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Committee PLANNING COMMITTEE

**Date and Time
of Meeting** WEDNESDAY, 9 DECEMBER 2015, 2.30 PM

SUPPLEMENTAL PAPERS

Please find attached supplemental papers for the above meeting.

Marie Rosenthal
Director, Governance and Legal Services

Date: 9 December 2015
Contact: Kate Rees, 029 2087 2427, krees@cardiff.gov.uk

a Late Reps (*Pages 1 - 10*)

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LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 9TH DECEMBER 2015

PAGE NO. 25	APPLICATION NO. 15/2311/MNR
ADDRESS:	597 COWBRIDGE ROAD EAST, CANTON
FROM:	Cllr Richard Cook
SUMMARY:	Advises that he does not request a site visit as stated in his comments on the report
REMARKS:	Noted, advise that Cllr Cook is correct in that he did not request a site visit for this application and this was added inadvertently by officers.

PAGE NO. 38	APPLICATION NO. 15/966/MJR
	Windsor Buildings
FROM:	Agent
SUMMARY:	<p>Has provided a response to the reasons for refusal recommended in the report, and requested a deferral of the determination of the application.</p> <p>Reason 1</p> <p>Access</p> <p>A Transport Review submitted as part of this application, has been undertaken by transport planning specialists, Vectos. The Transport Review concludes that the site is sustainably located, with a 'plethora of local amenities within comfortable walking and cycling distance and a range of travel options by bus and train to get to destinations further afield. The development also proposes safe and sheltered cycle storage and hence is compliant with the cycle policy within Cardiff SPG. As such, the development should be supported'.</p> <p>Residential Amenity</p> <p>The development has been carefully designed to offer the best possible levels of amenity given the constraints of the site, and the resultant development offers more than adequate levels of residential amenity.</p> <p>The apartment sizes range from 49.87 square metres through to 64.08 square metres, and are accordingly significantly larger in size than the generally accepted minimum floor area which is required by the Local Planning Authority of 30 square metres. Accordingly, the generous floor areas proposed, and the accommodation provided would be constructed to the high standard and specifications required by the Registered Social</p>

Landlord. It should be noted that Taff Housing has expressed interest in taking this scheme forward and implementing the permission, should planning permission be granted.

The Local Planning Authority initially raised concerns regarding the impact of noise levels from the adjacent car repair garage upon the residential amenity of the occupiers of the proposed development.

Accordingly an Acoustic Survey was commissioned to ascertain whether this was indeed an issue which would require further mitigation, or would prevent the residential development of the site. The Noise Impact Assessment was carried out by Acoustics & Noise Limited, and the completed report submitted to the Local Planning Authority on 10th November 2015. The assessment concluded:

Road Traffic Noise

'The assessed road traffic noise levels at the site will exceed the criteria issued by Cardiff City Council by 3dB for a number of units during the daytime period. Units 1, 6, 13 will be the only units within the development that will be exposed to road traffic noise levels that exceed the criteria issued by Cardiff City Council and should therefore be subject to sound insulation measures in order that the required internal noise levels can be achieved. During the night time period the assessed road traffic noise levels at the site were equal to the criteria issued by Cardiff City Council.

There are no external amenity areas associated with the proposed development, therefore the maximum external daytime noise criteria for "private open spaces" does not apply'.

Automotive Garage Sound

'It was not possible to carry out an impact assessment of the garage activities due to the high ambient sound levels and subjectively this assessment concludes that the specific sound source will likely have a low impact on the occupants depending on the context.

In this case, the context is that the garage activities are conducted within the garage whilst the sensitive receptors are inside. There are no sensitive outdoor amenity areas within the proposed development. Furthermore, there is a recent residential development immediately to the west of the garage'.

The Noise Impact Assessment recommended that 'habitable rooms within units 1, 6 and 13 should be subject to sound insulation measures in order for the required internal noise levels to be achieved. It is recommended that the sound insulation measures comprise standard thermal 4/20/4 glazing in the closed position. Note there are no requirements for these windows to be permanently closed. For all rooms where sound insulation measures are recommended, an alternative active ventilation system should be in place to provide the required ventilation rates'.

Soft Landscaping

The proposed development occupies the same footprint as the existing building on site. Accordingly there is no loss of soft landscaping. There would be no opportunity to provide soft landscaping on the site, whilst providing an efficient use of the site, due to its shape, context and relationship with surrounding buildings. It is important to note that the site is located within a highly urbanised location, with a number of other residential schemes within close proximity to the site which do not benefit from either outdoor amenity space or soft landscaping. The most notable example would be that of the former Plymouth Hotel at 171 Clive Street (Planning Permission No. 07/02356/C) which granted permission for 18 No. residential units. The scheme, which has since been implemented, provides no amenity space, other than on balconies for some, and no soft landscaping.

It should also be noted that the application site is within 87 metres of a very large area of public open space known as The Marl, which contains public footpaths, natural turf and hard surfaced sports pitches along with open grass playing fields.

Street trees

The Council's Tree Officer has raised objections regarding the impact upon street trees adjacent to the proposed development (on South Clive Street). Discussions with the Parks Department who are responsible for the street trees has been productive, and the applicant has obtained their support for the scheme, provided a financial contribution is made to the LPA to cover the cost of the on-going maintenance of the street trees, should there be future requests to lop the trees if their canopies extend within close proximity to the façade of the proposed building. Furthermore, the

applicant has agreed to fund the provision and maintenance of a new tree which would be planted on The Marl, (public open space within close proximity to the site).

Reason 2

Future Development of the Automotive Garage to the West of the Site

The applicant does not consider that the proposed development of this site would prejudice the future potential for development of the adjacent operational garage. Firstly it is important to acknowledge that there are no guarantees that the adjacent site will come forward for future development. The automotive garage is still in operation, and the redevelopment of the site does not have any specific planning status – i.e. it is not the subject of a current planning application, and is not specifically allocated for redevelopment within the current or emerging development plan. Accordingly, it would not be logical to miss an opportunity to provide 19 much needed affordable housing units in the hope that the adjacent site may potentially become available for redevelopment at some stage in the future. It should be noted that the applicant advises he has made every effort to encourage the adjacent landowner to come forward with a joint application.

Notwithstanding the above, should a proposal for residential development come forward on the automotive garage to the west of the site, it is considered that a large proportion of the site would be significantly constrained by the residential properties further west on Ferry Road and York Place. The potential undevelopable area is shown on the map below: MAP (As per the original submission)

It is accordingly considered that existing site constraints would influence and dictate any development on the automotive garage site, as opposed to any development on the site subject of this application.

Business Interest of the Existing Auto Repair Garage Operation

Furthermore, as evidenced above by the Noise Impact Assessment which was submitted to the LPA, the applicant has provided clear unequivocal evidence that the relationship between the proposed residential development and the existing automotive repair garage

	<p>would be acceptable. Noise from the automotive repair garage was inaudible above background noise levels. Accordingly this aspect of recommended reason for refusal 2 should be deleted.</p> <p>Affordable Housing It is acknowledged that as the application has not been submitted by a Registered Social Landlord the application is being assessed as an open market scheme as opposed to an affordable housing scheme. It is important to understand that the applicant may not be Registered Social Landlord, however, the proposal is for a 100 percent affordable housing scheme. Registered Social Landlord Taff Housing has expressed a firm interest in taking the scheme forward and as such the applicant would be agreeable to the scheme being secured as social housing via a Section 106 agreement.</p> <p>Summary This application offers a significant opportunity to secure 19 affordable housing units within an area with a demonstrably high level of need. Furthermore, the proposal would offer a residential scheme of appropriate density within a highly sustainable urban location, with excellent access to public transport, facilities and services.</p>
REMARKS:	<p>The response appears essentially a repetition of information submitted as part of the application / supplementary information and plans; and to cover matters which the planning officer considers are not resolvable. Members are recommended to determine the application.</p> <p>No Change to recommendation.</p>

PAGE NO. 58	APPLICATION NO. 15/01137/MJR
ADDRESS:	38-48 CRWYS ROAD, CATHAYS
FROM:	Neighbourhood Regeneration Manager
SUMMARY:	In accordance with the adopted SPG 'Community Facilities and Residential Development', as no on site community are provided, a financial contribution of £25,010 is requested.
REMARKS:	The request has been passed to the agent, who has advised that the requested sum is acceptable.

	The requested contribution should be read and actioned along with the other matters outlined in paragraph 8.10 of the relevant report to Committee.
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PAGE NO. 138	APPLICATION NO. 15/02236/MJR
	Custom House
FROM:	Agent/Applicant
SUMMARY:	Has confirmed willingness to undertake further survey work and any necessary mitigating measures should Bats be confirmed in the buildings; but asks if conditions relating to protected species might be amended to allow for survey work before May next year as the build programme would be set back by a whole year if the demolition works were subject to 'flight' surveys.
REMARKS:	<p>The Council's ecologist has suggested that 'fingertip' and borescope surveys may provide a better indication of the presence of bats (or otherwise) in months outside of the flight survey period.</p> <p>That condition 30 be modified as follows:</p> <p><i>30. No demolition of the York Hotel shall take place until such time as further investigative surveys for Bats have taken place in accordance with the recommendations of the Preliminary Bat appraisal submitted in support of the application, or other such survey methodology as may be agreed by the Local Planning Authority.</i></p> <p><i>Reason: To confirm or otherwise the presence of any protected species.</i></p>

PAGE NO. 138 & 184	APPLICATION NO. 15 / 2236 & 15/ 2261/ MJR
ADDRESS:	Custom House and York Hotel
FROM:	The Victorian Society
SUMMARY:	<p>Lodge a strong objection. ...</p> <p>Considering that if implemented the scheme would cause substantial and unjustified harm to the significance of the listed building and its setting' and positive contribution it makes to the setting of the nearby Conservation Area.</p> <p>The proposed scheme would entail the substantial</p>

	<p>demolition of the listed building, retaining only the majority of the north and west elevations to clad five storeys of purpose-built student accommodation within and is not sufficiently justified.</p> <p>The dramatic increase in height and volume would cause substantial harm to the appearance of the building and would erode its strong sense of formality and pleasing proportionality. The harm would be further compounded by the dark grey aluminium-framed curtain glazing in the upper storeys, which would be wholly alien and jarring.</p> <p>The VS object also to the proposed demolition of the former York Hotel. Which they perceive as an attractive, pleasingly detailed building, which reinforces Cardiff's distinctive nineteenth-century character, and precisely the sort of building the Council should seek to preserve as it contributes very positively to the setting of the listed Custom House and St Mary Street Conservation Area; and that the replacement building is of unsympathetic design, inappropriate height and materials.</p> <p>The VS make suggestions as to how the site might be alternatively developed.</p>
REMARKS:	<p>Noted</p> <p>These matters are covered within the report(s)</p>

PAGE NO. 167	APPLICATION NO. 15/2257/MJR
ADDRESS:	FITZALAN COURT, NEWPORT ROAD
FROM:	Pollution Control (Noise & Air).
SUMMARY:	<p>Consultation response received 30th November 2015. Objects to an A3 retail use at ground floor on smell and noise nuisance grounds.</p> <p>Noise: Requests standard road traffic noise, railway noise, sound insulation, opening hours, delivery times, and plant noise conditions.</p> <p>Air Quality: Raises concerns over the impact of poor air quality on the health of the future occupiers. Notes that the AQ assessment submitted as part of the application recognises the problem and proposes appropriate mitigation measures. Requests a condition requiring details of the proposed mitigation prior to commencement, and</p>

	<p>implementation prior to occupation.</p> <p>Because the introduction of residential development into the area will place an additional burden on the Council's resources by way of ongoing monitoring, review and assessment, as required by statute, a 106 contribution of £7,500 to fund additional NO2 monitoring in the immediate area over a five year period is requested.</p> <p>Also requests construction site noise, illuminated advertisements, and smoking areas advisories.</p>
REMARKS:	<p>Noise and air quality issues are addressed in the analysis section of the officer's report (paras 8.20 to 8.27).</p> <p>The A3 use is considered acceptable subject to a restriction to café and restaurant use only, no takeaway sales, opening hours, and future kitchen extraction conditions. A delivery hours condition is not considered necessary given the nature of Newport Road.</p> <p>Standard road traffic noise, sound insulation and plant noise conditions are imposed. A railway noise condition is not considered necessary given the separation distance (approx. 100m).</p> <p>An air quality condition is attached requiring details of a scheme of mitigation in line with the AQ Assessment prepared by the applicant. To be submitted prior to commencement, and the scheme to be implemented in accordance with the approved details prior to occupation.</p> <p>A separate late rep has been submitted requiring a 106 contribution of £7,500 towards AQ monitoring.</p>

PAGE NO. 167	APPLICATION NO. 15/2257/MJR
ADDRESS:	FITZALAN COURT, NEWPORT ROAD
FROM:	Head of Planning.
SUMMARY:	<p>Air quality monitoring 106 financial contribution. Pollution Control have requested a Section 106 financial contribution of £7,500 towards air quality monitoring.</p> <p>Paragraph 9.2 to read:</p> <p>The granting of planning permission is recommended subject to conditions being imposed and a legal agreement that restricts the development to student use only and secures financial contributions towards employment</p>

	<p>creation, community facilities, public open space, highways/ public realm improvements, and AQ monitoring, as follows:</p> <ul style="list-style-type: none"> • A financial contribution of £87,500 towards supporting and developing companies within the city centre area. • A financial contribution of £135,000 towards the provision of open space off-site or the improvement (including design and maintenance) of existing open space in the vicinity. • A financial contribution of £45,000 towards the improvement of community facilities in the vicinity. • A financial contribution of £75,000 towards public realm improvements on Newport Road and Fitzalan Road. • A financial contribution of £7,500 towards air quality monitoring over a 5 year period in the immediate vicinity of the site.
REMARKS:	<p>The financial contribution towards AQ monitoring is considered acceptable. The contribution towards supporting and developing companies within the city centre area has been reduced accordingly. The total of \$350,000 agreed with the developer is therefore unchanged.</p>