

PETITION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 16/09/2020

APPLICATION No. **20/00800/MNR** APPLICATION DATE: 19/05/2020

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr & Mrs Llewellyn

LOCATION: LAND OFF MILL ROAD, TONGWYNLAIS, CARDIFF

PROPOSAL: ERECTION OF 4NO. DETACHED DWELLING HOUSES,
NEW ACCESS AND ASSOCIATED DEVELOPMENT

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990 within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.22 of this report, outline planning permission be **GRANTED** subject to the following conditions :

1.
 - A. Approval of the details of layout, appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the layout, scale and appearance of the buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
 - C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

 - A. In accordance with the provisions of Article (3)1 of the Town and Country (Development Management Procedure) (Wales) Order 2012.
 - B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Drawing P654 L-003 Rev A (Site Plan as proposed) in respect of access only

- Drawing P654 L-210 Rev A (Site Elevations as proposed) in respect of scale only
- Drawing P654 L-211 Rev A (Site Sections 1 of 2 as proposed) in respect of scale only
- Drawing P654 L-212 (Site Sections 2 of 2 as proposed) in respect of scale only
- Planning drawings and 3D visuals prepared by DLP Architects.
- Topographical Survey prepared by Azimuth Land Surveys.
- Geo-Environmental Report prepared by Blandford Consulting.
- Ecological Appraisal prepared by Richard Tofts Ecology and letter from Richard Tofts Ecology dated 3/8/2020 to AJ Planning and Development

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

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

4. The details submitted for approval in respect of condition 1A (landscaping) shall include:
 - A basic soil assessment based on the preparation of trial pits. Soil physical characteristics should be recorded, photographed and submitted as evidence of the suitability of the soil for its intended end use, and a strategy for soil handling, storage and placement prepared, that accords with the principles set out in BS 3882:2015, BS 8601:2013 and the DEFRA Code.
 - A landscaping implementation programme.
 - Scaled planting plans to include tree pit sectional and plan drawings
 - Proposed finished levels.
 - Earthworks.
 - Hard surfacing materials.
 - Existing and proposed services and drainage above and below ground level. Services and drainage features should be positioned so as not to conflict with landscaping proposals.
 - A topsoil and subsoil specification for all planting types (trees, shrubs, grassland etc.).
 - Schedules of plant species, sizes, numbers or densities.
 - Planting methodology and post-planting aftercare methodology.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance and to ensure that all usable soil resources are appropriately recovered and protected, and not lost, damaged or sterilised during the construction process, in accordance with Policies KP5: Good Quality and Sustainable Design and KP: 15 Climate Change of the Cardiff Local Development Plan.

5. Any newly planted trees, shrubs or other landscaping plants, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season to the same specification approved in discharge of landscaping condition 5 unless the LPA gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

6. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting.
- A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan

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 EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local 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.

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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. No clearance of trees, bushes or shrubs to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under

the Wildlife and Countryside Act 1981: Part 1, 1(1)(b). It is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

11. The details submitted in discharge of condition 1A shall provide for car and cycle parking in accordance with the Council's Supplementary Planning Guidance: Managing Transport Impacts (Incorporating Parking Standards) (2018) or any subsequent revision of this Supplementary Planning Guidance.

Reason: To provide for the safe and convenient provision of cycle and car parking in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

12. The details submitted for approval in respect of condition 1A shall have particular regard to the preservation of the amenities and privacy of the occupiers of the adjoining properties.

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

13. The details submitted for approval in respect of condition 1A shall provide facilities for the storage of waste and recycling for use in connection with the proposed dwelling. The facilities shall be provided prior to the development being brought into beneficial use and thereafter the storage facilities shall be maintained and shall not be used for any purpose other than for the storage of waste and recycling.

Reason: To provide for storage of waste in accordance with Policy KP12: Waste of the Cardiff Local Development Plan.

14. Notwithstanding the submitted details, prior to commencement of development, plans showing the proposed floor levels of the dwelling in relation to the existing ground level and the finished levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

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

15. Prior to the commencement of development, a Green Infrastructure Statement for the delivery and enhancement of green infrastructure at the application site shall be submitted to and approved in writing by the Local Planning Authority. The Green Infrastructure Statement shall include details of the following:

A sensitive clearance strategy for any bushes, trees, scrub and brambles to avoid harm to individual dormice which may be using the site. This would include removal of above-ground vegetation during winter when dormice are hibernating at ground level followed by removal of stumps and roots in spring / summer, when the dormice have emerged from hibernation and

made their way to remaining habitats. To compensate for loss of potential nesting habitat, approximately three dormouse nest boxes should be placed in retained trees or bushes on the site.

A reptile clearance strategy, showing how harm to these species can reasonably be avoided during site clearance. For example, the strategy should include details which ensure that vegetation is cut to c.100mm in height with hand-held machinery (e.g., strimmers and chainsaws) to reduce the risk of crushing animals. A further cut to approximately 50mm should take place after a period of not less than 48 hours. All log piles, brash piles or other features which could act as refugia should be removed and any reptiles present allowed to disperse naturally. Subsequently, details of reptile hibernacula constructed in the north of the site should be provided.

Details of measures to allow free movement of hedgehogs throughout the gardens approved as part of the development such as appropriately-sized gaps in garden fences.

Nesting or roosting opportunities for birds and bats should be incorporated into the approved development in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013' or the most recent subsequent edition thereof. (More specific details of appropriate levels of provision of nesting/roosting opportunities are given in the TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009').

An appropriate level of enhancement provision for the approved development is considered to comprise:

(4 x bat boxes for crevice-dwelling bats. Features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public).

The development shall be carried out in accordance with the approved Green Infrastructure Statement.

Reason: To ensure that the elements of green infrastructure as set out in Policy KP16: Green Infrastructure of the Cardiff Local Development Plan are considered in a coherent and integrated way, such that protection is afforded to certain species in accordance with legislation and Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.

16. No development, including site clearance shall commence, until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;

- General Site Management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- Resources Management: details of fuel and chemical storage and containment;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan with details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- Biodiversity Management: invasive species management.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

17. No obstruction to vision exceeding one metre in height shall be placed within the vision splay shown on drawing reference P654 L-003 Rev A (site plan as proposed)

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

RECOMMENDATION 2: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

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

- determining the extent and effects of such constraints and;
- ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are

chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

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

RECOMMENDATION 5: The applicant is advised that the granting of planning permission does not give a developer any right to interfere with, obstruct or move a public right of way. For matters relating to the public right of way next to the application site, the applicant is advised to contact the Lead Officer (PROW), City of Cardiff Council at JGriffiths@Cardiff.gov.uk.

RECOMMENDATION 6: The applicant is advised that the proposed works to the public highway are required to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 7: The applicant is advised that the proposed development will require an application under Schedule 3 of the Flood and Water Management Act for SAB approval. It is therefore recommended that the applicant engages with the Council to progress this matter.

For further information please visit:

<https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/sustainable-drainage/Pages/default.aspx>

RECOMMENDATION 8: Natural Resources Wales provides the following advice to the applicant:

Due to the proximity of the site to watercourses, all works at the site must be carried

out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites', which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>.

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RECOMMENDATION 9: The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

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1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Outline planning permission is sought to construct 4no.two storey detached dwellings on land off Mill Road, Tongwynlais. The application is accompanied by a various plans and documents including a topographical survey, cross sections, Geo-Environmental report, ecological appraisal, tree report and tree protection plan and a Design and Access Statement (DAS).
- 1.2 The site forms part of an area of approximately 0.4 ha which is allocated for residential development in the Cardiff Local Development Plan with an estimated capacity of 5 units. Planning permission for a detached house on the north eastern part of the overall site was granted in March, 2017 (Council reference 16/03067/MNR) and that this dwelling is shown on the proposed site plan for clarity.
- 1.3 The application is submitted in outline with access and scale to be determined at this stage. Details of appearance, layout and landscaping are reserved for subsequent approval. Notwithstanding this, the layout plan shows how 4no.detached dwellings could be laid out on the site. The application is supported by illustrative elevation plans and 3D visuals intending to demonstrate how a satisfactory residential development could be achieved having regard to the site context including the topography and the relationship with neighbouring occupiers.
- 1.4 The application proposes to access the site from Mill Road. At the proposed point of access, a visibility splay of 2.4 metres x 43 .0 metres is shown.
- 1.5 In support of the application, the Design and Access Statement includes the following comments (summary):
 - i) *The site lies within and relates well to the established residential area of Tongwynlais. The land is allocated for housing in the Cardiff LDP under Policy H1: Non-Strategic Housing Sites with planning permission already granted for a single residential unit on the land adjoining the north boundary of the application site.*
 - ii) *The presumption in favour of sustainable development applies to appropriate land in residential areas. In this regard, the development will provide 4no, four-bedroom detached family homes in a sustainable location, makes the best use of the allocated housing land and would not have a negative impact upon biodiversity or existing trees/landscaping around the periphery of the site.*
 - iii) *An attractive residential development is achievable, respecting the established residential setting and local environment. Each of the new homes will be served by appropriate private amenity and parking space in accordance with the Council's development plan policy.*
 - iv) *The siting and orientation of the houses considers potential privacy and over-bearing impacts.*

v) In consideration of the public footpath to the north of the plot, the detailed design of the development will ensure that there will be no imposing structures that may represent an 'alleyway affect', noting that landscaping is a reserved matter.

vi) There are no recognisable adverse impacts on flora, fauna and heritage assets. There are no adverse impacts on trees of amenity value.

vii) Castell Coch Scheduled Ancient Monument (SAM) is located some 300 metres to the northwest of the site and beyond the established residential and woodland area on the edge of the golf course. The SAM is situated in a prominent position above the village and the development proposal is considered to have a negligible impact on the heritage asset. The proposed houses would be at a significantly lower level than the three existing houses and the consented house to the north. The physical separation and elevation of Castell Coch means that there is no recognisable adverse impact on the character and setting of the heritage asset.

viii) The site is not within a designated river flood risk zone and the land is shown to have no risk of surface water flooding.

ix) The proposed development will be served by a new access from the west side of Mill Road. The dropped footway vehicle access achieves appropriate visibility with a 2.4m x 43m vision splay.

2. DESCRIPTION OF SITE

- 2.1 The application site, amounting to approximately 0.3ha, forms part of a larger (0.4 ha) parcel of land at Mill Road, Tongwynlais allocated for residential development in the Cardiff Local Development Plan. Planning permission for a detached house on the north eastern part of the overall site was granted in March, 2017 (Council reference 16/03067/MNR) and has yet to be implemented.
- 2.2 To the northwest, the allocated site is bounded by three dwellings which are accessed from Mill Road via a private drive. The dwellings comprise a mix of single and two storey houses with render/stone and brick elevations. A public right of way lies adjacent to the allocated site's northern boundary and links Mill Road with Wellington Street to the south. To the north of the dwellings lies Castell Coch Golf Course with Castell Coch itself located on elevated ground some 300 metres to the northwest of the site.
- 2.3 To the south, the application site adjoins the rear gardens of properties in Wellington Street and the side boundary of no.19 Mill Road. The site adjoins Mill Road to the east where there are residential properties on the opposite side of the road.
- 2.4 The land comprises primarily scrub/bramble and grass. There are a number of trees located near the south eastern boundary of the site with Mill Road and near the boundary with the rear gardens in Wellington Street. None of the trees are covered by preservation order.

2.5 As the submitted topographic plan illustrates, there is a significant fall in levels across the site from north to south and from west to east.

3. **SITE HISTORY**

3.1 There have been several historical planning applications proposing development on or near the application site including application ref. 93/001067/N for three detached dwellings which was refused on 12th October, 1993. However, most recently, planning application 16/03067/MNR for a detached house on the north eastern part of the allocated site which was granted in March, 2017.

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;

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

KP5: Good Quality and Sustainable Design;

KP7: Planning Obligations;

KP12: Waste;

KP15 Climate Change;

KP16: Green Infrastructure;

KP17: Built Heritage;

EN6 Ecological Networks and Features of Importance for Biodiversity;

EN9: Conservation of the Historic Environment;

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

T5: Managing Transport Impacts;

EN8: Trees, Woodlands and Hedgerows;

EN7: Priority Habitats and Species;

EN10 Water Sensitive Design;

H3: Affordable Housing;

H14: Flood Risk;

4.2 Supplementary Planning Guidance includes:

Cardiff Infill Sites (2017);

Waste Collection and Storage Facilities (October, 2016);

Managing Transport Impacts (July 2018);

Green Infrastructure (November, 2017);

Cardiff Planning Obligations (January, 2017)

Ecology and Biodiversity Technical Guidance Note;

Trees and Development Technical Advice Note;

Public Rights of Way and Development Technical Advice Note;

4.3 Planning Policy Wales Edition 10 (2018):

1.17 Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate

otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.

2.21 Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

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.

3.10 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

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

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

4.1.9 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

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.

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.

5.8.3 Sustainable building design principles should be integral to the design of new development. Development proposals should:

- mitigate the causes of climate change, by minimising carbon and other greenhouse gas emissions associated with the development's location, design, construction, use and eventual demolition; and
- include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.

6.1.5 The planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.

6.1.7 It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

6.1.9 Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.

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.

4.4 Further relevant national planning guidance is contained in:

Technical Advice Note 24: The Historic Environment

Technical Advice Note 5: Nature Conservation and Planning.

Technical Advice Note 15: Development and Flood Risk.

5. **INTERNAL CONSULTEE RESPONSES**

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

The highway access into the site would be taken off Mill Road. The layout drawing indicates that an appropriate visibility splay could be achieved involving some use

of the existing grass bank, which is shown to be adopted highway. The access would need to be a dropped footway type and final technical details agreed via a Section 278 legal agreement to ensure that the tie-in of the proposals with the existing adopted highway is undertaken to an appropriate standard. The development would result in a small number of additional traffic movements and this does not result in safety concerns.

It is assumed the internal road would remain private and that the limit of adoption would be a few metres back from the edge of carriageway.

Given the number of proposed houses served by the access road, a standard footway/carriageway split is not necessary and a shared footway/carriageway surface should be show.

Car and cycle parking will need to accord with the SPG on Managing Transport Impacts SPG although this would be a matter for the reserved matters stage. Cycle parking needs to be secure, covered and accessible.

The works to the public highway will be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

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

The following information is submitted as part of the application –

Blandford Consulting, Geo-Environmental Report: Land at Mill Road, Tongwynlais. Ref: Report No. BC/MB/11.19.05.

The report provides a preliminary assessment of potential contamination and ground gas issues. It indicates there is no significant risk to the development from land contamination or landfill gas.

Although contamination is not known at this site, the potential for this cannot be ruled out.

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

Shared Regulatory Services would request 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:

5.3 The Operational Manager, Waste Management advises as follows;

Providing the bins are stored in the amenity area of each property this will be suitable. Recycling and waste will need to be presented for collection on Mill Road.

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

1 x 140 litre bin for general waste

1 x 240 litre bin for garden waste

1 x 25 litre kerbside caddy for food waste

Green bags for mixed recycling (equivalent to 140 litres)

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.

5.4 The Lead Officer – Assets & Design (Flood and Coastal Risk Management) advises that the proposed development will require SAB and recommend that the applicant/agent contacts SAB@cardiff.gov.uk in this regard. The Officer comments that to satisfy SAB requirements there may be the need for SUDS features which could affect the design and layout of the site.

The Officer comments that no internal flooding has been reported in this area off Mill Road. Some reports have been received further down the highway near the village shops. However, the Officer advises that this is due to interactions with the adjacent watercourse and not surface water flow from the highway.

The Officer advises that there have been reports and resultant evidence of surface water flooding within the highway near the development but that this remains within the highway and does not affect properties.

5.5 The Public Rights of Way Officer comments as follows:

The Public Rights of Way Team does not object to the application. The layout of the properties are set away from the footpath other than the corner of Plot 3. If approved, development of the site will need to consider the safety of the walkers using the footpath prior to construction commencing. There may be requirements for Licences for a temporary path closure if using the existing vehicle access to set up the site and/or a Section 50 License if utilities require digging into the footpath for new installations of apparatus, etc.

5.6 The Council Ecologist advises as follows:

The application is supported by an Ecological Appraisal dated May 2020, though there have been previous ecological assessments at this site in 2016 / 17.

Reptiles

The habitats on site include areas of grassland and scrub mosaic which appear

superficially to be suitable for widespread reptile species. However, it is reported in the Ecological Appraisal, and also evident from previous ecological studies at this site, that the vegetation is regularly cleared. This would preclude anything other than a transient population or very recent re-colonisation by species living in gardens nearby. The present survey did not note any reptiles during the walkover, but of course a walkover survey is inefficient in detecting species such as Slow-worms which are typically surveyed using refugia. I must also consider that if planning consent is granted for a period of 5 years, a more permanent species of reptiles may become established. Therefore rather than ask that the site be formally surveyed for reptiles, we should instead require as a sensitive clearance strategy to be provided as part of the green infrastructure statement as set out below. For example this strategy should include details which ensure that vegetation is cut to c.100mm in height with hand-held machinery (e.g. strimmers and chainsaws) to reduce the risk of crushing animals. A further cut to approximately 50mm should take place after a period of not less than 48 hours. All log piles, brash piles or other features which could act as refugia should be removed, and any reptiles present allowed to disperse naturally. These measures together with the sensitive clearance strategy should be included in the Green Infrastructure Statement as below.

Nesting Birds

As there is some vegetation management and tree removal proposed, we should attach the following condition to protect nesting birds:-

Condition: No clearance of trees, bushes or shrubs to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

Dormice

Although there are no dormouse records in the immediate vicinity, this may be due to a lack of survey effort rather than absence of the species, and the nearby Cardiff Beech Woods are known to support Dormice. However the Ecological Appraisal does not refer to this species at all.

Nevertheless, I would not say that there is a need to undertake a survey for this species at this site. Firstly, much of the potential habitat (Bramble scrub) has already been cleared. Secondly, because the site is so small and this species occurs at naturally low densities, it would be difficult to have confidence in a negative survey result. Finally, there are precautionary mitigation measures which could be put in place which would not be altered by the results of a dormouse survey.

As the extent of habitat concerned is small, I would not be concerned about loss

of dormouse habitat or habitat connectivity, however, measures should be put in place to avoid harm to individual dormice which may be using the site. These would include removal of above-ground vegetation (trees, bushes, scrub etc) during winter when dormice are hibernating at ground level, followed by removal of stumps and roots in spring / summer, when the dormice have emerged from hibernation and made their way to remaining habitats. To compensate for loss of potential nesting habitat, approximately three dormouse nest boxes should be placed in retained trees or bushes on the site, and these measures together with the sensitive clearance strategy should be included in the Green Infrastructure Statement as below.

Hedgehogs

The Green Infrastructure Statement as below should include details of measures to allow free movement of hedgehogs throughout the gardens of this site, such as appropriately-sized gaps in garden fences.

Trees

The addendum to the Ecological Appraisal, setting out the impacts of the removal of any trees for roosting bats is acceptable.

Green Infrastructure

The applicant should consider how green infrastructure will be treated as part of this development such that it can comply with Policy KP16, i.e.

Cardiff's distinctive natural heritage provides a network of green infrastructure which will be protected, enhanced and managed to ensure the integrity and connectivity of this multi-functional green resource is maintained. Protection and conservation of natural heritage network needs to be reconciled with the benefits of development. Proposed development should therefore demonstrate how green infrastructure has been considered and integrated into the proposals. If development results in overall loss of green infrastructure, appropriate compensation will be required.'

A condition requiring a Green Infrastructure Statement is requested. (Refer to condition 15).

Enhancements

A statutory duty as set out in section 6 of the Environment (Wales) Act 2016 has been introduced which requires public bodies such as Cardiff Council to seek to maintain and enhance biodiversity, and in doing so to promote the resilience of ecosystems, in the exercise of their functions.

Section 5.2.8 of Planning Policy Wales states that: 'The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.'

In his letter to Heads of Planning of 23/10/19, the Chief Planner emphasised this point with the following:-

'Planning Policy Wales (PPW) 10 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers).'

Any application should demonstrate how this will be the case.

In terms of specific enhancement features, nesting or roosting opportunities for birds and bats should be incorporated into new build in accordance with the advice given in 'Designing for Biodiversity: A Technical Guide for New and Existing Buildings, Second Edition. RIBA Publishing, London. Gunnell, K. et al., 2013' or most recent subsequent edition thereof. More specific details of appropriate levels of provision of nesting/roosting opportunities are given in the TCPA's 'Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009'. With these documents in mind, I would say that an appropriate level of enhancement provision across the whole of this development would be:-

- *4 x bat boxes for crevice-dwelling bats*

The applicant's ecologist can advise on the make and model and suitable positioning of these features. Bat / bird boxes such as these are readily available commercially, are inexpensive, and can be tailored to the style and colour of the finish of the buildings. Features which are integrated into the buildings rather than attached to the outside are preferable as they are more secure in the long-term and less prone to interference by the public.

Other enhancements should include using a species-rich wetland grassland seed mix in any SuDS basins, and reptile hibernacula in the far north east corner of the site.

5.7 The Senior housing Strategy Officer advises as follows in respect of affordable housing:

As the site exceeds 0.1 hectare, the Affordable Housing Policy H3 – Local Development Plan is triggered.

Based on the proposed scheme of 4 x 4 bed houses and in line with the Local Development Plan (LDP), an affordable housing is sought on this green-field site.

Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design and the type of units on the scheme, we would be prepared to accept a financial contribution in lieu of on-site affordable housing provision.

On that basis, we would seek a financial contribution of £143,318 in lieu of 1 x 4 bedroom house which is calculated in accordance with the formula in the Planning Obligations– Supplementary Planning Guidance (SPG) (2017).

Housing Need (Common Waiting List Figures) – Tongwynlais

1 bed – 499

2 bed – 224

3 bed – 141

4 bed – 50

6. EXTERNAL CONSULTEE RESPONSES

6.1 Cadw raises no objections, commenting as follows:

Having carefully considered the information provided with the planning application, we have no objections to the impact of the proposed development on the scheduled monument.

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

The application area is located some 275m southeast of the boundary of scheduled monument GM206 Castell Coch and will be visible from the top of the towers of the castle. However, in views from the Castle the proposed development will be seen as part of the existing settlement at Tongwynlais and it will not block views of the castle. Consequently, it is our opinion that whilst there may be a very slight visual impact this will not have any effect of the way that it is experienced, understood and appreciated. Consequently the proposed development will have no impact on the setting of scheduled monument GM206.

6.2 Welsh Water/Dwr Cymru advises as follows:

Capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engages in consultation with the Local

Authority as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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

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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 6.3 Natural Resources Wales recommends that planning permission should only be granted if a Construction Environmental Management Plan (CEMP) condition is attached otherwise it would object to the planning application.

NRW's comments are as follows:

Pollution Prevention

The site is near the Nant Y Fforest River, a tributary of the River Taff, and highway surface water drains. To help prevent pollution during construction, we request that the following condition is attached to any planning permission:

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;*
- General Site Management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;*
- Resources Management: details of fuel and chemical storage and containment;*
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of*

emergency spill procedures and incident response plan with details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

- *Biodiversity Management: invasive species management.*

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Advice for the Applicant

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites', which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>.

Designated Sites

Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Cardiff Beech Woods Special Area of Conservation (SAC) and Castell Coch Woodlands and Road Section Site of Special Scientific Interest.

Foul Drainage

We note the Applicant is intending to dispose of foul sewage by connecting to the mains sewer. Please consult us again if foul sewage from the proposed development is to be disposed of by a private sewerage system.

European Protected Species

We note that the bat report submitted in support of the above application ('Land at Mill Road, Tongwynlais, Ecological Appraisal', prepared by Richard Tofts Ecology, dated May 2020) has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted in relation to European Protected Species.

7. REPRESENTATIONS

- 7.1 Councillor Linda Morgan has submitted a petition signed by 50 residents, objecting to the outline planning application for the erection of 4 no. detached dwellings, new access associated development on land off Mill Road.
- 7.2 Councillor Mia Rees advises that she has been approached by residents to express their concerns regarding the application. It is believed that a previous

application on the land for a similar development was rejected. The Councillor comments as follows:

Proposed Access Road The applicant is proposing a new access road cut across the grass bank on Mill Road. I understand that this land is not owned by the applicant. Residents feel that as there is already an available access road at the top of the land, an additional access point is unnecessary. There is also concern that the proposed entrance is on a dangerous bend of Mill Road which due to the volume and speed of traffic is likely to cause accidents. Finally the grass bank which would this access road would be over is a green area often planted with seasonal flowers, managed by Tongwynlais Community Council.

Drainage The applicant is proposing 4 new dwellings to link to the existing drainage system with the addition of soakaway drains in the gardens for surface water run-off. The existing drainage system that services both Mill Road and Wellington Street is old and weather often highlights its limited capacity. Residents strongly feel that additional properties will cause a strain on the drainage system which will push it beyond its limit. Surface water run-off is already a concern for both Mill Road and Wellington Street with the roads prone to localised flooding - as seen in recently challenging weather this year.

Footpath The applicant proposes placing a high chain link fence to mark the boundary of the public footpath across the area. There is already a high chain link fence marking the edge of the public footpath. Residents are concerned that putting another high chain link fence would make what is currently an open, safe area into a footpath enclosed on either side with reduced light and visibility. There is a serious concern that this is likely to encourage anti-social behaviour.

Tree Survey - The applicant has provided a tree survey. Unfortunately the tree survey was done several years ago and as such the information is not up to date. The tree survey provides inaccurate and unreliable information. It is also worth noting that many of the trees referred to on the survey are on public land or private gardens and not on the land owned by the applicant. It is also worth noting that the man of the trees referred to on the survey as providing screening and privacy to residents, have since been felled.

7.3 Tongwynlais Community Council objects to the planning application for the following reasons:

There has already been an application submitted to Cardiff City Council for a residential development on this land historically, which was rejected. The applicant does have an approval for one large new dwelling on the land and associated works. The Community Council would like to reiterate that this approved application was previously rejected on more than one occasion where residents placed numerous objections as well as a village petition against the proposal of some 170 signatures. Although this new application is for 4 proposed dwellings, the Community Council would like to reiterate that in fact there will be 5 new dwellings on the land.

Proposed Access Road - The applicant is proposing a new access road cut into

the grass bank on Mill Road. This land does not belong to applicant. There is already an available access road at the top of the land so an additional access point is unnecessary. The positioning of the proposed entrance is on a dangerous bend of Mill Road which due to the volume and speed of traffic is likely to cause accidents. The bank is an area of beauty and valuable green space at the heart of the village, which is planted with daffodils each year and is maintained by Tongwynlais Community Council.

Drainage - The existing drainage system in both Mill Road and Wellington Street is very old and already at capacity. Additional properties will cause additional strain on the drainage system which is already failing and has historically collapsed requiring repair. Surface water run-off is already a concern for both Mill Road and Wellington Street with the roads prone to localised flooding as recently as this year. Soakaway drains are likely to cause drainage problems or flooding for land or properties both on Mill Road and Wellington Street as the proposed dwellings are uphill from these areas.

Footpath - The applicant proposes placing a high chain link fence to mark the boundary of the public footpath across the area. There is already a high chain link fence marking the edge of the public footpath. Placing another high chain link fence would make what is currently an open safe well used area into a footpath enclosed on either side with restricted light and visibility. This is likely to encourage anti-social behaviour.

The tree survey was completed several years ago and as such the information is not current. The tree survey provides inaccurate and unreliable information. Many of the trees on his plan are on public land or private gardens. The applicant is referring to trees on his survey providing screening and privacy to residents, however many have been felled since the plan was produced some years ago. The applicant needs to provide a new survey with current and reliable information for any matters to be taken into consideration.

- 7.4 Some 19 representations have been received from neighbouring occupiers and local residents objecting to the planning application on a variety of grounds. A summary of the objections received are identified below. Copies of the detailed objections can be viewed on the Council's website.
- 7.5 The Occupier of 5 Wellington Street. Similar to a previous application that was refused. What remains of the field has been allowed to become scrub and there is an infestation of Japanese knotweed at the lower part adjoining the gardens of Wellington Street. Dealing with this would not outweigh the damage to the general appearance of the village which will be caused by further building on the approach to Castell Coch.
- 7.6 The Occupier of 1 Castel Coch View objects, primarily on traffic grounds stating that Mill Road which is already congested in the morning and that traffic turning onto Mill Road would be a serious danger to the community and the large number of visitors to the Cadw site.

7.7 The Occupier of 9A Wellington Street objects for the following reasons (summary):

There have been previous applications submitted to Cardiff Council for residential dwellings on this area of land which have been refused.

Drainage concerns. Due to the contours of the land, proposed soakaways would naturally drain towards neighbouring gardens causing a drainage/flood risk.

The tree report is several years out of date and as such the information is unreliable. The plans indicate several trees situated in private gardens and not on the applicant's land.

The site is abundant in wildlife referring to the presence of foxes, hedgehogs, a badger set, voles, toads and slowworms several of which are protected species in Britain under the Wildlife and Countryside Act 1981.

Detrimental impact on neighbours' outlook and loss of privacy accentuated by site levels.

The view of Castell Coch would be harmed.

The land is valued as a green space.

The development would result in an enclosed poorly lit public footpath running behind properties which is likely to encourage anti-social behaviour.

The intended access road from Mill Road would cross a grass bank/ verge which belongs to Cardiff Council. A resident states that the Community Council with help from local volunteers and local families have planted daffodil bulbs in this area as a community initiative.

Residents are concerned about the volume of traffic travelling through the village, especially on Mill Road and have been requesting further speed restrictions on the road for several years. The proposed access to Mill Road would be dangerous and add to the traffic chaos.

7.8 The occupier 36 Mill Road objects for the following reasons:
Increased traffic, loss of view of Castell Coch and impact on wildlife.

7.9 The occupier 32 Mill Road objects for the following reasons:

i. The current government restrictions have prevented the community council from being able to hold a public meeting and have prevented a repeat of the door to door enquirers in 2017 which resulted in a large petition against the application being submitted. In addition there does not appear to have been any public notices put up notifying interested parties of the proposed dwellings.

ii. There are sufficient large properties in the village and there is not the additional demand for homes of this type.

iii. Traffic safety. Mill Road is dangerously congested in the mornings and early evenings. The current residents of Mill Road have to double park due to a lack of driveways on the properties directly affected by the application. An additional turning in this area will cause more congestion and be a danger to public safety.

iv. The site is the only open field left on the road to Castell Coch and provides the only aspect of the castle available to residents and visitors alike. The proposed planning will block views of the Castle.

v. Loss of wildlife. In addition the Community Council looks after the verge in which the new road entrance will cut and is not privately owned land.

vi. The village is prone to flooding and adding further pressure on our already strained water course will be of significant detriment to the village and the community.

7.10 The Occupier of 34 Mill Road objects for the following reasons (summary):

Traffic congestion. Any increase in traffic from the proposed development would place an additional burden on infrastructure that was never intended for the current demand. The view of Castell Coch for visitors and residents would disappear.

Adverse impact on wildlife.

The access road would cross land which has been cared for by the Council and its associated volunteers.

The houses will not be 'affordable' for the majority of prospective buyers.

7.11 The Occupier of 42 Mill view objects for the following reasons (summary):

- i. The proposed access road is situated on the bend of Mill Road, which is already extremely congested at times. Adding more traffic to this road would be dangerous.
- ii. Drainage. During heavy rain, the road is prone to flooding. The green space is valuable in terms of its drainage, and removing it presents a real risk of flooding to the houses nearby.
- iii. The buildings proposed will obscure view of Castle Coch.
- iv. Loss of wildlife.
- v. The existing Leylandii trees, whilst providing a natural screen to the site from Mill Road, create a significant daylight and sunlight shadow and it would be appreciated if they were reduced in height to allow daylight into nearby homes.

7.12 The Occupier of 2 Castle Road objects on drainage and access grounds. If the Council decides to grant planning permission, it should be insisted that the proposed access is refused in place of the present access to the site. The access road would cross land which is owned by Cardiff Council and kept in excellent condition by Tongwynlais Community Council.

7.13 The Occupier of 44 Mill Road comments as follows (summary):

- i) It is hoped that any retaining walls will be sympathetically designed to avoid adverse impact on surrounding properties in Mill Road (Crib Walling appropriately landscaped is suggested).
- ii) There is no indication or statement as to how the storm water runoff from the highway/footway will be dealt with.
- iii) The Ecological Appraisal identifies two areas of Japanese knotweed within the proposed development site. If allowed to spread to adjoining properties it would cause serious problems on the value of those properties.
- iv) The Leylandii trees located to the Mill Road frontage may screen the site. However, due to their height, they create a daylight and sunlight shadow for

dwellings on the eastern side of Mill Road. It is requested that the trees are reduced in height to allow daylight and sunlight into their habitable rooms.

7.14 The Occupier of 30 Mill Road objects for the following reasons (summary):

Traffic/highway safety. The proposed access is on a bend and visibility will be impaired creating a hazard to traffic in both directions.

Drainage concerns.

Loss of wildlife.

The view of Castell Coch would be lost.

The loss of privacy and increased noise would impact on existing houses in Mill Road, especially during construction work.

The timing of this application during the COVID pandemic is questioned as it reduces the ability of residents to meet/discuss.

7.15 The Occupier of 9 Wellington Street objects for the following reasons (summary):

Drainage. Concern regarding run-off from the development given the sloping nature of the site. Properties in the village were affected by flooding this way in February and further development will add to this problem.

The development is relying on access across land not owned by the applicant. The land is maintained by the Community Council and benefits the community and the many tourists which come into the village. The land is an asset to the City Council. If planning is granted, a charge for the land as failure to do so would be a mismanagement of a council asset.

Loss of wildlife

Loss of road side parking.

7.16 The Occupier of 7 Wellington Street objects for the following reasons (summary):

Several applications to build on the land in the past were refused permission.

The timing of the application is concerning coming as it does when the Community Council has been prevented (due to Covid19 restrictions) from informing the wider village community and residents are pre-occupied with the stresses and trials associated with the pandemic.

Impact on privacy. Overlooking of neighbouring house and garden. Loss of light to the garden.

The tree survey is clearly out of date as trees are mentioned that no longer exist and can which no longer protect and screen residents.

The access road is likely to need street lighting introducing light pollution.

Loss of wildlife. Building on this site will eradicate any wildlife permanently.

Loss of view of Castell Coch from the road.

Concerns regarding the presence of Japanese Knotweed.

Water drainage on the site would add to the volume of water causing further problems in the village. The soakaways from the proposed gardens are likely to drain into neighbouring properties.

The proposed access road is on a bend with restricted views and the attendant risk of accidents along a road where school children will be walking twice daily.

7.17 The Occupier of 50 Mill Road objects for the following reasons (summary):

Traffic on Mill Road at times is very busy and with parking both sides of the road it can be difficult to pass safely. The entrance to the site on the bend with poor visibility.

The site is not suitable for development and should remain a green area in front of Castle Coch.

7.18 The Occupiers of 38 Mill Road object for the following reasons (summary):

Affordable Housing.

The application does not provide for affordable housing in accordance with the Cardiff Planning Obligations SPG.

Flood Risk.

There are regular recorded incidents of surface water flooding in this area, specifically at the junction of Mill Road and Merthy road. The proposed properties will add an impermeable area that will result in surface water runoff. The developer has not provided detailed information of flood risk and should be required to carry out a Flood Consequence Assessment.

Traffic.

Traffic congestion is a concern in Tongwynlais and specifically along Mill Road. Any additional residential development will only increase traffic and congestion in this area.

Environment and Biodiversity.

There are protected species on the development site. On land adjacent to or near the proposed development are designated sites, important habitats or biodiversity features. The ecological appraisal report submitted does not appear fit for purpose.

Sense of Place.

The proposed development site is elevated well above existing surrounding properties. It will overlook properties in Wellington Street and Mill Road and seriously affect the visual enjoyment that is currently enjoyed.

Well-Being.

Under the Well-being of Future Generations (Wales) Act, the Council has a function that must be exercised, as part of carrying out sustainable development for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. The Council has an opportunity to carry out their function in ensuring that this site can be enjoyed by future generations. The ecological benefits of green spaces are well-known. They include resilience to local flooding, habitat for wildlife and benefits for air quality. Evidence shows that green space can provide a range of benefits in mental health, physical health and social cohesion.

7.19 The Occupiers of 40 Mill Road object for the following reasons (summary):

- i. The site currently frames the view of the Castell Coch and sets the scene of the historical monument. To lose this by allowing the development would be an immeasurable loss to the history and setting of Tongwynlais.
- ii. There would be a permanent destruction of habitats for a variety of wildlife including protected species.
- iii. Concerns regarding potential drainage issues caused by this development.
- iv. The current traffic levels and parking demands on Mill Road are already at

capacity. Further traffic and parking caused by the construction of new developments and new residents will create a safety risk and worsen already severe traffic jams, particularly at peak times.

- v. Whilst strongly opposing the application, should the development go ahead, it would be appreciated if the trees that currently border Mill Road be kept to provide some degree of privacy. A slight reduction in their height to avoid interference with the overhead power-lines would be supported.
- vi. There does not appear to be a need for a development of this kind in the village.

7.20 The Occupier of 24 Mill Road objects for the following reasons (summary):

Traffic/highway safety.

Drainage/flood risk.

Loss of a green space inhabited by wildlife.

The loss of a view to the Castle enjoyed by residents and visitors.

7.21 The Occupier of 22 Castle Coch View objects for the following reasons (summary):

Highway safety.

Presence of Japanese knotweed.

Loss of view.

7.22 The Occupier of 36 Castle Road objects for the following reasons (summary):

Highway Safety. The proposed access would heighten the danger on this road to pedestrians, cyclists and drivers.

Impact on the vista of Castell Coch.

7.23 The Occupier of Wellington Street comments as follows (summary):

The timing of the application being submitted in the middle of the Covid-19 pandemic limits the ability to be aware of the proposed application gather as a group to allow public meetings or petitions to be collected.

Loss of wildlife. Any wildlife survey carried out after this destruction of their habitat is likely to result in finding very little wildlife present, however this is not a true reflection.

The tree survey is incorrect and outdated.

Risk of flooding. Additional drainage from additional properties into an already over-loaded drainage system will likely increase the frequency and severity of the flooding.

The proposed access point appears to be through land that does not belong to the applicant, but rather to Cardiff Council

8. **ANALYSIS**

8.1 Outline planning permission is sought to construct 4no.two storey detached dwellings on land off Mill Road, Tongwynlais. The site forms part of an area of approximately 0.4 ha which is allocated for residential development in the Cardiff Local Development Plan with an estimated capacity of 5 units. Planning permission for a detached house on the north eastern part of the overall site was granted in

March, 2017 (Council reference 16/03067/MNR) and that this dwelling is shown on the proposed site plan.

8.2 The main planning issues are considered to relate to:

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

8.3 The site lies within the settlement boundary and is allocated as a non-strategic housing site under Policy H1: Non-Strategic Housing Sites of the adopted Cardiff Local Development Plan. The principle of residential development has therefore been established. Planning Policy Wales advises that '*planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.*' (para.2.8). As an allocated housing site within the Local Development Plan, the application is considered to contribute to this objective. The site is not subject to any statutory or non-statutory ecological or landscape designation or tree preservation orders. Castell Coch, which is a Scheduled Ancient Monument (SAM) is located on elevated ground some 300 metres to the north west of the site separated by existing residential properties and Castell Coch Golf Course. Policy KP17 of the LDP seeks to protect and enhance the character and setting of SAM's.

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

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

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

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

8.6 At paragraph 3.5 the SPG states that:

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

8.7 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.

8.8 At paragraph 4.1 the SPG states that:

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

8.9 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.

8.10 The application is submitted in outline with access and scale to be determined at this stage. Details of appearance, layout and landscaping are reserved for subsequent approval. Notwithstanding this, the layout plan shows how 4no.detached dwellings could be laid out on the site. The application is supported by illustrative elevation plans and 3D visuals which seek to illustrate how a satisfactory residential development can be achieved having regard to the site context including the topography of the land and the relationship with neighbouring occupiers. The scheme positions the front units broadly in line with the approved house to the north and no.19 Mill Road to the south and the layout provides scope for the provision of soft landscaping within the site and fronting Mill Road. Subject to the submission of satisfactory details in a subsequent reserved matters application, it is considered that the application does not raise unacceptable design/street scene concerns.

8.11 The application area is located some 300m southeast of Castell Coch. Cadw has been consulted on the application and raises no objections, commenting as follows:

In views from the Castle the proposed development will be seen as part of the existing settlement at Tongwynlais and it will not block views of the castle. Consequently, it is our opinion that whilst there may be a very slight visual impact, this will not have any effect of the way that it is experienced, understood and appreciated.

8.12 Views towards the Castle can be enjoyed from a wide area and it will not be possible to protect every one of these indefinitely. With regard to the current planning application, the proposed dwellings would be sited at lower levels than the existing houses to the north at Castle Farm, The Lodge and Fairway Cottage.

8.13 As layout is not for determination at this stage, there would be some flexibility regarding the siting of the dwellings in a future reserved matters application.

Notwithstanding this, the illustrative layout demonstrates that the privacy of neighbouring occupiers can be safeguarded in a manner that satisfies the Council's guidelines on this matter and that separation distance can be achieved to ensure that the development will not obstruct light to a relevant window in a neighbouring property or cause undue overshadowing.

- 8.14 The application proposes to access the site from Mill Road. At the proposed point of access, a visibility splay of 2.4 metres x 43.0 metres is shown. The Operational Manager, Transportation has raised no objections to the application on highway safety and parking grounds advising that an appropriate visibility splay can be achieved. The Officer advises that the works to the public highway will need to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority. The Officer has sought some revisions including the provision of a shared footway/carriageway advising that a standard footway/carriageway split would not be necessary given the limited number of houses proposed. The layout plan has been amended accordingly.
- 8.15 The proposed access will cross the grass bank at the back edge of footway. A number of objectors comment that the verge is Council owned land maintained by the Community Council and produces an attractive daffodil display during the season. The verge comprises adopted highway and it is not unusual to permit access across adopted highway land to facilitate development.
- 8.16 Access to Castle Farm, The Lodge, Fairway Cottage and the approved dwelling on the north eastern part site is via a narrow shared private drive off Mill Road. The Council's policies enable up to 5 dwellings to be served off a shared private drive; a number which was not exceeded as a consequence of the approval of planning permission for the single dwelling. It would not be appropriate to utilise this driveway (which also accommodates the public right of way) to facilitate access to the current application site.
- 8.17 A public right of way lies adjacent to the allocated site's northern boundary linking Mill Road with Wellington Street to the south and will not be adversely affected by the proposed development. The agent for the application has been forwarded of the ProW Officer's advice on the application, as requested.
- 8.18 The application has been considered by the Council's Ecologist whose detailed advice is contained in section 5.7 of this report. The Officer notes the application is supported by an Ecological Appraisal dated May, 2020 and comments that there have been previous ecological assessments at the site in 2016/17. Having considered the application and supporting document, the Officer raises no objection to the approval of the application on nature conservation grounds subject to appropriate conditions and informatives.
- 8.19 No technical objections have been raised by Welsh Water/Dwr Cymru, Natural Resources Wales or by the Council's Drainage Officer to the approval of the application on drainage or flood risk grounds.
- 8.20 The Council's Drainage Officer advises that the proposed development will require SAB approval. The agent has been advised of the Officer's guidance and is

engaging with the Council to progress this matter.

- 8.21 It is the applicant's responsibility to address the presence of Japanese Knotweed at the site. Informative R3 informs the applicant that it is an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed. NRW has also requested a condition requiring a Construction Environmental Management Plan for the development to include details of invasive species management.
- 8.22 The Senior Housing Strategy Officer has advised that in line with Policy H3 of the Local Development Plan (LDP), an affordable housing contribution should be sought in respect of the proposed development. This has been calculated as £143,318 in accordance with the formula set out in the Planning Obligations Supplementary Planning Guidance (SPG) (2017). The applicant has agreed to the request which will need to be secured under the provisions of Section 106 of the Town and Country Planning Act 1990.
- 8.23 On balance, the proposal, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions.

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

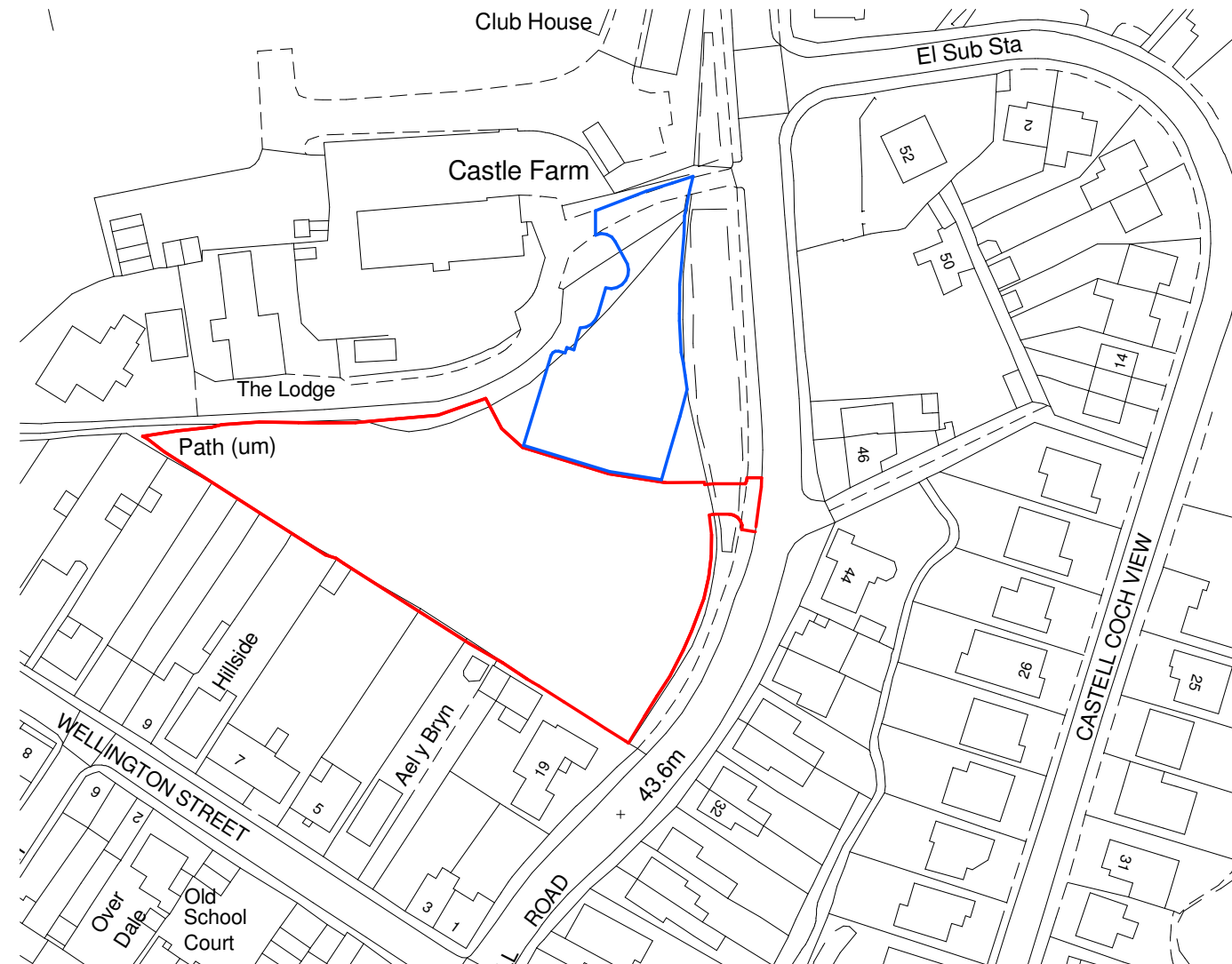
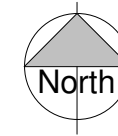
9.3 *Well-being of Future Generations (Wales) Act 2015*

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

towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

9.4 *Environment (Wales) Act 2016*

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



Location Plan
1 : 1250

Planning Issue

date	rev	name	chk	note
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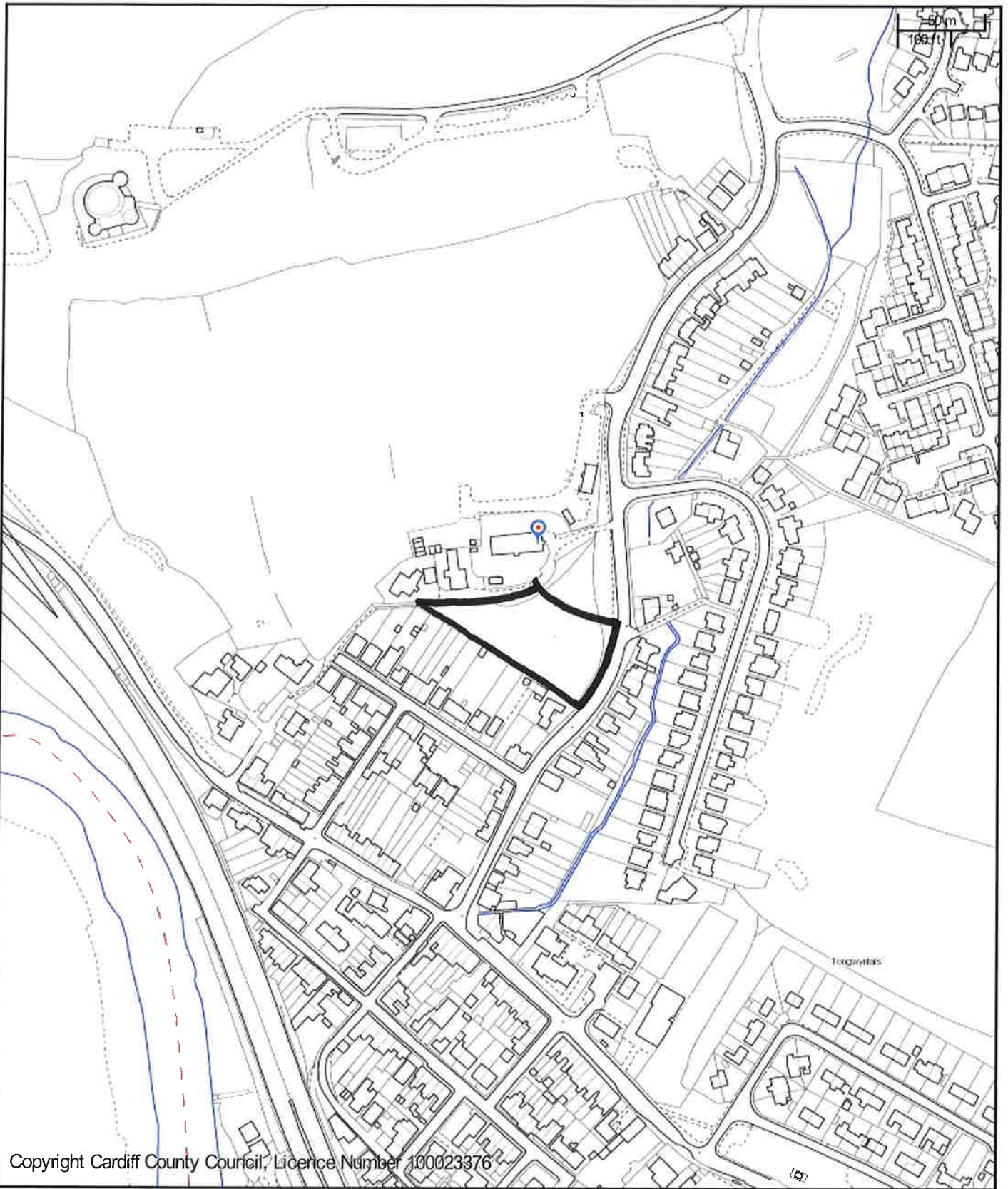
Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@diparchitecture.co.uk

PROJECT
Proposed development for 4 No. detached 4 bedroom houses
Land off Mill Road, Tongwynlais, CF15 7JQ

DRAWING TITLE
Location Plan

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 1250	03/04/20	PL	AA

DRAWING NUMBER	REVISION
P654 L_001	



CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd
 CAERDYDD CF10 4UW
 Tel: 029 20872088

County Hall, Atlantic Wharf
 CARDIFF CF10 4UW
 Tel: 029 20872087

Cyngor Caerdydd

Cardiff Council



Title

Scale: 1:3000

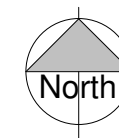
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Coordinates:

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Ordnance Survey 100023376 (2014).



Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size

HARDSTANDING FINISHES KEY:

- GRASS WITH PLANTING
- PERMEABLE PAVIOURS

DRAINAGE LEGEND:

- FOUL DRAINAGE RUN EXISTING
- FOUL DRAINAGE RUN PROPOSED
- SURFACE WATER DRAINAGE RUN

Total site area: 3218m²

Individual plot areas:

- Plot 1: 337m²
- Plot 2: 316m²
- Plot 3: 336m²
- Plot 4: 336m²

Individual house footprints: 90m² to 120m²

Car Parking: 2 spaces per dwelling
Cycle Storage: 4 spaces per dwelling

REFSUE STORAGE PER DWELLING:

- Recycling: 1 x 240L bin
- Composting: 1 x 25L bin
- Waste: 1 x 240L bin

Planning Issue

23/07/20	A	PL	AA	Access road revised
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
 Systems House 89 Heol Don Cardiff CF14 2AT
 T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
 Proposed development for 4 No. detached 4 bedroom houses
 Land off Mill Road, Tongwynlais, CF15 7JQ

DRAWING TITLE
 Site Plan as Proposed

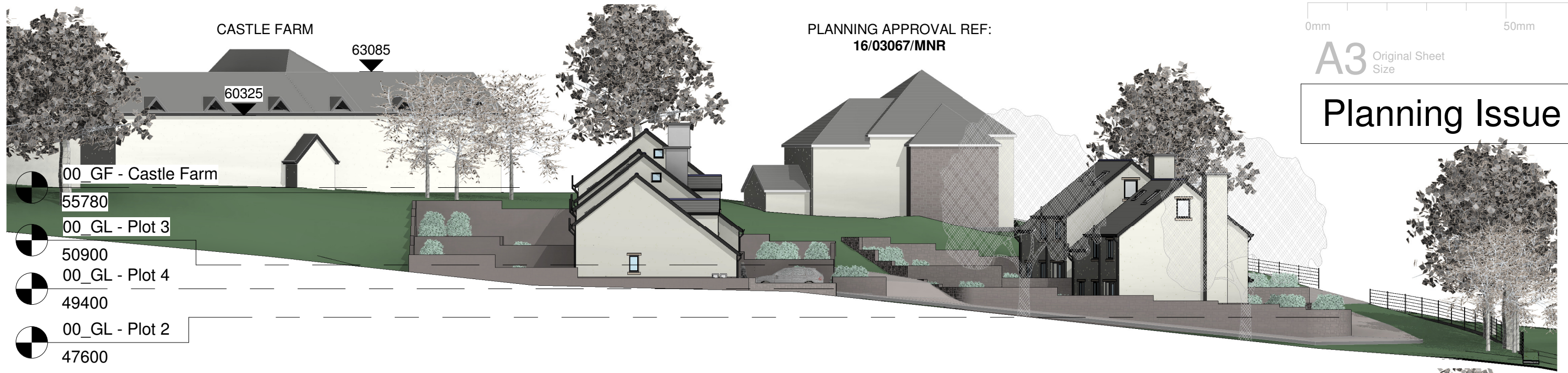
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As indicated	03/04/20	PL	AA
DRAWING NUMBER	REVISION		
P654 L_003	A		

23/07/2020 16:39:29



Site Plan as Proposed
 1 : 500

Planning Issue



00_GF - Castle Farm

55780

00_GL - Plot 3

50900

00_GL - Plot 4

49400

00_GL - Plot 2

47600

South West Elevation

1 : 250



00_GF - Castle Farm

55780

00_GL - Plot 1

48950

00_GL - Plot 2

47600

PLANNING APPROVAL REF:
16/03067/MNR

East Elevation

1 : 250



NOTES:

SITE ELEVATIONS SECTIONS & PERSPECTIVE VIEWS ARE FOR ILLUSTRATIVE PURPOSES ONLY

FINISHES KEY:

- 1 : SLATE GREY ROOF & RIDGE TILES
- 2 : GREY UPVC DOUBLE GLAZED WINDOWS & DOORS
- 3 : BLACK UPVC RAINWATER GOODS ON BLACK FASCIA
- 4 : WHITE K RENDERED EXTERNAL WALLS WITH STONE HEADS & CILLS TO WINDOWS / DOORS & STONE COURSING BELOW DPC
- 5 : DRESSED STONE EXTERNAL WALLS

HARDSTANDING FINISHES KEY:

-  - GRASS WITH PLANTING
-  - PERMEABLE PAVIOURS

date	rev	name	chk	note
23/07/20	A	PL	AA	Access road revised



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PROJECT
Proposed development for 4 No. detached 4 bedroom houses
Land off Mill Road, Tongwynlais, CF15 7JQ

DRAWING TITLE
Site Elevations as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	03/04/20	PL	AA
DRAWING NUMBER	REVISION		
P654	L_210		A