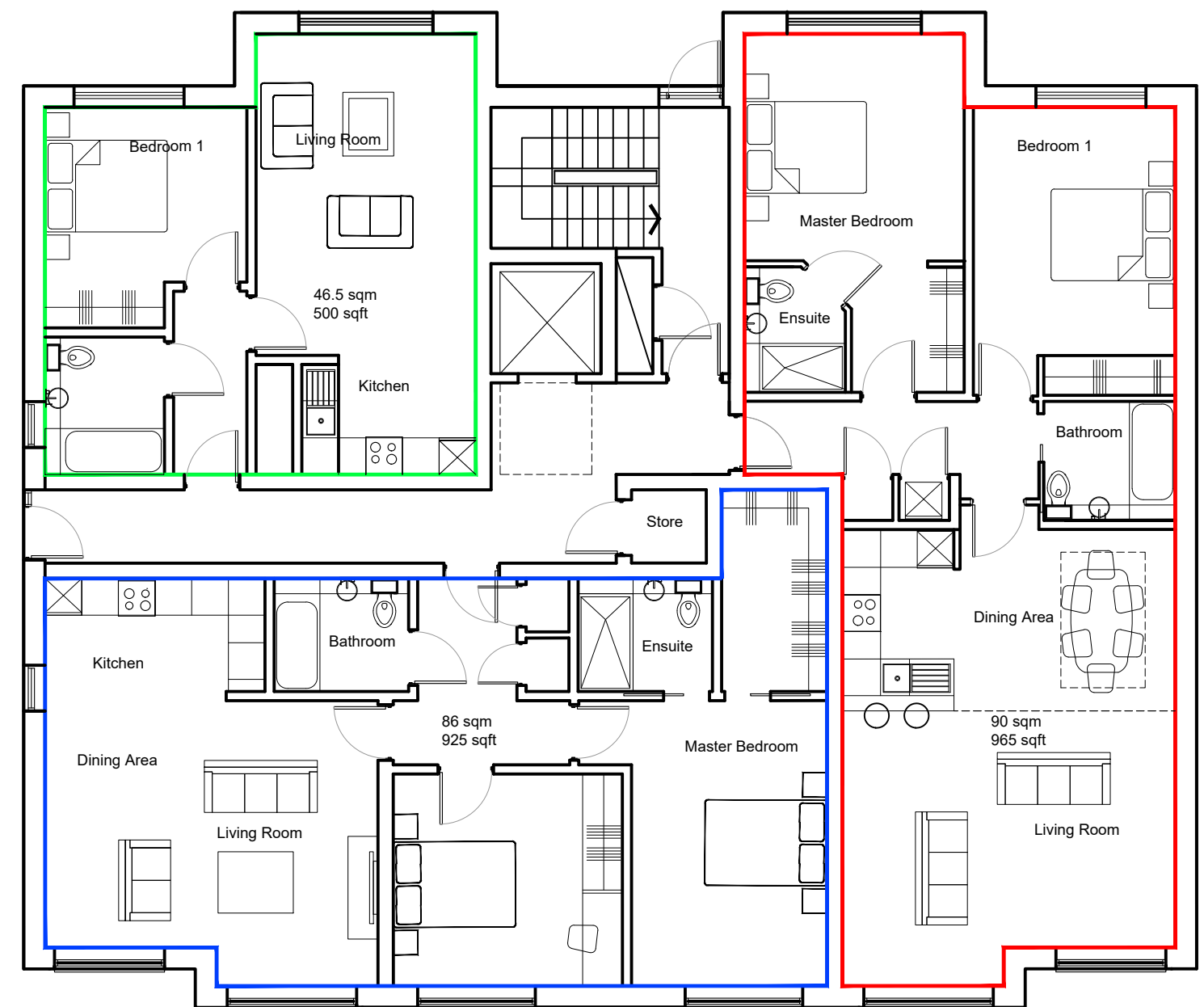
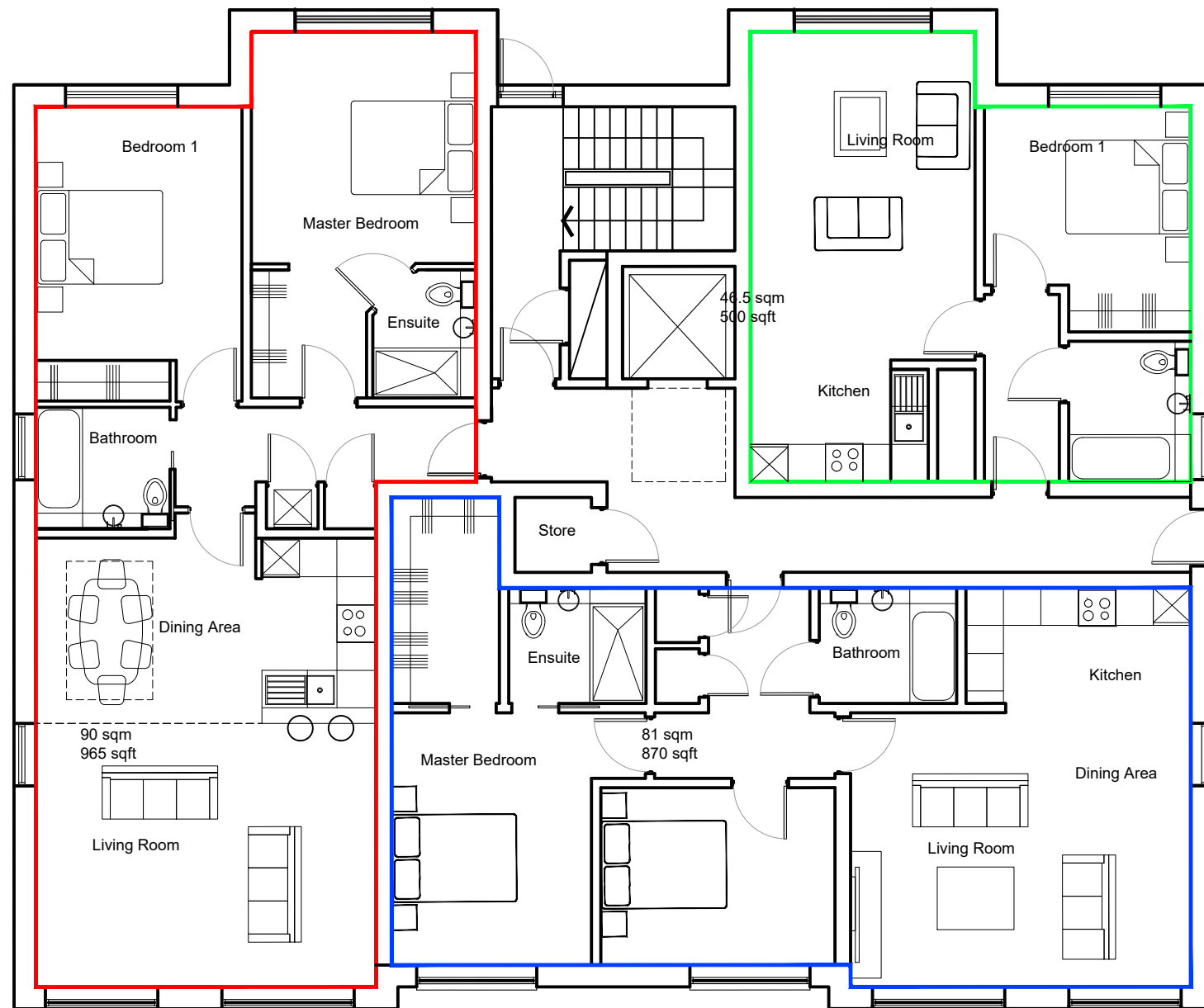
Side Elevation Block B  
1:200 @ A3

Planning Submittel Scheme

Proposed Residential Development at 45-47 Drysgol Road, Cardiff		Job No. 17 117
Title Proposed Elevations Block B		Dwg No. AL(01)10
Date 12/02/2018	Drawn MC	Rev. C
Scale 1:100 & 200 @ A3		

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Ground Floor Plan Block A  
1:100 @ A3

Ground Floor Plan Block B  
1:100 @ A3

Planning Submittal Scheme

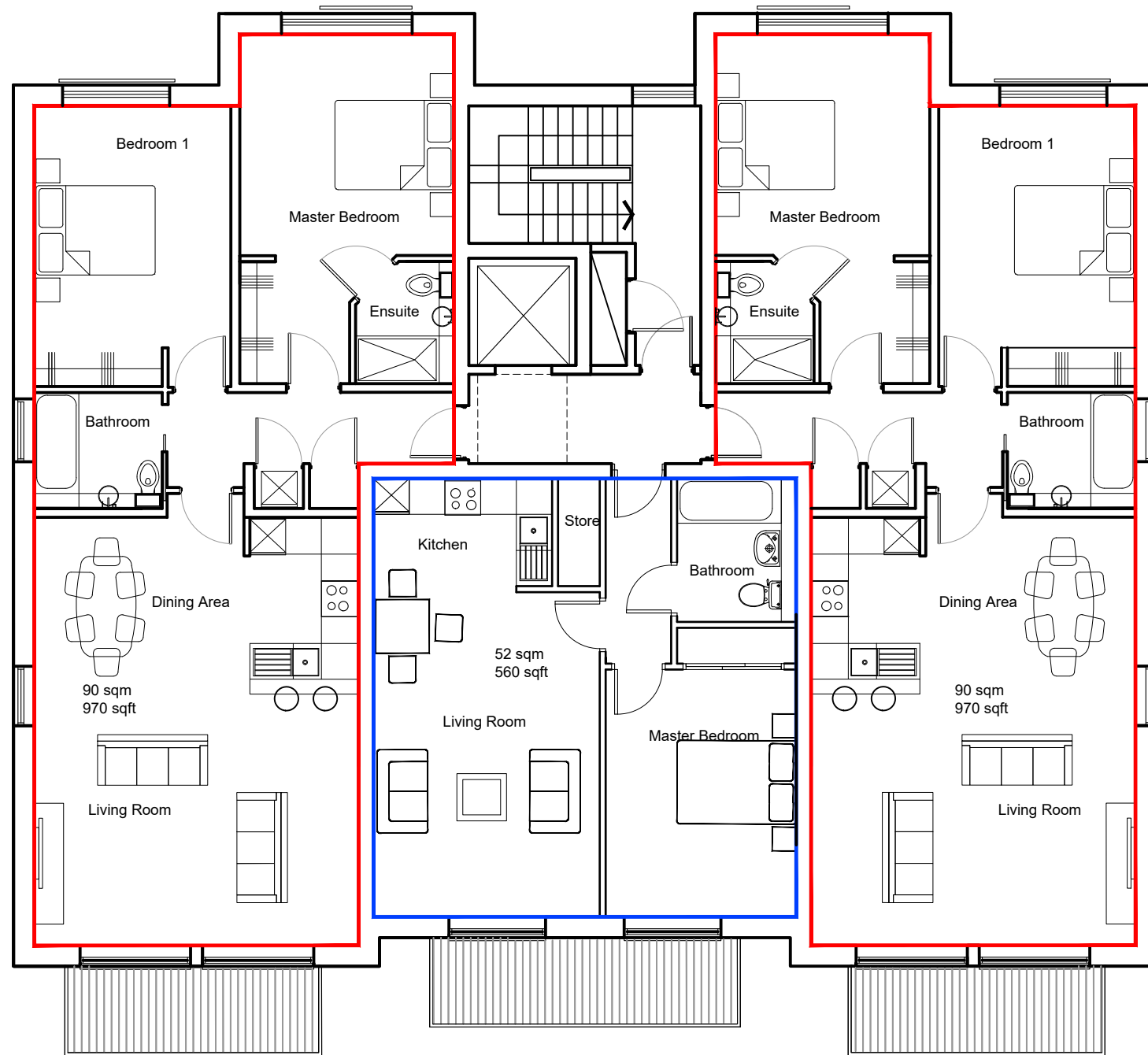
Proposed Residential Development at 45-47 Drysgol Road, Cardiff		Job No. 17 117
Title Proposed Ground Floor Plans		Dwg No. AL(01)01
Date 22/01/2018	Drawn MC	Rev. D
Scale 1:100 @ A3		

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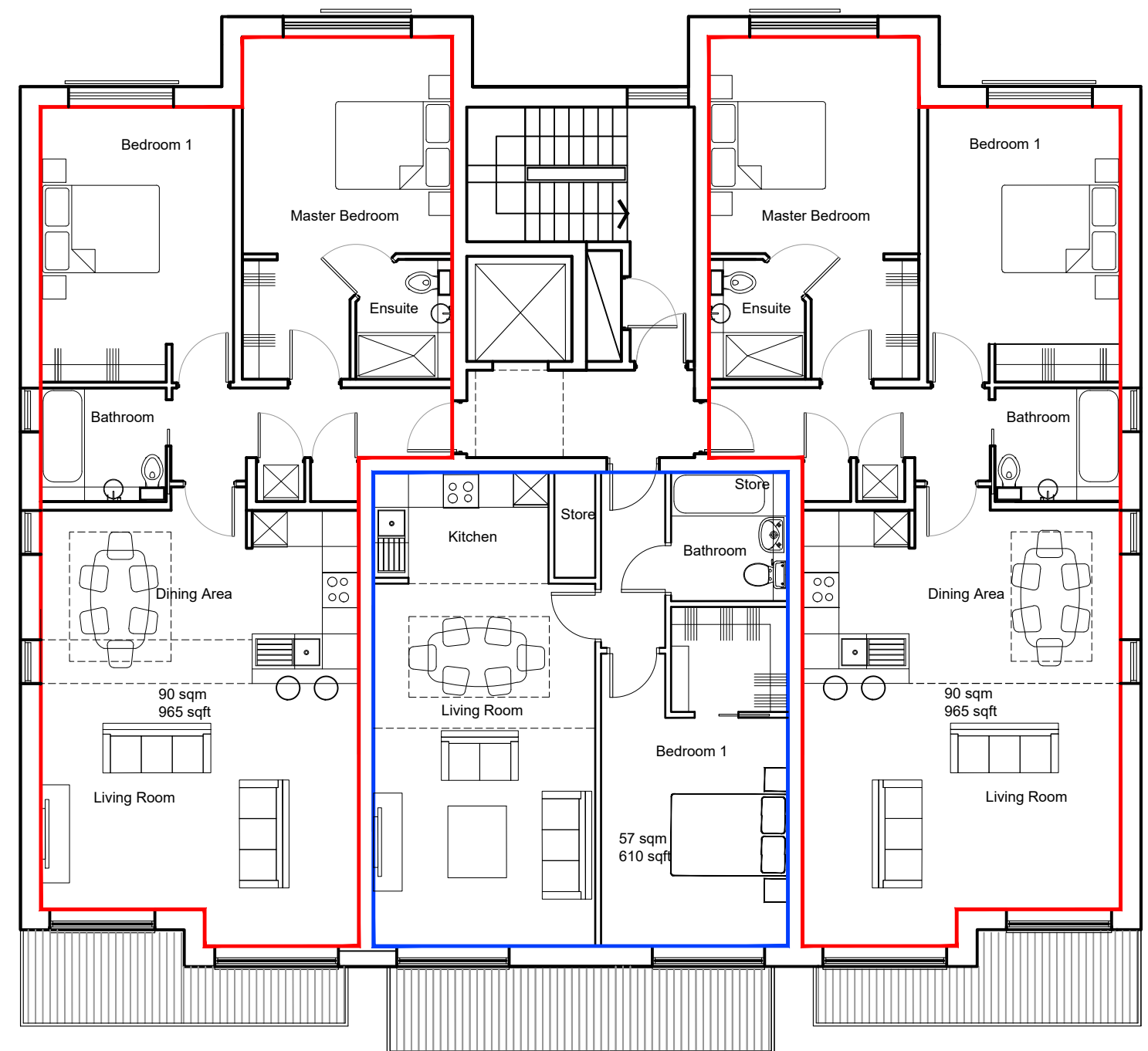
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First Floor Plan Block A  
1:100 @ A3



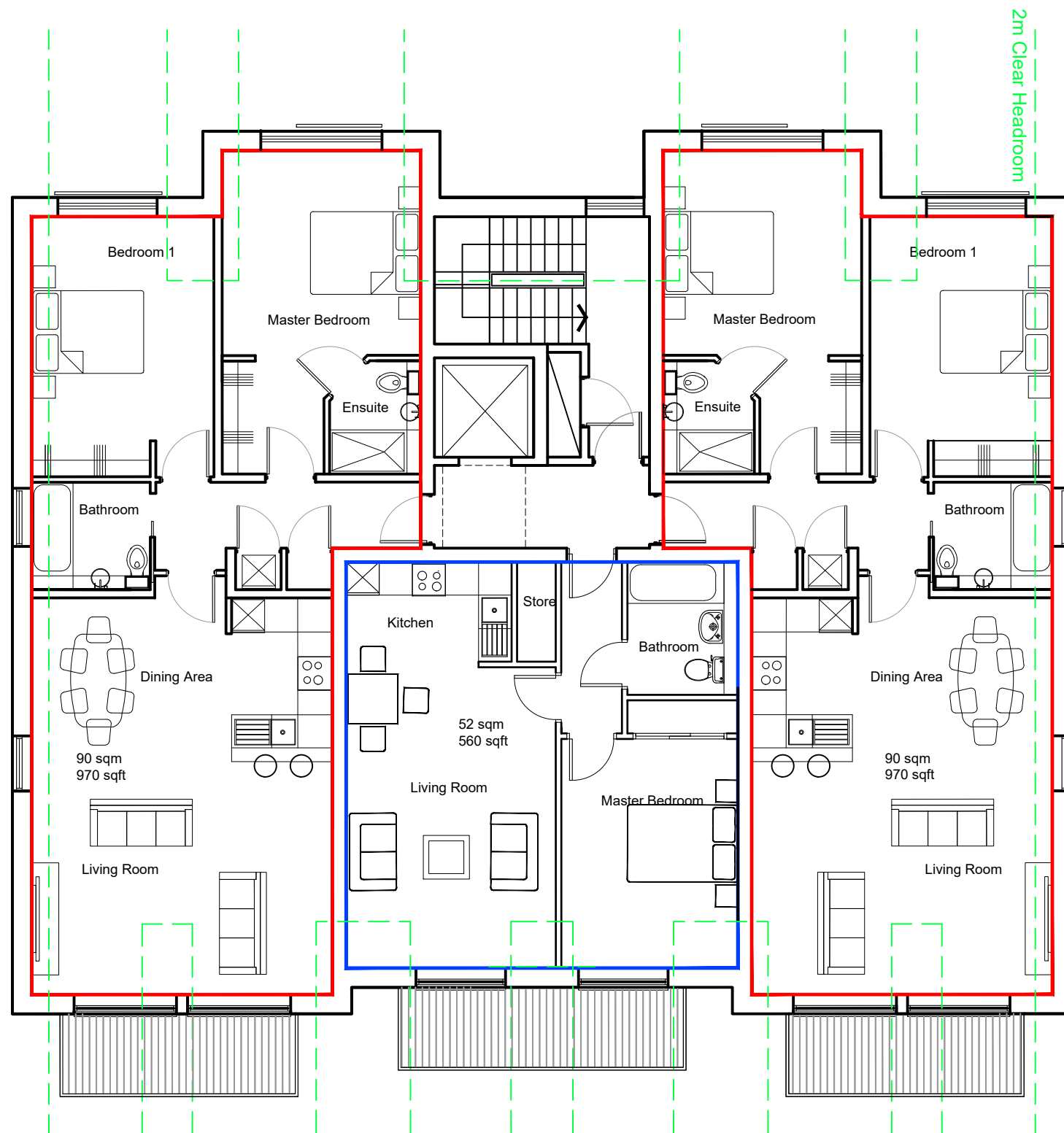
First Floor Plan Block B  
1:100 @ A3

Planning Submittal Scheme

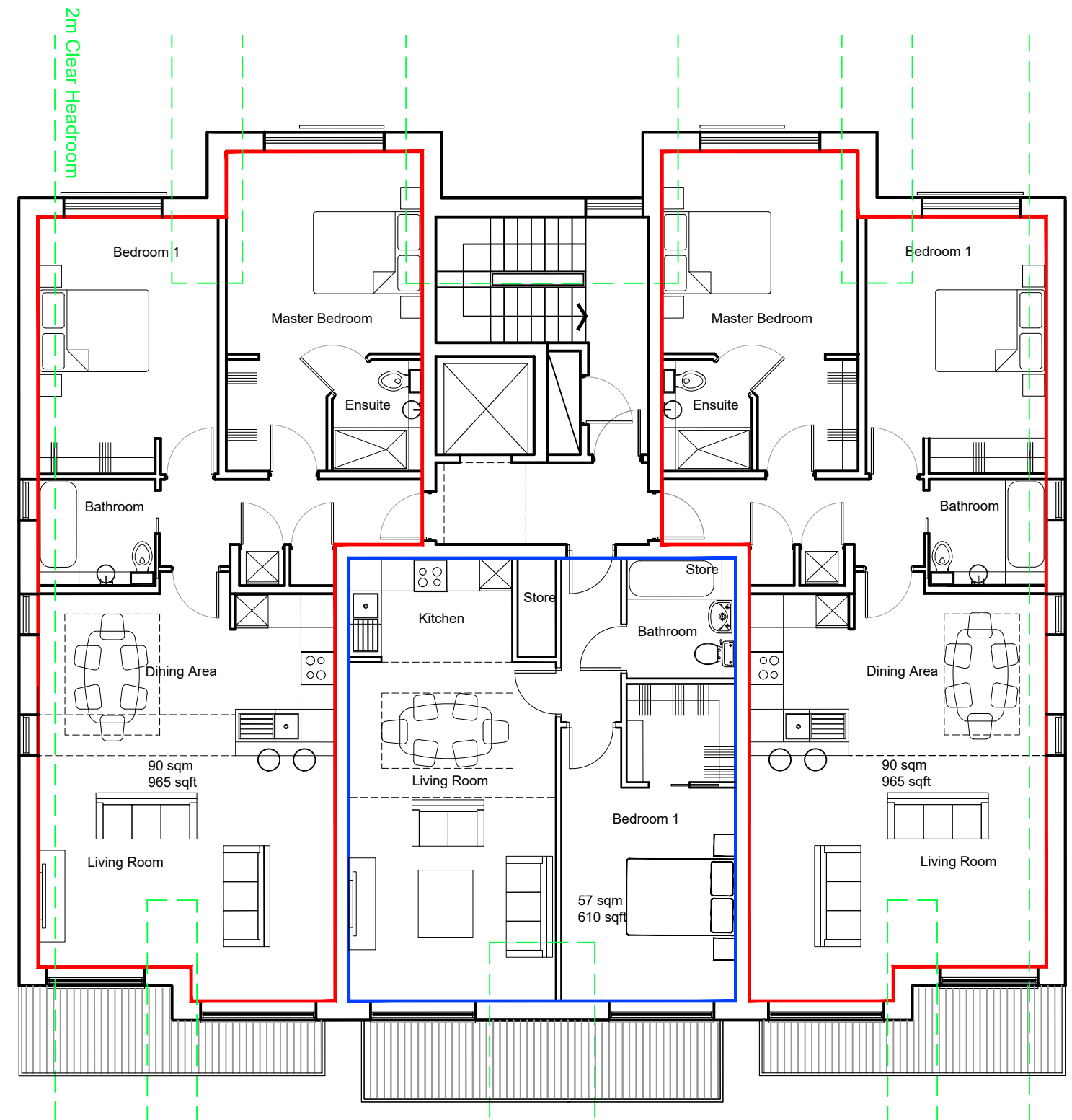
Proposed Residential Development at 45-47 Drysgol Road, Cardiff		Job No. 17 117
Title Proposed First Floor Plans		Dwg No. AL(01)02 Rev. C
Date 22/01/2018	Drawn MC	Scale 1:100 @ A3

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2nd Floor Plan Block A  
1:100 @ A3



2nd Floor Plan Block B  
1:100 @ A3

Planning Submittal Scheme

Proposed Residential Development at 45-47 Drysgol Road, Cardiff		Job No. 17 117
Title Proposed Second Floor Plan		Dwg No. AL(01)03
Date 22/01/2018	Drawn MC	Rev. C
Scale 1:100 @ A3		

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