

Application No: **20/01674/MNR**



PERMISSION FOR DEVELOPMENT

To:
Mrs Dallimore
C2J Architects & Town Planners
UNIT 1A COMPASS BUSINESS PARK
PACIFIC ROAD
OCEAN PARK
CARDIFF
CF24 5HL

Town and Country Planning Act 1990 (As Amended)
Town and Country Planning (Development Management Procedure) (Wales) Order 2012

WHEREAS you submitted an application for Full Planning Permission received on 24/08/2020 for: CONSTRUCTION OF A SINGLE DWELLING, ON SITE PARKING, GARAGE AND PRIVATE AMENITY SPACE at LAND OPPOSITE ST EDERYN'S CHURCH, CHURCH ROAD, OLD ST MELLONS, CARDIFF, CF3 6YA (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with the application and plans submitted therewith, subject to compliance with the conditions specified hereunder:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

AL (00)03 Rev B, AL (00)04 Rev B, AL (00)01 rev C, AL (90)02 Rev C, AL (00)02 Rev A

Reason: To ensure satisfactory completion of the development and in line

with the aims of Planning Policy Wales to promote an efficient and effective planning system.

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

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

4. Notwithstanding the submitted 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 use.

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

5. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Scaled planting plan
- Plant schedule
- Topsoil and subsoil specification (informed by the Council's approved Soils and development Technical Guidance Note)
- Planting methodology
- Aftercare methodology
- Implementation programme

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

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) no further windows shall be inserted in the dwelling.
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.

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

- i) The first floor windows in the northwest elevation of the dwelling facing Ali Garh;

The roof lights in the south west roof plane of the proposed dwelling and the roof lights in the northwest roof plane of the garage shall be installed so that their lower sill levels are a minimum of 1.7 metres above internal floor level and thereafter be so retained.

For the avoidance of doubt, there shall be no roof lights in the north west roof plane of the proposed dwelling, as shown on drawing AL (00) 04 Rev B.

The roof area of the rear pergola/canopy shown on drawing AL (00)03 Rev B shall not be used as a balcony, roof garden 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.

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 2.63 of the Cardiff Unitary 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. Notwithstanding the submitted details, prior to the erection of the dwelling hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority.
Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development. Foul drainage serving the proposed development shall to be connected to the mains sewer unless otherwise agreed in writing by the Local Planning Authority.

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 and in accordance with Policy EN10: Water Sensitive Design of the Cardiff Local Development Plan and Welsh Government Circular 008/2018 which advises that the first presumption is to provide a system of foul drainage discharging into a public sewer.

14. The car parking spaces shown on the approved plans shall be provided prior to the development 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. No obstruction to vision exceeding 1.0 metre in height shall be placed within the vision splay area shown on drawing ref. AL (90) 02C.
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.

16. No clearance of trees, bushes, shrub and scrub vegetation shall take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority.
Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1) (b). It is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

17. Notwithstanding the submitted plans, construction of the dwelling hereby approved shall not take place until plans showing details of the proposed floor level of the dwelling in relation to the existing ground level and the finished levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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.

Dated: 01/12/2020



James Clemence
HEAD OF PLANNING
County Hall, Cardiff, CF10 4UW

It should also be noted that:

1. 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.
2. 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.

- 3 The applicant is advised to secure the consent of the Operational Manager, Asset Management (via 'highwaysnetworkmanagement@cardiff.gov.uk') prior to undertaking any works within the adopted highway.
4. The applicant is advised that developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications. Individual 140 litre/240 litre wheeled bins can be purchased via waste Connect to Cardiff at (029) 2087 2087. Bulk supply of individual bins, or 660litre/1100 litre wheeled bins should be ordered via our bin order form located at www.cardiff.gov.uk/wasteplanning.
5. Welsh Water/Dwr Cymru advises as follows:

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. However, it is unclear how the site is to discharge foul flows to the public sewerage system and we advise a connection cannot be made to the rising main located in the adjacent main road as this is a pressurized system.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water 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.

If you have any queries regarding these matters, Welsh water/Dwr Cymru can be contacted on 0800 917 2652 or via email at developer.services@dwrcymru.com

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

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

PLANNING DECISION NOTICES: ADDITIONAL 1 INFORMATION

APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS AND CERTIFICATE OF LAWFUL USE

(i) Appeals

An appeal can be made to the National Assembly for Wales against the City of Cardiff's refusal of planning permission for the proposal or to grant it subject to conditions (see Section 78 of the Town and Country Planning Act 1990). This must be made within 6 months for most applications, and 12 weeks for household applications and A1, A2 and A3 commercial applications.

The Secretary of State may not consider an appeal if it appears that the City could not have granted planning permission for the proposal, or could not have granted it without the conditions it imposed, having regard to the statutory requirements or to the provisions and directions of the development order.

(ii) Purchase Notices

The land or property owner may be able to serve a purchase notice on the City if it has refused permission to develop land or has granted it subject to conditions. In order to serve a purchase notice the owner must show that the land can neither be put to a reasonably beneficial use in its existing state and is not capable of reasonably beneficial use by the carrying out of other development which has been or would be permitted.

A purchase notice will require the City to buy the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(iii) Compensation

It may be possible to claim compensation from the City if permission is refused, or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him (see Section 137 and related provisions of the Town and Country Planning Act 1990).

APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

(i) All advertisements (and any site used for the display of advertisements) granted consent must :

- (a) be maintained in a clean, tidy and safe condition;
- (b) not be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission; and
- (c) not be displayed or sited so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to make hazardous the use of any highway, railway, waterway or aerodrome.

Any existing advertisements which need to be removed shall be removed to the reasonable satisfaction of the City.

- (ii) Appeals can be made to the Planning Inspectorate, if consent is refused by the City or is granted subject to conditions, or for less than 5 years. Appeals must be made within 8 weeks from the date of the decision. Appeals must include copies of the application with all relevant submitted plans, correspondence and the decision notice (see Town and Country Planning (Control of Advertisements) Regulations 1992).

APPLICATIONS FOR LISTED BUILDING CONSENT OR CONSERVATION CONSENT

- (i) **Appeals**
An appeal can be made to the Planning Inspectorate (normally within 6 months or 12 weeks for household applications and A1, A2 and A3 commercial applications) against the City's decision to refuse consent for the proposal or to grant consent subject to conditions (see regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990).
- (ii) **Purchase Notice**
The property owner may be able to serve a purchase notice on the City if it has refused consent or granted it subject to conditions. In order to serve a purchase notice the owner must show that the property can neither be put to a reasonably beneficial use in its existing state and is not capable of reasonably beneficial use by the carrying out of other development which has been or would be permitted.

A purchase notice will require the City to buy the owner's interest in the property in accordance with Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (iii) **Compensation**
It may be possible to claim compensation from the City if consent is refused, or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him (see Section 27 of the Planning (Listed Building and Conservation Area) Act 1990).

ACCESS TO BUILDINGS FOR DISABLED PERSONS

Please consider adequate provision for access to buildings which disabled persons are likely to use such as shops, offices, factories, railway premises and educational establishments. (See Section 76 of the Town and Country Planning Act 1990). Please contact the Building Control Division, PT&E, County Hall, Atlantic Wharf, Cardiff, CF10 4UW for further advice. (Phone :029 2233 0381/2/3).

**PLEASE CONTACT THE NATIONAL ASSEMBLY FOR WALES,
PLANNING INSPECTORATE, CROWN BUILDING, CATHAYS
PARK, CARDIFF, CF10 3NQ FOR DETAILS OF APPEAL
PROCEDURES AND FORMS:
TEL : 0303 444 5940**

Email: wales@pins.gsi.gov.uk