

## LOCAL MEMBER, AS AND MP OBJECTIONS

COMMITTEE DATE: 22/07/2020

APPLICATION No. **20/00748/MNR** APPLICATION DATE: 18/05/2020

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Home UK (Cardiff) Ltd

LOCATION: PART OF LAND AT REAR OF 35 ELY ROAD, LLANDAFF, CARDIFF, CF5 2JF

PROPOSAL: CONSTRUCTION OF A ONE BEDROOM, TWO STOREY DWELLING

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RECOMMENDATION: That planning permission be **REFUSED** for the following reasons :

1. The proposed development, due to its siting in close proximity to the rear elevation of 35 Ely Road and to the rear amenity space of 33 Ely Road, would be un-neighbourly and overbearing upon those properties, contrary to policy KP5(x) of the Cardiff Local Development Plan and Cardiff Supplementary Planning Guidance "Infill Sites" (November 2017).
2. The development would be prejudicial to the amenities of the occupiers of 37 Ely Road in that it would result in the garden of that dwelling being overlooked, causing loss of privacy, contrary to policy KP5(x) of the Cardiff Local Development Plan and Cardiff Supplementary Planning Guidance "Infill Sites" (November 2017).
3. The proposed dwelling would be accessed only via an unlit rear access lane, which would be a hostile, inconvenient and insecure environment for residents and their visitors, contrary to policies KP5(v) and C3 of the Cardiff Local Development Plan and Cardiff Supplementary Planning Guidance "Infill Sites" (November 2017).
4. The proposed development would provide an insufficient amount of useable private outdoor amenity space for the residents of the dwelling and would result in an unacceptable reduction in the amount of useable private outdoor amenity space for residents of 35 Ely Road, to the detriment of residential amenity and contrary to policy KP5(x) of the Cardiff Local Development Plan and Supplementary Planning Guidance "Cardiff Infill Sites" (November 2017).
5. The proposed development would provide an insufficient amount of useable private outdoor amenity space for the residents of the dwelling and would result in an unacceptable reduction in the amount of useable

private outdoor amenity space for residents of 35 Ely Road, to the detriment of residential amenity and contrary to policy KP5(x) of the Cardiff Local Development Plan and Supplementary Planning Guidance “Cardiff Infill Sites” (November 2017).

## **1. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for full planning permission for a two storey, one bedroom, detached house measuring 6.6m wide x 5.4m deep x 7.5m tall. The house would have a hipped roof with plain roof tiles and the walls would be finished in white render. There would be no windows in the rear (east facing) elevation. A 2m wide enclosure to the north side would provide space for the storage of bins and bicycles. The internal space would comprise a living room and kitchen on the ground floor with a single bedroom with ensuite bathroom above. There would be a small external balcony in the south facing elevation, accessed from the bedroom. The balcony would abut the southern boundary of the application site, the gap between the side of the house and the boundary being approximately 50cm.
- 1.2 The house would be around 28m from the highway on Ely Road. Sole access to the site would be from Ely Road via the side of no. 35 onto an existing unadopted access lane which also leads to the rear of houses on St Michael’s Road to the south and provides access into an area of woodland/waste ground between the rear of houses and flats on St Michael’s Road and Ely Road.
- 1.3 The building would be located between 3.5m and 5.5m from the single storey extension at the rear of 35 Ely Road, which lies to the north/north-west.

## **2. DESCRIPTION OF SITE**

- 2.1 The application site is partly a small enclosed amenity space and partly an area of hard surfacing located to the rear of no. 35 Ely Road, a property containing five flats, located at the western end of a long row of Victorian/Edwardian terraced, three storey properties known as Bannits Apartments which are angled to face the junction of Ely Road and Western Avenue and which have an area of enclosed car parking to the front. To the west of the application site, on the opposite side of the access lane, is a large two storey semi-detached house. To the east the application site abuts the rear amenity space of 33 Ely Road, a property which contains three flats. To the south is an area of overgrown land containing trees, beyond which, approximately 35m away, the access lane curves to the east and follows the rear boundaries of houses on St Michael’s Road.

## **3. SITE HISTORY**

- 3.1 None.

#### 4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*  
KP5 (Good Quality and Sustainable Design);  
KP13 (Responding to Evidenced Social Needs);  
KP15 (Climate Change);  
KP16 (Green Infrastructure);  
EN8 (Trees, Woodlands and Hedgerows);  
EN10 (Water Sensitive Design);  
T5 (Managing Transport Impacts);  
C3 (Community Safety/Creating Safe Environments);  
W2 (Provision for Waste Management Facilities in Development).
- 4.2 *Supplementary Planning Guidance:*  
Waste Collection and Storage Facilities (October 2016); Cardiff Residential Design Guide (January 2017); Cardiff Infill Sites (November 2017); Green Infrastructure (November 2017); Managing Transportation Impacts (Incorporating Parking Standards) (2018).
- 4.3 *Planning Policy Wales (Edition 10 – December 2018):*  
2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.  
3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.  
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. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.  
3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places.  
3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.  
3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.  
3.21 The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity.  
4.1.31 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.36 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary.

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.

4.2.2 The planning system must:

- identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
- enable provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
- focus on the delivery of the identified housing requirement and the related land supply.

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

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

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

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.4.24. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

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.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.

#### 4.5 *Technical Advice Note 12 - Design (March 2016):*

5.11.2 Development proposals, in relation to housing design should aim to:

- create places with the needs of people in mind, which are distinctive and respect local character;
- promote layouts and design features which encourage community safety and accessibility;
- focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles;
- avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building;
- promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards;
- secure the most efficient use of land including appropriate densities;
- consider and balance potential conflicts between these criteria.

5.11.3 The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged.

6.16 The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.

## 5. **INTERNAL CONSULTEE RESPONSES**

### 5.1 *Transportation:*

The proposal is for a 1-bedroom dwelling on land to the rear of no. 35, which is apparently used for refuse storage for the nearby flats. There is a driveway/hard-standing area that leads through from Ely Road adjacent to the side of the flats, and which would adjoin the proposed dwelling. It is not clear what the proposed car parking situation would be for the new dwelling, and whether it would be able to access the rear area. However, as we work to maximum parking standards, no provision is required. The addition of a (potential) additional traffic movement is not anticipated to result in any material impact. An indicative area for cycle parking is shown to the north-east of the actual dwelling. This is too small to be able to accommodate a cycle, especially drawn as it is parallel to the back wall it would be very difficult to manoeuvre

into. It is not clear the extent to which pedestrians could comfortably access the property in the hours of darkness. It appears to be around 30m from the existing light on Ely Road to the front of the property, and it may be necessary for additional street lighting to be provided, although this is not dealt with in the application. There are some transport concerns based on the information submitted.

5.2 *Waste Strategy & Minimisation Officer:*

The proposed location for the storage of waste and recycling has been noted and is acceptable.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 None.

7. **REPRESENTATIONS**

7.1 The application has been advertised by neighbour notification. 6 individual objections have been received, plus objections from Mark Drakeford MS & Kevin Brennan MP, Councillors Sean Driscoll and Philippa Hill-John, and the Llandaff Society. Objections to the proposal are made on the following grounds:

- 1) Adverse impact on wildlife, particularly birds and bats. Construction work may disturb bats, which are regularly seen in the area. This happened recently when trees were felled on the site.
- 2) The development may result in the loss of trees, which would be detrimental in terms of the need to reduce the impacts of climate change. There is a protected oak tree on the adjacent land, the root system of which could be damaged by construction work. At the beginning of this year a large number of trees were felled in the lane, which also affected nesting birds and a bat colony. Overhanging branches have also been cut from neighbours' trees without any explanation.
- 3) Security of the site needs to be addressed – fly tipping in the lane is a nuisance and a health hazard, and there have been incidents of prowlers reported to the police. Building on the site will not solve these problems and increasing the number of people in the area will exacerbate problems of refuse and vermin.
- 4) The development will block natural light from the current ground floor and first floor flats.
- 5) The development will further reduce the amount of outdoor amenity space available for existing residents, who already have very little space and suffer from poor air quality. The area would be better planted and made into a communal garden, for the benefit of tenants, wildlife and the general environment.
- 6) Lack of parking for residents of the development. There is already insufficient parking space for the existing flats and the addition of another house will compound the problem.
- 7) Increased hazards due to more traffic pulling out onto the dangerous Ely

- Road/Western Avenue junction.
- 8) Ely Road is used as a route for schoolchildren to walk to school. Increased construction traffic would put these pedestrians in danger.
  - 9) The development would be detrimental to neighbours as the dwelling would be right up against the wall of the adjoining communal garden.
  - 10) The house would overlook 37 Ely Road.
  - 11) The development may be part of a future plan to force the council to open up the rest of the site for development.
  - 12) The design of the proposed dwelling is out of keeping with the appearance of the existing terrace.

7.2 The Llandaff Society objects on the grounds of:

- 1) Overdevelopment of the plot - construction of this house would remove most of the "garden" of Flat 2 as well as the 3 walls of its former garage. It would front onto a bin storage area for a number of the flats. Car parking would be accommodated on the already congested forecourt .
- 2) Inadequate amenity space and removal of amenity space from another property - approving this application would not align with the Council's duty under the WFGA. Following our experience of Covid 19, the Planning system should ensure that every household has access to their own useable outdoor amenity space.
- 3) The development could prejudice access needed to allow appropriate redevelopment of the adjacent derelict land, which has been a nuisance to residents in the surrounding properties for decades.

7.3 Councillors Sean Driscoll and Philippa Hill-John request that the application comes before the planning committee for determination and a site visit is made, if conditions allow. They object to the development for the following reasons:

- 1) The proposal is contrary to supplementary planning guidance Infill Sites. Para. 2.11- Tandem development.
  - The development has a detrimental effect on the amenity of neighbouring occupiers. Therefore Tandem development is unacceptable.
  - Loss of green Garden Space. Existing house has been left with a reduced amenity space.
  - Detrimental impact on the character of residential amenity.
  - Insufficient amenity distance between existing house and proposed dwelling.
  - The proposed building will result in an incongruous visual addition, which will impact the surrounding buildings, by virtue of its siting and appearance.
- 2) The proposal is contrary to Policy KP5 (Good Quality and Sustainable Design):
  - The proposal does not respond to the local character of the built and landscape setting.
  - The proposed building will by virtue of its height and massing will be overbearing on the surrounding buildings

- The proposed building by virtue of its positioning will be overlooking rear gardens and amenity space of neighbouring properties
  - There is very little detail of design and access statements to the proposed development.
  - There is a lack of detail on proposals for pedestrian access to and from the site.
  - No detail of presentations for waste collection
  - No proposals for lighting the pedestrian access.
  - Overdevelopment of plot.
- 3) In light of the continued Anti-Social Behaviour and crime from this location which is causing continued disruption to the local community we question whether this is a suitable location for this type of accommodation. Prior to any decisions whether by delegated powers or indeed planning committee, we respectfully request that the views of the local police be sought.
  - 4) We note that 33 Ely Road is in the ownership of Cadwyn Housing Association. This proposal will impact significantly on their property, their tenants and any future occupiers. We request that Cadwyn be notified directly of the proposals.
  - 5) If the planning department were minded to grant planning permission, we would ask that the permission be conditioned so that permitted development rights be removed. We would also strongly request that the area to the side between properties 35 and 37 Ely Road should be conditioned so that it can never be used as an access point by motorised vehicles at any time whatsoever (except for emergency vehicles) to protect the amenity of residents at No 37 and 39 Ely Road, any future occupiers, also any future occupiers of the proposed dwelling.

7.4 Mark Drakeford MS and Kevin Brennan MP object to the proposals as follows:

We are writing to register an objection to the above referenced planning application, following representations made to us by local residents in the Llandaff ward of the Cardiff West constituency.

This properties at 15-35 Ely Road have all had significant development in recent years and are now converted into flats. This has vastly increased the occupancy of the terrace and the site has become densely populated. Construction of a further dwelling at the site would be overdevelopment.

The increased number of residents has led to an increased amount of traffic at the Ely Road / Western Avenue junction and has increased demand for onsite parking. The site is now very busy with vehicles and the additional of another residence would worsen this.

Although the character of the Victorian terrace (15-35 Ely Road) has been altered significantly since due to the conversions, the style of the proposed

development is out of keeping with the style of the terrace as it is today, as well as the style of other nearby properties.

The plot proposed for this development is currently used as a refuse area for the adjacent properties, which would be lost if the construction were to go ahead. The application makes reference to fly tipping in this location, but construction of new dwellings is not the most appropriate way to prevent fly tipping.

There are mature trees in the immediate vicinity of the proposed development, which would be threatened by construction work taking place so close to them.

The maximum occupancy of the proposed development is too small to offer any significant contribution to Cardiff Council's aim of increasing the supply of affordable housing in the city in order to meet the demands of our growing population, and therefore its potential benefit to the wider community cannot outweigh its negative elements.

## 8. **ANALYSIS**

- 8.1 The application site lies within an established residential area and there are no objections to the principle of residential development. However, there are a number of concerns regarding the design and siting of the proposed dwelling.
- 8.2 Whilst the proposed building constitutes backland development and would not be easily seen from the street, its design should nevertheless be adequate for the site and its immediate context. Paragraph 2.3 of the Supplementary Planning Guidance (SPG) "Infill Sites" (2017) states that: *'All development must be of good design and make a positive contribution to the adjacent townscape/landscape. This should come about following a clear vision for the project identified after a detailed analysis of what is appropriate for the context. The design response may be expressed in a number of ways but should always make a positive contribution to the context of the area.'*
- 8.3 The design of the proposed house is not considered acceptable in this context and would not make a positive contribution to the area. The windows, doors and roof design are not balanced within the overall facade, nor similar to that found in the vicinity, as required by paragraph 3.13 of the "Infill Sites" SPG (*'The fenestration of new developments should complement the size, proportions, design and rhythm of detailing of neighbouring properties. The roofline should include appropriate design and pitch of roofs, ridge height, eaves level, and notice taken of any other relevant details in the street scene.'*) The scale of the building is also of concern: whilst it would be smaller than the buildings on the site frontage (which is acceptable for backland development) it would not be of a scale appropriate for a building so close to the rear of the existing property and would not reflect the characteristics of the type of backland development that might be expected in such an area, i.e. smaller scale "coach houses" or outbuildings located at the end of a long garden.
- 8.4 Paragraph 2.9 of the Supplementary Planning Guidance "Infill Sites" (2017)

states that: *'Any proposals within backland sites should reflect the characteristic scale of backland development within the local area. As a general rule, backland development should be a subservient form of development (lower than the front facing properties). The design of backland development must be based on a clear understanding of the effects that this type of development has on character and residential amenity. Problems that can occur which must be avoided, or minimised to an acceptable level, are:*

- *Loss of privacy and spaciousness.*
- *Loss of daylight.*
- *Inadequate access.*
- *Loss of green/garden space.*
- *Enclosure of public utility services.*
- *Loss of car parking.*
- *The prejudicing of future development through piecemeal development.*
- *Poor aspect onto 'inactive' frontages or rear lanes.'*

- 8.5 In this case, the proposal fails to adequately address issues of the effect on residential amenity as well as character. The development would result in an unacceptable loss of spaciousness and outdoor amenity space at the rear of 35 Ely Road, which would be detrimental to residents of that property, and would appear overbearing and oppressive when viewed from the rear garden of 33 Ely Road. This is contrary to the requirements of the "Infill Sites" SPG, which are that *'Existing houses affected by new development should maintain reasonable garden sizes (both front and back), appropriate to house and surrounding area. Properties which have contributed land for backland or infill development must not be left without reasonable and useable gardens or parking spaces where they already have them'*(para. 4.8) and *'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.'* (para. 4.11)
- 8.6 The development would also fail to provide an acceptable standard of amenity for residents of the proposed dwelling. Paragraph 3.5 of the "Infill Sites" SPG states: *'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.'* Paragraph 4.1 states: *'Any infill, backland or site redevelopment must consider both the new and future occupiers' amenity, as well as the amenities available to neighbouring residents.'*
- 8.7 This proposal does not provide acceptable outdoor amenity space for residents: the space to the side would measure only around 11 square metres, would be north facing and would be immediately adjacent to the rear of 35 Ely Road. This would not provide an appropriate space for sitting out, clothes drying etc. The south-facing balcony would not provide an acceptable alternative as it would have an area of only 1.5 square metres (approx.). Also, the space indicated for the storage of bicycles would not be large enough for its intended purpose, although this could be amended to an acceptable size. The requirements of the "Infill Sites" SPG are that *'All new residential dwellings, as well as existing*

*dwellings affected by the development, should maintain useable and appropriate external amenity space. This space should be integrated within the design proposals and not just be 'left over space' after planning.' (para. 4.2), 'It should be demonstrated that the size and type of external amenity space is appropriate to the type of development and to the urban grain of the area' and '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 50m<sup>2</sup> overall but generally reflect that which is characteristic of the surrounding area.'* (para. 4.5).

- 8.8 The safety and security of future residents is also of concern: the only access to the house would be from Ely Road via an unlit lane, the house being around 25m from the highway and 30m from the nearest street light. This issue has not been addressed in the application, and paragraph 2.8 of the "Infill Sites" SPG states that *'Development proposals accessed primarily by rear lanes are unlikely to be supported unless it can be demonstrated that the pedestrian access arrangement (street lighting, highway safety and surveillance) and living conditions (light, outlook, overlooking and quality of amenity space) would be acceptable.'*
- 8.9 With regard to the objections received (which are set out in section 7 of this report):
- 1) Bats and nesting birds are protected by law, separate to planning legislation, and, should the planning application be approved, suitable conditions relating to the timing of site clearance could be imposed and the developer would be reminded that disturbance to bats and damage to / destruction of their breeding sites and resting places are criminal offences and that it is also an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.
  - 2) The nearest protected tree is around 35m from the application site and would not be affected by the development. The other trees are not protected by Tree Preservation Orders and could be felled or pruned without the need for the Council's permission. Nesting birds and bats are protected by other legislation. The application site is an area of hard surfacing and does not extend into the 'woodland' – the only trees that may be affected would be on the site boundary, and these could be protected from inappropriate pruning via a planning condition if necessary.
  - 3) Development of the site could result in a reduction in fly tipping and anti-social behaviour as the lane would be overlooked. However, this does not constitute overriding grounds for approving the application as security could be improved by other means. The introduction of one further house would not increase the population of the area to any noticeable extent and would have no discernible impact on refuse and vermin problems.
  - 4) The windows of the first floor flats would not be significantly affected by the development as they would be far enough away; however, the adjacent ground floor rear extension receives light from the south and would be adversely affected, given the close proximity of the proposed dwelling.

- 5) The issue of amenity space is discussed earlier in this report. The site is privately owned and the Local Planning Authority must consider the acceptability of the development that has been applied for, irrespective of whether others may prefer an alternative scheme.
- 6) The Council's adopted parking guidelines as set out in the SPG "Managing Transportation Impacts (Incorporating Parking Standards)" (2018) do not require any car parking spaces to be provided for this development, and the Transportation officer has raised no concerns with regard to this issue.
- 7) The view of the Transportation officer is that the addition of a (potential) additional traffic movement is not anticipated to result in any material impact.
- 8) Should the application be approved, a construction management condition could be used if necessary to control the timing of construction traffic accessing the site to avoid times of day when schoolchildren would be in the vicinity.
- 9) The development would be considered to be overbearing due to its location close to the boundary with the neighbouring property and this issue is discussed earlier in this report.
- 10) The first floor windows of the proposed house would face towards the rear garden of 37 Ely Road at a distance of around 10 metres. This is closer than the minimum of 10.5m advised in the "Infill Sites" SPG for habitable rooms overlooking rear gardens and constitutes a potential reduction in privacy. The SPG states: *'New developments should allow for adequate privacy for the occupiers of the proposed buildings as well as for neighbouring properties. Normally, a minimum of 21m should be maintained between principal windows to habitable rooms. However, it may be possible to achieve privacy with a combination of separation distance; appropriate position and aspect of habitable rooms; screening; building orientation; window positioning, size and style of window and placement of gardens. Design proposals will need to demonstrate how an adequate level of privacy has been provided for habitable rooms within each dwelling. The minimum overlooking distance from a habitable room window to a garden area of a separate dwelling should be 10.5m. Relying on obscurely glazed windows or non-opening windows is not a preferred means of achieving privacy.'* (para. 4.9)
- 11) Any future planning applications would be determined on their individual merits taking into account national and local planning policies and guidance, and the fact that a house had been constructed in this location would not make it any more likely that future applications would be approved.
- 12) The issue of design is discussed earlier in this report.

#### 8.10 In response to the objections of the Llandaff Society:

- 1) The loss of amenity space and the issue of parking are discussed above. Should the application be approved, an alternative site for bin storage for the flats could be identified or an enclosure provided.
- 2) Outdoor amenity space is discussed above. The goals of the Wellbeing of Future Generations Act will be taken into consideration when this applications is determined: any statutory body carrying out a planning

function has a duty to exercise those functions in accordance with the principles of sustainable development. The Covid-19 pandemic has made it more desirable for households to have their own outdoor amenity space but at present there are no planning policies or regulations compelling developers to provide such space in all cases, and each proposal has to be determined in the light of current policies and guidance.

- 3) There is no history of planning permission having been applied for in respect of the adjoining land and no current planning applications. It would not be necessary to develop the land in order to resolve a nuisance problem.

8.11 With regard to the points raised by Councillors Sean Driscoll and Philippa Hill-John:

- 1) The proposals fail to comply with a number of the requirements set out in the Infill Sites SPG, and these are discussed above.
- 2) Issues of design, impact on amenity, pedestrian access and overdevelopment are considered above. The quality of the design and access statement is not relevant as such statements are required only for major developments. The Waste management officer raised no concerns regarding presentations for waste collections.
- 3) The issue of crime and anti-social behaviour is considered earlier in this report.
- 4) When notified of applications, neighbours are asked to let the owner of the property (if not themselves) know about the proposals. In this case a neighbour indicated that Cadwyn Housing Association were going to make representations but they do not appear to have done so.
- 5) Suitable conditions removing permitted development rights could be imposed should the application be granted. However, the area between 35 and 37 Ely Road is not within the application site and third parties may have a legal right of access, therefore it would not be possible to control access via a planning condition as suggested.

8.12 The matters raised by Mark Drakeford MS and Kevin Brennan MP regarding overdevelopment, traffic, the appearance of the proposed dwelling, fly tipping and trees are considered above. The point regarding affordable housing is also noted. However, the application does not state that the property is proposed to be affordable accommodation.

8.13 In conclusion, the proposed development is considered unacceptable in terms of its adverse impact on the amenities of neighbouring residents, the lack of adequate outdoor amenity space and cycle storage, the safety of future residents of the dwelling and the design of the building, and it is recommended that planning permission be refused.

## 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 decision does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

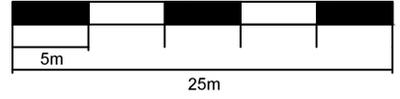
9.3 *Environment (Wales ) Act 2016*

The Environment (Wales ) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions, and in doing so to promote the resilience of ecosystems. It is considered that there would be no adverse implications for, or effect on, biodiversity as a result of the proposed decision.

9.4 *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.





35 ELY ROAD, CF5 2JF CARDIFF  
**BLOCK PLAN**

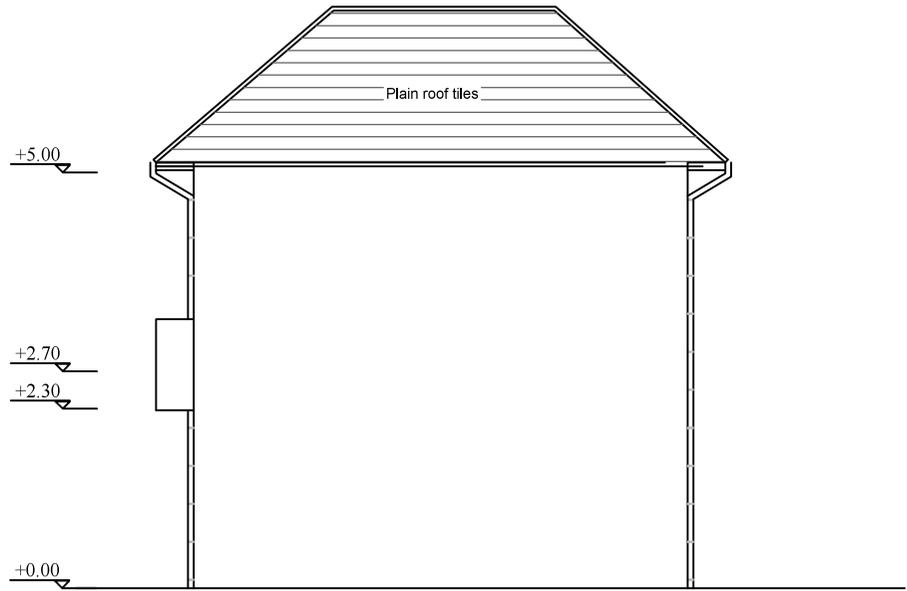
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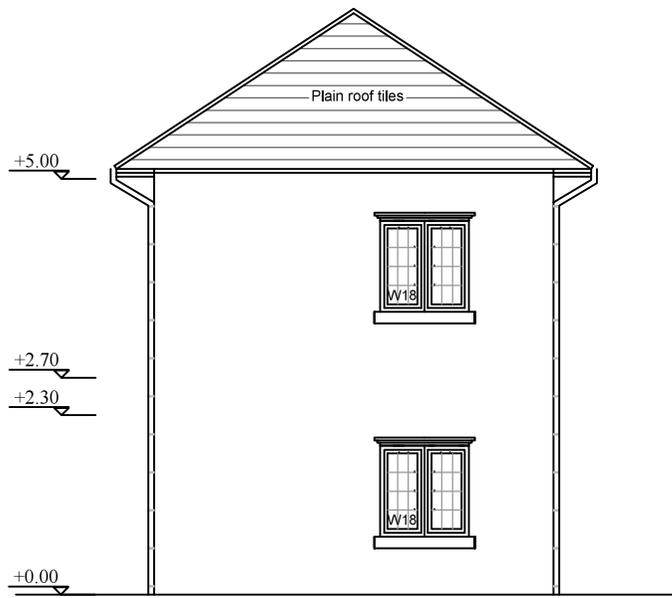
4  
May  
2020



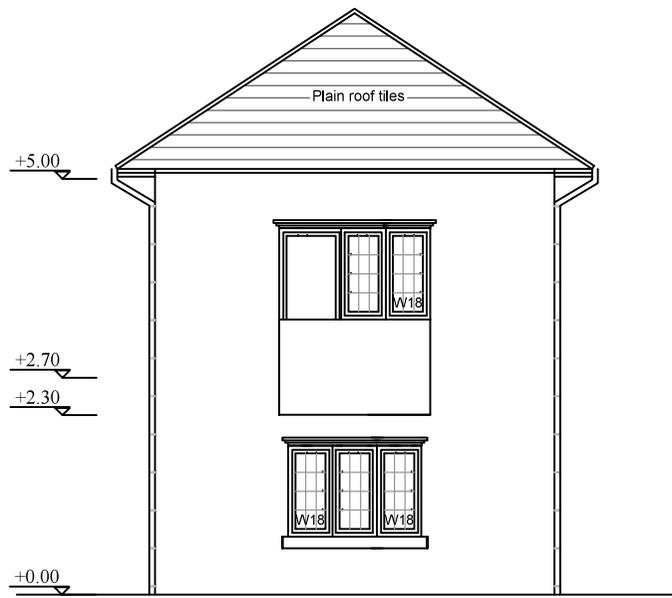
Front Elevation



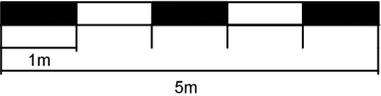
Rear Elevation



Side Elevation

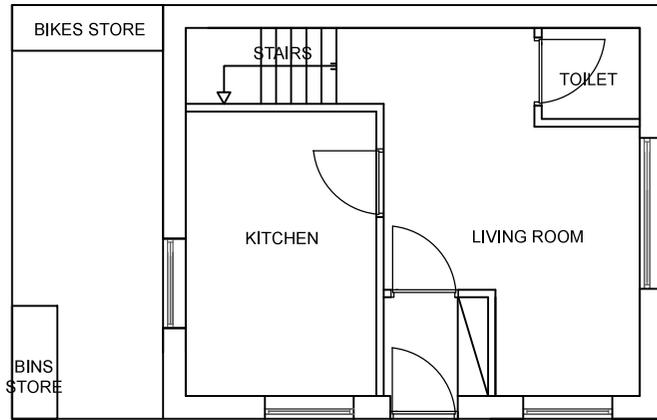


Side Elevation

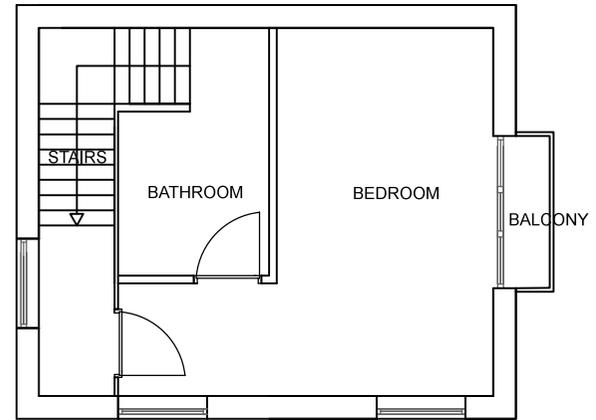


35 ELY ROAD, CF5 2JF CARDIFF  
**ELEVATIONS**

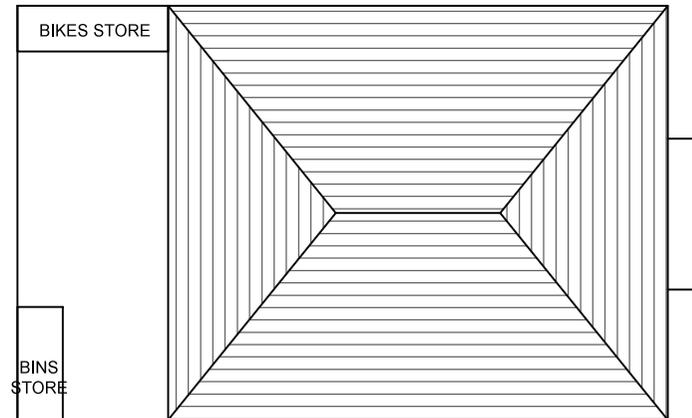
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**A4**  
 4  
 May  
 2020



GROUND FLOOR



FIRST FLOOR



ROOF PLAN

