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LATE REPRESENTATIONS

Committee PLANNING COMMITTEE

Date and Time of Meeting WEDNESDAY, 14 SEPTEMBER 2016, 2.30 PM

Please see attached Late Representation Schedule received in respect of applications to be determined at this Planning Committee

Late Reps Schedule 14.09.16 (*Pages 1 - 10*)

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LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 14th SEPTEMBER 2016

PAGE NO. 1	APPLICATION NO. 16/00256/MJR
ADDRESS:	LAND TO REAR OF 90 MINNY STREET, CATHAYS, CARDIFF
FROM:	Cllr Merry, Weaver & Knight (via Cllr Merry)
SUMMARY:	<p>Offers further comments in objection to the proposals as follows:</p> <p><u>Further objection from Cllrs Sarah Merry, Chris Weaver and Sam Knight</u></p> <p>We are making an additional late representation as we are concerned that guidance under the Council's SPG are not addressed by the current application or by the report. Cardiff Council has specific policy on infill development due to the particular sensitivities of this type of development.</p> <p>While the report refers to The Infill Sites Design Guide of 2011 as relevant policy we would wish to draw committee's attention to the following sections:</p> <p>1.3 The overarching aims for this SPG are that infill development:</p> <ul style="list-style-type: none"> ● Protects residential amenity, both of new and existing occupiers; ● Makes a positive contribution to the creation of distinctive communities, places and spaces; ● Is of good design which encompasses sustainability principles; ● Responds to the context and character of the area; ● Makes efficient use of brownfield land. <p>2.3 All development must be of good design and make a positive contribution to the adjacent townscape/landscape; should always make a positive contribution to the context of the area.</p> <p>We do not believe that the report addresses the aim of the SPG that this type of development should protect the residential amenity of the new occupiers or the principle should be a <u>positive</u> contribution to the landscape and local area</p> <p>2.9 As a general rule, backland development should be a subservient form of development (lower than the front facing properties). Replacement or new developments within similar sites should reflect this traditional pattern of development.</p>

This development is clearly not subservient to the surrounding properties. The majority of the properties are two storeys and much of the development would be three storeys. The fact that the existing building is 3 storeys is irrelevant and we would like to draw your attention to the fact that the guidelines specifically refer to replacement developments in this section of the guidelines. It does not state that this will be acceptable if replacing a building of the same height.

2.10 The design of backland development must be based on a clear understanding of the effects that this type of development has on character and residential amenity. Problems that can occur which must be avoided, or minimised to an acceptable level, are:

- Loss of privacy and spaciousness;
- Loss of daylight;
- Inadequate access;
- Loss of green/garden space;
- Loss of car parking;

Again the guidelines recognise the specific sensitivities of infill development in terms of loss of privacy, spaciousness, daylight, access which we do not feel are addressed by this planning application

2.14 It is important to strike a balance between maintaining the established positive character of a residential street and introducing additional housing. To avoid a ‘town cramming’ effect, any proposals must:

- Maintain a useable amenity space or garden for new as well as any existing dwellings/occupiers;
- Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site;
- Maintain appropriate scale and massing which respects buildings in the vicinity of the site;

The guidelines specifically refer to the need to avoid the “town cramming effect” which we believe this development creates in terms of density, massing and scale. We have particular concerns about the usable amenity space for the residents in view of the amount and also the character. If for example you consider the space between the proposed building and the wall backing on to May Street this will be overshadowed and more akin to a passageway than usable, pleasant amenity space in view of its width. The report states: *“It is acknowledged that the available amenity space is limited, and its arrangement is constrained by the layout*

of the proposed development” . We would argue that consideration of the constraints of the site should have been central when the developers were considering the density of the site rather than this being given as a reason for allowing the development. While the council is requesting section 106 payment towards open space it should be noted that there is no open space within close proximity of the site.

3.8 Infill, backland and site redevelopment must result in the creation of good places to live. This needs to be demonstrated through the quality of internal living space; private amenity space; and through adherence to principles relating to access, security, and legibility.

Please refer to our point above.

3.23 The character analysis should show how the infill development has taken account of and responded to existing building heights (number of storeys and floor to ceiling heights), scale and massing of buildings in the street.

As above – the building is significantly higher than surrounding buildings as is the massing.

3.24 For a backland site, a less conspicuous building of a lower scale in building height is often more appropriate to minimise overbearing and reduce impact on residential amenity

Again – as above

3. any increase in the intensity of existing accommodation will mean that careful consideration will need to be given to innovative solutions for useable amenity space, car parking provision, cycle storage and refuse storage facilities.

We do not believe that this has been addressed by the application

3.41 All developments must demonstrate how they positively contribute towards safe and secure Environments

There are specific concerns from residents about the impact on the security of their properties with the opening up of this plot and the reduction in the wall height. There are also specific concerns about the access from May Street which will open up a passage way which is currently secure, even if this is locked we

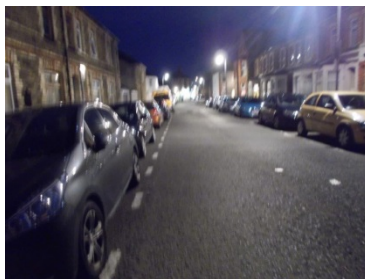
	<p>know from other examples that it is likely to be left unsecured by residents wanting easy access.</p> <p>4.1 Any infill, backland or site redevelopment must consider both the new and future occupiers' amenity, as well as neighbouring amenity of nearby dwellings.</p> <p>As above</p> <p>4.2 All new residential dwellings, as well as existing dwellings affected by the development, should maintain useable and appropriate external amenity space. This space should be integrated within the design proposals and not just be 'left over space' after planning.</p> <p>As above – and we have emphasised that it specifically states that amenity space must not be left over space after planning.</p> <p>4.9 The minimum overlooking distance from a habitable room window to a garden area of a separate dwelling should be 10.5m. Relying on obscurely glazed windows or non-opening windows is not a preferred means of achieving privacy.</p> <p>The report recognises that this is not the case with the current application. Residents have made the point that while the existing building may be 3 storeys that it is very different to have people occupying a residential property.</p> <p>4.11 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.</p> <p>We believe that the overshadowing and overlooking of neighbouring properties has not been given proper consideration. In fact the pictorial example of bad planning in the guide is not dissimilar to the current application.</p> <p>We also include a number of pictures supplied by a local resident. The first showing the kind of waste issues generated by an adjoining flat conversion owned by the developer:</p>
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Parking in Dalton Street in the evening – bear in mind this is at a time when the students are not around:



The introduction of 75% resident parking would not resolve the issues as there is a luncheon club used by many elderly people which as a result use cars to access the club and would be unable to park in the vicinity.



REMARKS:

Whilst the comments are noted, it is considered that the issues of design, scale & massing, amenity, parking, cycle parking, refuse storage, security and overlooking/privacy have been addressed in the report.

The application has been considered internally by the Transportation Service, Pollution Control, Parks and Waste Management, and externally by South Wales Police. Subject

	to conditions and advice, no objection is raised.
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PAGE NO. 1	APPLICATION NO: 16/00256/MJR
ADDRESS:	LAND TO REAR OF 90 MINNY STREET, CATHAYS, CARDIFF
FROM:	Councillor Clark
SUMMARY:	<p>I am writing in support of local residents in their objection to the proposed development to the rear of 90 Minny Street, Cathays on the following grounds:</p> <ul style="list-style-type: none"> • The height of the proposed development will overlook neighbouring residential properties resulting in an overbearing development and an invasion of privacy. • The proposed development has insufficient on site allocation of car parking spaces. There are no allocated disabled spaces. We have seen again and again in Cathays that even if residents of developments are advised not to bring cars they do anyway. • Having such a high concentration of people living in such a small area is likely to lead to excessive noise and disturbance • The way the development is designed is likely to breach the security of neighbouring properties • There has been very poor consultation and resulting misunderstanding regarding this development. As a result it has not been possible to submit an earlier petition.
REMARKS:	<p>An assessment of height, overlooking, parking, noise, disturbance and security are considered in the Report.</p> <p>With regard to the consultation process, the application was received on 16 February 2016 with local ward councillors consulted on 25 February. The statutory public consultation was undertaken between 25 February 2016 and 24 March 2016 through site and press notices and letters to adjacent neighbours. Further opportunities to comment on amended plans were also publicised in the appropriate manner. Details of the consultation responses received are included within Section 7 of the Report.</p>

PAGE NO. 1	APPLICATION NO. 16/00256/MJR
ADDRESS:	LAND TO REAR OF 90 MINNY STREET, CATHAYS, CARDIFF
FROM:	Mrs M Becher – Occupier 19 Dalton Street
SUMMARY:	<p>A representation was received by the LPA on Tuesday 13th Sept 2016.</p> <p>The cover statement and letter raise a number of issues, some of which are addressed in the report to committee dated 14th September 2016. Other issues raised include:</p> <ul style="list-style-type: none"> • Misrepresentation of the number of objections received, including a 50 signature petition; • Misrepresentation in referral to 19 Dalton St; • Non response to previous representations submitted; • The latest report to Committee indicating permission has already been granted; • Adequacy of the site visit of the 7th September 2016 as the Committee were unable to access the site; • Misrepresentation stating in the report that the occupiers of no. 19 Dalton St will benefit from an ‘enhanced environment’; • Misrepresentation in that the report states there will be ‘little disruption or noise pollution’; • The provisions of the Human Right Act have not been addressed. <p>The representation includes a number of supplementary photographs.</p>
REMARKS:	<ul style="list-style-type: none"> • Records relating to this application show that until the receipt of this late representation, 13 individual letters/emails had been received. There is no record of any petition. The total number of representations on record from No. 19 Dalton Street is 3, with a further letter apparently written on behalf of the occupier of no. 21 Dalton St; • The only direct referral to 19 Dalton St is contained in the ‘Facing Dalton Street’ section of para. 8.7 of the report. This referral is relating to the indication of separation distances and is a factual statement in respect of the submitted plans; • Individual representations to planning applications do not receive any formal response; • The current report does not indicate that planning permission has been granted. It makes a

	<p>recommendation that is to be considered by Planning Committee;</p> <ul style="list-style-type: none"> • The site visit of Sept. 7th was undertaken in the knowledge that the site would be inaccessible. It is for the Chair and Members of Committee to consider its validity; • The report does not state that occupiers of 19 Dalton Street will benefit from an 'enhanced environment'. Part 6 of para. 8.3 states '...it is considered that the scale and massing of Block 2 is such that the proposals result in a far more open environment'; • The report does not state that there will be 'little disruption or noise pollution'. Bullet point 13 of para. 8.8 provides an indication as to why the effects of construction works cannot reasonably justify refusal of consent; • With regard to development proposals and the provisions of the European Convention on Human Rights, the advice obtained from the Council's Legal Services is that - The established planning decision-making process assesses the impact which a proposal will have on individuals and weighs that against the wider public interest when determining whether development should be permitted. That is consistent with the requirements of the European Convention on Human Rights. <p>The full text of the representation and the supplementary photographs are available to review on line.</p>
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PAGE NO. 16	APPLICATION NO. 16/01709/MNR
ADDRESS:	"IN & OUT" SERVICE STATION, COWBRIDGE RD WEST, CAERAU
FROM:	Objectors
SUMMARY:	A petition of 85 names has been received objecting to the application on the grounds of traffic congestion, noise and air pollution.
REMARKS:	These issues are addressed in the committee report.

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