COMMITTEE DATE: 06/04/2022

APPLICATION No. 21/02421/MNR APPLICATION DATE: 11/10/2021

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Smith

LOCATION: 19 BRYN-AWELON ROAD, CYNCOED, CARDIFF, CF23 6QR PROPOSAL: DEMOLITION OF EXISTING DORMER BUNGALOW AND THE

ERECTION OF 2NO. SEMI-DETACHED DWELLINGS

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:

A(P)-05 rev 5 Site Plan

A(P)-17 Rev 1 Bin and Cycle Store

A(P)-07 rev 4 Proposed First Floor

A(P)-09 rev 4 Sections

A(P)-08 rev 3 Proposed Roof

A(P)-06 rev 4 Proposed Ground

A(P)-02 rev 2 Existing site plan

A (P)-12 rev 5 Proposed Side Elevations

A(P)-11 rev 3 Proposed Front and Rear Elevations

Bat Survey from Ecological Services Ltd. dated September 2021 V2.0

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.

 The materials to be used in the construction of the external surfaces of the dwelling house hereby permitted shall be those noted in the planning application.

Reason: In the interests of the visual amenity of the area, in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

4. Notwithstanding the submitted plans, further 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

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 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 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.

Scaled tree pit sectional and plan drawings (as appropriate) that show the Root Available Soil Volume (RASV) for each tree.

Topsoil and subsoil specification for all planting types.

Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect/garden designer, including details of how they will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

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 maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policies KP5: Good Quality and Sustainable Design and KP15: Climate Change of the Cardiff Local Development Plan, Supplementary Planning Guidance: Cardiff Infill Sites (November 2017), Green Infrastructure (November, 2017) and the Council's Soils and Development Technical Guidance Note.

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

Replacement planting shall take place during the first available planting season to the same specification approved in discharge of landscaping condition 5 unless the LPA gives written consent to any variation.

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

7. Prior to the beneficial occupation of the dwelling, the first-floor windows on the side elevations of the dwellings facing nos.17 and 21 Bryn Awelon Road shall be non-opening below a height of 1.7 metres above internal floor level, glazed with obscure glass and thereafter be so retained.

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.

- 8. 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), there shall be no extension or roof alteration of the dwelling house hereby approved.

 Reason: To ensure that the privacy of adjoining occupiers is protected and to retain adequate amenity space for future occupiers in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
- 9. 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 hereby approved.
 Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
- 10. 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.

11. 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.

12. 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.

13. Prior to the erection of the dwellings 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 in accordance with Policy EN14: Flood Risk of the Cardiff Local Development Plan.

- 14. The car parking spaces shown on the approved plans shall be provided prior to being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles. Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
- 15. The approved cycle parking store shall be implemented prior to the development being put into beneficial use and thereafter shall be retained 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 in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
- 16. The approved bin store shall be implemented prior to the development being put into beneficial use. Thereafter, the store shall be retained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the storage or waste in accordance with Supplementary Planning Guidance: Waste and

Collection and Storage Facilities (2016).

- 17. The flat roof areas shown on the approved plans shall not be used as a roof garden, balcony, or similar amenity area.
 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.
- 18. The biodiversity enhancement provisions outlined in Section 9 of the submitted Bat Survey from Ecological Services Ltd dated September, 2021 V2.0 shall be incorporated into the development prior to the occupation of the dwelling houses hereby granted.
 Reason: For protection of bats, which are European Protected Species, in accordance with regulation 9 of the Conservation of Habitats and Species Regulations 2017 and in the interests of biodiversity, in accordance with Policy EN7: Priority Habitats and Species 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 will need to apply for a vehicular crossover license. The acceptability of vehicular crossovers is specified in the Cardiff Vehicular Crossover Terms and Conditions. Cardiff Vehicular Crossover Terms and Conditions can be found at the following link.

https://www.cardiff.gov.uk/ENG/resident/Parking-roads-andtravel/parking/Parking-Strategy/Documents/Parking Strategy September 2016.pdf

RECOMMENDATION 5: 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. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087.

RECOMMENDATION 6: Welsh Water/Dwr Cymru advises as follows:

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Cardiff Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. The planning permission herby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water & sewerage connections.

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.

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 130022

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 This planning application seeks permission to demolish the single storey dwelling at 19 Bryn Awelon Road, Cyncoed and a erect a pair of semi-detached, four bedroom houses referred as 19a and 19b. The proposed development comprises a contemporary flat roofed block, two storeys in height. A second floor 'roof box' element and roof terrace initially proposed at the southernmost unit (19a) has been deleted from the scheme.
- 1.2 The block would sit between a pair of hipped roofed two storey semi-detached houses at nos. 21/23 to the north and a detached hipped roof bungalow to the south, at no.17. The main side elevation of unit 19b would be sited approximately 1.4 metres from the boundary with no.21 Bryn-Awelon Road and between 6.1 metres and 7.8 metres from the side elevation of that property. As initially proposed, a 4.5 metre long cantilevered 'box' element projected from the side elevation of unit 19b to within approximately 0.4 metres of the boundary with no.21. However, this feature has been deleted from the scheme.
- 1.3 The proposed side elevation of unit 19a is sited approximately 1.2 metres from the boundary with no.17. Bryn-Awelon Road to the south.
- 1.4 The rear of the plot backs onto the gardens of nos. 412 and 414 Cyncoed Road. The first floor window in the rear elevation of unit 12b is sited approximately 10.5 metres from the boundary. First floor windows in the rear elevation of unit 12a are sited a little further from the boundary at between approximately 11.5 metres and 12.5 metres.
- 1.5 The block rises to a height of approximately 6.2 metres to the top of the first floor viewed from the front.

- 1.6 Proposed materials comprise a light honey coloured stone panel walls and slate coloured rain screen panels.
- 1.7 At the front of each property, 2no off street parking spaces are proposed together with soft landscaping.
- 1.8 The application is supported by a Bat Survey Report which concludes that no direct evidence of bat use was identified, and the bungalow was assessed as having negligible potential for bat use. The report states that the building and its condition offers very limited opportunities for bat occupation and roosting potential.
- 1.9 To address the Local Planning Authority's legal responsibility to preserve and enhance biodiversity under the Wales Environment (Wales) Act 2016, the report recommends ecological enhancement measures such as the creation of a bat roost for crevice dwelling bats, bird bricks and the installation of bat boxes.
- 1.10 The Planning Statement initially submitted with the application included the following comments in support of the scheme. It should be noted that the application has since been amended by removing the second floor 'roof box' element and roof terrace at the southernmost unit (19a) and by revising the design to address officer concerns regarding the likely impact of the proposed development on the living conditions of neighbouring occupiers and, in particular, the occupiers of no 21 Bryn Awelon Road.

The building line along Bryn-Awelon Road will be maintained with full access provided to the rear of each dwelling via accessible site pathways.

The facade is proposed to be broken up using a simple palette of two materials which are angled and sloped into different elements. Real stone-panel cladding and mid grey rainscreen cladding panels are proposed with windows using composite timber with aluminium facing.

The materials used on the recent contemporary property at Number 13 are dark grey cladding panels, white render and stone external boundary walls. Although the traditional houses within the street are a mixture of red brick, white render and brown pebble dash, many have light honey coloured stone bays (potentially Bath stone or sandstone) The materials we have chosen therefore reflect the variety of materials and include a simple palate of grey rain-screen cladding panels and a light honey coloured stone panel cladding.

The car parking spaces are proposed to be provided on a permeable hardstanding at the front with sufficient space being retained to provide landscaping and sustainable drainage features.

Cycle parking is also provided at 'policy level' at a rate of 4no.spaces per dwelling.

In terms of density, the proposed dwellings provide for the efficient use of this

parcel of land without appearing as an overly cramped form of development. The street scene image serves to illustrate the offset distances maintained between the proposed and existing dwellings as well as its appearance within a varied street of traditional and contemporary homes.

'Stand-off' distances to protect residential amenity - These distances have been provided to ensure that the development does not have a materially adverse impact upon existing neighbouring residents. The +20 m back-to-back distances are supplemented by mature boundary vegetation at the rear whereas sufficient offset distances are maintained between neighbouring dwellings to the north and south.

The design demonstrates that it is possible to provide a solution that not only responds to its context but which, as any contemporary development should, establishes its own sense of place by embodying sound principles of urban design including appropriate scale, proportions and rhythm to the street scene.

1.11 The agent, having noted the representations received on the application, submitted a further document seeking to rebut the objections.

2. **DESCRIPTION OF SITE**

- 2.1 No.19 Bryn Awelon Road is a single storey detached dwelling located on the western side of the street. The property has a hipped roof and is finished in red brick on the front elevation and white render to the side, with a slate roof. It sits between a pair of hipped roofed two storey semi-detached houses at nos.21/23, to the north, and a detached hipped roof bungalow to the south at no.17.
- 2.2 No.17 is set off the boundary by the width of its driveway. To the rear, and directly next to the boundary, is the property's garage. The structure is taller than a conventional garage, as indicated on the submitted plans. There are no windows in the side elevation of the neighbouring property next to the boundary.
- 2.3 No.21 Bryn Awelon Road, which adjoins the application site to the north, is a two storey property with a large single storey rear extension. It contains several windows and a door in its side elevation. On the ground floor, there is a side door leading to a kitchen and dining area. There are two windows in the kitchen area facing the application site and further clear glazed windows serving a dining area. The main window serving the dining area is on the front elevation of the property. To the rear of the side door (and within the single storey rear extension) there is obscurely glazed bathroom window and a high-level window serving a sitting room. The sitting room has its main window in the rear elevation of the extension facing the rear garden. The nearest first floor window on the main rear elevation the property is obscurely glazed.
- 2.4 The side elevation on no.21 is separated from the boundary of the application site by a paved area which leads to a garage at the rear of the

- plot. The side boundary is enclosed by a relatively high hedge.
- 2.5 The site frontage of the application site is enclosed with a low brick wall and evergreen hedge with the exception of a vehicular access at its southern end. The side boundaries are enclosed, in part, by hedges. The rear garden contains a variety of shrubs / soft planting.
- 2.6 Bryn Awelon Road falls gradually from its **j**unction with Derwen Road to the south to the junction with Cyncoed Road to the north. Consequently, no.19 is slightly elevated above the adjacent ground level of no.21.
- 2.7 The street contains a mix of detached and semi-detached houses and single storey dwellings of varying design. Although most are of traditional appearance, no.13 Bryn Awelon Road has been recently extended and altered to form a contemporary, flat roofed two storey building containing 2no.apartments. The street also contains a number of other older two storey flat roofed houses.
- 2.8 At the rear, the site backs onto the rear gardens of nos. 412 and 414 Cyncoed Road.

3. **SITE HISTORY**

3.1 No planning applications have been identified relating to the property.

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

Criterion x. advises that all new development should ensure no undue effect on the amenity of neighbouring occupiers and should connect positively to surrounding communities.

KP8: Sustainable Transport

KP 15: Climate Change

EN7: Priority Habitats and Species

EN8: Trees, Woodlands and Hedgerows

EN11: Water Sensitive Design

EN14 Flood Risk

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 (2018)

Supplementary Planning Guidance: Waste and Collection and Storage

Facilities (2016)

43 Planning Policy Wales Edition 11 (2021):

- 2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.
- 3.6 Development proposals must address the issues of inclusivity and accessibility for all.
- 3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.
- 3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.
- 3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.
- 3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.
- 3.16 Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.
- 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.
- 4.2.22 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.
- 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, usually caused by heavy rainfall, 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 Technical Advice Note 12 - Design (March, 2016)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager Transportation comments as follows:

It is intended to provide car parking spaces at each property by having a permeable hardstanding in the front garden. There is potential to park three cars on the front garden hardstanding of 19A which would exceed the maximum allowed off-street car parking of 2 vehicles. However, the maximum size of a vehicular crossover, a double crossover, is 4.8 metres in width, per home therefore the concern raised earlier is overcome.

If planning permission is granted, the applicant will need to apply for a vehicular crossover license. The acceptability of vehicular crossovers is specified in the Cardiff Vehicular Crossover Terms and Conditions. Cardiff Vehicular Crossover Terms and Conditions can be found at the following link.

https://www.cardiff.gov.uk/ENG/resident/Parking-roads-andtravel/parking/Parking-Strategy/Documents/Parking Strategy September 2016.pdf

Cycle parking provision will need to be provided in accordance with the Council's guidelines.

- 5.2 Shared Regulatory Services: Pollution Control (Environment Team) requests the inclusion of conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:
- 5.3 The Lead Officer Flood and Coastal Risk Management Team has been consulted. No representations have been received.
- 5.4 The Operational Manager Waste advises as follows: update

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

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

- 1 x 140 litre bin for general waste
- 1 x 25 litre kerbside caddy for food waste
- 1 x 240 litre bin for garden waste

Green bags for mixed recycling (equivalent to 140 litres)
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. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087.

5.6 The Tree Officer has raised no objections and recommends either an upfront landscape scheme or a suitably worded planning condition to address the landscaping of the site.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water/Dwr Cymru advises as follows:

We have reviewed the details of the application and have no objections. If the Council is minded to grant planning permission it is requested that the following Advisory Notes are included within any subsequent consent.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Cardiff Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The planning permission herby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water & sewerage connections.

7. **REPRESENTATIONS**

- 7.1 Twenty representations have been received objecting to the application as initially submitted for consideration. Fourteen of the objections are from residents of Bryn Awelon Road and from Cyncoed Road in close proximity to the application site. In summary, the grounds of objection are as follows:
 - i) The proposal is an overdevelopment of the site and is out of accord with the Council's Cardiff Infill Sites Supplementary Planning Guidance. Brynawelon Road is characterised by dwellings on similar sized plots, with generous rear gardens and good-sized spaces between houses. The footprint of the development would extend far back into the plot and would leave little room for

- gardens that would be of similar size to those in the area. The semi-detached properties on the road have a side driveways.
- ii) The appearance and scale of the proposed building would be out of character with existing houses in the street.
- iii) Adverse impact on the amenity of neighbours resulting in a loss of privacy, overshadowing and noise. The proposal would have a visually overbearing impact. The occupier of no.21 Bryn Awelon Road states that the house has numerous windows on its south elevation serving a dining room, kitchen and sitting room. The occupier states that this is where most time is spent and where natural light and solar warmth enters the house.
- iv) The proposal would not accord with advice contained in the Council's Cardiff Infill Sites Supplementary Planning Guidance in respect trees, biodiversity and parking provision.
- v) The proposal will increase the amount of traffic in the road and add to existing parking difficulties. The road is narrow, and vehicles not accommodated on the drive would have to park on the footway causing an obstruction to pedestrians including the elderly. The proposal will reduce in kerbside parking.
- vi) The proposal will result in the loss of a bungalow. Single storey provide essential housing for the elderly and for those with disabilities and their demolition should not be undertaken lightly.
- 7.2 Five representations have been received in support of the application. Amongst the comments received it is stated that the road contains a mix of property styles and that the design is interesting and innovative. It is considered that parking concerns have been addressed on the submitted plans.
- 7.3 13 representations have been received following re-consultation on amended plans. 11 representations object to the application and generally reiterate the concerns outlined in section 7.1 of this report. 2no. letters supporting the application have been received.
- 7.4 The agent, having noted the representations received to the application, has submitted a further document seeking to rebut the objections.

8. **ANALYSIS**

- 8.1 This planning application seeks permission to demolish the single storey dwelling at 19 Bryn Awelon Road, Cyncoed and a erect a pair of semi-detached, four bedroom houses referred as 19a and 19b. The proposed development comprises a contemporary flat roofed block, two storeys in height. A second floor 'roof box' element and roof terrace initially proposed for the southernmost unit (19a) has been deleted from the scheme following discussions with the agent.
- 8.2 The main issues to take into consideration are the effects of the proposed development on the character and appearance of the street scene, the impact on the amenities of neighbouring occupiers, whether the proposed development will provide an acceptable living environment for future occupiers,

matters relating to parking /highway safety and ecology (bats).

- 8.3 Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan states that... all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by (inter alia):
 - (i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals.
 - (x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;
- 8.4 Paragraph 3.9 of Planning Policy Wales (PPW) states that 'The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations'.
- 8.5 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: Cardiff Infill Sites (November 2017).
- 8.6 At paragraph 3.12, the SPG states that:

Infill development needs to be sensitive to its immediate surroundings and respond well to the built context. It is important that in residential areas where there is a clear existing pattern and form of development, new buildings, landscaping and boundary treatment complement the character of the surroundings.

8.7 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.

- 8.8 Paragraph 3.16 of PPW states that 'Local planning authorities ... should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. Technical Advice Note 12 Design (March 2016) at paragraph 4.9 advises that: Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. A contextual approach should not necessarily prohibit contemporary design.
- 8.9 The application seeks to replace the existing bungalow with a contemporary flat roofed two storey block.
- 8.10 The siting of the building respects the forward building line along Bryn Awelon Road.

- The street contains a mix of detached and semi-detached house of varying design including two storey houses next to single storey dwellings.
- 8.11 The block would sit between a pair of hipped roofed two storey semi-detached houses at nos.21/23 to the north and a detached hipped roof bungalow to the south at no.17. The siting of a proposed two storey building next to a single storey dwelling is considered acceptable, in principle, having regard to the street context where such juxtapositions are already evident.
- 8.12 The proposed building would clearly differ in architectural style from its neighbours and from most properties in the street which are generally traditional in appearance. However, there are exceptions to this, as shown on the street elevation plan, where no.13 Bryn Awelon Road has been recently altered to form a contemporary, flat roofed two storey building containing 2no.flats. The street also contains a number of other older pairs of two storey flat roofed semi-detached houses.
- 8.13 The submitted plans show that the side elevations of the proposed building would be set in from the boundaries with nos.17 and 21 Bryn Awelon Road by approximately 1.2 metres and 1.4 metres respectively and that the space between the adjacent buildings would provide reasonable visual separation.
- 8.14 The principle of a two-storey flat roofed contemporary building in the street has been established in close proximity to the site and the street elevation plan shows how the proposed building would be of similar form and massing to this recent addition.
- 8.15 The mass of the building is modulated by the 'fractured' design of the front elevation which assists in the structure not obviously appearing as a pair semis.
- 8.16 As initially submitted, a second floor 'roof box' providing additional floor space with access to a terrace, was proposed for the southernmost unit (19a). Although set back from the front elevation of the unit, the structure would have resulted in an elevation alongside the driveway of the neighbouring bungalow rising to a height of approximately 8.1 metres and maximum height of approximately 8.5 metres. Whilst the agent's comments in respect of the 'roof box' element were noted, it was considered that the structure would have appeared discordant, juxtaposed with the traditional form and single storey scale of the immediate neighbour. Following discussions with the agent it was agreed that this element be removed from the scheme.
- 8.17 Proposed materials comprise light honey coloured stone panel walls with slate coloured rain screen panels. The materials used on the recent contemporary property at no. 13 Bryn Awelon Road are dark grey cladding panels, white render and stone external boundary walls. Although the traditional houses within the street are mainly a mixture of red brick, white render and brown pebble dash, there is no objection to the proposed choice of materials.
- 8.18 The site plan shows provision for on-site parking and retention of an area of soft landscaping. The provision of planting at the front of the site is considered

important to avoid an unduly car dominated frontage. Landscape details have not been submitted with the application and it is recommended that an appropriate condition is attached to address this matter.

- 8.19 The Transportation Officer has raised no objections to the application on highway safety or parking grounds subject to appropriate conditions.
- 8.20 Concern regarding the loss of a single storey dwelling is noted. However, there are no specific planning policies which seek to retain this type of dwelling. In general, the demolition of a building, including the bungalow which exists on this site, is permitted development by virtue of Schedule 2, Part 31 of The Town & Country Planning (General Permitted Development) Order 1995, subject to prior approval in respect of the method of demolition and restoration of the site. Therefore, the LPA cannot control the retention of the existing building.
- 8.21 At paragraph 4.11 the SPG states that:

To safeguard the amenity of existing residents, proposals must not result in unacceptable harm regarding the level of overbearing, overshadowing or overlooking of neighbouring properties.

- 8.22 With regard to the effect on the living conditions of neighbouring occupiers, 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.
- 8.23 It is not considered that the relationship between the proposed dwellings and houses on the opposite side of Bryn Awelon would result in an unacceptable loss of amenity having regard to the distance separating the properties.
- 8.24 The application site backs onto the rear gardens of nos. 412 and 414 Cyncoed Road. The distances between first floor windows in the rear elevation of the proposed dwellings and the gardens of these neighbouring properties satisfies the privacy advice contained in the Infill Sites SPG. The removal of the second-floor accommodation and roof terrace at unit 19a addresses the overlooking concerns of neighbours in respect of this element.
- 8.25 Proposed first floor windows in the side elevation of units 19a and 19b are conditioned to be glazed with obscured glass. Subject to this measure, the proposal is considered to accord with the Council's privacy guidance.
- 8.26 Some oblique views over parts of the neighbouring occupiers' rear gardens will be inevitable from upper floor windows in the rear elevation of the proposed dwellings. Whilst this is a consequence of the proposal, a degree of mutual overlooking between neighbouring dwellings is a common feature of suburban living and the proposal would not be unusual

or unacceptable in this respect.

- 8.27 The proposed side elevation of unit 19a is sited approximately 1.2 metres from the boundary with the bungalow at no.17. Bryn Awelon Road to the south. The dwelling is set off the boundary by the width of its driveway. To the rear, and directly next to the boundary, is the property's garage. The structure is taller than a conventional garage, as indicated on the submitted plans. There are no windows in the side elevation of the neighbouring property next to the boundary. A conservatory on the rear elevation of the dwelling is screened from the application site by the property's garage.
- 8.28 Having regard to this relationship, it is not considered that the proposed building would impact unacceptably on light to habitable rooms within no.17 having regard to the Council's guidance 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.
- 8.29 The side elevation of unit 19b will be positioned approximately 1.4 metres from the boundary with no.21 Bryn-Awelon Road.
- 8.30 No.21 Bryn Awelon Road is a two-storey property with a large single storey rear extension. It contains several windows and a door in its side elevation. On the ground floor, there is a side door leading to a kitchen and dining area. There are two windows in the kitchen area facing the application site and further clear glazed windows serving a dining area. The main window serving the dining area is on the front elevation of the property. To the rear of the side door (and within the single storey rear extension) there is obscurely glazed bathroom window and a high-level window serving a sitting room. The sitting room has its main window in the rear elevation of the extension facing the rear garden. The nearest first floor window on the main rear elevation the property is obscurely glazed.
- 8.31 The side elevation is separated from the boundary of the application site by a paved area which leads to a garage at the rear of the plot. The side boundary is enclosed by a relatively high hedge.
- 8.32 The application site is slightly elevated in relation to the application site. The current outlook from the windows in the side ono.21 is that of a boundary fence and hedge, the side elevation of the hipped roof bungalow set off the boundary and some skyline.
- 8.33 With regard to assessing whether a building will obstruct light to a 'relevant' window, the Infill Sites SPG advises that the guidance applies to habitable rooms which according to the layout plan, are the main daytime living spaces. However, the guidance also advises that rooms containing more than one effective source of light, such as windows on other facades, light wells or tubes will not be included in any assessment.
- 8.34 Whist the kitchen space receives light and outlook from the south facing side

windows, the dining area is served by a main window in the front elevation which also provides light and outlook. There is a high a high-level window in the side elevation of the rear extension serving a sitting room. However, the sitting room has its main window in the rear elevation of the extension facing the rear garden.

- 8.35 Having regard to the internal arrangement of no.21, it is not considered that the proposed building would conflict with guidance on the obstruction of light, as advised in the SPG. It is also necessary to consider whether the building would 'overbear' the neighbour's property and whether it would result in a sense of domination from the outside spaces.
- 8.36 As initially proposed, a 4.5 metre long cantilevered 'box' element projected from the side elevation of the unit to within approximately 0.4 metres of the boundary. The proposed two storey side elevation of the dwelling would have extended for approximately 17.0 metres from front to rear.
- 8.37 The agent has sought to address these concerns by removing the cantilevered box from the scheme, moving the rear half of the first-floor side elevation approximately 1.8 metres further from the boundary and reducing the overall depth of the building. As a consequence of these alterations, the side elevation of the unit at two storey level will be sited between 6.1 metres and 7.8 metres from the side elevation of no.21.
- 8.38 Although the proposed building will undoubtedly result in a change in the outlook experienced by the occupiers of no.21 in views to the south of the property, the amended scheme is considered acceptable in terms of its likely impact on the occupants' living conditions having regard to the Council's guidance on this matter.
- 8.39 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'
- 8.40 Proposed rear gardens of approximately 78.0 sq. metres and 90 sq. metres are provided for units 19b and 19a which exceed the Council's minimum guidelines and are considered to provide sufficient outdoor space for family occupation.
- 8.41 The application is supported by A Bat Survey Report which concludes that no direct evidence of bat use was identified and the bungalow was assessed as having negligible potential for bat use. The report states that the building and its condition offered very limited opportunities for bat occupation and roosting potential.
- 8.42 To address the Local Planning Authority's legal responsibility to preserve and enhance biodiversity under the Wales Environment (Wales) Act 2016, the report recommends ecological enhancement measures such as the creation of a bat roost for crevice dwelling bats, bird bricks and the installation of bat boxes.

8.43 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

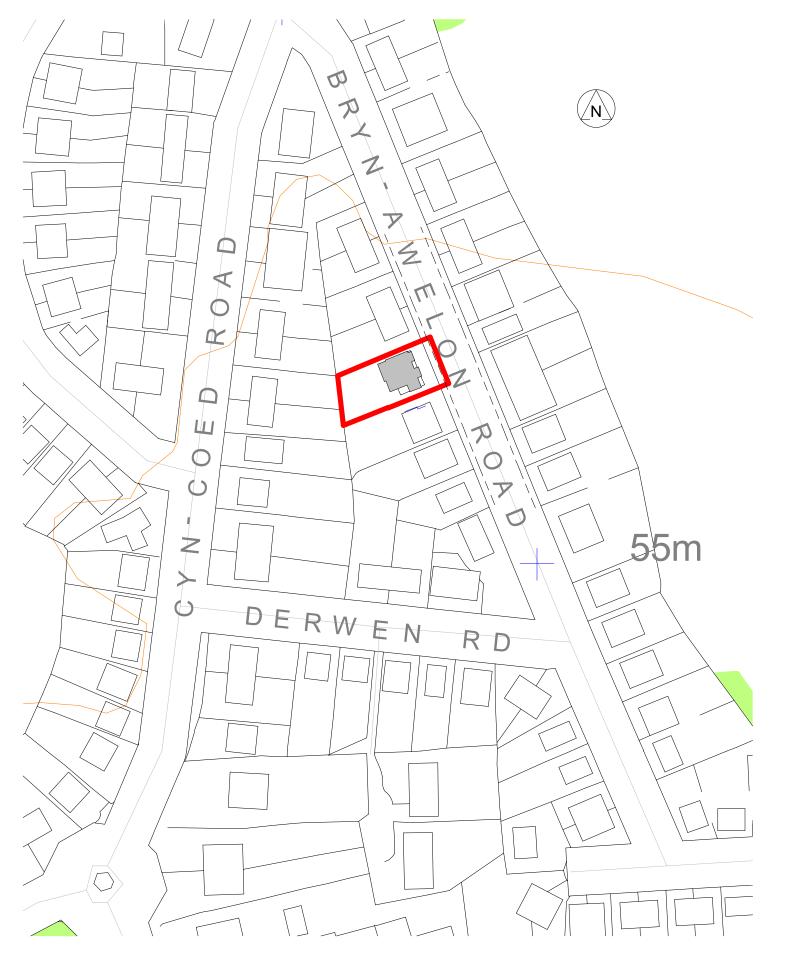
The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, 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

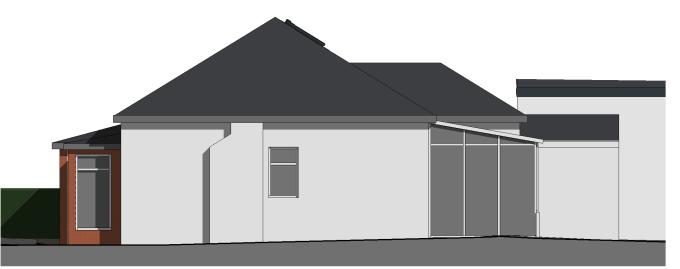
The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications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

Author -

first issue



Site Location Plan





North Existing
1:100

2 East Existing



3 South Existing

West Existing

first issue Author - by date

19 Bryn-Awelon Rd
Andrew Smith

Existing Elevations

Job no. drawing no. rev status scale @ A3
283 A(P)-04 Planning 1:100

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5	Updated Render for Planning Application	CM	18/02/2022
4	Parapet to side reduced	CM	11/02/2022
3	Reduced first floor cantilever box	KM	31/01/22
2	Building moved and reduced in size	CM	20/01/22
1	Roof Box removed	CM	23/12/21
	first issue	Author	06/07/21
rev	description	by	date

19 Bryn-Awelon Rd Andrew Smith

Site Plan

283 A(P)-05 ^{rev} 5 status Planning

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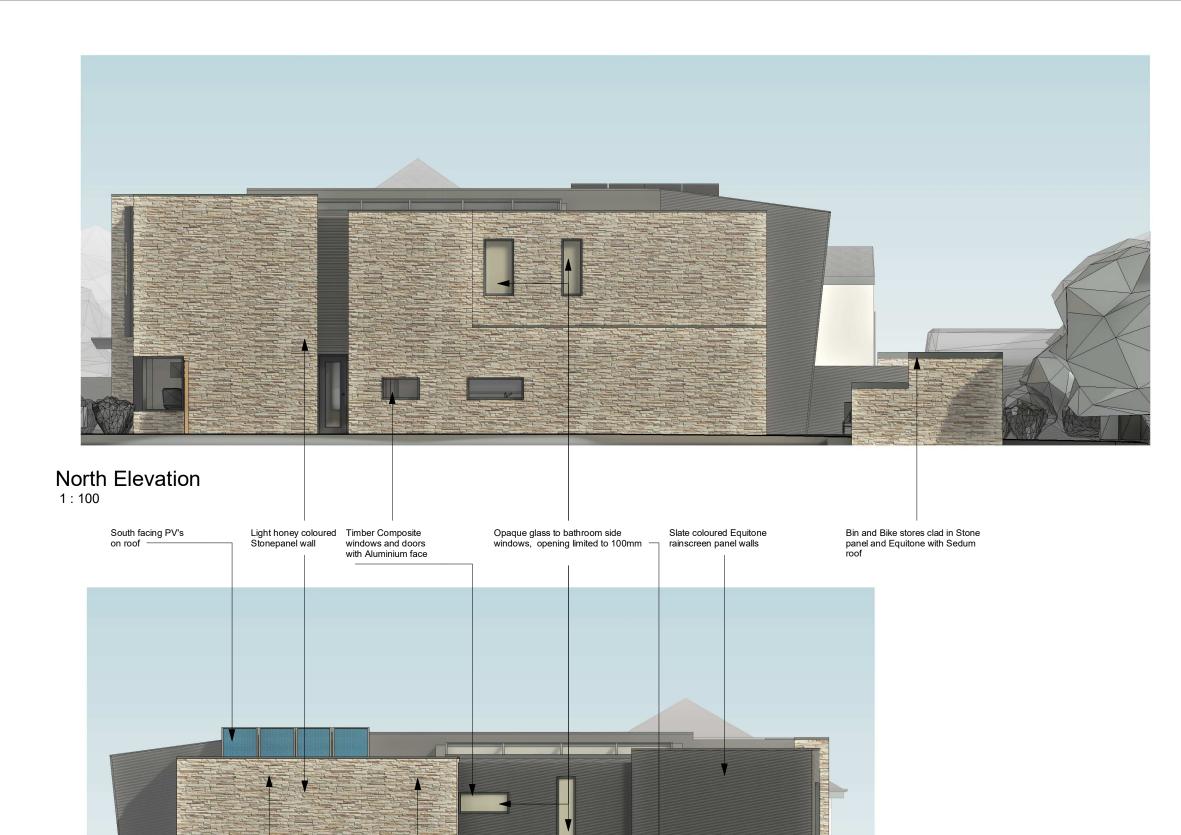
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Porch in PPC

Aluminium to match windows

Timber slatted fence

Updated Render for Planning 18/02/2022 Application Parapet to side reduced 11/02/2022 Reduced first floor cantilever KM 31/01/22 Building moved and reduced in CM 20/01/22 Roof Box removed CM 23/12/21 first issue Author 06/10/21 19 Bryn-Awelon Rd

Andrew Smith

Proposed Side and rear Elevations

status Planning

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2 bat boxes within cladding

box Building moved and reduced in CM 20/01/22	22
size Roof Box removed CM 23/12/21	
first issue Author 10/05/21	
ev description by date	

19 Bryn-Awelon Rd Andrew Smith

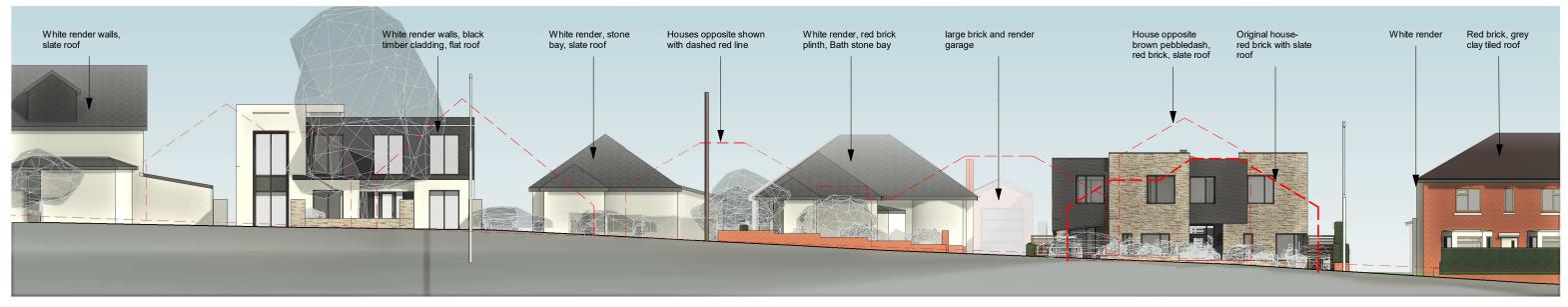
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status Planning

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Bryn-Awelon Road Elevation











4	Parapet to side reduced	CM	11/02/2022
3	Reduced first floor cantilever box	KM	31/01/22
2	Building moved and reduced in size	CM	20/01/22
1	Roof Box removed	CM	23/12/21
	first issue	Author	07/12/21
rev	description	by	date

19 Bryn-Awelon Rd

Andrew Smith

Main Street Elevations and views

283 A(P)-10 rev

Planning As indicated

DOWNS MERRIFIELD architects

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5	Updated Render for Planning Application	CM	18/02/2022
4	Parapet to side reduced	CM	11/02/2022
3	Reduced first floor cantilever box	KM	31/01/22
2	Building moved and reduced in size	CM	20/01/22
1	Roof Box removed	CM	23/12/21
	first issue	Author	07/09/21
rev	description	by	date

19 Bryn-Awelon Rd Andrew Smith

Proposed Front View

283 A(P)-13 5 Planning



5	Updated Render for Planning Application	CM	18/02/2022
4	Parapet to side reduced	CM	11/02/2022
3	Reduced first floor cantilever box	KM	31/01/22
2	Building moved and reduced in size	CM	20/01/22
1	Roof Box removed	CM	23/12/21
	first issue	Author	07/09/21
rev	description	by	date

19 Bryn-Awelon Rd Andrew Smith

Proposed Rear View

283 A(P)-14 5 status Planning

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West Elevation

1:100

Bin and Bike stores clad in Stone panel and Equitone with Sedum roof

Proposed Front and Rear Elevations

job no. drawing no. 283 A(P)-11

Planning

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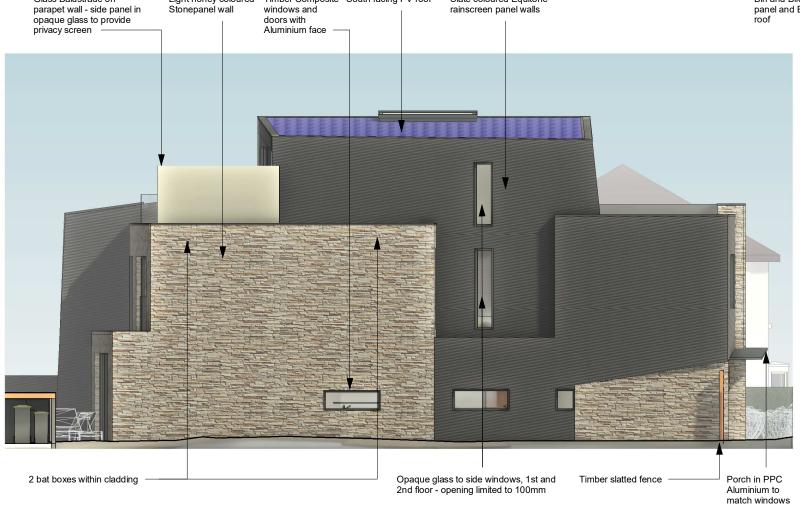
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South Elevation

first issue

Author

06/10/21

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19 Bryn-Awelon Rd

Andrew Smith

Proposed Side and rear Elevations

job no. drawing no. 283 A(P)-12

status Planning

scale @ A g 1 : 10





Bryn-Awelon Road Elevation











07/12/21 first issue Author

19 Bryn-Awelon Rd Andrew Smith

Main Street Elevations and views

job no. drawing no. 283 A(P)-10

Planning

scale @ A3 1:200

DOWNS MERRIFIELD architects

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first issue

Author 07/09/21

19 Bryn-Awelon Rd Andrew Smith

Proposed Front View

status Planning

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283 A(P)-13