

PETITION

COMMITTEE DATE: 18/12/2019

APPLICATION No. **19/02075/MNR**

APPLICATION DATE: 30/07/2019

ED: **PONTPRENNAU/ST MELLONS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Parks

LOCATION: BRODAWEL, DRUIDSTONE ROAD, OLD ST MELLONS,
CARDIFF, CF3 6XD

PROPOSAL: CONSTRUCTION OF NEW DETACHED DWELLING PLUS
THE DEMOLITION OF AN EXISTING GARAGE WITH
CONSTRUCTION OF A NEW GARAGE PLUS ALL
ASSOCIATED WORKS

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

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - A002 rev C
 - A003 rev A
 - A004 rev B
 - A005 rev A
 - A006 rev B
 - A007
 - site location plan rev A, dated 30/07/19.

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

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

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
4. Notwithstanding the submitted plans, details of the means of site enclosure

shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

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

5. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, hard surfacing materials, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods) and an implementation programme. The landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no further windows shall be inserted in the dwelling house hereby approved.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

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

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

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

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

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

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

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

10. The car parking and manoeuvring spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

11. The first floor en-suite window on the side elevation serving bedroom 4, the master bathroom window and en-suite window on the rear elevation serving bedroom 1, shall be non-opening below a height of 1.7 metres above internal floor level, glazed with obscure glass and thereafter be so retained. The high level 'slot' window serving the snug/library on the rear elevation of the proposed dwelling shall be constructed such that its sill level is a minimum of 1.7 metres above the internal floor level of the room. The recessed roof terrace in the rear roof plane shall be constructed as shown on drawing A004 rev B and thereafter be so retained.

The 'void' area shown on the first floor plan above the family room shall be retained at all times.

The roof lights on the side and rear elevation of the proposed dwelling shall be constructed such that their lower sill level is a minimum of 1.7 metres above the internal floor level.

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

12. Further details of the footway to be constructed along the site frontage, as shown on drawing A101 Rev G, shall be submitted to and approved by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the beneficial occupation of the dwelling and thereafter shall be retained at all times.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

13. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

RECOMMENDATION 2: The applicant is informed that Welsh Water/Dwr Cymru has advised the site is crossed by a public sewer and that no operational development should be carried out within 3.0 metres either side of its centre line. For further information please contact developer.services@dwrwymru.com

RECOMMENDATION 3: 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 4: 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.

RECOMMENDATION 6: The applicant is advised to secure the consent of the Operational Manager, Asset Management (via 'highwaysnetworkmanagement@cardiff.gov.uk') prior to undertaking any works within the adopted highway in relation to the proposed development.

RECOMMENDATION 7: The applicant is advised that developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

RECOMMENDATION 9: On the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 was enacted. This effects all new developments where the construction area is of 100m² or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore will be subject to surface water drainage proposals under the SAB application process.

It is recommended that the developer engages in consultation with the Cardiff Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought to construct a detached house in the former side garden of Brodawel, Druidstone Road. The application also proposes a new replacement garage for the existing house. A similar application for a detached dwelling and replacement garage at the site was granted on 18th October, 2018

under planning application ref.18/01114/MNR. The current application seeks permission for a dwelling of alternative design.

- 1.2 Details of the siting and appearance of the proposed dwelling and garage are shown on the plans submitted with the application. The dwelling comprises a two storey hipped roof structure with a single storey garage element attached to the side. Second floor accommodation is proposed in the roof space. The dwelling will sit broadly on the footprint of the approved dwelling. However, part of the structure will project approximately 2.0 metres closer to the rear boundary than previously approved. The design incorporates a cantilevered gable element to the first floor on the front elevation together with a pitched roof dormer. The cantilevered element projects approximately 1.1 metres forward of the ground floor. A recessed roof terrace is proposed in the rear roof plane. Finished materials comprise a mix of white render and reconstituted stone with fibre cement slates to the roof.
- 1.3 The proposed house rises to a main ridge height of approximately 8.6 metres with the lower element rising to approximately 5.0 metres. This reflects the height of the approved dwelling on the plot.
- 1.4 A separation distance of approximately 3.7 metres will be retained between the proposed dwelling and Brodawel. To the rear, the site backs onto the large garden of a neighbouring property at Pwll Coch. The rear elevation of the proposed dwelling is shown to be sited approximately 8.8 metres from the application site boundary with this property at its south eastern end.
- 1.5 The side elevation of the proposed dwelling will be positioned approximately 6.2 metres from eastern boundary of the site. This boundary comprises a hedge which runs alongside the driveway serving Pwll Coch and a single storey dwelling known as Ty Win. The front garden of Ty Win lies opposite the eastern boundary of the application site on the other side of the lane.
- 1.6 The proposed replacement garage for Brodawel will be of similar scale and position to that approved in 2018. It will be sited forward of the house and adjacent to the boundary with the front garden of the neighbouring property at Bron y Coed. The boundary is enclosed with a 1.8 metre high close boarded fence. The garage comprises a pitched roof structure rising to eaves and ridge heights of 2.1 metres and 4.7 metres respectively.
- 1.7 Vehicular access serving both houses will be from Druidstone Road, positioned mid-way along the site frontage, as existing. A new frontage footway will be provided as part of the development. To facilitate the provision of the footway, it is necessary to remove the boundary hedge. However, a new hedge is to be planted in mitigation. The access proposals reflect the arrangement approved in the previous planning application.
- 1.8 The subdivision of the plot, as proposed, would retain a side and rear garden of approximately 380 sq metres with the existing house and a garden area exceeding 250 sq metres is shown to be provided for the new dwelling.

2. **DESCRIPTION OF SITE**

- 2.1 Brodowel is a detached hipped roof property located on the south eastern side of Druidstone Road, approximately 600.0 metres from its junction with Tyr Winch Road.
- 2.2 Although Druidstone Road has the character of a rural lane, Brodowel lies within an established row of houses fronting this section of road. Planning permission has been granted on many occasions in recent years for the development of new houses in the gardens of existing properties at Druidstone Road and several of these developments have been carried out.
- 2.3 To the rear, the site backs onto the large garden of a neighbouring property at Pwll Coch. The eastern boundary of the site comprises a hedge which runs alongside the driveway serving Pwll Coch and a single storey dwelling known as Ty Win. The front garden of Ty Win lies opposite the eastern boundary of the application site on the other side of the lane.
- 2.4 To the west, Brodowel adjoins a large detached property known as Bron y Coed. The boundary with this neighbour is enclosed by a close boarded fence, approximately 1.8 metres in height.
- 2.5 On the opposite side of the road lies another detached house known as The Cottage, with fields on either side.
- 2.6 The application site has been subject to ground clearance works and the removal of vegetation, including a length of hedge adjacent to Druidstone Road. A detached garage has also been removed. A fence has been erected to separate the plot from Brodowel.

3. **SITE HISTORY**

- 3.1 18/01114/MNR: Demolition of existing attached garage and erection of new double garage for Brodowel and construction of new detached dwelling: Granted 18th October, 2018.
- 3.2 There is an extant planning permission to demolish the bungalow at the neighbouring Ty Win and the construction of a new two storey house sited forward of its existing footprint (ref:1900281/MNR).

4. **POLICY FRAMEWORK**

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

KP3 (B): Settlement Boundaries
KP5: Good Quality and Sustainable Design
KP8: Sustainable Transport
KP 15: Climate Change

EN11: Water Sensitive Design
EN13: Air, Noise, Light Pollution and Land Contamination
T1: Walking and Cycling
T5: Managing Transport Impacts
EN1: Countryside Protection
EN3: Landscape Protection
EN7: Priority Habitats and Species
EN8: Trees, Woodlands and Hedgerows

- 4.2 Supplementary Planning Guidance: Cardiff Infill Sites (2017);
Supplementary Planning Guidance: Managing Transport Impacts (Incorporating Parking Standards) (2018);
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016);
Supplementary Planning Guidance: Green Infrastructure (November, 2017);

4.5 **Planning Policy Wales Ed.10 (2018)**

1.17 Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.

2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.

3.6 Development proposals must address the issues of inclusivity and accessibility for all.

3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

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

3.56 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

4.1.53 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.

4.2.23 Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function.

6.6.27 Planning authorities should be aware of the risk of surface water flooding and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation has no objection to the application subject to appropriate conditions. An informative is also requested advising the application of the need to secure the consent of the Operational Manager, Network Management prior to undertaking any works in adopted highway.
- 5.2 The Operational Manager (Drainage Management) advises that the applicant will require SAB approval and recommends that the applicant engages in pre application discussions with Cardiff Council SAB team as the determining SuDS Approval Body (SAB).
- 5.3 Shared Regulatory Services (Contaminated Land) requests the inclusion of conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

- 5.4 The Operational Manager, Waste Management advises that the proposed 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 30 litre bin for grass (to be implemented in early 2020)
1 x 25 litre kerbside caddy for food waste
Green bags for mixed recycling (equivalent to 140 litres).

The Officer also advises that the bins have to meet Council's specifications and can be purchased directly by contacting the Waste Management's commercial team.

- 5.5 The Council's Ecologist comments as follows:

In relation to the suggestion that Dormice may be impacted by these proposals, there is a hedge at the rear of this property and I note from the Proposed Ground Floor Layout drawing (Revision C) that this feature will be retained as part of the proposed development. Dormice are present in this area and if they are using this hedgerow then removing this feature would significantly impact an area of habitat and of habitat connectivity linking the woodland opposite 'Jindabyne' and the network of hedges and mature gardens behind the Druidstone Road properties. However, routine hedgerow management should not impact significantly upon dormice, and any impact upon this species caused by works to the hedgerow outside of the planning system is a matter between the landowner and Natural Resources Wales.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/ Dwr Cymru advises that the site is crossed by a public sewer. The Company comments that under the Water Industry Act 1991, it has rights of access to its apparatus at all time. If the Council is minded to grant planning permission, the following condition is recommended:

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

- 6.2 Glamorgan Gwent Archaeological Trust advises that it is unlikely that any archaeological deposits would be encountered during the proposed development.

7. **REPRESENTATIONS**

- 7.1 Local members have been notified of the application and have advised that due to a conflict of interest, they will not be commenting on the application.
- 7.2 A 91 signature petition of objection has been submitted formally requesting that the application be determined by Planning Committee and requesting a site visit before determination.

7.3 The occupier of The Cottage objects for the following reasons (summary):

The occupier comments that the proposed mass of the dwelling is larger than the previous proposed dwelling which he believes was rejected.

The occupier states that a third floor will look directly into his property including bedroom windows which is considered to be a complete invasion of privacy.

The occupier comments that the proposed roof line is above that of the current house so that the new dwelling would sit higher than that detailed in the previous application.

The occupier would have expected much greater explanation and justification for the significant increase in the overall footprint of the property contained within the new design.

The occupier comments with regard to ecological considerations that there appears to have been no thought given to providing a replacement habitat for dormice and other wildlife. There is no reference to a bat survey in the new application whereas the previous application referred to a survey having occurred.

The occupier queries the space available on the site to accommodate the footway, replacement hedge and new dwelling.

The occupier states that the house would sit at an angle and would encourage the viewing into The Cottage which the occupier would find unacceptable.

7.4 The occupier of Ty Win objects to the application. The Occupier understands that the previous application was agreed only due to a reduction in the size of the house and a sympathetic design. The occupier considers the new proposal to be vastly larger, dominating the plot. The occupier is also concerned that the rear balcony will have a direct view both into his property including his garden and that of his neighbours resulting in a loss of privacy. He states that the plans do not accurately show or demonstrate the impact of the proposal or how vehicles will be able to access and exit the property in a safe way.

7.5 Old St Mellons Community Council has been notified of the application. No representations have been received.

7.6 Neighbouring occupiers have been notified of amended plans.

8. **ANALYSIS**

8.1 Planning permission is sought to construct a detached house in the former side garden of Brodewel, Druidstone road. The application also proposes a new replacement garage for the existing house. A similar application for a detached dwelling and replacement garage at the site was granted on 18th October, 2018 under planning application ref.18/01114/MNR. The current application seeks permission for a dwelling of alternative design

- 8.2 The main planning issues relate to the acceptability of the proposed development on land use policy grounds, the effect of the proposed development on the character and appearance of the area and the general amenities of neighbouring occupiers, the acceptability of the proposal on transportation grounds and the effect on nature conservation.
- 8.3 The site lies outside the settlement boundary as defined on the Proposals Map of the Cardiff Local Development Plan. Policy KP3 (B): Settlement Boundaries seeks to control inappropriate development in the countryside outside the identified settlement boundaries as shown on the Proposals Map
- 8.4 Policy EN1: Countryside Protection provides more guidance on the interpretation of this policy approach stating that: *there will be a presumption against development in the countryside, beyond the settlement boundaries identified of the Proposals Map, except where it can be justified for agricultural and forestry needs or it is essential for facilitating sustainable access to and enjoyment of the countryside including appropriate outdoor recreation and tourism uses.*
- 8.5 The aim of Policy EN1 is to ensure that development within the countryside is strictly controlled to protect and enhance Cardiff's natural heritage and setting.
- 8.6 Policy EN3 Landscape Protection states that: *development will not be permitted that would cause unacceptable harm to the character and quality of the landscape and setting of the City.*
- 8.7 National planning policy guidance is contained in Planning Policy Wales (PPW). Paragraph 3.56 relating to development in the countryside states that:
- Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.*
- 8.8 Notwithstanding the location of the application site some distance outside the settlement boundary, it comprises part of the former garden of Brodawel. The proposed dwelling would be located within an established row of houses fronting this section of Druidstone Road. As a consequence, it would not add to unacceptable ribbon development along the road and is considered, in principle, to comply with the guidance outlined in PPW in relation to sensitive filling of small gaps. Whilst Ty Win to the north east, currently comprises a relatively modest single storey dwelling, there is an extant planning permission to demolish the bungalow and construct a new two storey house sited forward of its existing footprint.

- 8.9 The application site benefits from an extant planning permission for a detached dwelling the determination of which took these circumstances into account. They are considered to remain applicable to the assessment of the current application and on land use policy grounds, the revised application remains acceptable.
- 8.10 Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan states that... *all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by (inter alia):*
(i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;
(x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;
- 8.11 Planning Policy Wales at paragraph 4.11.9 states that *'visual appearance, scale and relationship to surroundings and context are material planning considerations.*
- 8.12 The Residential Infill sites SPG 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 frontage building line and respond to the existing street scene.
- 8.13 At paragraph 3.8 the SPG states that:

Infill development needs to be sensitive to its context. It is important that in residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatments (e.g. gates, railings, walls and hedges) complement the character of the surroundings.
- 8.14 At paragraph 4.11 the SPG states that:

To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.
- 8.15 The dwelling comprises a two storey hipped roof structure with a single storey garage element attached to the side. It mainly differs in appearance from the approved dwelling in that second floor accommodation is proposed in the roof

space and the structure incorporates a cantilevered gable element to the first floor together with a pitched roof dormer. The dwelling will sit on a similar footprint to the approved dwelling all be it that part of the structure will project approximately 2.0 metres closer to the rear site boundary than previously approved. It will be of similar ridge height and comparable to the ridge height of the existing Brodowel, as shown on the submitted plans.

- 8.16 Given the evident variety in house design in Druidstone Road, it is not considered that the appearance and scale of proposed dwelling would cause unacceptable harm to the character of the area. The proposed design remains essentially traditional in form but incorporates contemporary design features. Whilst accommodation is proposed at second floor level, this is contained within the roof space so that the overall height of the house reflects the previously approved scheme.
- 8.17 Finished materials comprise a mix of white render and reconstituted stone with fibre cement slates to the roof. Rendered elevations are common along Druidstone Road. A stone finish is evident on the front enclosure at The Cottage opposite. Since the previous planning application was determined, Brodowel has itself been refurbished with sections of brickwork on the building having been rendered.
- 8.18 A distance of approximately 3.7 metres would be retained between Brodowel and the proposed dwelling which is considered sufficient to ensure a reasonable visual separation between them and to safeguard the living conditions of the neighbouring occupiers.
- 8.19 A frontage footway and replacement hedge is proposed. The layout plan shows sufficient space to accommodate this new planting, the details of which would be addressed by condition. This aspect of the scheme reflects the arrangement approved in the previous planning application.
- 8.20 The proposed replacement garage for the existing house will be of similar scale and siting to that approved in 2018; a distance of approximately 11.0 metres would be retained between the structure and the front of the site which is considered sufficient to ensure that its siting would not appear incongruous in the street scene.
- 8.21 The subdivision of the plot, as proposed, retains a side and rear garden of approximately 385 sq. metres with the existing house and a garden exceeding approximately 250 sq. metres would be provided for the new dwelling. Consequently, the provision of private amenity areas significantly exceeds the Council's guidelines as set out in the Infill Sites SPG.
- 8.22 The likely effect of the proposed development on the living conditions of neighbouring occupiers has been carefully considered.
- 8.23 The application site backs onto the garden of the neighbouring property at Pwll Coch and is screened by a hedge/vegetation. The rear elevation of the proposed dwelling at its south eastern end is shown to be sited approximately 8.8 metres

from the application site boundary. The position of this boundary has been disputed by the owners of Pwll Coch.

- 8.24 The footprint of the proposed dwelling has been previously set out on site by the applicant to establish its position in relation to the existing dwelling at Brodawel, Druidstone Road and existing boundary hedges.
- 8.25 Where the position of the rear boundary remains in dispute, this is primarily a land ownership matter between the neighbouring parties. However, it raises the following issues:
- i) A possible reduction in the amenity/garden space when compared to that shown on the submitted plans. Notwithstanding this possibility, it is considered that adequate garden space would remain with the dwelling, significantly exceeding the guidelines set out in the Infill sites SPG.
 - ii) Overlooking/Privacy. As proposed, first floor windows in the rear elevation serve a bathroom and en-suite to be obscurely glazed, a snug/study where the window will be positioned at high level and an internal double height void area. The neighbouring garden would not be unacceptably overlooked from these windows notwithstanding the disputed position of the boundary. A recessed roof terrace is proposed in the rear roof plane. The front of this roof terrace has been revised and is shown on the submitted plans to be at a distance of 10.5 metres from the application site boundary. The proposed window accessing the roof terrace would be sited approximately 2.0 metres further back into the roof recess therefore positioning it further away from the boundary hedge.

Having regard to the angle of view and the separation distances between the proposed terrace and the dwellings at Pwll Coch/Ty Win, it is not considered that there would be material harm to the living conditions of the adjoining residents such that the application should be refused on this ground.

iii) The initial details submitted with the application showed a possible location for a soakaway in the rear eastern corner of the application site. However, a drainage scheme has yet to be agreed for the development. The Council's Drainage Officer has advised that the scheme will require SAB approval and recommends that the applicant engages in pre application discussions with Cardiff Council SAB team as the determining SuDS Approval Body (SAB).

- 8.26 Notwithstanding the precise position of the legal boundary, it is considered that this should not prevent the determination of the application on its planning merits.
- 8.27 The proposed dwelling will be sited at least 40.0 metres from the front elevation of The Cottage located on the opposite side of Druidstone Road. Having regard to this distance, it is not considered that it would be overbearing result in an unacceptable loss of privacy having regard to the Council's guidelines.
- 8.28 The side elevation of the proposed dwelling would be positioned 6.2 metres from eastern boundary of the site, as previously approved. This boundary comprises a

hedge which runs alongside the driveway serving Pwll Coch and a single storey dwelling known as Ty Win. The front garden of Ty Win lies opposite the eastern boundary of the application site on the other side of the lane. It is not considered that the proposed house would have an unduly overbearing or dominating effect on this neighbouring property (or on the approved replacement two storey dwelling on the site) or would impact unacceptably on privacy or light to habitable rooms having regard to the distance between them and the Council's guidelines on these matters.

- 8.29 The proposed replacement garage for Brodawel will be of similar scale and siting to that approved in 2018. It will be sited forward of the house and adjacent to the boundary with the front garden of the neighbouring property at Bron y Coed. The boundary is enclosed with a 1.8 metre high close boarded fence. The garage comprises a pitched roof structure rising to an eaves and ridge height of 2.1 metres and 4.7 metres respectively. It is not considered that it would impact on the living conditions of the adjoining occupiers to the extent that it would constitute an unneighbourly form of development.
- 8.30 The Operational Manager, Transportation has raised no objections to the application on parking, highway safety subject to the provision of adequate off-street parking/manoeuvring and a 1.8 metre wide frontage footway, as advised in relation to the previous planning application.
- 8.28 Connectivity of the site with existing neighbourhoods by means of travel other than the car would be restricted having regard to the distance from a regular bus service (stop). However, numerous planning permissions have been granted in recent years for dwellings within gardens of properties along Druidstone Road. Although Druidstone Road has limited footway provision, it is illuminated. In considering the transportation impact of such applications, the main highway consideration is that in the absence of footways, the visibility for vehicles emerging onto the road is often poor. The Operational Manager, Transportation has taken the view that, on balance, the benefit achieved in terms of highway safety, by securing improved visibility for existing accesses outweighs the limited increase in the numbers of vehicle/pedestrian movements which would accrue from the new dwellings and that a further consequential benefit would be the incremental improvement that would be achieved to pedestrian facilities generally along the road. It is also material that the site has an extant planning permission for a dwelling.
- 8.29 With regards to the issue of dormice, the Council's ecologist's advice on this matter is set out in paragraph 5.5 of this report.
- 8.30 The application is considered acceptable on planning grounds and approval is recommended subject to the attached conditions.

9. **OTHER CONSIDERATIONS**

9.1 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or

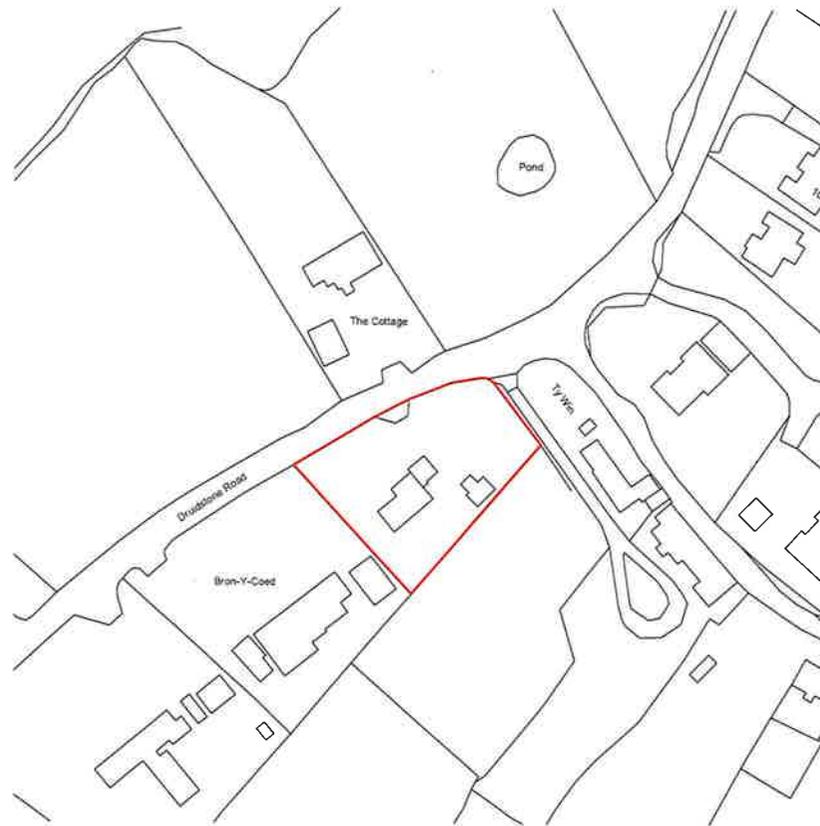
belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9.2 *Well-being of Future Generations (Wales) Act 2015*

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

9.3 *Environment (Wales) Act 2016*

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



Site location
1 : 1250

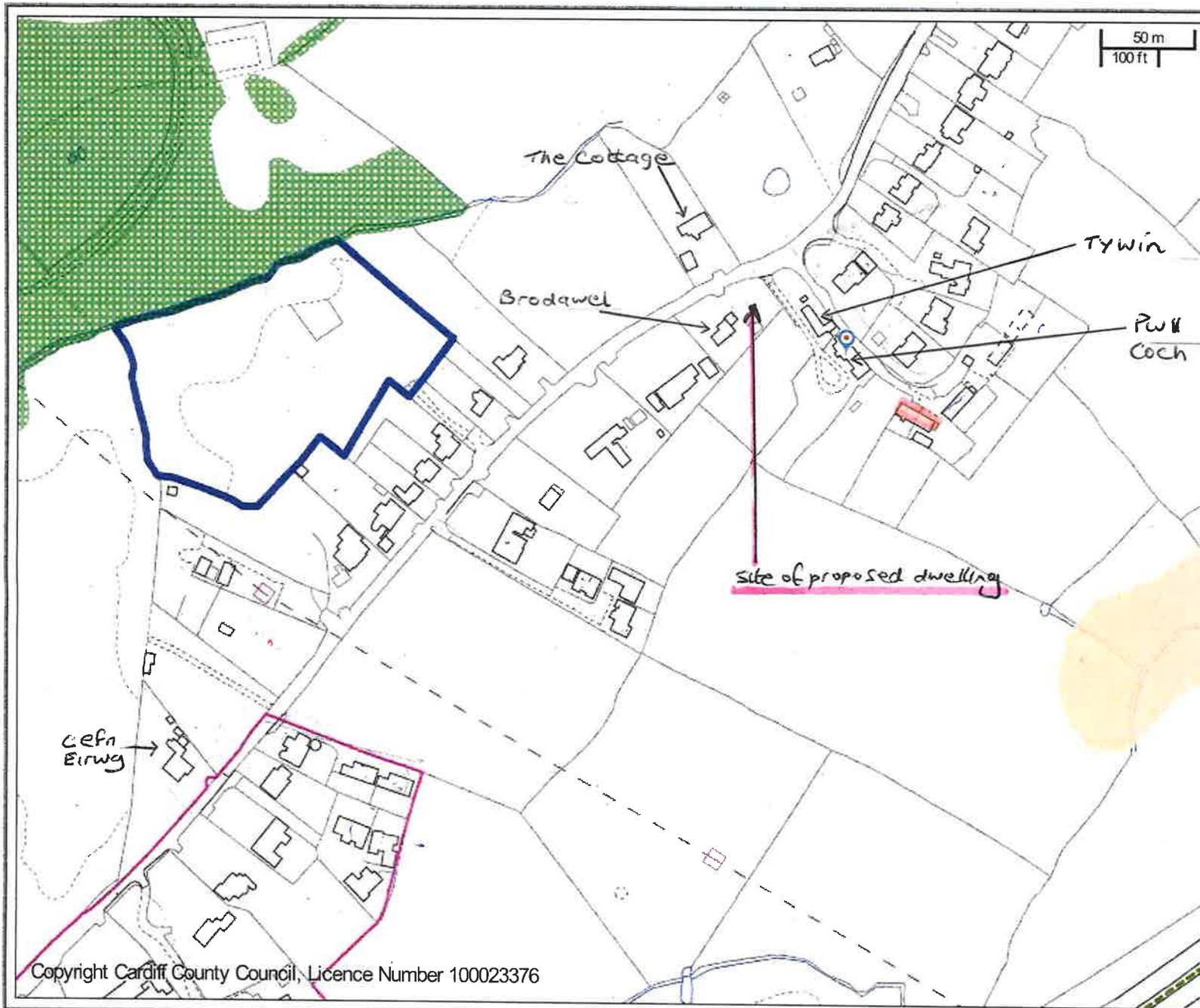


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REV	DATE	DESCRIPTION
A	30.07.2019	Redline updated

PROJECT	DRAWING	SCALE	DATE	STATUS	REVISION
Druadhine Road / Old St Mellons	Site location plan	1 : 1250 @ A3	11.03.2019	PLANNING	A



City of Cardiff Council
Cyngor Dinas Caerdydd



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Ground floor layout
1:200



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REV	DATE	DESCRIPTION
A	16.09.2019	Outline of approved plot updated
B	06.11.2019	Parting boundary updated
C	25.11.2019	Updated following comments from planning

PROJECT	DRAWING	SCALE	DATE	STATUS	REVISION
Draculore Road Old St Melons	Proposed ground floor layout	1:200 @ A1	23.07.2019	PLANNING	0



Proposed front elevation
1:50

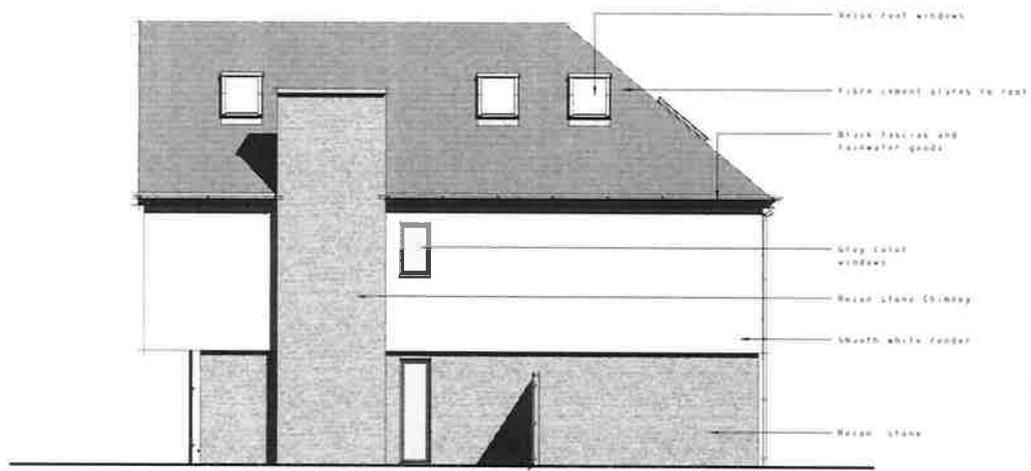


Proposed rear elevation
1:50

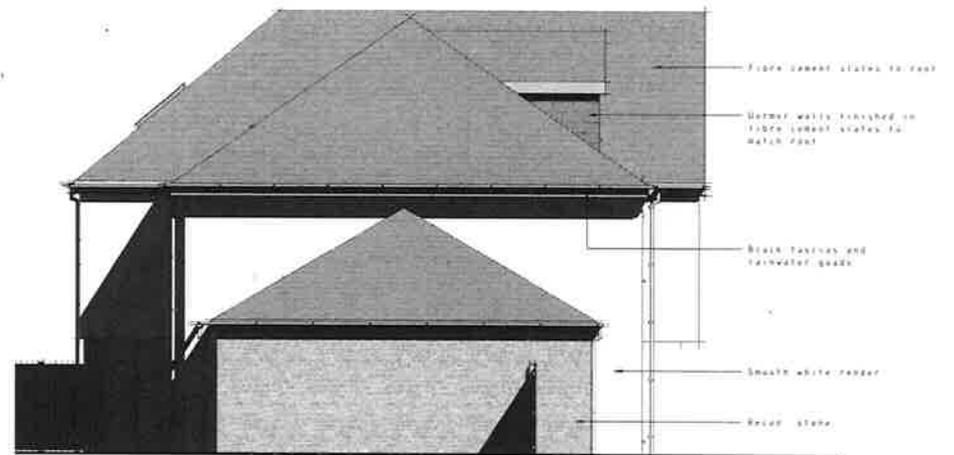
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REV	DATE	DESCRIPTION
A	26/09/2019	Outline of approved plot updated

PROJECT	DRAWING	SCALE	DATE	STATUS	REVISION
Drumline Road Old St Millers	Physical drawings	1:50 (g.4)	28.02.2019	PLANNING	A



Side elevation 1
1:50

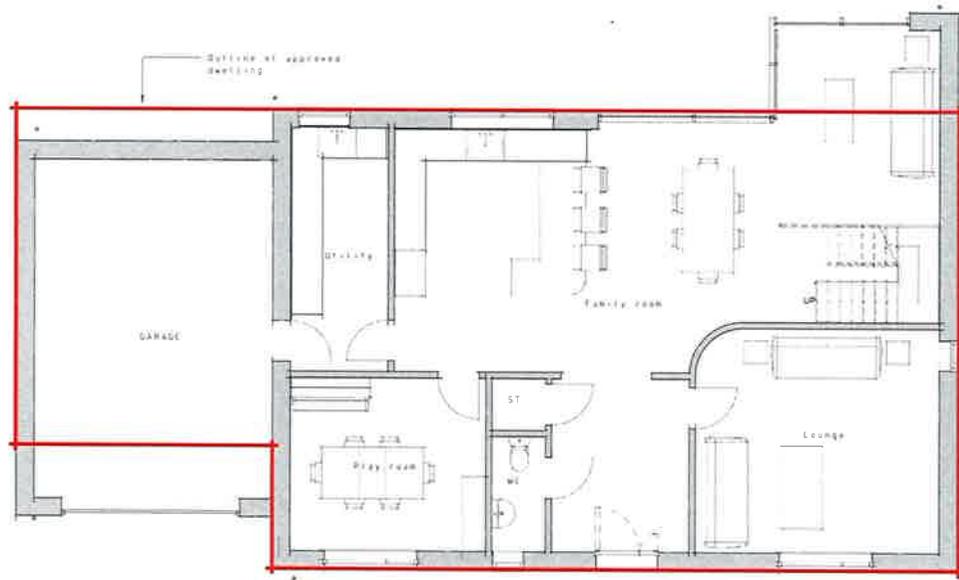


Side elevation 2
1:50

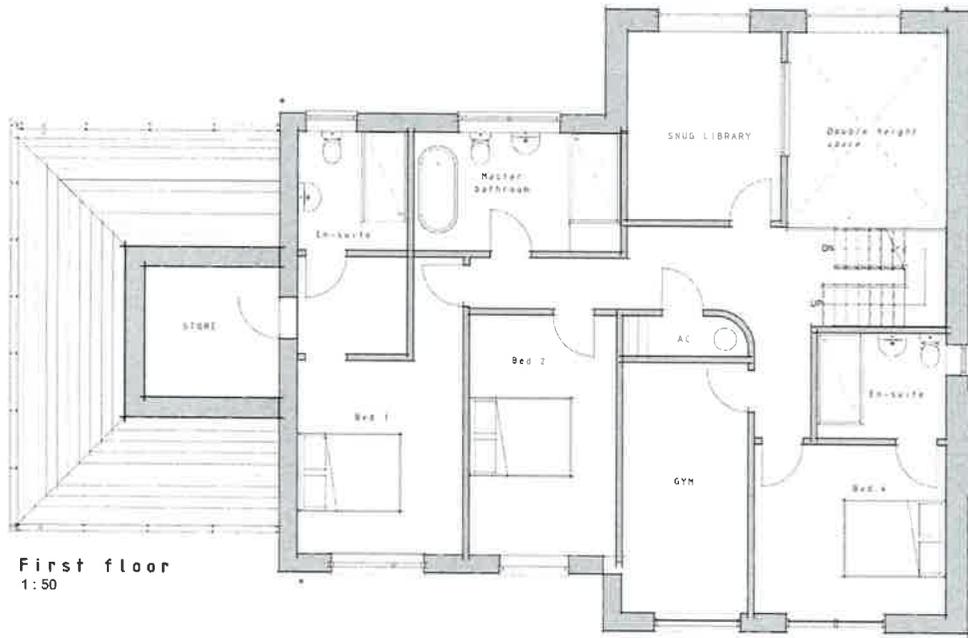
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REV	DATE	DESCRIPTION
A	25.10.2019	Outline of approved site location
B	25.11.2019	Updated following comments from planning

PROJECT	DRAWING	SCALE	DATE	STATUS	REVISION
Dunblane Road Old St Mellors	Proposed elevation 2	1:50 @ A1	23.07.2019	PLANNING	1



Ground floor
1:50

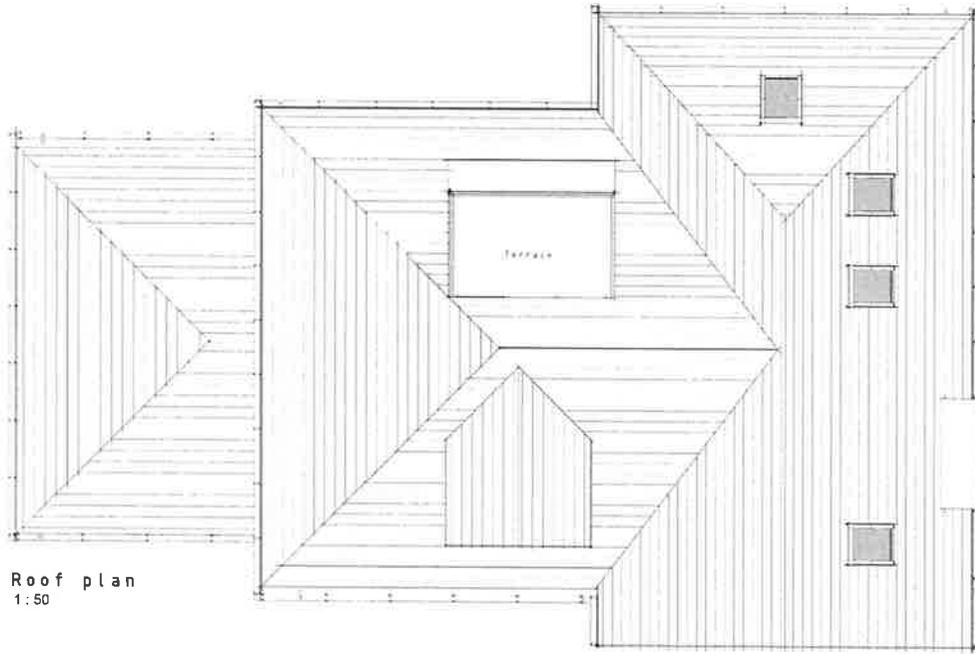
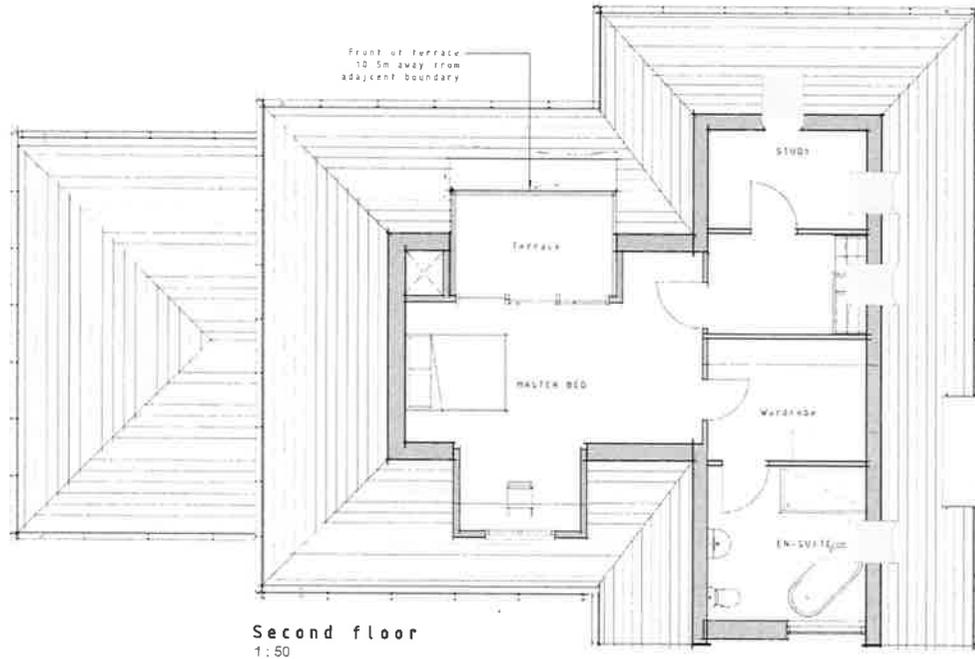


First floor
1:50

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REV	DATE	DESCRIPTION
1	20.02.2019	Outline of approved building

PROJECT	DRAWING	SCALE	DATE	STATUS	REVISION
Drucklone Road 26 St Mellons	Floor plans sheet 1	1:50 @ A1	20.07.2019	PLANNING	



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REV	DATE	DESCRIPTION
A	10.09.2019	Outline of approval plan updated
B	08.11.2019	Roof terrace adjusted

PROJECT	DRAWING	SCALE	DATE	STATUS	REVISION
Druidstone Road Old St Mellons	Floor plans sheet 2	1:50 @ A1	23.07.2019	PLANNING	8

