

PETITION

COMMITTEE DATE: 08/09/2022

APPLICATION No. **18/00736/MNR** APPLICATION DATE: 05/04/2018

ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Full Planning Permission

APPLICANT: Dr ANDREWS

LOCATION: 71 CHURCH ROAD, WHITCHURCH, CARDIFF, CF14 2DY

PROPOSAL: PROPOSED DEMOLITION OF EXISTING GARAGE /
OUTBUILDING CONSTRUCTION OF NEW 2 STOREY
DETACHED DWELLING, DETACHED REPLACEMENT
GARAGE WITH STUDIO ABOVE AND GLAZED LINK TO
EXISTING DWELLING

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

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - AL (01) 02 Rev C Proposed Plans and Elevations
 - AL (01) 03 Rev A Proposed Plans and Elevations (Garage Studio)
 - AL (90) 01 Site Plan
 - AL (00)01 O Vision Splay
 - AL (01) 04 Rev D Boundary Wall Details
 - 2956-003 A Pier Sections
 - AL (01) 07 B Proposed Context Plan
 - 2956-002 D Landscape Scheme

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

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

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

4. Notwithstanding the submitted 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.

5. 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.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with. Provision shall be made for a site logistics plan to be incorporated within the AMS to ensure that trees within and adjoining the site are not damaged by deliveries and vehicles moving to and from the site. Provision shall be made for a site specific method statement for the construction of the wall and pillar, including full details of the construction methodology and foundations to demonstrate that unacceptable harm will not result to trees of amenity value.

- 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.

6. Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it.

Reason: The trees are of value in the local environment and should be

protected and maintained in good condition in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

7. Notwithstanding the submitted landscaping details, no development shall take place until full, finalised details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme.
- Finalised, scaled planting plans prepared by a qualified landscape architect and that are consistent with other plans submitted as part of the application but that make provision for a new tree within existing soft landscaping to the south of the proposed access. This tree shall be specified to be planted at a smaller size than other trees to ensure that no extensive pit excavation is required within the Root Protection Area of retained trees – for example, light standard rather than Extra Heavy Standard.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications, including the stripping of soil, storage of soil, preparation of subsoil and placement of topsoil.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental

value of the area, and to monitor compliance in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

8. Any newly planted trees, shrubs, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 7, unless the Local Planning Authority gives written consent to any variation.

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

9. 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.

10. 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.

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

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

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

12. Prior to the erection of the dwelling hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To decrease the risk of flooding elsewhere and prevent hydraulic overload of the public sewerage system and in accordance with Policies EN10: Water Sensitive Design and EN14: Flood Risk of the Cardiff Local Development Plan.

13. The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.

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

14. No gates shall be erected at the entrance of the existing and proposed vehicular accesses.

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

15. No development shall take place until details showing the provision of cycle parking have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no further windows shall be inserted in the dwelling house hereby approved.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no extension shall be placed within the curtilage or any alteration undertaken to the roof of the dwelling hereby approved.

Reason: To ensure that the living conditions of adjoining occupiers are protected and to retain appropriate external amenity space for future occupiers in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

18. The following windows shall be non-opening below a height of 1.7 metres above internal floor level and glazed with obscure glass and thereafter be so retained:

- i) The first floor changing room window on the rear elevation of the dwelling house.
- ii) The first and second floor windows on the side elevations of the dwelling house.

The proposed roof lights on the rear roof plane of the dwelling house and the proposed roof lights in the rear roof plane of the garage/studio shall be installed such that their cill levels are a minimum of 1.7 metres above internal floor level.

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

19. No demolition of the garage or removal of trees should take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be granted if

it can be demonstrated that there are no birds nesting in these features immediately (48 hrs) before their removal.

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.

20. The garage/studio hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of no. 71 Church Road.

Reason: The creation of a separate dwelling unit would result in a poor living environment for the future occupants of the building and in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

21. Notwithstanding the submitted plans, further drawings to clarify the materials and architectural detailing of the following elements on the front elevation of the proposed dwelling shall be submitted to and approved by the Local Planning Authority prior to the commencement of development:

Windows, Eaves, Hanging Tiles, Chimney, Reveals, Cast Stone, Brick, Roof and Ridge Details. Drawings shall be submitted at a minimum scale of 1:10.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policies KP5: Good Quality and Sustainable Design and EN9: Conservation of the Historic Environment of the Cardiff Local Development Plan.

22. Notwithstanding the submitted plans, further drawings to clarify the materials and architectural detailing of the walls and roof of the proposed garage/studio shall be submitted to and approved by the Local Planning Authority prior to the commencement of its construction. Drawings shall be submitted at a minimum scale of 1:10. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policies KP5: Good Quality and Sustainable Design and EN9: Conservation of the Historic Environment of the Cardiff Local Development Plan.

23. Prior to the partial demolition of the boundary wall, further details to show how the wall will be altered and to describe the methodology and materials to be used in making good, shall be submitted to and approved by the Local Planning Authority. Drawings shall be submitted at a minimum scale of 1:10. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is

in keeping with the area in accordance with Policies KP5: Good Quality and Sustainable Design and EN9: Conservation of the Historic Environment of the Cardiff Local Development Plan.

24. Prior to the commencement of development, full details of the proposed works to the boundary wall and pillar foundation shall be submitted to and approved by the Local Planning Authority. The works shall be undertaken in accordance with the approved details. Reason: The trees are of value in the local environment and should be protected and maintained in good condition in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

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

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

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation

or other remedial action to enable beneficial use of unstable land.

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

RECOMMENDATION 4: The applicant is advised that developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500. It is considered best practise to have a Site Waste Management Plan for demolition projects and that materials should be reused and recycled as much as possible, as advised in the Council's Waste Collection and Storage Facilities Supplementary Planning Guidance.

RECOMMENDATION 5: The applicant is advised that the proposed development may require an application under Schedule 3 of the Flood and Water Management Act for SAB approval. It is recommended that the applicant engages in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

RECOMMENDATION 6: The applicant is advised that the creation of the new vehicle crossover and any other works to the existing public highway adjacent to the site will be subject to additional licences that should be obtained from the Local Highway Authority prior to implementation.

RECOMMENDATION 7: Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

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

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

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-

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

Bat Conservation Trust can be contacted at:-
5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR,
0845 1300228

RECOMMENDATION 8: Welsh Water/Dwr Cymru advises that the site is crossed by a public sewer and that under the Water Industry Act 1991 it has rights of access to its apparatus at all times. WW/DC encourages that applicant to investigate further or contact them for assistance in regard to this matter.

RECOMMENDATION 9 : In the event that the applicants seek to resurface the existing driveway, they should note that resurfacing within the RPA of retained trees may result in the loss of, damage to or destruction of roots. This would represent an offence unless it is approved as part of an application for consent under the Tree Preservation Order. The applicants are advised that before considering such works, they consult with an arboriculturist to ensure that a 'tree friendly' construction methodology is drawn up to prevent harm to trees.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This planning application relates to land at the side of no. 71 Church Road where permission is sought to demolish an existing garage/outbuilding and construct a detached dwelling together with a detached replacement garage with studio space above, joined to the existing house by a glazed link.
- 1.2 The proposed dwelling is shown to be of pitched roof design with a double height bay projection on the front elevation incorporating a steeply pitched gable roof feature. The main part of the dwelling is two storeys in scale, rising to an eaves height of approximately 5.0 metres and a height of approximately 8.5 metres to the roof ridge. The dwelling contains 3.no bedrooms including a bedroom contained within the steeply pitched roof. Proposed materials comprise a mix of facing brick and render to the elevations, grey roof slates and section of tile hanging. As initially submitted for determination, the dwelling included a dormer extension projecting from the rear roof plane and a single storey extension attached to the south (side) elevation. However, following revisions to the design, these elements have been deleted from the scheme.
- 1.3 A new vehicular access from Heol Don is proposed to serve the new dwelling. This will necessitate the removal of a section of the existing brick boundary wall approximately 4.0 metres in width. Amended plans have repositioned the access further away from the northern boundary of the neighbouring property at no.1 Wingfield Road.
- 1.4 The proposals necessitate the removal of a Bay tree prominently located towards the front of the site and a Laurel also located towards the front of the site near the boundary with no 1. Wingfield Road. The application is supported by an Arboricultural Survey and Impact Assessment together with a proposed landscape scheme. The landscape scheme proposes the planting of new trees along the site

frontage in mitigation (comprising 1no.Cotoneaster and 1no.Ilex aquifolium) in mitigation together with other shrub planting.

- 1.5 The front elevation of proposed house would be sited approximately 8.0 metres from the back edge of footway along Church Road and broadly in line with the front of the existing dwelling. Its northern elevation is shown to be sited up to 13.0 metres from the south facing side elevation of the existing house. The application site adjoins the boundary with a substantial detached house to the south at no. 1 Wingfield Road. The proposed dwelling is positioned forward of the northern part of this property with its side elevation sited between approximately 2.2 metres and 4.6 metres from the boundary.
- 1.6 Between the side of the existing house and the new dwelling, a replacement garage with an artist's studio in the roof space is proposed. The pitched roofed structure rises to a ridge height of approximately 6.0 metres and would be sited between 13.0 metres and 15.0 metres approximately 15.0 metres from the road frontage. The siting of the building towards the rear part of the side elevation of the existing house permits the principal windows and design features on this south facing elevation to remain unobscured. In addition to the studio space, the structure includes a small kitchen and shower room. The building would be joined to the side of the existing house by a narrow glazed link approximately 1.3 in width.
- 1.7 The existing access to the property will be retained and the driveway/ hard surface modified to accommodate additional parking space.
- 1.8 The subdivision of the plot provides a rear garden of approximately 120 sq metres for the proposed dwelling and the retention of at least 250 sq metres of rear garden for the existing house.

2. **DESCRIPTION OF SITE**

- 2.1 Nos 69 and 71 Church Road comprise a pair of large semi-detached houses located at the junction of Heol Don and Church Road, Whitchurch. No. 71 occupies a large triangular shaped site with a frontage onto Heol Don. The boundary to the road is enclosed by a red brick wall on either side of a vehicular access. To the rear of the wall on the northern side of the access there is a screen hedge. To the south of the access the boundary wall is taller and the garden area behind it contains a number of trees. To the south east of the house there is a garage/outbuilding.
- 2.2 The southern boundary of the plot adjoins a large detached house at no. 1 Wingfield Road and the rear gardens 106,108 and 110 Bishop Road.
- 2.3 The site lies at the south eastern end of the Church Road Conservation Area. The Heol Don and Church Road area is characterised by individually designed Victorian and Edwardian houses, both detached and semi-detached. A number of the substantial houses at the Station Road end of Heol Don are set in large gardens, several of which have had a variety of more modern houses or flats built in the grounds. Most recently, this includes development within the grounds of Vaynor, located opposite Church road at its junction with Heol Don. To the south

of Vaynor and opposite nos. 69/71 there are three storey flats known as Heol Don Court. To the south of flats there is large detached property at Benton House. The adjoining semi at no.69 occupies a broadly similar plot to the application site. To the side of the property there is a substantial double garage with accommodation at first floor level within its pitched roof.

- 2.4 There is a bus stop on the road adjacent to the application site and a pedestrian crossing nearby, approximately 25.0 metres to the south of the proposed site access.

3. **SITE HISTORY**

- 3.1 02/00977/N: Single storey rear extension.

4. **POLICY FRAMEWORK**

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

KP5: Good Quality and Sustainable Design
KP8: Sustainable Transport
KP 15: Climate Change
KP16: Green Infrastructure
KP17: Built Heritage
EN7: Priority Habitats and Species
EN8: Trees, Woodlands and Hedgerows
EN9: Conservation of the Historic Environment
EN11: Water Sensitive Design
EN13: Air, Noise, Light Pollution and Land Contamination
T5: Managing Transport Impact
W2: Provision for Waste Management Facilities in Development

- 4.2 Supplementary Planning Guidance –

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

- 4.3 Church Road, Whitchurch, Conservation Area Appraisal (2006).

- 4.4 Planning Policy Wales (2021, Ed. 11):

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

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

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

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

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

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

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

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

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

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

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 Planning (Listed Buildings and Conservation Areas) Act 1990
Technical Advice Note 24: The Historic Environment (2017)
Technical Advice Note 18: Transport (2007)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager Transportation comments as follows:

The submission has been assessed and is considered to be acceptable, in principle, subject to the following comments.

The adopted Managing Transport Impacts (Incorporating Parking Standards) SPG confirms that residential development of the type applied for attracts a car parking provision of zero to 2 spaces per unit, along with cycle parking at a ratio of 1 cycle space per bedroom. The proposed car parking provision of 2 identified spaces plus manoeuvring for each dwelling (existing and new) is considered to be policy compliant. It is also considered that the cycle parking for the existing/retained house can be accommodated in the proposed replacement garage and is acceptable. However no cycle parking appears to be identified for the new dwelling and as such the standard condition C3S should be applied to ensure such provision is available for the incoming residents.

With reference to location and wider development considerations. It is noted that the site is within 150m walk/cycle of Llandaff rail station, which provides covered cycle parking and access to frequent inbound/outbound rail services. There are also inbound and outbound bus public transport services available from the bus stops adjacent to the site on Station Road. The site is also within a short walk, circa 200m, of shops and services in Llandaff North. The proposed dwelling is therefore considered to be in a highly sustainable location in transport terms, providing readily available access to frequent public transport options and local shopping/services.

It is noted that a number of letters of objection to the development have been received, within which are included a number of overlapping highway safety/transport objections. In broad terms the objection can be summarised:-

i) The new access too close to existing crossing and bus stops, leading to safety concerns for pedestrians;

ii) Cars will be turning into the new drive from the zig-zags of the crossing, leading to safety concerns for pedestrians and vehicles;

iii) Visibility to/from the new entrance is restricted and/or obscured by the brow of the hill, leading to safety concerns for pedestrians;

vi) Increased congestion, locally at the entrance and on the wider network.

In considering the above concerns I would make the following comments:

In relation to highway safety, points 1 through 3, I would confirm that the visibility splays for vehicles leaving the site have been assessed and are within guidelines, both vertically and horizontally, for the circumstances and speed limit of the adjacent road.

The proximity of the zebra crossing to the new entrance is noted in a number of the objections, however the presence of a crossing is considered to make drivers more attentive to their surroundings and generally results in lower vehicle speeds. I would also confirm that I am not aware of any instances where the proximity of a drive to a crossing or bus stop has been recorded as a contributory factor in a collision.

In respect of the proximity of the bus stops to the proposed access, I must point out that the arrangement is not unusual. There are a significant number of examples of arrangements like this throughout Cardiff and one on Station Road/Heol Don circa 200m to the north. Similarly, the proximity of the access to, or even from/within the zig-zigs, is not uncommon and I can confirm that no offence is committed by a driver waiting for a gap in traffic to make a turn.

In respect of the concerns submitted in relation to increased traffic congestion, I must confirm that the traffic generated by a single dwelling with 2 parking spaces will be imperceptible and will amount to a fraction of a percent of the daily traffic on the local network

The proposed new access is therefore considered to accord with guidance and is otherwise acceptable as submitted.

Conditions:

Standard Cycle Parking condition C3S (for the new dwelling);

Standard Parking condition E3D (both dwellings);

Standard No Access Gates condition C3R (both dwellings).

Second Recommendation:

The creation of the new vehicle crossover and any other works to the existing public highway adjacent to the site shall be subject to additional licences to be obtained from the Local Highway Authority prior to implementation.

Conclusion:

In light of the foregoing, I must conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. I have no objection to the application subject to the above requested conditions and associated comments.

The Officer comments as follows in relation to the 'late' representation received prior to the Committee meeting on 15th June, 2022:

The late representation correctly identifies that the new access to the application site is taken from Heol Don rather than Church Road and that the former is an A road, while the latter is not (it is an unnumbered C road). However, this fact has no particular bearing on the consideration of the application. The submitted plans clearly identify the location of the new access, and this is the basis of the consideration of the proposed development.

The late representation suggests that Church Road is "lower density" than Heol Don and that this is a "critical misrepresentation" without explaining what this means or why it has a material bearing on consideration of the application. Both roads in question are residential in nature, flanked by predominantly semi-detached properties with drives and off-road parking, and both (in the vicinity of the site) are subject to 20mph speed limits and traffic calming. In reality, both roads are very similar in nature.

The road name confusion possibly stems from the property being addressed Church Road, while being accessed from Heol Don.

Regard to the second point made in the late representation in relation to TAN 18, it can confirm that this and other guidance such as Manual for Streets, where they talk about sight lines and visibility spays, are taken to apply to side road junctions with other roads rather than residential drives.

If we look at TAN 18, Annex B, paragraphs B5 and B6 quoted in the late representation, it will be noted that these paragraphs come under the heading "Visibility Spays at Junctions" and are described as being the requirements at "...priority junctions and crossroads...". Private drives are not considered to be priority junctions or crossroads and are therefore not subject to the minimum X distance of 2.4m.

It would therefore appear that the late representation has incorrectly interpreted TAN18 and applied it to this application erroneously. I must therefore reiterate that the submitted access arrangement has been assessed and is considered to be acceptable, including the appropriateness of the visibility splay provision.

- 5.2 Pollution Control (Contaminated Land): Standard conditions and informatives relating to unforeseen contamination; imported materials, contaminated/unstable land and construction site noise.
- 5.3 The Drainage Engineer advised that as the application provides insufficient drainage details in respect of surface water drainage, an appropriate condition should be attached in the event that the application is recommended for approval.
- 5.4 The Operational Manager Waste advises that the proposed dwelling will require the following for recycling and waste collections:

1 x 140 litre bin for general waste
1 x 240 litre bin for garden waste

1 x 25 litre kerbside caddy for food waste
Green bags for mixed recycling (equivalent to 140 litres)

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. It is considered best practise to have a Site Waste Management Plan for demolition projects and that materials should be reused and recycled as much as possible, as advised in the Council's Waste Collection and Storage Facilities Supplementary Planning Guidance.

5.5 Pollution Control (Noise and Air Team): The following informative is requested:
R1 Construction Site Noise.

5.6 The Tree Officer has considered the application and is aware of the representations received from residents on tree grounds including a tree report submitted by the neighbouring occupier. Having regard to the amended plans which include the relocation of the access and the retention of a soft landscaped bed between the access and the neighbour's boundary wall, the Officer raises no objections to the application subject to appropriate planning condition. With regard to tree planting in mitigation for the removal of trees, the Officer advises that a proposed tree removed from the most recent iteration of the landscape plan should be reinstated within the retained vegetated soil between the proposed access and the neighbour's boundary wall, but planted at smaller size to avoid excessive excavation within the root protection area of the Sycamore tree.

5.7 The Conservation Officer comments as follows:

The plot is large enough to accommodate an additional dwelling without harming the character or appearance of the conservation area in terms of the established building lines, plot size and the distinctive character created by large, landscaped gardens such as this. Although it will be close to the southern boundary, this is not unusual within the area and the building would be appropriately scaled relative to the size of the resulting plot.

The building would reflect the form, detailing and materials which characterise the conservation area. Such details include the use of tall brick chimneys, steeply pitched gables and slate roofs, vertically emphasised fenestration, stone bay windows, use of hanging tiles and red brick paired with white render. Further architectural detail drawings will be required in order to ensure that the building is appropriately high quality in execution. A materials sample condition should also be applied.

The new garage and glazed link to number 71 would be positioned well back into the site and would not be prominent within the conservation area. Limited details have been provided regarding the materials or architectural detailing for this element. These details should be secured by condition to ensure that it is a sympathetic addition.

Detailed plans are required to show how the wall would be altered and to describe the methodology and materials to be used in making good. Conditions should be

applied to ensure that these drawings are provided in advance of any partial demolition being undertaken.

Subject to resolution of the above issues, it is considered that the character of the conservation area would be preserved.

- 5.8 The Ecologist recommends an informative relating to bats and the condition relating to the protection of nesting birds.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/Dwr Cymru advises that the site is crossed by a public sewer. It states that if it needs to be diverted this could be addressed outside the planning application but that it would be beneficial to advise the applicant so that discussions can commence.

The Company requests a drainage condition if the Council minded to grant planning permission.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised in the press and by the display of a site notice. Neighbouring occupiers have also been notified.
- 7.3 A 63 signature petition has been received objecting to the application and requesting to speak at at planning committee.
- 7.4 Some 38 representations were initially received objecting to the application. Full details of the representations can be viewed on the application file. In summary, the grounds of objection are as follows:

Detrimental impact on the character and appearance of the Church Road Conservation Area.

The proposed development is not considered to accord with relevant policy guidance including the Cardiff Infill Sites Supplementary Planning Guidance, Cardiff Residential Design Guide and the Church Road Conservation Area Appraisal.

The development fails to respond to the existing urban grain and fails to preserve or enhance the character or appearance of the Conservation Area.

The proposal constitutes overdevelopment and would be out of scale with its environment.

The proposal is not in character with the area.

Lack of amenity space.

A section of the existing boundary wall is to be removed.

Significant views in and out of the conservation area and along a principal road is not respected.

The development does not maintain common building plot size or subdivision and will involves the removal of the side garden from 71 Church Road, reducing its framing by gardens and landscaping.

The proposal will remove soft landscaping to provide a hard surface driveway and parking for the new property.

The removal of trees/shrubs will negatively affect the character of the street, the continuity of the tree canopy and the framing of 1 Wingfield Road by mature landscaping which comprise the south west boundary of the conservation area.

The proposed garage studio could be used as a self-contained separate dwelling unit. Small independent dwellings of this nature would be inappropriate in an area of Victorian and Edwardian villas.

The proposed parking area and removal of soft landscaping will create a car-dominated frontage and will be detrimental to the street scene and historic built environment.

Adverse effect on tree and nature conservation

The proposed development would adversely impact an existing group designation of a 1975 Tree Preservation Order within the Church Road Conservation Area. Specifically, it will remove trees between the Sycamore (in the garden of 1 Wingfield Road) and a Cedar at 71 Church Road in a manner that will detrimentally affect the tree line and canopy which provides a visible marker to the entrance to the conservation area. Reference is made to supplementary planning guidance which states that significant public views or vistas in the street scene, including between and beyond buildings, which contribute to the character of the area should be respected.

The protected Sycamore in the garden of 1 Wingfield Road and near the boundary with the application site will be adversely affected by the proposed development. A neighbouring occupier has submitted an arboricultural assessment in support of objections to the application on tree grounds.

Detrimental effect on highway safety

The proposed access is located next to a bus stop, close to a well-used pedestrian crossing and on a route to primary and secondary schools in the area. The crossing is at the top of the hill at Llandaff North. Reference is also made to a one way restriction on the Parade and the closure of the vehicular access to Wingfield Road.

Having regard to this context, the proposed access is considered to raise significant highway and pedestrian safety concerns.

Approaching from Llandaff North, it is of concern that cars will be required to stop within the pedestrian zig-zag lines before turning and that coming from the other direction, cars turning will obscure the view for cars and pedestrians. There is also concern that highway safety would be compromised as a result of traffic associated with the construction of the proposed development.

Some residents have made reference to collisions/accidents in the vicinity of the site.

Detrimental effect on residential amenity.

Loss of light, overlooking and overshadowing of neighbouring properties contrary to advice in supplementary planning guidance. Both the proposed dwelling and garage/studio would adversely impact on the privacy of neighbours resulting in unacceptable overlooking. There would be overshadowing of neighbouring properties including garden areas and loss of sunlight.

The proposed development would be contrary to the provisions of the Human Rights Act (right to peaceful enjoyment of their private and family life).

- 7.5 Neighbours and nearby occupiers have been consulted on amended plans and a further site notice has been displayed. Some 18 additional representations objecting to the application have been received.

In summary the objections generally reiterate the concerns submitted in relation to the plans as initially submitted referencing highway safety, impact on the character of the conservation area, the amenity of neighbouring and nearby occupiers, impact on trees/landscaping. A neighbouring occupier has submitted an updated arboricultural assessment in support of tree/ objections.

It is commented that that the original application is now several years old and that material changes will have occurred in the surrounding area and that the time given to comment on the amended application is minimal. It is queried whether this is in line with policy.

There is that the planning process is not considered to be fair, open or transparent. Officer comments have not been uploaded for public consideration. It is queried whether the application remains in line with all relevant statutory and regulatory guidance.

- 7.6 'Late' representations from neighbouring occupiers were reported on the Late Representations Schedule distributed prior to the Committee meeting on 15th June, 2022. In summary, the representations raise concerns in relation to process, communication and transparency in the handling of the planning application and refer to inaccuracies in the officer report. E.g., the report states that the proposed access is onto Church Road whereas the entrance is onto Heol Don (A4054). It is considered that the Transportation Officer's advice is misleading in that he has failed to address Technical Advice Note 18 in his comments. It is considered that the proposed access is in a potentially dangerous position subject to a significant level of pedestrian and cycle movement particularly at peak times and that it is surprising the Officer has effectively ignored or misapplied Welsh Government advice on visibility requirements.

(Note: The Transportation Officer's response to the representation is included in section 5.1 of the report. The proposed access is onto Heol Don rather than Church Road and this is corrected in paragraph 1.3 of the report).

- 7.7 A late representation from the agent was reported verbally at the Committee meeting on 10th August, 2020. The representation relates to the alternative

recommendation to refuse planning permission and, in summary, is as follows:

The reason for refusal appears to relate solely to the removal of the existing planting and vegetation within the boundary of application site (71 Church Road) adjacent to the shared boundary with No.1 Wingfield Road.

Are members aware that the removal of vegetation and shrubbery within a Conservation Area does not require formal consent or approval from the LPA?

*With regard to the proposed tree to be removed on the boundary, namely a T04 Laurel (*Prunus laurocerasus*), the professional arboricultural report states that this is a low-quality tree. In line with section 3.6 of the Church Road Conservation Area Appraisal, the document specifically identifies several species of tree which are characteristic of the conservation area. The Laurel, proposed to be removed, is not included and is not a historic species within the Conservation Area.*

In terms of replacement planting, a detailed landscaping scheme, which requires further approval via specifically worded conditions, has been proposed by the Council's professional tree officer. As identified in the updated site plan, there is sufficient space within the site to provide replacement planting along the boundary, which appears to have been misunderstood, or overlooked by the committee members.

The applicants have been assured that planning officers will be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome and chances of a successful award of costs against the council, should one be made

8. **ANALYSIS**

- 8.1 This application was deferred at Planning Committee on 15th June 2022 for a Members' site meeting which took place on 27th June, 2022. The application was reported to Planning Committee on 6th July, 2020 when it was resolved to defer for officers to report back with a reason for refusal. The application was to be considered at Planning Committee on 10th August 2022, when it was deferred due to technical issues with the Council's new software system which prevented those Councillors attending remotely from participating fully in the meeting. The application is reported back for determination. An alternative recommendation is provided in section 10 of this report.
- 8.2 The agent has submitted a revised plan reference AL (01) 01 Rev O showing an additional landscaping area along the boundary with no.1 Wingfield Road. The plan is appended to this report and shows a bay laurel hedge (1.8m -2.0 metres high) along the boundary.
- 8.3 The application relates to land at the side of no. 71 Church Road where permission is sought to demolish an existing garage/outbuilding and construct a detached dwelling together with a detached replacement garage with studio space above, joined to the existing house by a glazed link. A section of the existing brick

boundary wall would be removed to facilitate access to the site.

8.4 The main planning issues are considered to relate to:

- (i) The effects of the proposed development on the character and appearance of the Church Road Conservation Area, within which the site is located;
- (ii) The effect on the living conditions of neighbouring occupiers;
- (iii) Whether the proposed development will provide an acceptable living environment for prospective occupiers;
- (iv) The acceptability of the proposed parking/access arrangements;
- (v) The effect on trees and ecology/nature conservation interests.

8.5 Design guidance for the assessment of the proposal is provided by Policies EN9: Conservation of the Historic Environment, KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan and the Church Road, Whitchurch, Conservation Area Appraisal.

8.6 Policy EN9: Conservation of the Historic Environment advises that within conservation areas, development will only be permitted where it can be demonstrated that it preserves or enhances that asset's architectural quality, historic and cultural significance, character, integrity and/or setting.

8.7 Policy KP5 : Good Quality and Sustainable Design 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.

8.8 Planning Policy Wales (2021, Ed. 11) at paragraph 3.9 states that *'The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.'*

8.9 PPW contains the following guidance in respect of development within conservation areas:

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be

considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

- 8.10 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance (SPG): Cardiff Infill Sites (2017).
- 8.11 At paragraph 3.8 the SPG states that: *Infill development needs to be sensitive to its context. It is important that in residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatments complement the character of the surroundings.*
- 8.12 At paragraph 3.15 the SPG states that: *The spaces between adjacent buildings often have as much impact on the character of the area as the form of the buildings themselves. Plots must be of sufficient width to accommodate buildings that fit well into the street scene and provide adequate visual separation where appropriate.*
- 8.13 It is considered that the plot is large enough to accommodate an additional dwelling without harming the character or appearance of the conservation area in terms of the established building lines, plot size and the distinctive character created by large, landscaped gardens such as this. Although the dwelling will be sited close to the southern boundary, this is not unusual within the area and the building would be appropriately scaled relative to the size of the resulting plot. Its front elevation would be sited approximately 8.0 metres from the back edge of footway and would be partially screened by the retained section of boundary wall. Sufficient distance would be retained between the dwelling and its neighbours to provide adequate visual separation in views from the street.
- 8.14 The appearance of the dwelling has been amended since the application was initially submitted for determination. In its revised form, the proposed building would reflect the form, detailing and materials which characterise the conservation area. Such details include the use of tall brick chimneys, steeply pitched gables and slate roofs, vertically emphasised fenestration, stone bay windows, use of hanging tiles and red brick paired with white render. Further architectural drawings will be required in order to ensure that the building is appropriately high quality in execution. Conditions are proposed to address this matter.
- 8.15 The new garage and glazed link to number 71 will be positioned well back into the site and will not be prominent within the conservation area. A condition is recommended to require approval of the materials and architectural detailing for this element to ensure that it is a sympathetic addition. With regard to the proposed opening in the boundary wall, it is proposed to form new piers with reclaimed bricks. The agent has clarified that a disc cutter will be utilised for the opening and the reclaimed bricks utilised to build the new piers. Notwithstanding this clarification, a condition is recommended requiring the submission of details to show how the wall will be altered and to describe the methodology and materials to be used in making good.
- 8.16 The impact of the proposed development on trees/landscape is a further important material consideration in the assessment of the application as trees contribute to the character of the Conservation Area. The proposals necessitate the removal

of a Bay prominently located towards the front of the site and a Laurel also located towards the front of the site near the boundary with no 1. Wingfield Road. The trees have been graded B (moderate quality) and C (low quality) in the applicant's Arboricultural Survey and Impact Assessment. Some work to other trees on the site are also recommended. Prominent Cedar trees located near the existing driveway are retained. As initially submitted, the proposed vehicular access was positioned directly next to the northern site boundary of 1 Wingfield Road. Amended layout plan has moved the access further north within the plot, and therefore further away from a mature protected Sycamore tree within the neighbour's garden.

- 8.17 A landscape scheme proposes 2no.new trees along the site frontage in mitigation (comprising 1no.Cotoneaster and 1no.Ilex aquifolium) in mitigation together with other shrub planting.
- 8.18 The Tree Officer has considered the application and is aware of the representations received from residents on tree grounds. Having regard to the amended plans which include the relocation of the access and the retention of a soft landscaped bed between the access and the neighbour's boundary wall, the Officer raises no objections to the application subject to appropriate planning condition. With regard to tree planting in mitigation for the removal of trees, the Officer advises that a proposed tree removed from the most recent iteration of the landscape plan should be reinstated within the retained vegetated soil between the proposed access and the neighbour's boundary wall but planted at smaller size to avoid excessive excavation within the root protection area of the Sycamore tree.
- 8.19 On balance, having regard to the proposed dwelling's amended design and revised access and subject to the recommended conditions it is considered that the scheme would reasonably preserve the character of the conservation area.
- 8.20 The Infill Sites SPG advises at paragraph 4.5 that *'Houses and ground floor flats that will serve as family accommodation should include enclosed and secure private amenity areas. Such amenity areas should measure at least 10.5m in depth or 50sq.metres overall but generally reflect that which is characteristic of the surrounding area'*.
The subdivision of the plot provides a rear garden of approximately 120 sq metres for the proposed dwelling and the retention of at least 250 sq metres of rear garden for the existing house.
- 8.21 With regard to the effect on the living conditions of neighbouring occupiers, the main impact of the proposed development would be no 1. Wingfield Road which adjoins the application site to the south, the existing house at no.71 Church Road and neighbouring properties in Bishop's Road.
- 8.22 The Council's Infill Sites SPG advises that a minimum of 21.0 metres should be maintained between principal habitable room windows to ensure adequate privacy for the occupiers of proposed buildings as well as for neighbouring properties. The SPG also advises that the minimum overlooking distance from habitable room windows to a garden area of a separate dwelling should be 10.5 metres. Having regard to the siting and orientation of the proposed dwelling, the application is

considered to satisfy this guidance. The amended plans have sought to mitigate overlooking concerns by deleting a large dormer roof extension initially proposed on the rear roof plane and replacing this with a number of high level roof lights. At first floor level, the nearest window in the rear elevation of the proposed dwelling to the boundary with no 1. Wingfield Road now serves a dressing room and is conditioned to be obscurely glazed as are upper floor windows on both side elevations of the dwelling. Whilst oblique views across neighbouring gardens may be possible, a degree of mutual overlooking between neighbouring two storey dwellings is an inevitable feature of suburban living.

- 8.23 The south elevation of the proposed dwelling will be sited between approximately 2.2 metres and 4.6 metres from the northern boundary of the neighbouring property at no 1. Wingfield Road. A single storey element initially proposed directly next to the boundary with the neighbour's garden has been deleted from the scheme. Having regard to the relative siting of the proposed dwelling in relation to this neighbouring property and to the other neighbours, it is not considered that the proposed development would impact unacceptably on light to habitable rooms having regard to the Council's guidelines on this matter or be likely to 'overbear' and dominate the neighbours' outlook to such an extent that the application should be refused for this reason.
- 8.24 With regard to matters relating to transportation and highway safety, the application has been considered by the Operational Manager, Transportation (refer paragraph 5.1). The Officer notes that the proposed dwelling is located in a highly sustainable location in transport terms, providing readily available access to frequent public transport options and local shopping/services. He is satisfied that car and cycle parking can be provided for both the proposed and existing dwelling in accordance with the Council's adopted Managing Transport Impacts (Incorporating Parking Standards) SPG.
- 8.25 The Officer notes the objections received from local residents as follows:
- i) The new access is too close to the existing crossing and bus stops, leading to safety concerns for pedestrians;*
 - ii) Cars will be turning into the new drive from the zig-zags of the crossing, leading to safety concerns for pedestrians and vehicles;*
 - iii) Visibility to/from the new entrance is restricted and/or obscured by the brow of the hill, leading to safety concerns for pedestrians;*
 - vi) Increased congestion locally at the entrance and on the wider network.*
- 8.26 In response to these concerns, the Officer advises that the visibility splays for vehicles leaving the site have been assessed and are within guidelines, both vertically and horizontally, for the circumstances and speed limit of the adjacent road. The Officer states that the presence of a crossing is considered to make drivers more attentive to their surroundings and generally results in lower vehicle speeds. He confirms that he is not aware of any instances where the proximity of a drive to a crossing or bus stop has been recorded as a contributory factor in a

collision.

- 8.27 In respect of the proximity of the bus stops to the proposed access, the Officer points out that the arrangement is not unusual and that there are a significant number of similar examples throughout Cardiff referring to one on Station Road/Heol Don approximately 200m to the north. The Officer comments that the proximity of the access to, or even from/within the zig-zigs, is not uncommon and confirms that no offence is committed by a driver waiting for a gap in traffic to make a turn.
- 8.28 In respect of the concerns submitted in relation to increased traffic congestion, the Officer advises that the traffic generated by a single dwelling with 2 parking spaces will be imperceptible amounting to a fraction of a percent of the daily traffic on the local network.
- 8.29 In conclusion, the Officer advises that the proposed access is considered acceptable on highway safety grounds and raises no objections subject to appropriate conditions.
- 8.30 The Council Ecologist considered the application and has raised no objections on nature conservation grounds.
- 8.31 With regard to comments received concerning procedural aspects relating to the determination of the application, following the initial notification of neighbouring occupiers, residents have been notified of amended plans/additional details on two further occasions giving opportunity to comment. Site notices have been displayed on two occasions. Although the application was submitted in 2018, it is being assessed in relation to extant planning policy guidance. Final representations received from Council officers are referenced in the Committee report.
- 8.32 In conclusion, the proposed development, as amended, is considered acceptable on planning grounds and planning permission 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.

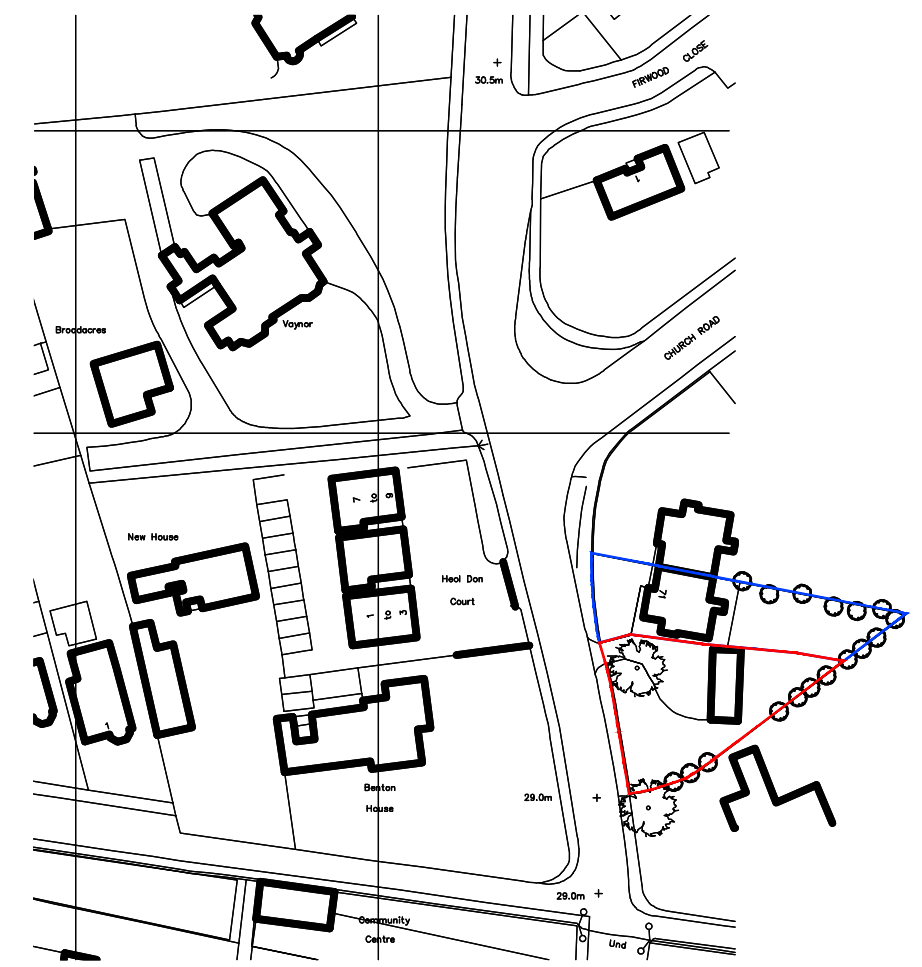
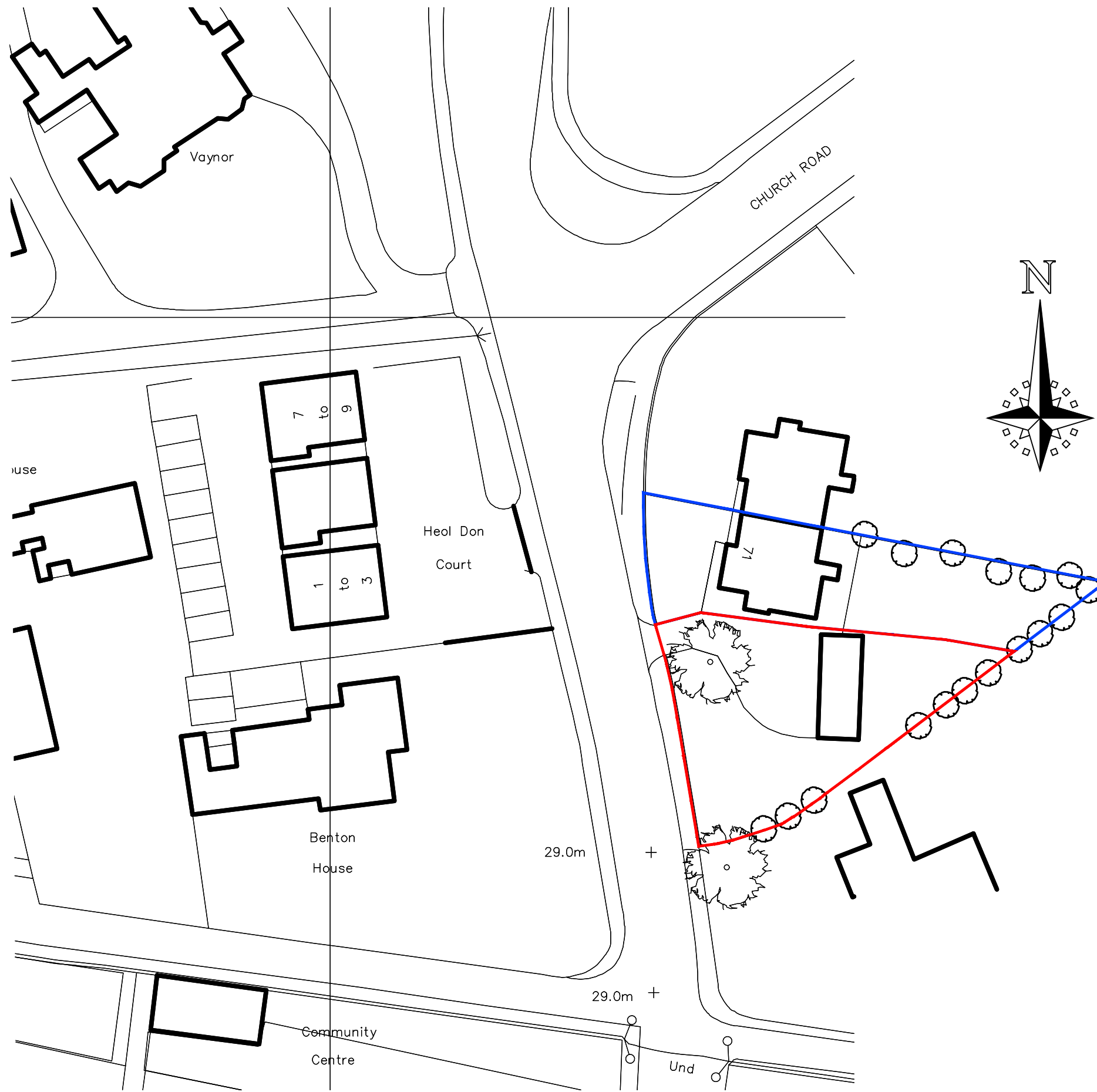
9.4 *Environment (Wales) Act 2016*

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.

10. **ALTERNATIVE RECOMMENDATION**


10.1 This application was considered on 6th July 20122 Planning Committee where it was resolved to defer the application to the next meeting of Planning Committee for reasons for refusal. If members remain minded to refuse the application the following reason is suggested:

1. The proposed layout makes insufficient provision for replacement planting in mitigation for the removal of existing vegetation / boundary planting to the detriment of the character of the Church Road Conservation Area contrary to Policies 5 KP5: Good Quality and Sustainable Design and EN9: Conservation of the Historic Environment of the Adopted Cardiff Local Development Plan.



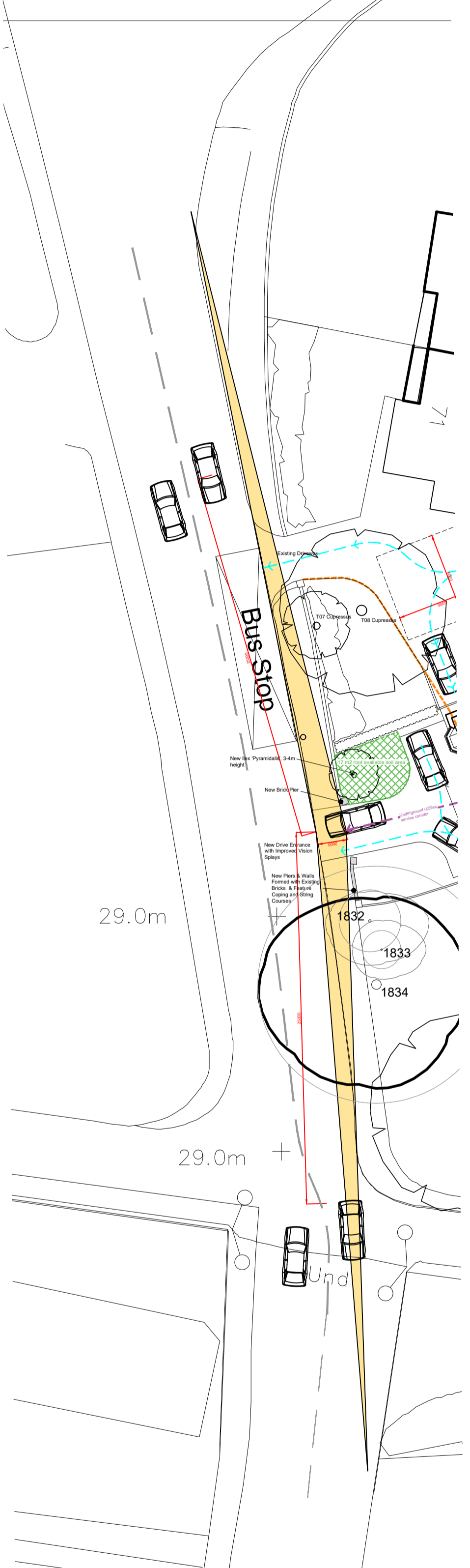
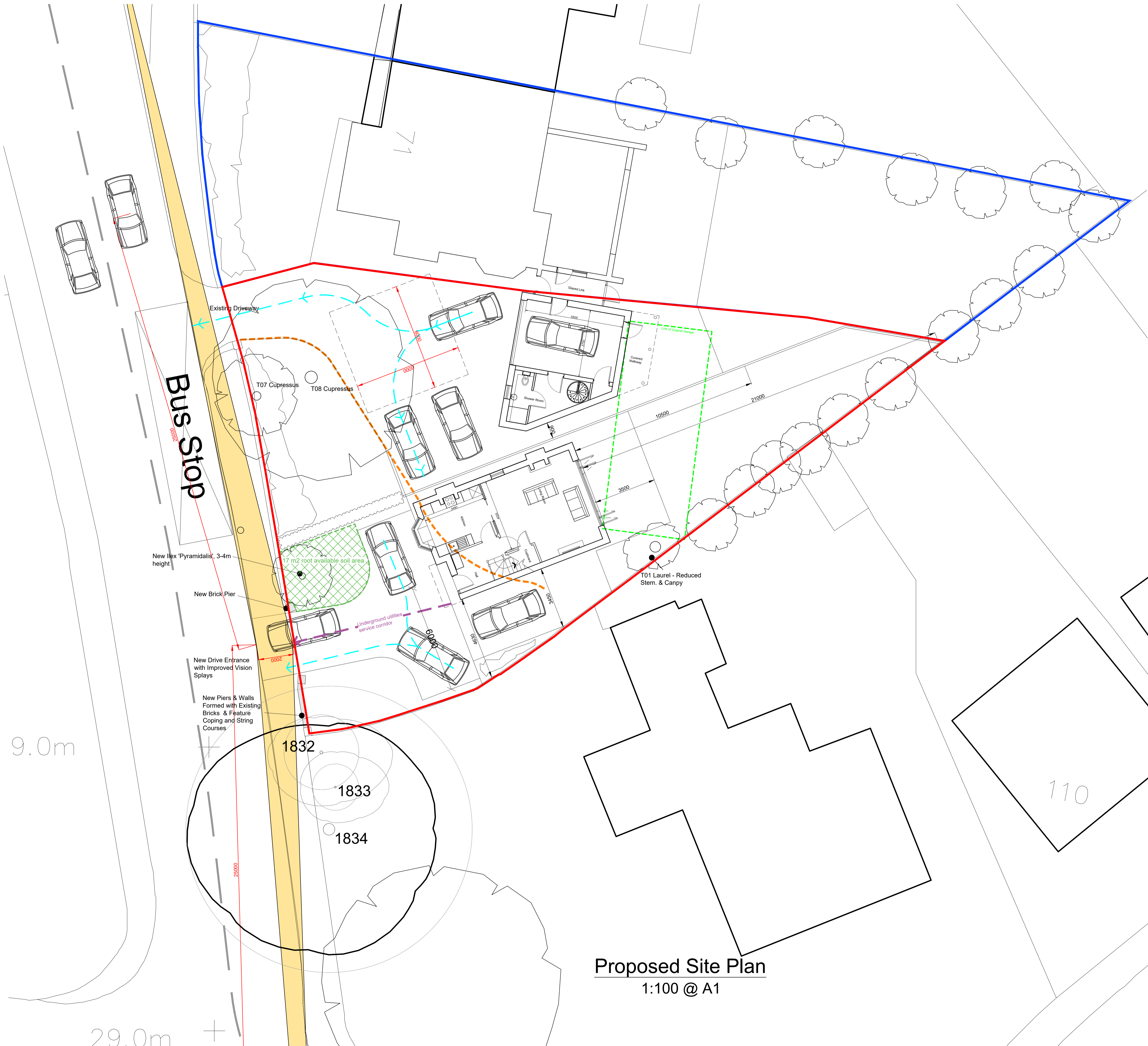
Site Plan 1:1250

Site Plan 1:500

71 Church Rd. Whitchurch Existing Site Plan Dr Martin Andrew		Job No. 17_034 Dwg No. AL(90)01	Rev.
Title Site Plan			
Date 27.02.15	Drawn SJD	Scale 1:100 @ A1 & 200 A3	
		Architects · Town planners Environmental & Urban design	
Unit 1A, Compass Business Park, Pacific Road, Cardiff. CF24 5HL		www.cjarchitects.co.uk tel: 029 20452100	

Date	Drawn	Check	Description
06/06/2018	WS	---	Red line boundary amended
20/02/2018	WS	---	Further amendments
14/12/2018	WS	---	Vision Splay Added
17/01/2019	WS	---	Drive Area Reduced & Protection to Holly Bush Increased
04/07/2019	WS	---	Vision splay and driveway scale amended
18/08/2019	WS	---	House plan updated to match AL(00)01 Rev B
18/12/2019	WS	---	Driveway amended
21/07/2020	WS	---	New house, driveway and landscaping amended
19/12/2020	WS	---	Underground utilities service corridor shown
26/01/2021	WS	---	Driveway access added
27/01/2021	WS	---	Driveway access moved outwards by two metres
01/06/2022	WS	---	Landscaping updated to 02 zone removed, utility corridor centred

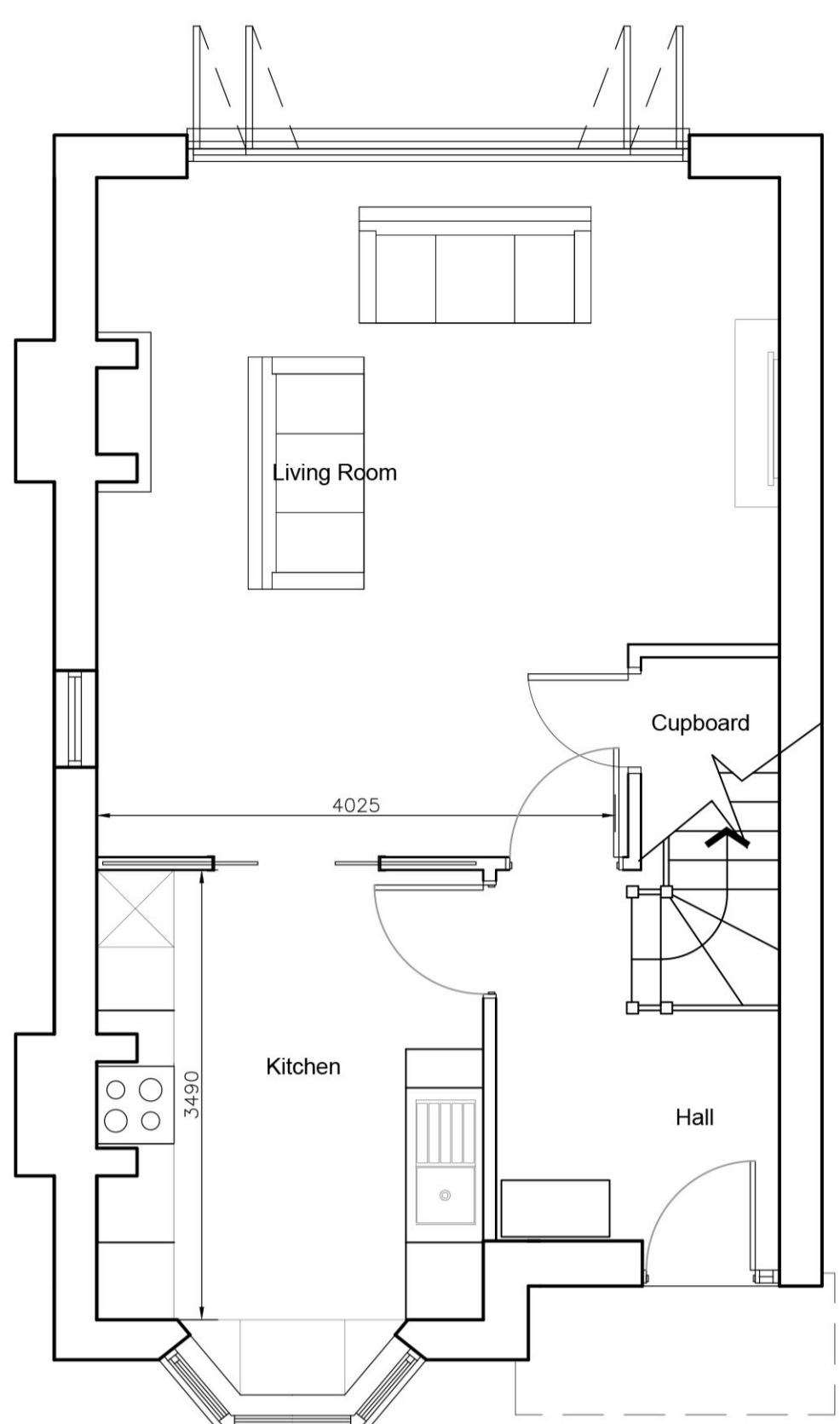
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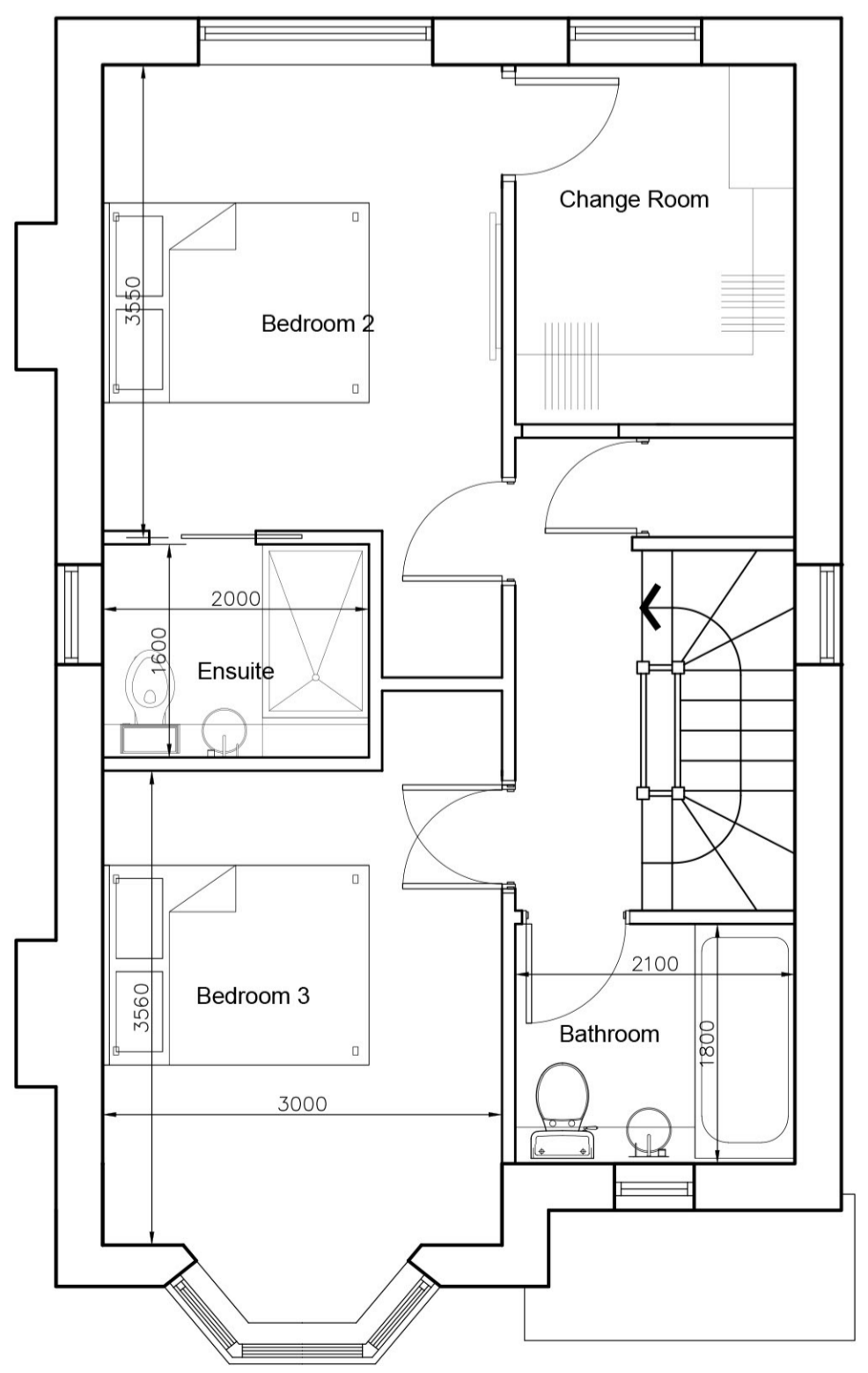
Proposed Site Plan
1:100 @ A1

Vision Splay
1:250 @ A1

71 Church Rd, Whitchurch Proposed New Dwelling Dr Martin Andrew		Job No. 17_034 Rev.
Proposed Plans		Dwg No. AL(00)01 L
Date 27.02.15	Drawn SJD	Scale 1:200 & 1:500 @ A3
		Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 0PL www.c.jarchitects.co.uk tel: 029 20452100



Ground Floor



1st Floor

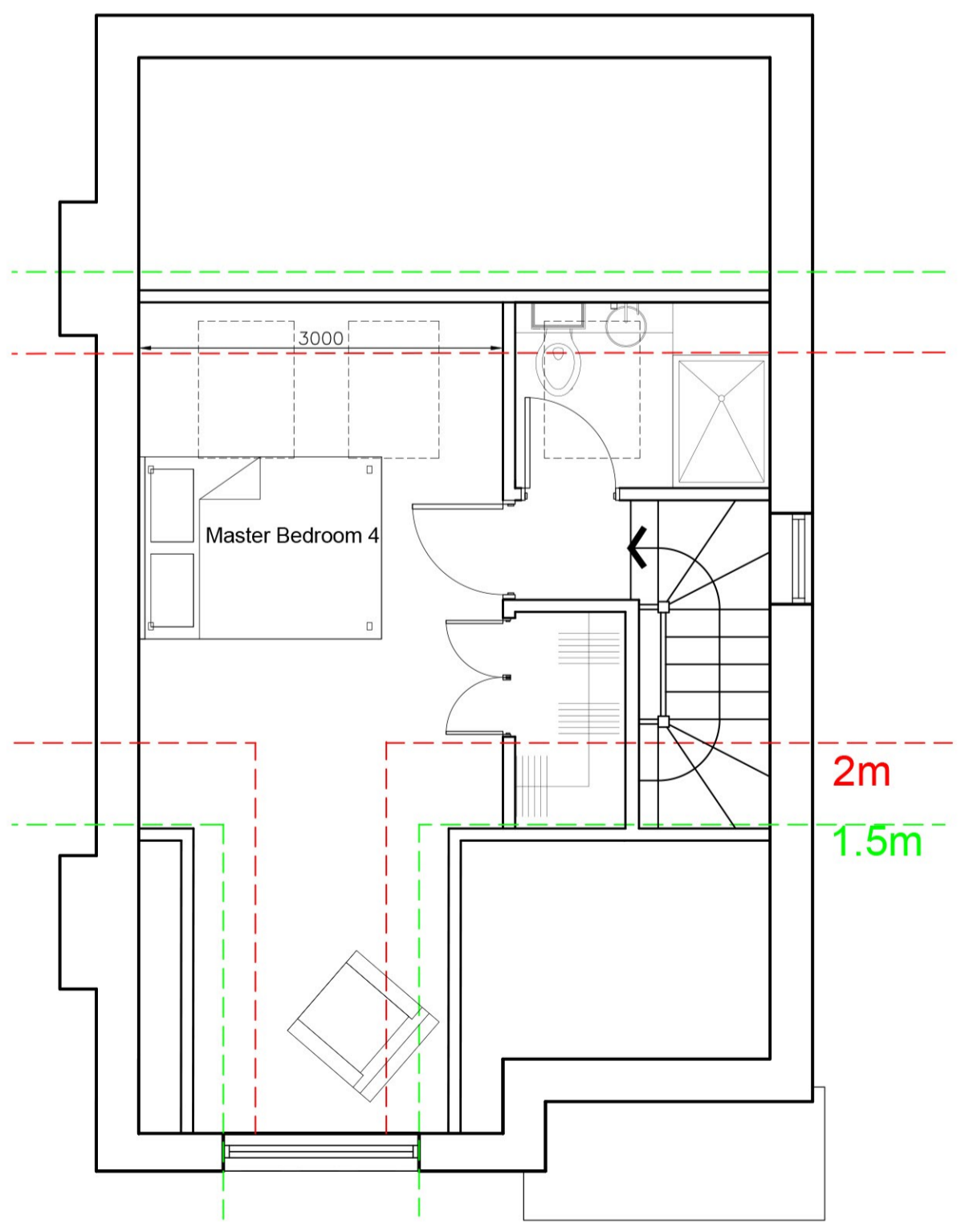
- External Materials
- 1: Slate Roof
 - 2: Hanging Tile
 - 3: Cast - Stone Head
 - 4: UPVC Sash Windows
 - 5: Cast - Stone Cill
 - 6: Render
 - 7: Vertical Facing Brickwork Band with String Course Above
 - 8: Facing Brickwork
 - 9: Facing Brickwork Feature Plinth
 - 10: Conservation Roof Lights



Front Elevation



Side Elevation



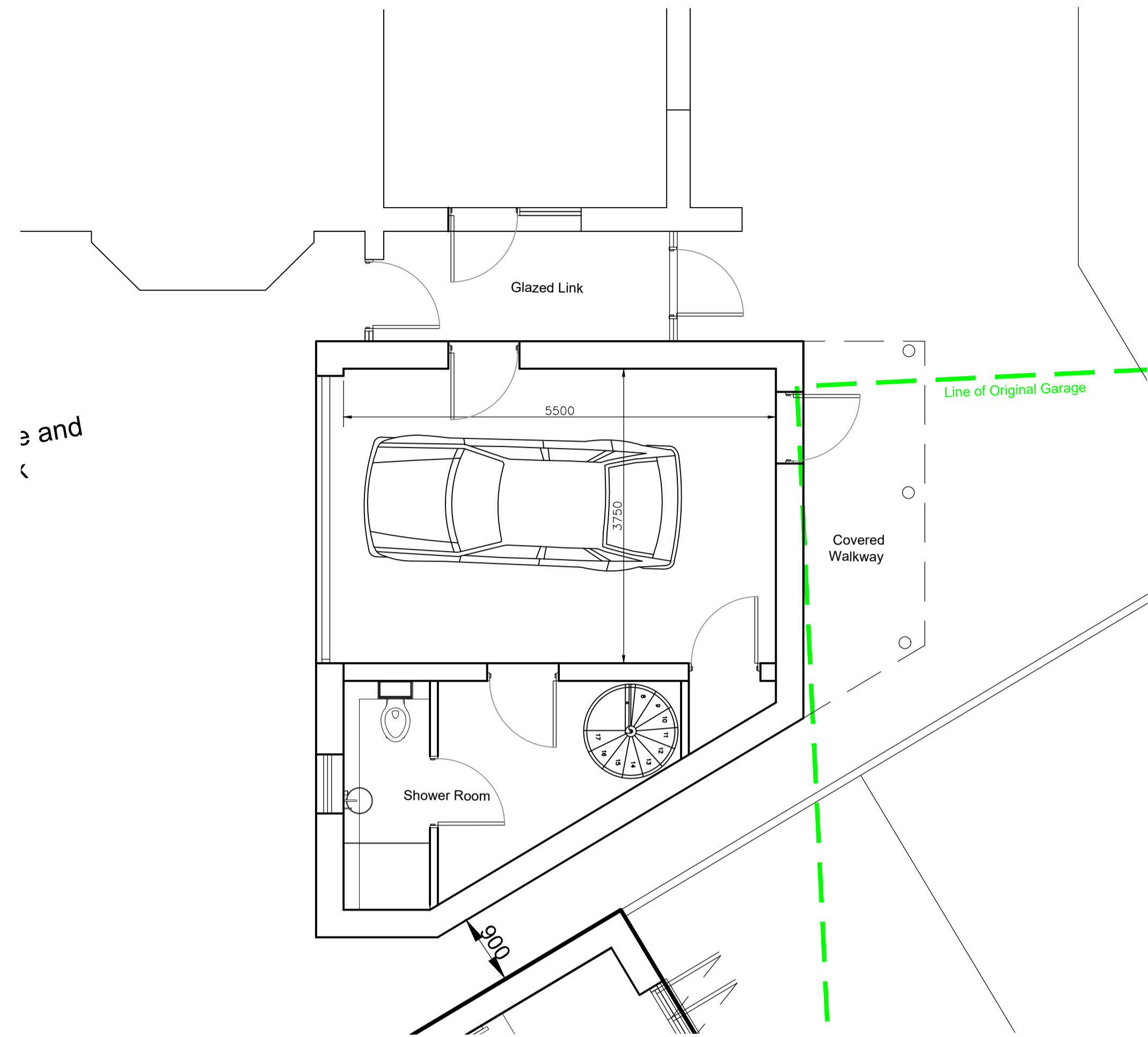
Attic Floor



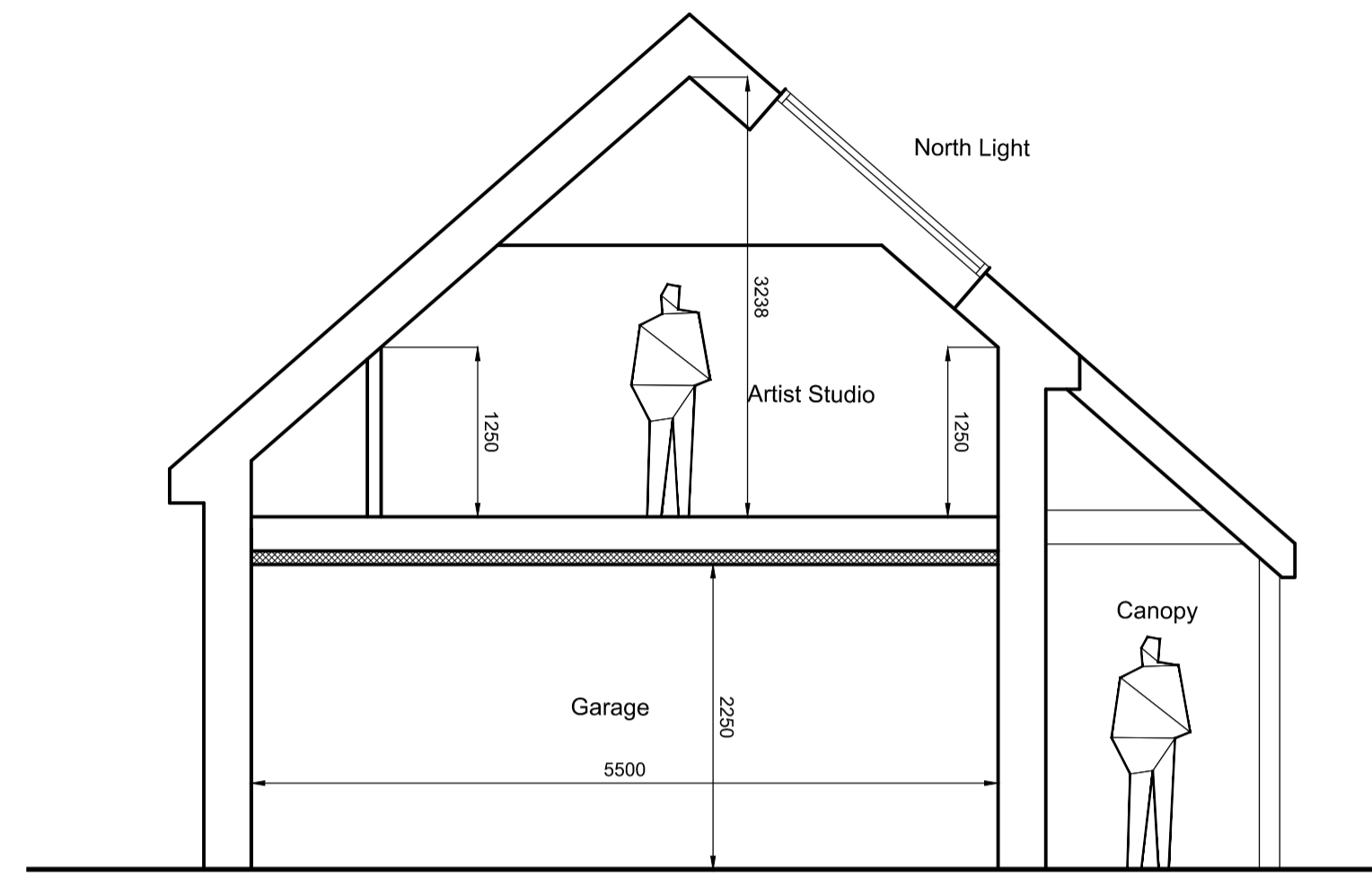
Rear Elevation



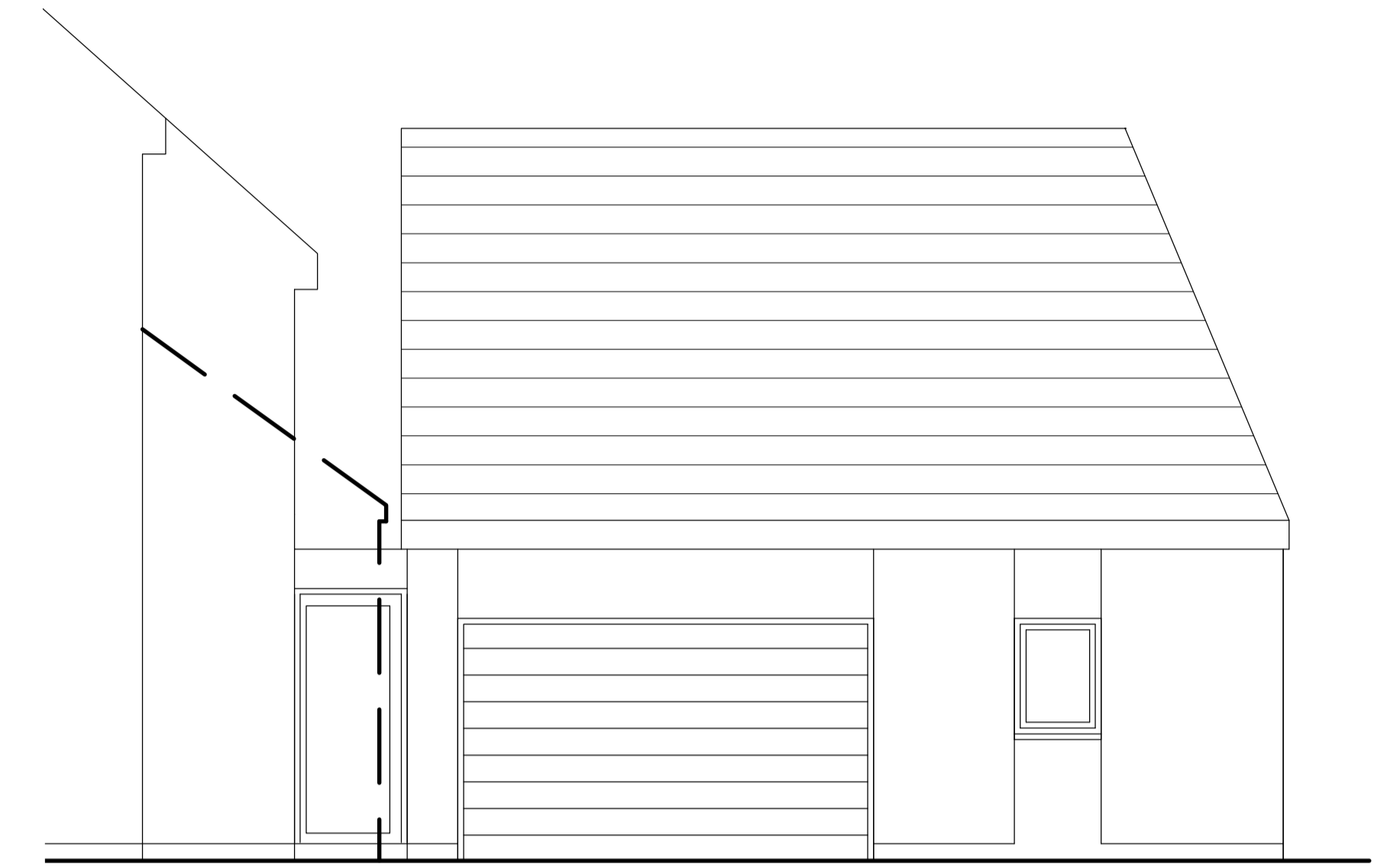
Side Elevation



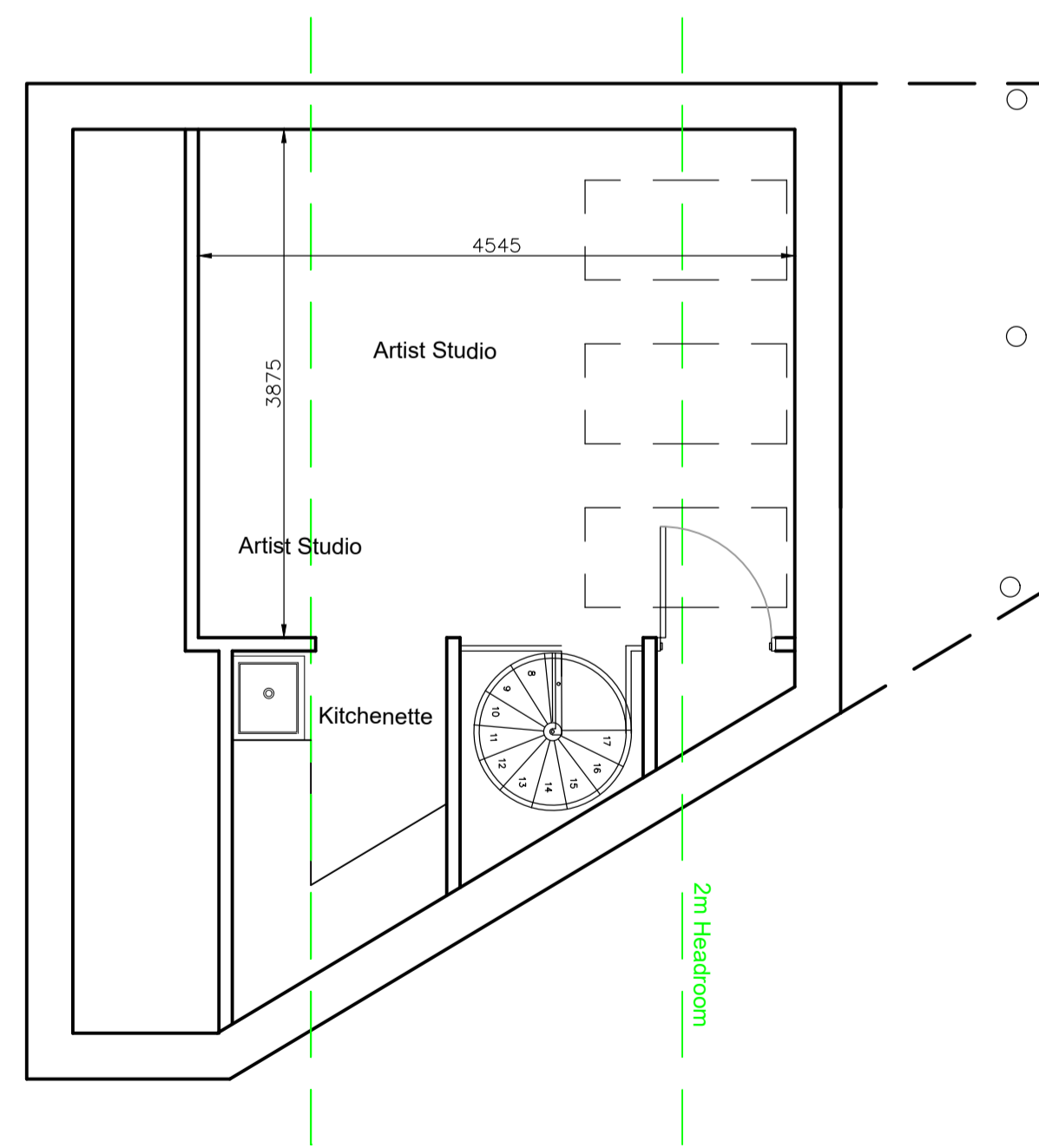
Ground Floor



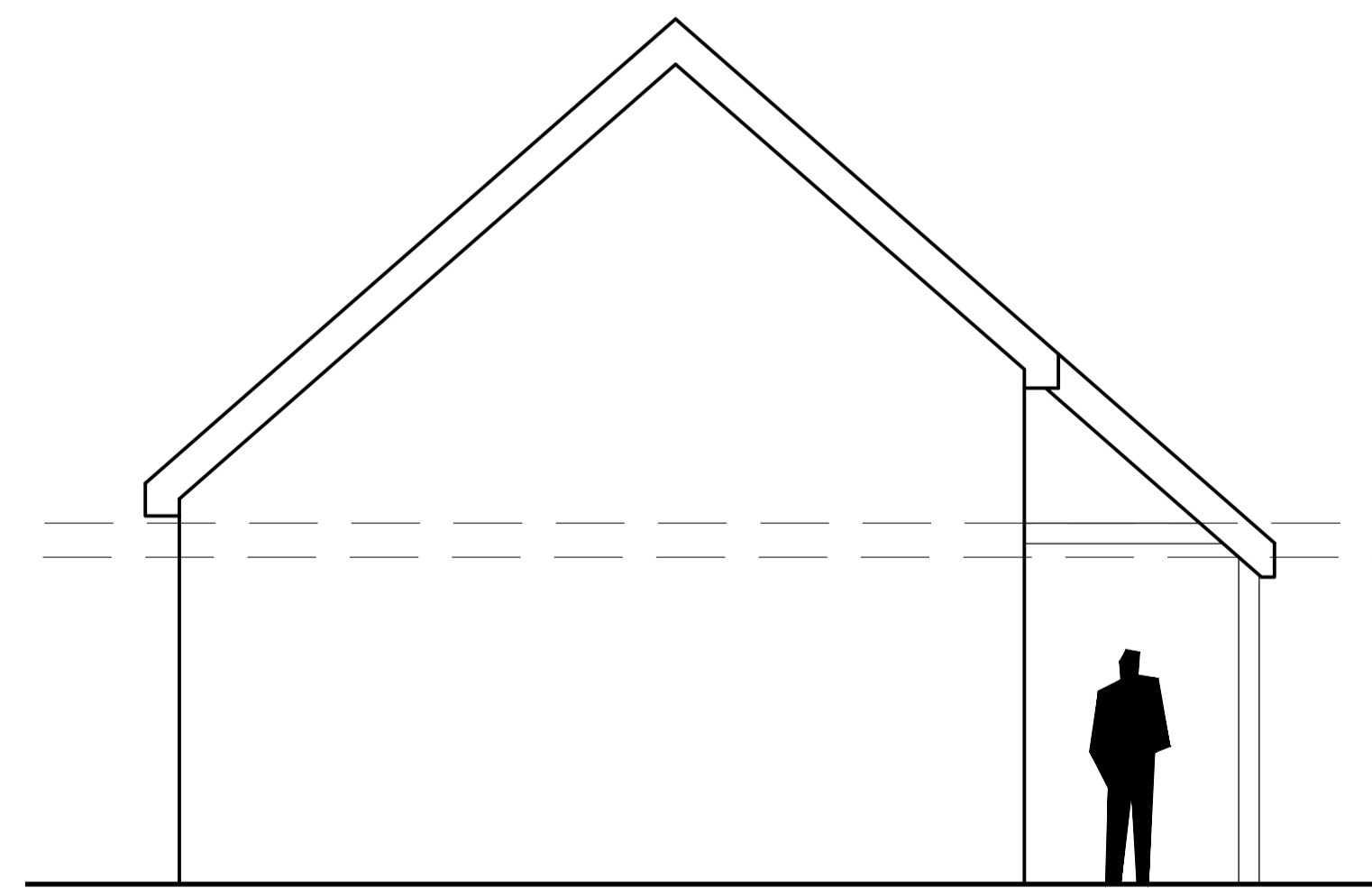
Section A-A



Front Elevation



1st Floor

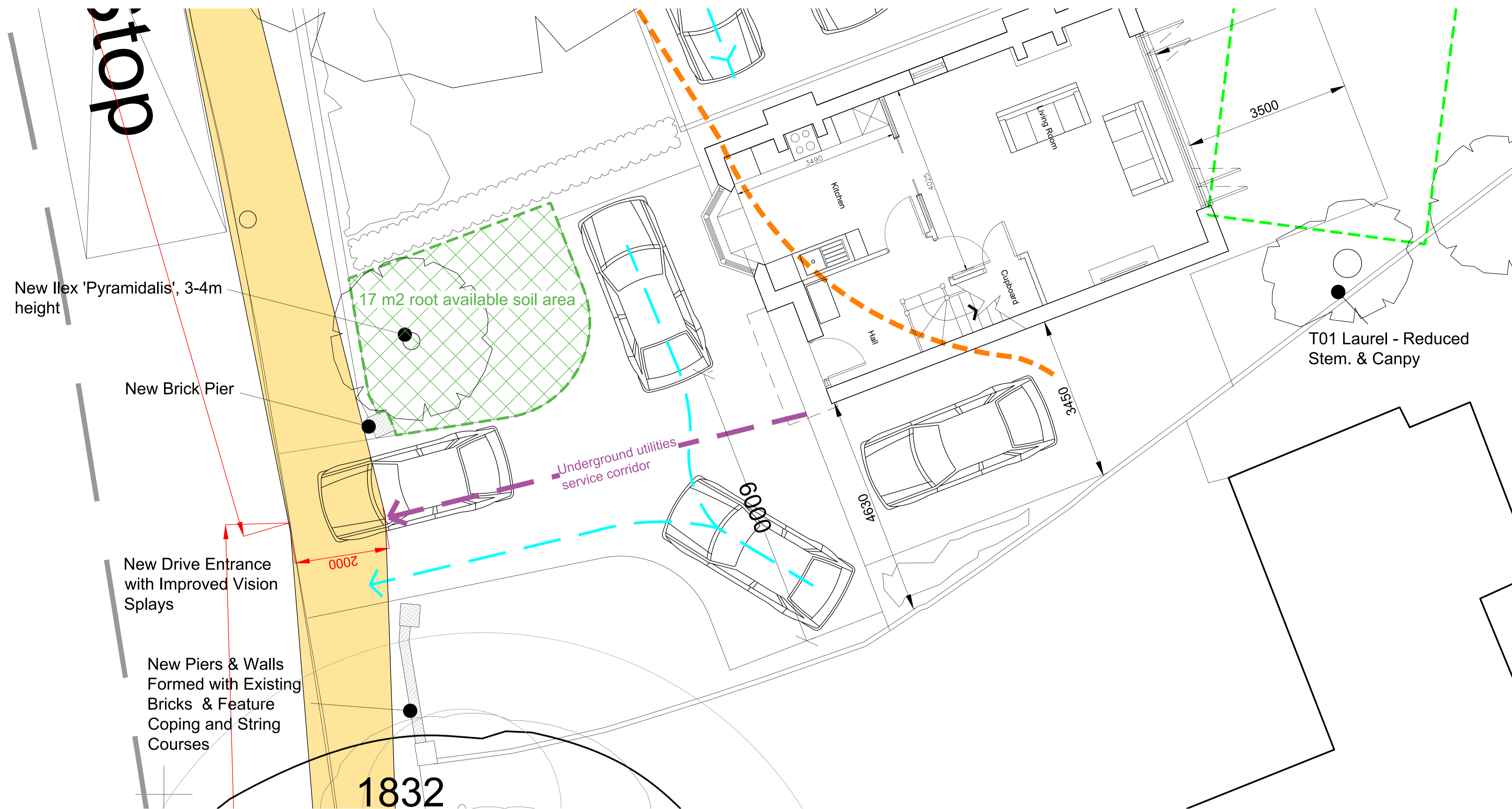


Side Elevation



Rear Elevation

Date	Drawn	Check	Description	Rev.
16/12/2019	WS	---	Drawings amended and bay shown.	A
21/07/2020	WS	---	Ground floor areas removed, dwelling moved 500mm off boundary, driveway and landscaping amended.	B
08.03.22	---	---	New opening to existing boundary wall moved	C
01.04.22	---	---	Landscaping updated in line with AL0001 rev.L.	D




Site Plan 1:100

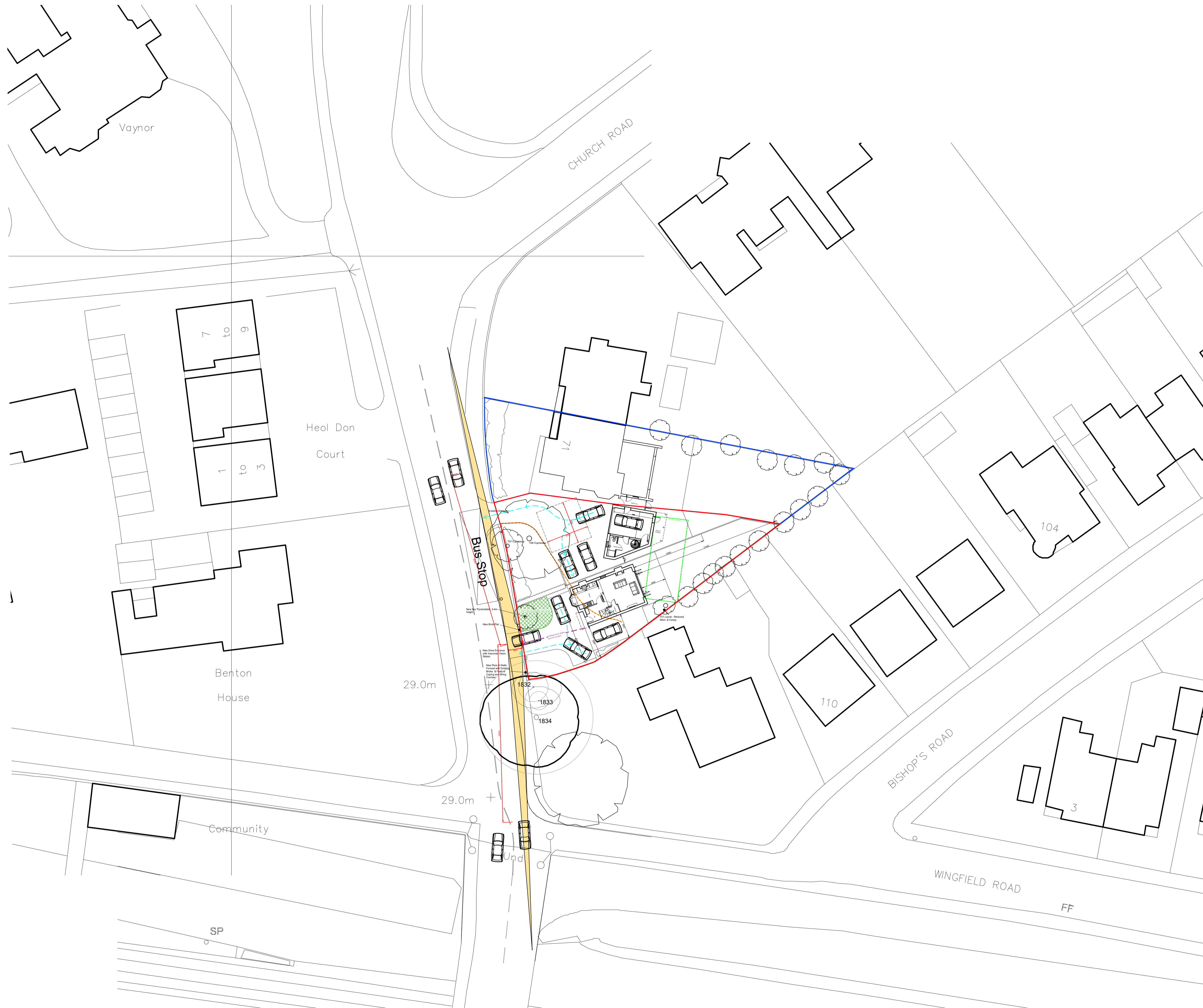


Existing Boundary Wall 1:50



Proposed Boundary Wall 1:50

71 Church Rd, Whitchurch		Job No.	17_034
Proposed New Dwelling		Dwg No.	AL(01)04
Dr Martin Andrew		Rev.	D
Title			
Boundary Wall Details			
Date	Drawn	Scale	
12/12/18	SJD	1:100 & 50 @ A3	
		Architects · Town planners Environmental & Urban design	
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 0PL</small>		<small>www.c-jarchitects.co.uk tel: 029 20452100</small>	



71 Church Rd, Whitchurch		Job No.	17_034
Proposed New Dwelling		Dwg No.	AL(01)07
Dr Martin Andrew		Rev.	B
Proposed Context Plan			
Date	Drawn	Scale	
26.01.21	WS	1:500 @ A3, 1:250 @ A1	
		Architects · Town planners Environmental & Urban design	
Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 0NL		www.cjarchitects.co.uk tel: 029 20452101	

Implementation

1.0 GENERALLY

All work must be carried out in accordance with good horticultural practice and to the satisfaction of the supervising Landscape Architect.

1.1 SITE CLEARANCE (areas to be planted)

Reference should be made to the Arboricultural Impact Assessment. Where the site has not been wholly cleared, the Contractor shall cut, rake up and remove from areas to be planted all surface vegetation excepting those existing plants to be retained as shown on the drawings. Roots within planting areas outside of Root Protection Areas and buffer zones shall be grubbed up. The Contractor is to allow for the removal from Site of all rubbish, stones and weed growth.

1.2 EARTH FILL AND GRADING

When this is to form part of the works, the Contractor must firstly strip all site topsoil from the area to be filled or graded, making sure that all the existing vegetation and stones over 50mm have been removed and carted off site. Store the topsoil in uncompacted heaps not over 1.25m in height, taking care that it is not mixed with subsoil or deleterious material.

1.3 SUBSOILING AND TOPSOILING

Soil profiles for areas of new planting:

- Grass: 150mm depth topsoil over 150mm depth subsoil
- Shrubs and Hedges: 300mm depth topsoil over 300mm depth subsoil
- Trees: 300mm depth topsoil over 600mm depth subsoil
- Root Protection Areas: undisturbed

Any levels to be made up beneath topsoil depths shall be made up by using sub-soil fill. Topsoil and sub-soil shall each be deposited in separate spoil heaps. Deposited material shall be evenly consolidated, and lumps broken up. A suitable period is, if possible, to be permitted to elapse subsequent to soil being placed to allow for major settlement prior to finishing, grading, grassing and planting.

1.4 TIMING OF PLANTING

All tree and shrub planting, including containerised stock, shall be carried out between November and March but not during periods of frost, drought or cold drying winds. Planting to take place in first planting season after building and infrastructure works are completed.

1.5 PROTECTION OF SUPPLIED PLANTS

Plants shall be protected from root exposure and desiccation at all times, bare roots shall be heeled in properly and protected during the planting operation. Containerised plants shall be adequately watered whilst awaiting planting. Seeds shall be protected from harmful temperature/moisture fluctuations and vermin.

1.6 TREE SUPPLY, HANDLING AND PLANTING

Shall be accordance with BS8545:2014 (Trees: from nursery to independence in the landscape - recommendations). Staking (low-level) only required for standards and larger sizes. All ties to be biodegradable. Native trees and shrubs to be of local provenance.

1.7 SHRUB CULTIVATION, PREPARATION AND PLANTING.

The whole of the areas to be shrub planted outside of Root Protection Areas, are to be thoroughly cultivated to a fine tilth by hand or machine, where appropriate and broken up to not less than 300mm deep and thoroughly cleared of all extraneous matter. Fill depressions in ground surface with topsoil and lightly compact in 150mm layers until surface is level with surface of surrounding ground. Prior to planting, fork in a 50mm layer of composted bark, composted garden waste or mushroom compost. Bring the soil to an even tilth and necessary firmness. Dig holes to adequate size and depth to take rootball or root system. Pit diameter should exceed root spread by 300mm). Notch planting must be used within Root Protection Areas. Make sure that the root system is not damaged in any way and that the plant is at the same depth as it was at the nursery. Backfill is to be well worked in around the roots and properly firmed in.

1.8 SEEDING

The Contractor shall carry out seeding and maintenance of seeded areas in accordance with the seed supplier's guidance. Areas for seeding/turfing should be on firmed but not compacted topsoil of minimum 150mm depth that has been broken up to full depth (except within in Root Protection Areas). The surface should be reduced to a fine tilth and areas to be seeded/turfed should be free of weeds. Surface stones exceeding 10mm should be removed prior to seeding/turfing.

1.9 WATERING

At the time of planting and at such times as directed, all plants shall be thoroughly watered. Thoroughly water all plants immediately after planting but prior to mulching. Water as required to ensure establishment.

1.10 BARK MULCH

After planting spread bark mulch to a depth of 75mm over all tree and shrub and herbaceous planted areas. Medium grade bark mulch particle size 10-40mm, wood content <20%. Dust and fines minimum, durability 1-2 years, FSC certified, free from pests disease fungus weeds or any contaminant that is hazardous to human or animal life or detrimental for plant growth.

Aftercare

2.0 TREES

Newly planted specimen trees will be inspected monthly to check condition. Any tree stakes will be checked, and ties adjusted if required.

Pruning dead, dying or diseased wood: In accordance with good horticultural and arboricultural practice and with reference to BS3998:2010 Tree Works.

- Removing branches: Do not damage or tear the stem or bark.
- Wounds: Keep as small as possible and cut cleanly back to sound wood.
- Cutting: Make cuts above and sloping away from an outward facing healthy bud, angled so that water will not collect on cut area. Use sharp clean tools.

Where individual trees have died these will be replaced with similar species and size trees during the next planting available season.

Maintain levels of mulch material required to suppress weed growth at a depth of 75mm (25mm over rootballs), if necessary, topping up levels on an annual basis.

Weeds to be removed by hand.

Once the specimen trees have become sufficiently established and self-supporting, any tree stakes will be removed.

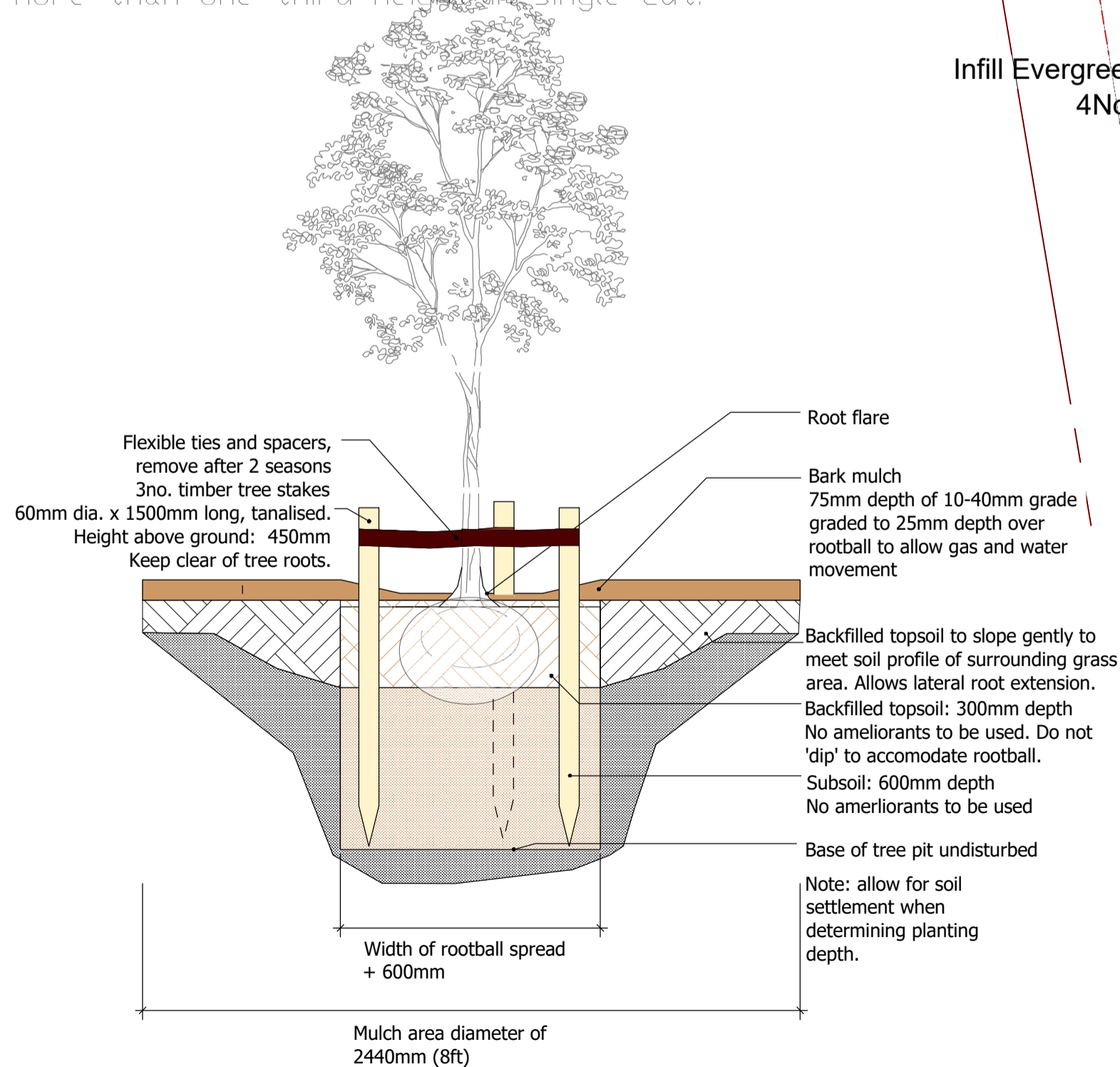
2.1 SHRUBS

Newly planted shrubs will be inspected monthly to check condition. Where individual shrubs have died these will be replaced with similar species and size shrubs during the next planting available season. Dead, dying and diseased wood to be removed as above.

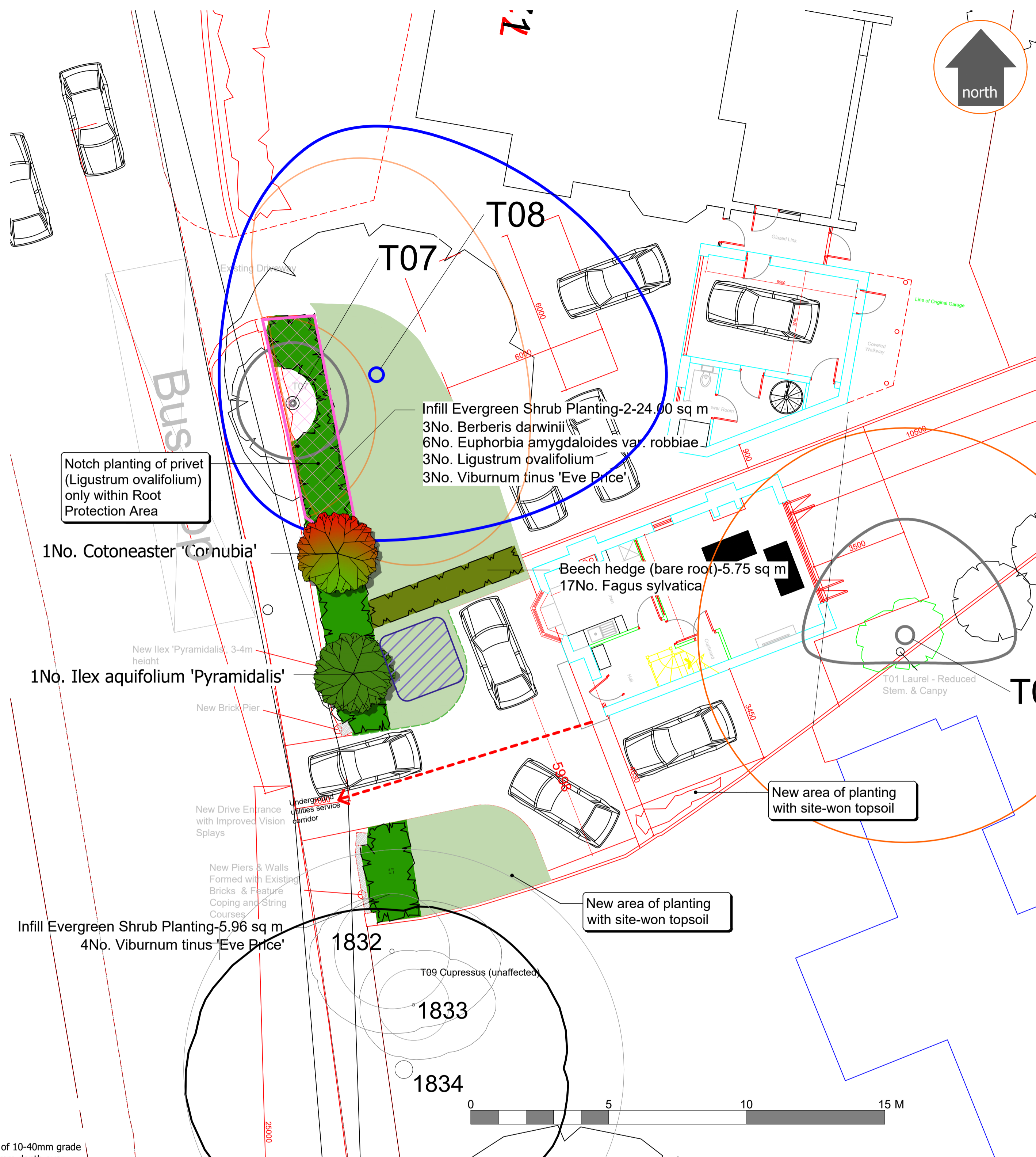
Maintain levels of mulch material required to suppress weed growth at a depth of 75mm (25mm over rootballs), if necessary, topping up levels on an annual basis. Weeds to be removed by hand.

2.2 LAWN AREAS

Minimise usage during first growing season
First cut: to 70mm height, do not remove more than one third height in single cut.
Subsequent cuts: to 20-40mm height, do not remove more than one third height in single cut.



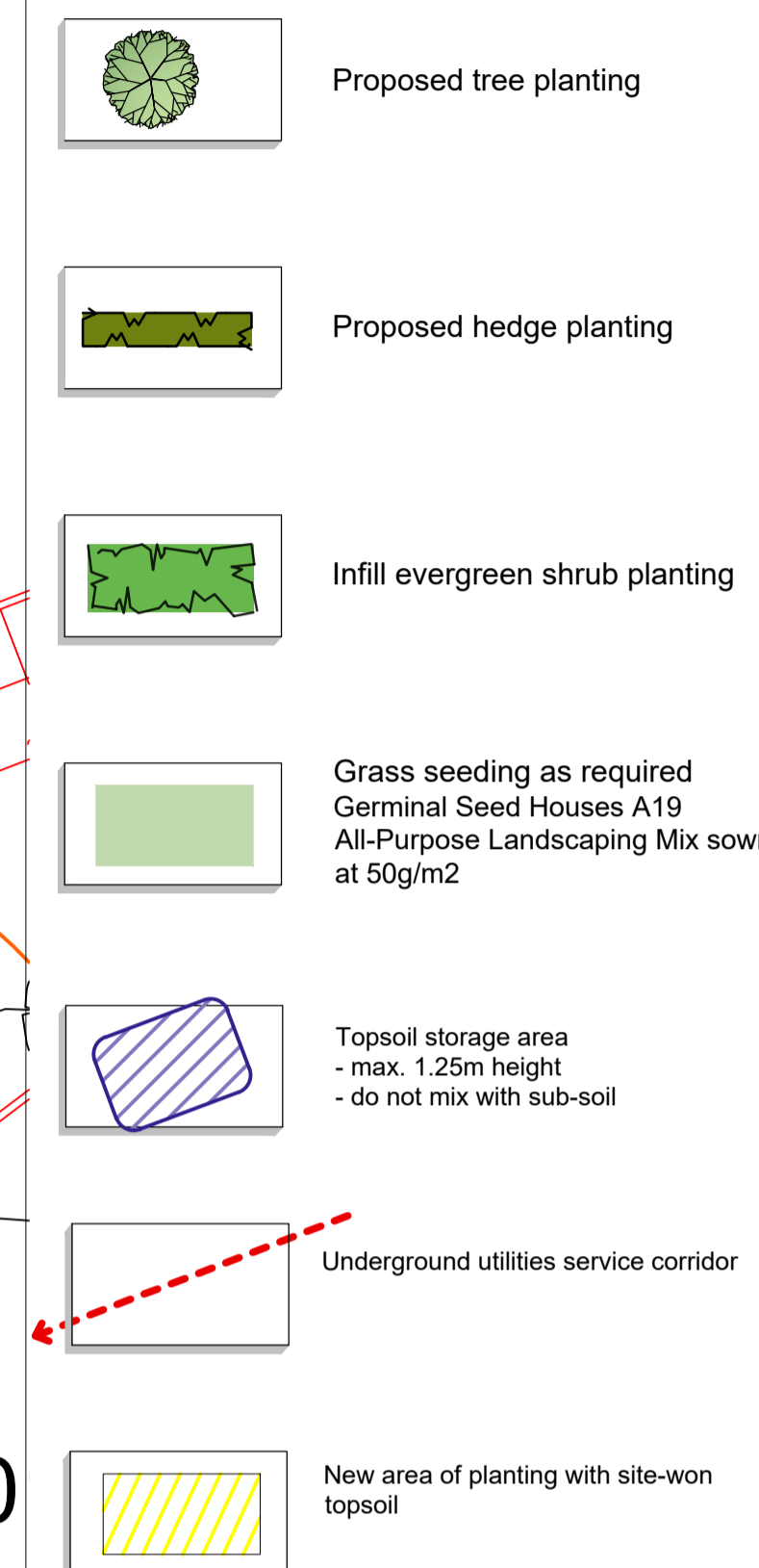
Tree Pit Detail: triple staking



notes:

- All dimensions to be checked and confirmed onsite prior to any works.
- Do not scale off this drawing.
- Any errors, omissions or discrepancies are to be brought to the attention of Lingard Farrow Styles immediately.

key:



lingard-farrow-styles
landscape architects - urban designers / environmental consultants

-	10/11/20	first issue
A	16/12/20	updated
B	05/03/21	updated
C	17/12/21	updated
D	01/04/22	updated

tel: 0333 4561132 fax: 01743 243602
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9 College Hill, Shrewsbury Shropshire. SY1 1LZ
The Studio, Farm Lodge, Leighton, Welshpool, Powys. SY21 8HJ

client / project:

Dr Martin Andrew
Proposed New Dwelling
71 Church Rd, Whitchurch
Cardiff

title:

Landscape Scheme

dwg. no: 2956-002 rev: D scale: 1:100 @ A1 draw: tm chkd by: ps

DO NOT SCALE FROM DRAWING. © DRAWING IS COPYRIGHT



Front Elevation

Original - AL(01)02

- External Materials
- 1: Slate Roof
 - 2: Hanging Tile
 - 3: Cast - Stone Head
 - 4: UPVC Sash Windows
 - 5: Cast - Stone Cill
 - 6: Render
 - 7: Vertical Facing Brickwork Band with String Course Above
 - 8: Facing Brickwork
 - 9: Facing Brickwork Feature Plinth
 - 10: Conservation Roof Lights



Front Elevation

Current - AL(01)02 rev. C



Rear Elevation

Original - AL(01)02



Rear Elevation

Current - AL(01)02 rev. C

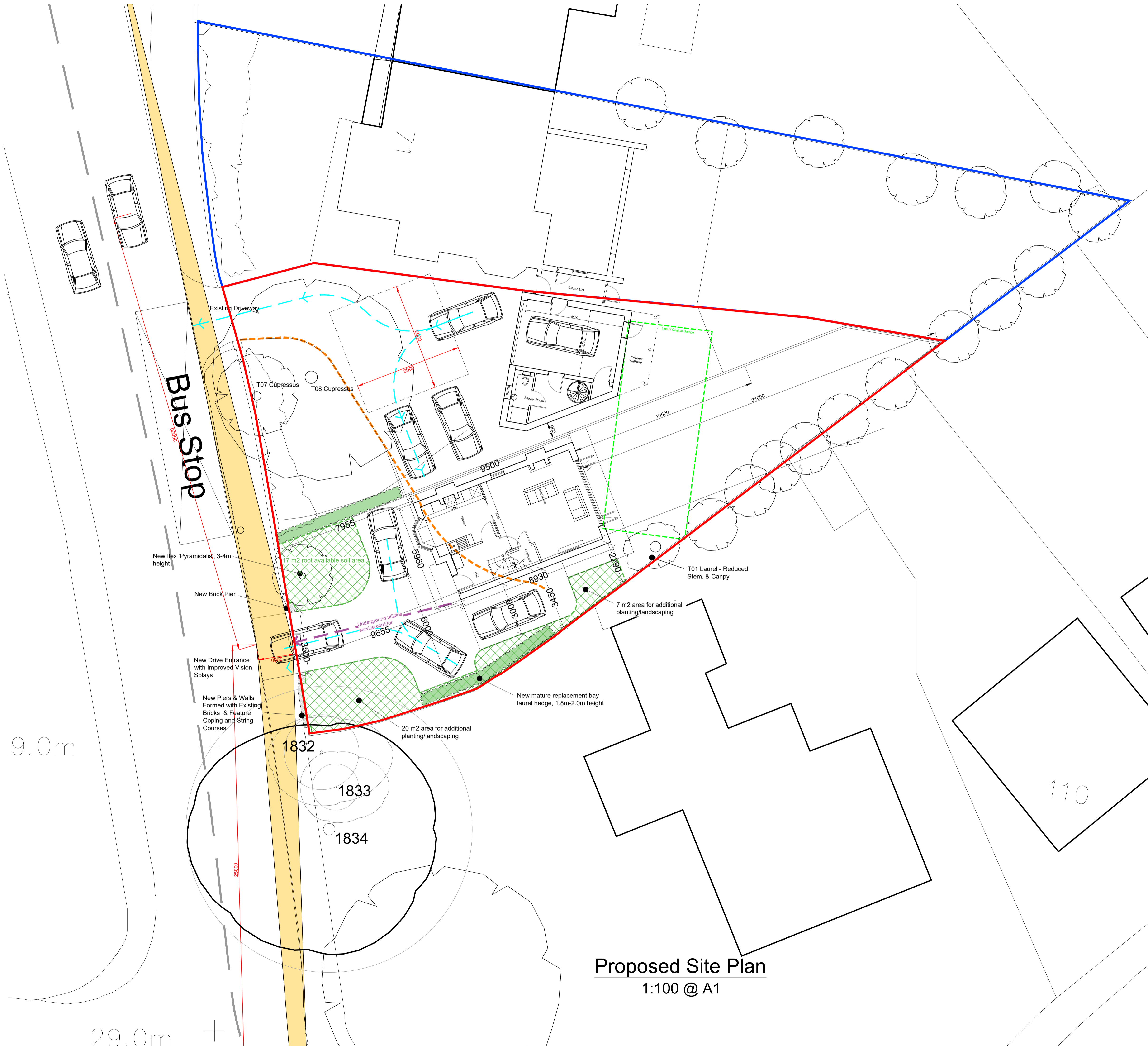
71 Church Rd, Whitechurch		Job No.	17_034
Proposed New Dwelling		Dwg No.	AL(01)06
Dr Martin Andrew		Rev.	A
Title: Front and Rear Elevations Comparison			
Date	Drawn	Scale	
25.01.21	WS	1:50 @ A1 & 100 @ A3	

Architects · Town planners
Environmental & Urban design

Unit 1A, Copsey Business Park,
Peebles Road, Carlisle, C24 0PL. www.jardines.co.uk
01273 296270

Date	Drawn	Check	Description
05/02/2015	WS	---	Red line boundary amended
23/02/2015	WS	---	Further amendments
14/12/2014	WS	---	Final Site Plan
11/01/2015	WS	---	Draw Area Reduced & Protection to Holly Bush Increased
04/07/2014	WS	---	Final Site Plan
18/02/2014	WS	---	Final Site Plan and drawing scale amended
18/02/2014	WS	---	House plan updated to match AL(00)01 Rev A
18/02/2014	WS	---	Driveway amended
23/07/2020	WS	---	New house, driveway and landscaping amended
19/12/2020	WS	---	Underground utilities service corridor shown
21/01/2021	WS	---	Driveway access
21/01/2021	WS	---	Driveway access moved northwards by two metres
01/04/2022	WS	---	Landscaping amended - to dig zone removed, utility corridor centralised
01/04/2022	WS	---	Landscaping amended
01/04/2022	WS	---	Landscaping amended
17/02/2022	WS	---	Landscaping amended

Rev
A
B
C
D
E
F
G
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K
L
M
N
O



Proposed Site Plan
1:100 @ A1

Vision Splay
1:250 @ A1

71 Church Rd, Whitchurch		Job No.	17_034
Proposed New Dwelling		Dwg No.	AL(00)01
Dr Martin Andrew		Rev.	O
Proposed Plans			
Date	Drawn	Scale	
27.02.15	SJD	1:200 & 1:500 @ A3	
		www.c-jarchitects.co.uk Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 0W, tel: 029 20452100	