

PETITION

COMMITTEE DATE: 16/09/2020

APPLICATION No. **20/01384/MNR** APPLICATION DATE: 21/07/2020

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Mrs Williams

LOCATION: LAND ADJACENT TO 14 MARSHALL CLOSE,
DANESCOURT, CARDIFF, CF5 2QQ

PROPOSAL: PROPOSED ERECTION OF ATTACHED DWELLING

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans.
 - PP/600/C – PROPOSED FLOOR PLANS
 - PP/700/A – PROPOSED ELEVATIONS

Reason: To ensure satisfactory completion of the development and in line with the aims of Planning Policy Wales to promote an efficient and effective planning system.
3. Notwithstanding the 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 windows shall be inserted in any wall in the side elevation facing 12 Marshall Close or the first floor rear elevation, other than those hereby approved.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.
4. The first floor windows on the side and rear elevations shall be glazed with obscure glass and non-opening below a height of 1.8 metres above internal floor level and thereafter be so maintained.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.
5. Prior to the beneficial occupation of the extensions hereby approved, the secured covered cycle storage facilities shall be provided as shown on plan no. PP/600/C. The cycle storage facilities shall be retained

thereafter and used for no other purpose.

Reason: To ensure that secure and under cover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.

6. No development shall take place until full 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.
- Scaled planting plans.
- Evidence to demonstrate existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities for structural planting such as hedgerows, shrub beds and trees.
- Scaled tree pit sectional and plan drawings (as appropriate).
- 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.

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.

7. Any newly planted trees, shrubs 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 5, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area.

8. Details of the means of site enclosures shall be submitted to and

approved in writing 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 amenity and residential amenity, in accordance with Policy KP5: Good quality and sustainable design of the Cardiff Local Development Plan (2006-2026).

9. No development shall take place until samples of the external finishing materials have been submitted to and approved 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 of the Cardiff Local Development Plan 2006-2026.
10. 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 structure or extension shall be placed within the curtilage of any dwelling or alteration to any roof.
Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area.
11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
12. Prior to development commencing details showing the provision of cycle parking spaces, and appropriate access to them, shall be 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 sheltered and secure parking of cycles.
13. Prior to development commencing details of the amended crossover junction/driveway shall be submitted to and approved in writing by the Local Planning Authority, to include details of the footway being dropped across the access, resurfacing, and the existing/relocated positions of affected street furniture. Those details shall be implemented prior to the development being put into beneficial use.
Reason: To ensure that the use of the proposed development provides adequate pedestrian and highway access.
14. No development shall take place until a Construction Management Plan

has been submitted to, and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide details of:

- loading, unloading and storage areas for plant and materials
- types of vehicles anticipated at the site
- vehicle parking for site workers and visitors

Reason: To ensure that the construction of the proposed development does not result in safety issues.

RECOMMENDATION 2: That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

RECOMMENDATION 3: That the applicant be advised that all development including fascias, rainwater goods and footings shall take place solely on the applicants land and shall not encroach onto adjoining land.

RECOMMENDATION 4 : 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 5: The applicant/developer is advised that they may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact 0800 917 2652 or via email at developer.services@dwrcymru.com

RECOMMENDATION 6 : The applicant/developer be advised to contact Highways@cardiff.gov.uk in regard to proposed works within the adopted highway regarding construction of new crossover/s to the frontage and removal of the existing crossover to the rear of the site.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Planning permission is sought for the construction of a two-storey attached dwelling house.
- 1.2 The proposed dwelling house is to be approximately 9.05m long, 4.7m wide and 7.6m high with a pitched roof. The single storey rear annexe is to be approx.4m long, 4.7m wide and 3.65m high with a sloping roof.
- 1.3 The submitted plans show the proposed dwelling is to have an open plan living/kitchen area on the ground floor and a bathroom and two bedrooms on the first floor.
- 1.4 The submitted plans show the provision of a one off-street parking space positioned to the front of the site and cycle storage for 2 cycles sited within the rear amenity area.
- 1.5 The proposal would also entail the demolition of the existing garage/outbuilding.

2. DESCRIPTION OF SITE

- 2.1 The application site comprises an existing area of amenity space for no.14 Marshall Close. The adjacent property is a part of a pair of semi-detached dwellings.
- 2.2 The surrounding area consists of primarily two-storey semi-detached, terraced and detached dwellings sited within the Danescourt Estate.
- 2.3 The site is not within a Conservation Area nor with an area of Flood Risk.

3. SITE HISTORY

- 3.1 19/02748/MNR – Proposed new three bedroom attached dwelling - Withdrawn.
- 3.2 95/00571/W – Rear Extension as disabled persons toilet and access. - Approved.

4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan
- 4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:
- Policy KP5 (Good Quality and Sustainable Design)
Policy KP13 (Responding to Evidenced Social Needs)
Policy EN10 (Water Sensitive Design)
Policy T5 (Transport Impacts)
Policy W2 (Provision for Waste Management Facilities in Development)
- 4.3 Supplementary Planning Guidance: Residential Extensions and Alterations (2017)
- 4.4 Supplementary Planning Guidance: Infill Sites (2017)
- 4.5 Supplementary Planning Guidance: Managing Transport Impacts (Incorporating Parking Guidelines) (2018)
- 4.6 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)
- 4.7 Technical Advice Note 12: Design
- 4.8 Planning Policy Wales Edition 10 (2018)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation – No objections, and advise the need for conditions; see above.
- 5.2 The Operational Manager, Waste Management – The proposed area for the storage of waste and recycling has been noted and while the space at the side of the property is large enough, there does not appear enough space between the proposed property and the boundary to be able to wheel the bins to the kerbside.

Waste Management does not collect from the rear (Danescourt Way).

We would suggest that a suitable space is designated within the curtilage at the front of the property.

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

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

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

5.3 Tree and Landscape Officer – No objections, advise the need for conditions 5 and 6.

5.4 Welsh Water – No objections, advise the need for condition 11.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 N/A

7. **REPRESENTATIONS**

7.1 Neighbours have been consulted, 12 e-mails and letters have been received from the occupiers of 5, 7, 8, 10, 11, 12, 16, 18 and 20 Marshall Close and 14 Richard Lewis Close, objecting for the following summarised reasons;

- i) Previous applications for dwellings were withdrawn
- ii) Proposal not required as there are other large housing developments nearby
- iii) Lack of demand for housing
- iv) Potential precedent for similar future developments
- v) Highway safety issues
- vi) Parking issues (loss of existing on-street parking, parking requirements)
- vii) Access for refuse/delivery vehicles
- viii) Concerns that proposed rear access gate could lead to security issues
- ix) Overdevelopment of site
- x) Impact on visual amenity
- xi) Proposal would not be keeping with design/appearance of area
- xii) Overshadowing/loss of light
- xiii) Loss of privacy/overlooking
- xiv) Proposal would change pair of semi's to a terrace
- xv) Surface water flooding
- xvi) Loss of green + wildlife
- xvii) Concerns over siting of construction materials/contractors parking – request that a construction management plan be submitted and approved via condition.
- xviii) Devalue adjacent residential properties

7.2 A 62 name petition has been submitted objecting to the proposal.

8. **ANALYSIS**

8.1 The main planning issues relate to:

- i) The effect of the proposal upon the character and appearance of the area;
- ii) The effect of the development on the amenity and privacy of neighbouring occupiers;

- iii) The standard of amenity provided for existing and future occupiers;
 - iv) Highway safety/parking issues.
- 8.2 The application site lies within the defined settlement boundary in an existing residential area. Policy KP13 notes that *'a key part of the successful progression of the city will be to develop sustainable neighbourhoods'* and defines that *'providing a range of dwelling sizes, types and affordability'* is a key factor to achieving such an aim.
- 8.3 Cardiff Council's Infill Sites SPG assists in providing guidance on appropriate residential development. It indicates that such development should amongst other things:
- Protect residential amenity, both of new and existing occupiers; and
 - Responds to the context and character of the area.
- 8.4 National Planning policy encourages the provision of additional housing stock within previously developed land for housing development. Paragraph 4.2.17 of Planning Policy Wales notes that use of such land *'can assist regeneration and at the same time relieve pressure for development on Greenfield sites'*
- 8.5 The proposed dwelling is considered acceptable in regards to its scale and design and will not prejudice the general character of the area. The design of the proposed dwelling is similar to that of the adjacent properties within Marshall Close in terms of scale, massing, appearance and design and would be in keeping with the urban grain and visual appearance of the surrounding street scene.
- 8.6 The scale of the development and its relationship with the existing dwelling and that of neighbouring properties is considered acceptable. The submitted plans show the proposal would attach onto the flank wall of the adjacent dwelling house at no. 14 Marshall Close and be sited approx. 1.65m from the adjacent driveway to no. 12 Marshall Close (which is sited approximately 6m from the proposed dwelling). It is considered that the proposal would not be overbearing or generally unneighbourly which would justify concern for the Local Planning Authority.
- 8.7 The submitted plans (as amended) show that there is a first floor window sited in the side elevation facing no. 12 Marshall Close. It is recommended that this window be obscurely glazed and non-opening so that the privacy of neighbouring occupiers would be protected (see condition 4). The amended plans also show the provision of a first floor rear elevation window sited approximately 7metres from the rear boundary (the garden is angled), and it is considered that this window should be obscurely glazed and non-opening to protect the privacy and amenities of the occupiers of no. 14 Marshall Close. It is considered necessary to insert a condition stating no additional windows are to be inserted into the side elevation or rear first floor elevations in the future, so as to protect the privacy of adjoining occupiers (see condition 3).
- 8.8 The proposed dwelling would have adequate internal space and an acceptable

layout. Outlook for future occupiers for the proposed and the existing dwelling will be acceptable.

- 8.9 The Infill Sites SPG advises that development *'must consider both new and future occupiers amenity'* and *'all new residential dwellings, as well as existing dwellings affected by development should maintain useable and appropriate external amenity space'* and *'Houses and ground floor flats that will serve as family accommodation should include enclosed and secure private amenity areas. Depending on context, such amenity areas should measure at least 10.5m in depth or 50m² overall'*. The amended plans show that there is sufficient amenity space provided for both properties. Both properties would have a rear private amenity space approximately 70 sqm, which is of a similar size and in context with the amenity space available for occupiers of other properties within the surrounding area.
- 8.10 The Operational Manager, Transportation – Raises no objections to the proposal, subject to a number of conditions regarding crossover details, construction management and cycle parking.
- 8.11 In regards to comments made by neighbours that are not covered above, the following should be noted:
- i) The previous application was withdrawn at the request of the applicant and had not been determined by the Local Planning Authority.
 - ii+iii) Note that there are large residential developments in the surrounding area under construction, but the Infill Sites SPG advises that the utilisation of previously developed land promotes an efficient use of land and helps to reduce demand on greenfield sites. The provision of windfall/infill development is supported in Planning Policy. There is no evidence to suggest that there is no demand for housing within the area and the opposite is more likely as this is a sought after area for occupiers.
 - ii) Each application submitted is dealt with on its own individual merits
 - v-vi) The parking provision shown on the submitted plans is considered acceptable and compliant with the Transportation Impacts SPG. The existing crossover-access and hardstand is existing and would not prejudice the safety of members of the public. The Operational Manager, Transportation raises no objections to the proposal, subject to the imposition of appropriate conditions.
 - vii) Noted, the rear gate shown on the previously submitted plans has now been removed from the scheme.
 - viii) It is not considered that the proposal would be an overdevelopment of the site as there is sufficient space around the proposal and each property has sufficient amenity space available for occupiers.
 - ix-x) See paras 8.5-8.6
 - xi) It is not considered that the proposal would have a prejudicial impact upon light to adjacent properties due to its siting in regard to those properties it adjoins
 - xii) See para 8.7
 - xiii) Note that the proposal would create a small terrace of three properties. Whilst it is somewhat unusual when you consider the immediate

environment. The arrangement is considered acceptable noting the residential context of the surrounding area.

- xiv) The Flood & Coastal Risk Officer and Welsh Water raise no objections to the proposal and advise the need for recommendation 5.
- xv) The site is currently utilised as the garden area for no. 14 Marshall Close and primarily consists of hardstanding and an existing garage/outbuilding. See conditions 6 and 7 in regard to proposed soft landscaping and planting on the site.
- xvi) See condition 14
- xvii) Not a material planning consideration.

8.12 Other Legal Considerations

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.

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.

Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement.

8.13 **Conclusion**

Having regard to the policy context above, the proposal is on balance, considered to be acceptable and approval of planning permission is recommended subject to conditions.



14 MARSHALL CLOSE
 LLANDAFF
 CARDIFF
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OS MasterMap 1250/2500/10000 scale
 Tuesday, September 10, 2019, ID: BW1-00826800
www.blackwellmapping.co.uk

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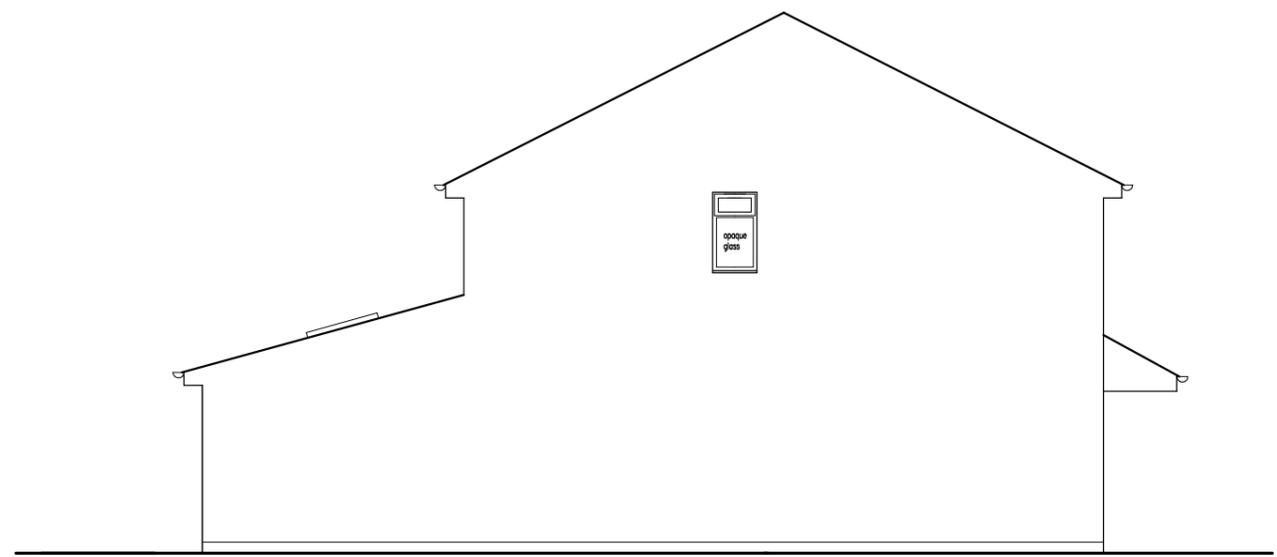


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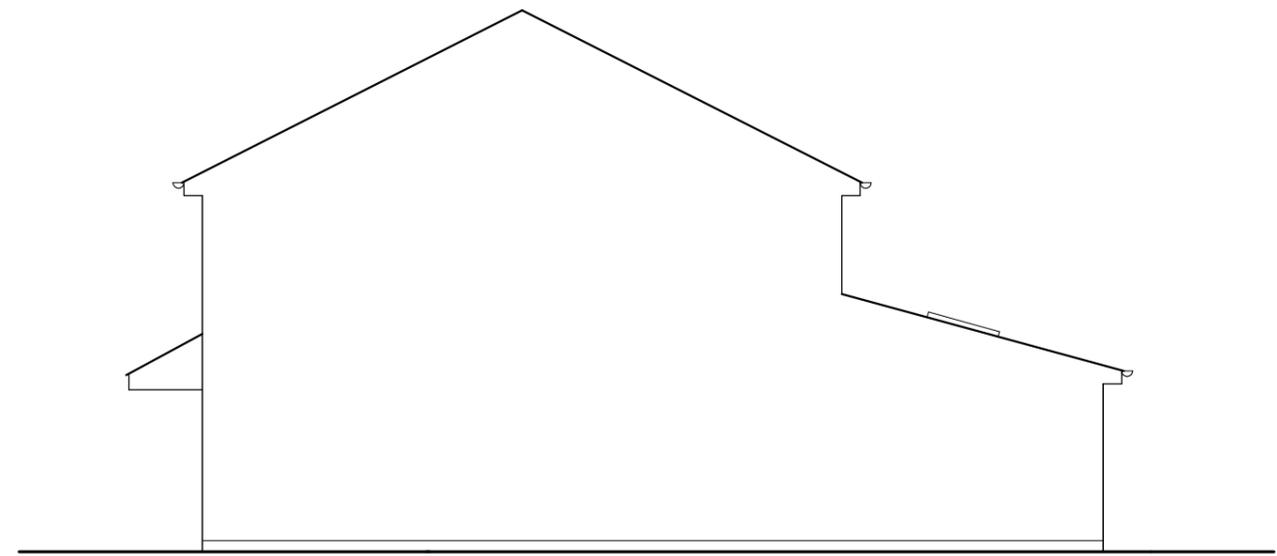
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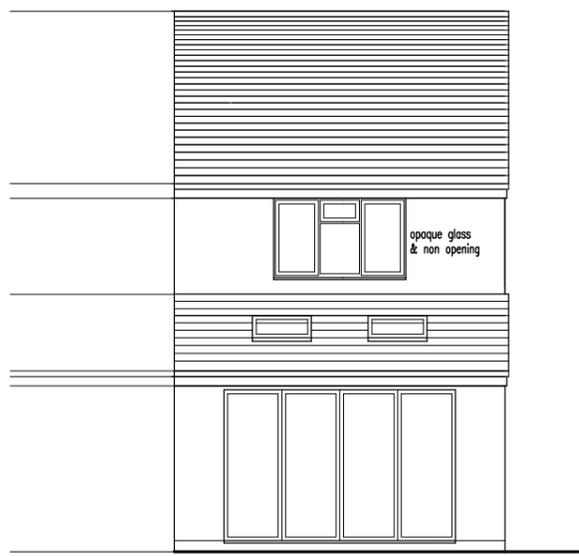
proposed side elevation (right)



proposed front elevation



proposed side elevation (right)



proposed rear elevation

Proposed New Dwelling.

Phil Hughes

PROFESSIONAL DRAWINGS

14 Marshall Close, Llandaff, Cardiff. CF5 2QQ.

PP/700/A

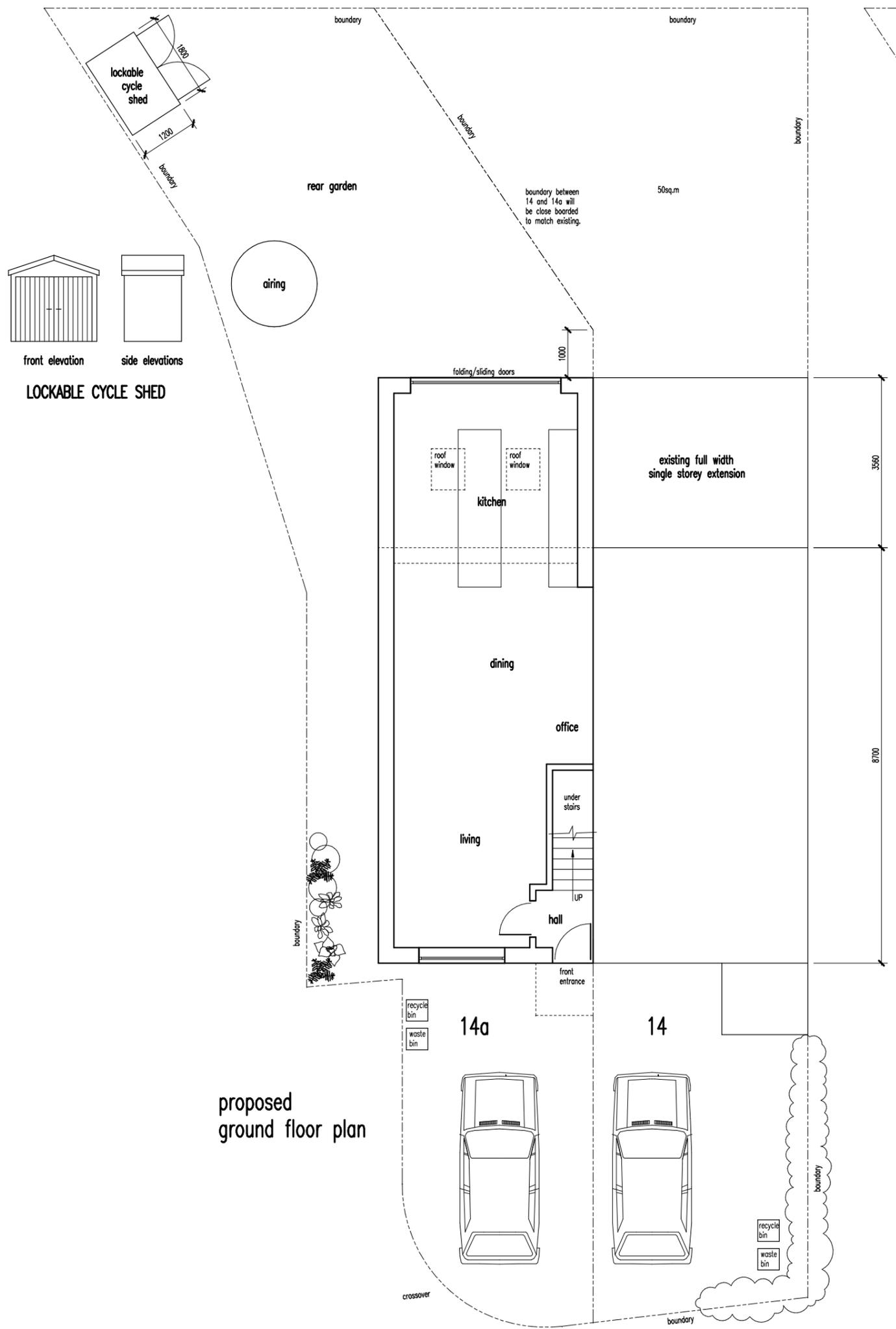
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Proposed New Dwelling.

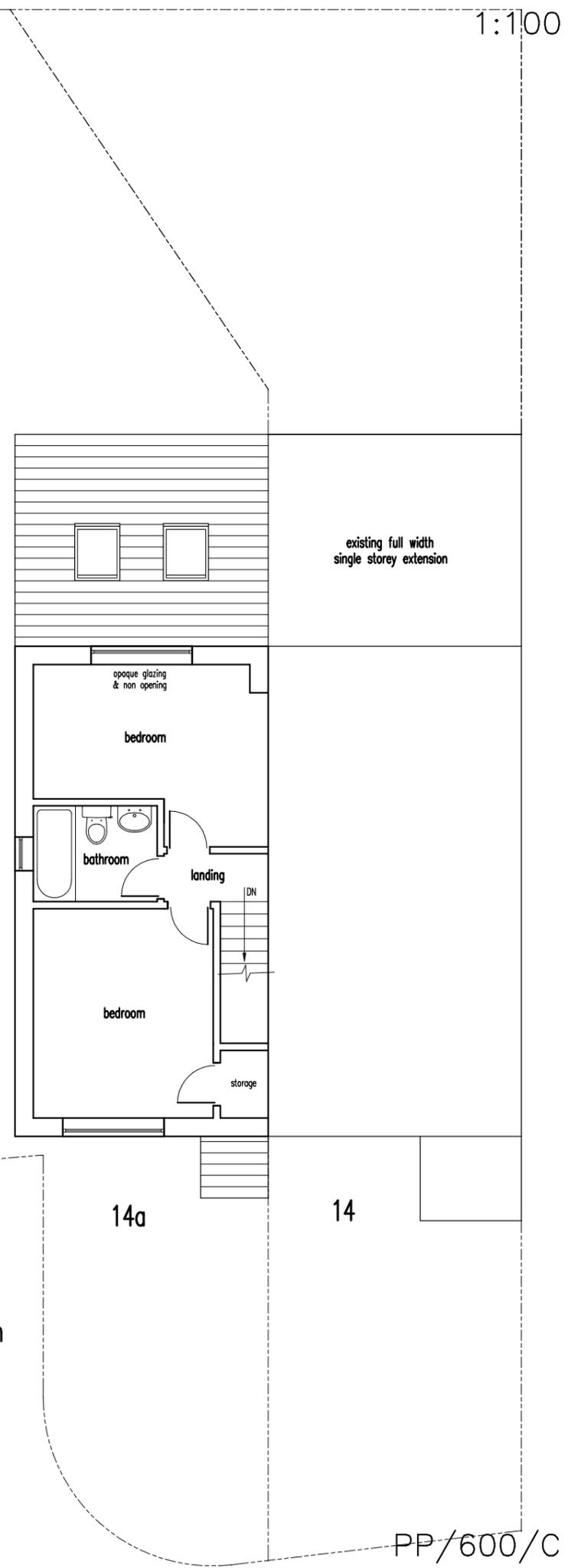
Phil Hughes
PROFESSIONAL DRAWINGS

14 Marshall Close, Llandaff, Cardiff. CF5 2QQ.



proposed ground floor plan

proposed first floor plan



PP/600/C