



County Hall  
Cardiff  
CF10 4UW  
Tel: (029) 2087 2000

Neuadd y Sir  
Caerdydd  
CF10 4UW  
Ffôn: (029) 2087 2000

## PAPURAU ATODOL

<b>Pwyllgor</b>	PWYLLGOR CYNLLUNIO
<b>Dyddiad ac amser y cyfarfod</b>	DYDD MERCHER, 8 TACHWEDD 2017, 1.30 PM
<b>Lleoliad</b>	YSTAFELL BWYLLGORA 4 - NEUADD Y SIR
<b>Aelodaeth</b>	Cynghorydd Keith Jones (Cadeirydd) YCynghorwyr Gordon, Ahmed, Asghar Ali, Congreve, Driscoll, Hudson, Jacobsen, Jones-Pritchard, Lay, Murphy a/ac Keith Parry

Y papurau canlynol wedi'i farcio ' i ddilyn' ar yr agenda a ddsbarthwyd yn flaenorol

### 7 **Atodlen Cynrychioliadau Hwyr** (*Tudalennau 1 - 48*)

**Davina Fiore**  
**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**  
Dyddiadd: Dydd Iau, 2 Tachwedd 2017  
Cyswllt: Kate Rees, 029 2087 2427, k.rees@cardiff.gov.uk

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

**LATE REPRESENTATIONS SCHEDULE**  
**PLANNING COMMITTEE – 8<sup>TH</sup> NOVEMBER 2017**

<b>PAGE NO. 47</b>	<b>APPLICATION NO. 17/00406/MNR</b>
<b>ADDRESS:</b>	<b>THE CAERAU, BISHOPSTON ROAD, CAERAU, CARDIFF</b>
<b>FROM:</b>	<b>Agent - Peter Waldren, White Young Green</b>
<b>SUMMARY:</b>	<p>Dear Councillors</p> <p>I am a planning agent instructed in respect of the above application. You may recall that this application came before you recommended for approval in September, where the committee resolved that the application should be reported back with suggested reasons for refusal. The application will come before you again on Wednesday.</p> <p>Since September, the application has been revised and accordingly, while Wednesday's report does provide wording for potential refusal reasons, a strong recommendation for approval remains.</p> <p>As you know, the applicant in this matter only has the right to speak at committee if the petitioner chooses to speak against the proposal. Accordingly, in the event that I am not able to address you in person, please find attached a copy of the covering letter which accompanied the revised plans. This addresses each of the issues discussed in the September meeting debate and sets out why, in our opinion, refusal of this revised application would be unsound and likely to be overturned at appeal. I am aware that some planning committees elsewhere consider talk of an appeal as a 'threat'. However, in this instance a contractual obligation exists to lodge an appeal in the event of a refusal, and accordingly it is appropriate that you are made aware of this fact. Your professional officers clearly do not believe a refusal can be justified and it is right that you take the likelihood of being able to defend an appeal and an application for costs against the Council into account in your ultimate decision.</p> <p>I hope to be able to address you in person on Wednesday but trust that the above and attached are of assistance in the event that I am not able to.</p> <p>Yours sincerely,</p> <p><b>Peter Waldren</b> Director</p>
<b>REMARKS:</b>	Noted



Our Ref: A105789  
Date: 29<sup>th</sup> September 2017

**FAO Jacqueline Howard**

Planning Department  
Cardiff Council  
Room 201  
County Hall  
Atlantic Wharf  
CARDIFF  
CF10 4UW

Dear Ms Howard,

**THE CAERAU, BISHOPSTON ROAD, CAERAU, CARDIFF, CF5 5DZ**  
**APPLICATION REFERENCE: 17/00406/MNR**

On behalf of our client we write in respect of the above application in order to address the comments of the Planning committee made at their meeting of 13<sup>th</sup> September 2017.

As you will be aware, the above application was initially reported to the August committee meeting with a recommendation for approval, whereupon the committee resolved to defer the application to allow a site visit. Accordingly, the application was brought back to the September committee meeting, again with a recommendation for approval.

A number of issues were raised by the petitioner, the Ward Councillor and members of committee, as follows:

- Competition with the shops opposite the site on Bishopston Road;
- Potential loss of employment;
- The Permitted Development rights for change of use from Class A3 (public house) to Class A1 (shops);
- The need for housing;
- Retail impact and the status of the Bishopston Road shops as a designated centre;
- Servicing;
- Design – scale and massing;
- Residential amenity, specifically noise and disturbance.

A number of the points raised were fully addressed by your response to the committee, specifically:

- That any loss of jobs from the existing convenience store on Bishopston Road (which the petitioner confirmed employed 10 people) would be compensated by the c.12 jobs created by the development. We would draw attention to that fact that the creation of 12 jobs is a conservative assumption. The Homes and Communities Agency's "Employment Density Guide, 3<sup>rd</sup> Edition" (November 2015) confirms that this type of retail development employs 1 member of staff (Full Time Equivalent) per 15-20 sq m NIA. The proposed development is 503 sq m GIA (which would net down to approximately 427 sq m NIA). **Accordingly, the development can be expected to create 21-28 FTE posts.**





- That the change of use from A3 to A1 is permitted development<sup>1</sup>. Given that the ground floor of the existing public house measures 501 sq m and the total floorspace is 599 sq m, it is clear that **these permitted development rights set a clear baseline against which the application proposal should be measured by the planning committee**. This is particularly important when considering the appropriateness of the use and implications for residential amenity, considered further below.
- That the need for housing, or any other form of development, is not a material consideration in the determination of this application. To take such a consideration into account would be to err in law.
- That the existing shops on Bishopston Road are not a designated shopping centre. District and Local centres are listed in full in LDP policies R4 and R5, with the nearest being the Local Centre at Caerau Lane. Accordingly, **the shops on Bishopston Road have no status and are afforded no protection by local or national policy**. To afford them any protection in determining this application would constitute unreasonable behavior.
- That the servicing arrangements are acceptable and utilize an existing access/egress. The servicing arrangements are clearly shown on the submitted plan and have been the subject of comments by the Council's Transportation Department resulting in the present configuration utilizing an existing access. **The Council's Transportation Department raise no objections to the proposed servicing**. Furthermore, the extant use of the existing premises as a public house, and therefore the ability to service the existing premises from the same location, set a clear baseline of acceptability.

The committee appeared to accept the response to the above points but ultimately resolved to have the report brought back before them with reasons for refusal specifically relating to:

1. Poor design by way of inappropriate massing and bulk; and
2. The inappropriateness of the use by reason of noise and disturbance.

My clients have considered these points and we are instructed to respond as follows:

## Design

It has already been noted that the site is not situated within a Conservation Area and does not comprise a listed building, nor does the site affect the setting of a listed building. Accordingly, while design is certainly a material consideration, no special duty exists to place additional weight on design matters.

Furthermore, it should be recognised that the existing building on the site is not of a high design standard and is in a run down and derelict condition owing to five years of vacancy. The character and appearance of the area is certainly being harmed by the current appearance of the site and this fact is also a material consideration. The existing building, at 7.2m high and 35m wide with windows facing the residential properties at the rear is a significant and imposing structure. The proposal, while wider at 40m is significantly lower at 6m to ridge and 3.4m to eaves, with no rear facing windows. The issues of overbearing and overlooking associated with the existing building's design will be removed as a result of the proposed development.

Nonetheless, it is right to seek high quality design appropriate to the site's context and to this end we enclose revised plan numbers 201 R7 (Proposed Site Plan) and 202 R7 (Proposed Elevations). The changes shown on these plans seek to break up the massing and bulk of the building. The introduction of faux windows on the front elevation and the creation of individual 'bays' delineated by brick panels breaks up the large expanse of brick wall previously shown and creates a strong visual rhythm. The addition of individual gables for each of the bays further strengthens this rhythm and breaks up the previously monotonous roof slope.

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<sup>1</sup> Schedule 2, Part 3, Class A of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) confirms that "Development consisting of a change of the use of a building to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A3 (food and drink) of that Schedule" is permitted development.



The revised site plan also shows the customer cycle parking relocated to the front of the building where they will be naturally subject to passive surveillance. Staff cycle parking is shown at the rear of the building within the secure service area. The need for condition 10 has therefore been removed.

These alterations present a significant improvement in design terms to directly respond to the committee's concerns. We consider that a refusal on design grounds is now wholly unsupportable given both the design of the proposal and the poor design and condition of that which it would replace. We urge you to make this clear to the planning committee.

## **Noise and Disturbance**

It must be recognised that the site is occupied by an extant Class A3 public house use, which could be brought back into operation without the need for planning permission, with all the attendant noise and disturbance potential. No conditions control the operation of this A3 use. Accordingly, servicing hours, noise levels and operation hours are uncontrolled from a planning point of view and would only be limited by licencing laws and statutory noise nuisance limits (which would need to be enforced by noise abatement notices).

On the other hand, the proposed development would be subject to a modern suite of controls advanced through the recommended planning conditions:

- The height and type of boundary treatment (controlled by recommended condition 4);
- Servicing activity limited to between 8am – 8pm during the week, with further reduced hours at weekends (controlled by recommended condition 5);
- No members of the public to remain on the premises after 11pm (controlled by recommended condition 6); and
- Noise limitations on any fixed plant and equipment (controlled by recommended condition 7).

There can be little doubt that an uncontrolled public house (emptying out at 23:20 after 'last orders' and the 20 minute 'drinking up' time) would generate significantly greater noise and disturbance than a shop operating under the above controls. Furthermore, given the permitted development rights to re-use the existing building as a shop, it is equally clear that a retail operation of the same size as that proposed could be implemented on site with none of the above controls in place. It is this comparison of the proposed development against the extant baseline position that the planning committee, as the decision making body, must carry out.

Given the foregoing, we consider that potential noise and disturbance would *reduce* as a result of the proposed development. Accordingly, we consider that a refusal on residential amenity/noise and disturbance grounds is wholly unsupportable and would constitute an unreasonable refusal reason. We urge you to make this clear to the planning committee.

## **Conclusions**

The proposed development is an entirely acceptable and policy compliant form of development which would significantly improve the character and appearance of the locality and reduce the potential for noise and disturbance. It has been recommended for approval by professional officers and the concerns raised by the planning committee are either not material, have been addressed by the submitted revised plans or can be fully addressed by the recommended conditions.

In these circumstances, where the prospect of success at appeal would be greater than 50% (and in our estimation, substantially greater), a contractual obligation exists to pursue such an appeal. It is right that the planning committee, as the decision making body, is made aware of this obligation in order to be under no illusion of having to defend a refusal and, depending the grounds of refusal, potentially an application for costs. This is not said by way of a threat, and an appeal against a refusal is always a possibility. However, in this instance, it is a contractual obligation.



We urge you to take the contents of this letter into account when reporting the application back to committee in November and to make the letter and its content available to Members prior to the meeting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Waldren'.

**Peter Waldren**  
**Director**

For and on behalf of WYG

Encl. - 201 R7 (Proposed Site Plan) and 202 R7 (Proposed Elevations)

cc - SK Designs



<b>PAGE NO. 136</b>	<b>APPLICATION NO. 17/01435/MNR</b>
<b>ADDRESS:</b>	<b>23 – 24 WORDSWORTH AVENUE, ROATH, CARDIFF</b>
<b>FROM:</b>	<b>Mrs Harries, 10 Woodland Place</b>
<b>SUMMARY:</b>	<p>Objects to the development for the following reasons:</p> <p>Due to its siting it would appear to adjoin her property;</p> <p>The side of the objector’s property has been rebuilt at a cost of £32,000 and given its siting ( about 3 ft between the properties) would not allow the objector to maintain her property;</p> <p>Given the tanking work undertaken to her cellar the objector is concerned that the construction works, including foundations, would undermine her property;</p> <p>Believes the proposal would undermine the character of the conservation area, which the objector believes is unique within the city.</p>
<b>REMARKS:</b>	<p>Points noted. In response officers would advise the following:</p> <p>The positions of the dwelling and its relationship with neighbouring properties has been assessed in para 8.4 of the officers report;</p> <p>In terms of the impact upon the Wordsworth Avenue Conservation Area, this has been assessed within para 8.2 of the officers report;</p> <p>In terms of maintenance of adjoining properties, Planning Policy Wales is clear in that “<i>The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.</i>”</p> <p>Therefore maintenance and house values of adjoining properties are not material considerations in the determination of this application.</p>

<b>PAGE NO. 136</b>	<b>APPLICATION NO. 17/01435/MNR</b>
<b>ADDRESS:</b>	<b>23 – 24 WORDSWORTH AVENUE, ROATH, CARDIFF</b>
<b>FROM:</b>	<b>Councillor McGarry on the behalf of the Plasnewydd Ward Members</b>
<b>SUMMARY:</b>	<p>We are writing to object to the above application and to request that a site visit be arranged so that the Planning Committee can see why we are objecting.</p> <p>Our main objection, on behalf of the residents of Woodland Place, is that the development will overlook several properties but, in particular, number 25, Woodland Place: The side elevation has a number of windows and two balconies at the back. The plans are not detailed enough to assess the impact that the development will have on Woodland Place. So, we ask that a site visit be arranged so that this can be assessed.</p> <p>There is also an issue of access to the side of number 10 Woodland Place. As the plans stand, it looks as though there is no access to the side of the house so the home-owner would not be able to carry out any necessary repairs to that side of the property.</p>
<b>REMARKS:</b>	<p>There is no 25 Woodland Place. The impact of the proposal on the neighbouring properties, including no. 25 Wordsworth Avenue, in terms of potential overlooking has been considered in para 8.4 of the report.</p> <p>In terms of maintenance of adjoining properties, Planning Policy Wales is clear in that <i>“The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest.”</i></p> <p>Therefore maintenance and house values of adjoining properties are not material considerations in the determination of this application.</p>

<b>PAGE NO. 165</b>	<b>APPLICATION NO: 17/01547/MNR</b>
<b>ADDRESS</b>	<b>9 HEOL FAIR, LLANDAFF</b>
<b>FROM:</b>	Councillor Phillippa Hill-John
<b>SUMMARY:</b>	<p>States that extension is a development in its own right and a separate application should be submitted</p> <p>Amenity space is clearly below the recommended amount for a development of this size</p>

	Adjoining residents would be constantly disturbed from storage of rubbish outside of own property
<b>REMARKS:</b>	<p>The applicant has applied and paid the appropriate fee for 3 residential units and the proposal is considered for three units utilised together as part of the same scheme.</p> <p>The proposed communal amenity space is approximately 72 Sqm and this is considered an acceptable amount in the context of the surrounding residential properties</p> <p>It is not considered that the provision of waste within any refuse storage area would be undertaken 'constantly' and that the usage of the rear amenity area is acceptable in the context of the property being an existing residential dwelling house.</p>

<b>PAGE NO. 178</b>	<b>APPLICATION NO: 17/01765/MJR</b>
<b>ADDRESS</b>	<b>225 ALBANY ROAD, ROATH, CARDIFF</b>
<b>FROM:</b>	Geraldine Wright
<b>SUMMARY:</b>	<p>Dear Mr Clemence</p> <p>We would like to lodge our response to the planning committee report in light of the amended plans for the above planning application. We maintain our position and continue to strongly object to the application. We are dismayed that the case officer yet again recommends that permission be granted.</p> <p>I would like to point out the following mismanagement of the process following the last Planning Committee Meeting on 11th Oct 2017 and I would ask that you read the following statement to the committee when the case comes up for discussion. I will be addressing the committee once again and I DO NOT want to use my precious 3 minutes raising the issues of transparency and information communication.</p> <p>1. As per the Planning Committee minutes of the meeting on 11<sup>th</sup> Oct 2017: the application was deferred.  Planning committee council members asked officers to draft reasons for refusal relation to KP5 and H5 of the LDP.</p> <p>2. As written in the new planning committee report (2.1) ..... <i>"since the previous meeting amended plans have been submitted. Neighbouring addresses were not notified of the amended plans having regard to paragraph 8.2.10 of the Welsh Government's Development Management Manual (Revision 2, May 2017)"</i></p> <p>3. It is suggested the decision to inform neighbours is discretionary and in this case the case officer/planning</p>

	<p>department deemed that the amended scheme will have a lesser impact and therefore there was no need to notify the neighbouring addresses.</p> <p>4. Neighbouring addresses were not notified that amended plans had been lodged on the council planning website on 23<sup>rd</sup> Oct 2017.</p> <p>5. A letter dated 1st Nov 2017 arrived on 2nd Nov informing the lead petitioner that because we had already addressed the committee at the previous planning committee we had no right to speak at the next planning committee meeting 8<sup>th</sup> Nov 2017.</p> <p>6. This decision was reversed when a letter dated 3rd Nov 2017 (received Saturday 4<sup>th</sup> Nov) informed the lead petitioner that we WERE in fact able to address the committee on 8<sup>th</sup> Nov 2017 because of the amended plans.</p> <p>7. This was the first time the lead petitioner had been informed of any amendment to the plans and of course the subsequent new planning report.</p> <p>8. The mismanagement of this process has disadvantaged us in preparing our response to this report and our address to the committee. This is totally unacceptable.</p> <p>9. Meanwhile we the petitioning group take note of amendments to the plans including removal of the balcony, however these amendments DO NOT remove the significant areas of concern identified by the petitioners in our response to the first planning committee report. The removal of the balcony only addresses concerns related to that part of the design. The amended design DOES NOT lessen the overall impact of the site as will be indicated in our comments through this report. (KP5 i: Good Quality and Sustainable Design)</p> <p>10. The final paragraph in the planning report (9.8) suggesting 'POTENTIAL reasons' for refusal is mealy mouthed and derisory and has not been discussed at any satisfactory level.</p> <p>Yours faithfully</p> <p>Geraldine Wright</p>
<b>REMARKS:</b>	Members are requested to consider the comments which have been made together with the attached comments made on the Officer's Committee Report.

# PETITION, LOCAL MEMBER, MP & AM OBJECTIONS

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/01765/MNR**

DATE RECEIVED: 18/07/2017

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Hannan

LOCATION: 225 Albany Road, Roath, Cardiff

PROPOSAL: REAR EXTENSION, LOFT CONVERSION WITH DORMERS & CONVERSION OF DWELLING TO FORM 4NO. FLATS.

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## 1. BACKGROUND INFORMATION

- 1.1 At the previous planning committee meeting, members requested that the application be deferred so that officers could report back with potential reasons for refusal (included in paragraph 9.8).

### COMMENTS:

- As per the Planning Committee minutes of the meeting on 11<sup>th</sup> Oct 2017: APPLICATIONS DEFERRED  
225 ALBANY ROAD Rear extension, loft conversion with rear dormers & conversion of dwelling to form 4 no flats.  
REASON: In order for officers to draft reasons for refusal relating to KP5 & H5 of the LDP.

NOTE, the planning committee did NOT ask for "*potential reasons*" as indicated in paragraph 1.1. above and through this report. We are very dismayed therefore that the case officer(s) have NOT addressed the request to strengthen the reasons for refusing the application in any acceptable measure. The final paragraph in this report (9.8) suggesting POTENTIAL reasons for refusal is mealy mouthed and derisory and has not been discussed at any satisfactory level.

- Reasons for refusal:
- The proposed subdivision of 225 Albany Rd would have an undue effect on the amenity of neighbouring occupiers and surrounding communities, and the cumulative impact would adversely affect the amenity and character of the area as indicated in LDP KP5, KP12 & H5 vis a vis:

*KP5...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:*

*KP5 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;*

KP5 ii. Providing legible development, which is easy to get around and which ensures a sense of continuity and enclosure;

KP5 x. Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities;

KP5 xi. Fostering inclusive design, ensuring buildings, streets and spaces are accessible to all users and is adaptable to future changes in lifestyle;

KP12 vii. Designing out crime and creating communities, which are safer and feel safer

H5 Subdivision or conversions of residential properties

Proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where:

H5 i. The property is of a size whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.

H5 ii. There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise or overlooking.

H5 iii. The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.

H5 iv. Does not have an adverse effect on local parking provision.

- Other guidance documents have also been consulted which reinforces the reasons for refusal in light the Key Policy statements above, namely:
  - *Supplementary Planning Guidance Residential Extensions and Alterations June 2016*
  - *Supplementary Planning Guidance – Cardiff Residential Extensions and Alterations Consultation Draft June 2017*
  - *Supplementary Planning - Guidance Waste and Storage Facilities 2016*
  - *Supplementary Planning Guidance - Access, Circulation and Parking Standards Jan 2010*
- Welsh Government Planning: a guide for householders Version 2, April 2014
- Planning specialist and professionals have also been consulted and they are of a view that the scale of the development is overly excessive and contradictory to good quality and sustainable design (KP5)

1.2 However, since the previous meeting amended plans have been submitted. The amended plans are shown in the report along with the previous plans. Neighbouring addresses were not notified of the amended plans having regard to paragraph 8.2.10 of the Welsh Government's Development Management Manual (Revision 2, May 2017) which states: *It is at the LPAs discretion as to whether they should undertake an additional publicity exercise if an application is amended, or additional information is submitted once the publicity and consultation periods have passed but the application has not been determined.* In cases where amended schemes have the potential to have a greater impact, neighbouring occupiers are usually re-notified. However, in this case the amended scheme would have a lesser impact.

**COMMENTS:**

- It is suggested above that the view of the case officer/planning department is that because the amended scheme will have a lesser impact there is no need to notify the neighbouring addresses.
- We note therefore that neighbouring addresses were not notified that amended plans had been lodged on the council planning website on 23<sup>rd</sup> Oct 2017.
- Letter dated 1st Nov 2017 informed the lead petitioner that because we had already addressed the committee at the previous planning committee we had no right to speak at the next planning committee meeting 8<sup>th</sup> Nov 2017.
- This decision was not reversed until a letter dated 3rd Nov 2017 (received Saturday 4<sup>th</sup> Nov) informed the lead petitioner again that we WERE in fact able to address the committee on 8<sup>th</sup> Nov 2017. This was the first time the department informed the lead petitioner of any amendment to the plans.
- Mismanagement of this process has disadvantaged us in preparing our response to this report and our address to the committee. This is totally unacceptable.
- Meanwhile we the petitioning group take note of amendments to the plans including removal of the balcony, however these amendments DO NOT remove the significant areas of concern identified by the petitioners in our response to the first planning committee report. The removal of the balcony only addresses concerns related to that part of the design. The amended design DOES NOT lessen the overall impact of the site as will be indicated in our comments through this report. (KP5 i: Good Quality and Sustainable Design)

- 1.3 The officer report has been updated to reflect the amended plans to be considered by planning committee. Furthermore, the report includes amendments reflecting the late representations received from neighbouring addresses and consultees prior to the previous meeting, along with any consequential changes following the amended plans.

**COMMENTS:**

- The amendments do NOT address the issues highlighted by representations and consultees in response to the previous report.

- 1.4 In order to provide full transparency, the original report is also included following the potential reason for refusal (paragraph 9.9).

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

- 1 C01 – Statutory Time Limit
- 2 The development shall be carried out in accordance with the approved drawings numbered: P584 L\_200B; P584 L\_201; P584 L\_210B; P584

L\_211B; P584 L\_212B.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

**COMMENTS:**

- With regard to “the avoidance of doubt” stated above, Planning Policy Wales 2016 states:  
3.1.4 “The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties”
- The petitioning group find themselves at a disadvantage in this process where policy and guidance documents are quoted in support of the application.
- We find contradictory statements through the report, skewed interpretations of policy and guidance documents and some inaccuracies
- Views expressed by petitioners with reference to policy and guidance especially Supplementary Planning Guidance are rebutted and undermined through this report
- It seems we are secondary to the developers and the determining authority
- In light of the policy above, we do not consider the views of the petitioning group and other parties are truly reflected through the report.

- 3 Pedestrian access to the ground floor rear flat hereby approved shall be via the front of 225 Albany Road and thereafter be retained.  
Reason: Sole pedestrian access via the rear lane would be detrimental to occupants and give rise to concerns over pedestrian safety and security, in accordance with Policy KP5 of the Local Development Plan.

**COMMENTS:**

- Welsh Governments TAN 12 (5.3.1 – 5.3.6) states that “**In every area of development earlier and greater attention should be given to the needs of all sectors of society, including older people, children and disabled people. This principle applies to...the design of individual buildings.**”



- As indicated above residents would struggle with access to the rear ground floor flat because of the siting of the bins and the cycle store and this includes wheelchair users, people with ambulant disabilities and parents with pushchairs and young children.
- Equally importantly, it would be impossible for anyone to use the cycle store, as there is insufficient space for a cyclist to walk their bike alongside the bins to reach the cycle store (see photo).



- With regard to access via the rear lane we cannot see how the planning department can determine that residents won't use this as their sole access. How could they police this or seek to impose the condition.
- As referenced in 7.1 National Resources Wales have set out conditions that the finished floor levels of the rear portion of the building are set at 8.75m AOD and the front portion set at 9.06 AOD. These measurements will create a drop from the rear door of the single storey extension into the gully of the back lane. Steps would be required in order to fulfil TAN 12 and health and safety requirements, the size of the steps would likely infringe vehicle access along the back lane.

4 Prior to occupation of the flats hereby approved, refuse storage shall be provided externally to accommodate general waste, recycling and food waste. Refuse storage shall thereafter be retained.  
Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Local Development Plan.

**COMMENTS:**

- It is worth noting that the amended plans suggest the bins are sited right by flat 1 kitchen window. Arguably there is no practical and/or acceptable location within the current footprint of the development to accommodate the bins of the 4 flats, which can be supported by Policy H5 or SPG Waste and Storage Facilities as evidenced in the table below.

	Front garden behind front wall	Front garden along boundary wall with 227	External side passage	Rear garden
	Too close to windows for flat 1	Obstruct access to flat 4 & cycle store	Obstruct access to flat 4 & cycle store	Insufficient space for bins, cycles store & amenity area
Within 25m of collection point and 30m from the dwelling	X	x	x	X
<ul style="list-style-type: none"> <li>• Be away from windows/ventilation</li> <li>• Preferable under cover or shade</li> </ul>	X	X	X	X
Be accessible - <i>Not be situated as to interfere with pedestrian or vehicular access to a building</i>		X	X	?
Be at the side or rear of the property. At last resort it should be placed on the front - <i>Where possible screened from external view using planting, fencing, walls and other appropriate structures</i>	X	X	X	X
	Not screening from external view for inhabitants or public		Not screening from external view for inhabitants	
Be located so that any potential nuisance from the spillage odour noise and visual impact is prevented	X	X	X	X
Have access paths with suitable width of 1.2m for use of residents	X	X	X	X

in wheelchairs				
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- The previous location in the front garden as per the initial submitted plans were criticised by the Planning Committee on 11.10.2017 as this location was deemed unacceptable. Host the bins for all flats would be very close to the bedroom window of flat 1 and have adverse effects in terms of odour, noise and visual impact.
- The new proposed location for the bins would additionally have an odour and visual impact on residents in flat 1 as the kitchen window is directly opposite and in close proximity to the bin storage.

5 Prior to occupation of the flats hereby approved, a covered cycle store shall be provided within the rear garden to accommodate at least 8 cycles and shall thereafter be retained.  
Reason: To ensure that secure and under cover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.

**COMMENTS:**

- The 5m<sup>2</sup> suggested for the cycle store is too small to accommodate the 8 cycles indicated. Based on section 3.7 Cycle parking Standards of SPG Access, Circulation and Parking Standards Jan 2010.
- Reference to Sheffield type stands and London Cycling Design Standards are considered appropriate and serve as guidance for best practice.
- Stands should be positioned so that they can be properly used and do not cause a safety hazard. [SPG 3.7.6]
- Taking the standards into account the 5m<sup>2</sup> would only accommodate three bicycles and approximately 2-3 times the area indicated would be required to store up to 8 cycles.
- According to London Cycling Design Standards: *"To calculate indicative space requirements, at least 1.4 square metres should be allowed for per space if using Sheffield stands that accommodate two cycles per stand. This calculates to:*  
 $1.4m^2 \text{ per space plus } 1.2m \times 2m = 2.4m^2 \text{ between stands}$   
 $= 3.8m^2 \times 4 \text{ (to accommodate 8 bicycles) } = 15.2m^2$
- The site of the cycle store will hamper pedestrian access to other parts of the shared amenity space especially those with mobility problems and parents with pushchairs.
- The size of the cycle store required for 8 bikes will diminish the shared amenity space by considerably more than the 5m<sup>2</sup> suggested in the application.



- The image demonstrates the amount of room required to store 8 bikes even without allowing any space for access, stands or cover

- 6 The south east facing windows of the rear annexe dormer shall be nonopening below a height of 1.7m above internal floor level and glazed with obscure glass, and thereafter be retained.  
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Local Development Plan.

**COMMENTS:**

- The need to keep windows permanently obscured to minimise overlooking to the neighbours would constitute poor living conditions for the future occupants in terms of outlook.
- It can be assumed that above 1.7m opening windows can be fitted so anyone taller than 1.85m will be able to look through the open window into the neighbouring property and indeed flat 3.
- The design compromises SPG Residential extensions and alterations (June 2016) para 7.32 to 7.33 e.g. the large window filling the entire triangle at the end of the dormer in the rear annexe will overlook closely the gardens of 227 and 223, and all the other gardens in the neighbourhood. It will compromise the privacy of neighbours.
- Bedroom 2 of Flat 2 will be overlooked by:
  - a) the dormer in the main roof; b) the large triangular window at the end of the dormer in the rear annexe roof and c) bedroom 2 of Flat 4
- This is a significant infringement of the occupants' privacy

- 7 The finished floor level of the front portion of the building must be set at 9.06m AOD and the rear portion of the building must be set at 8.75 AOD.  
Reason: To ensure flood risk to the proposed development is minimised in accordance with Policy EN14 of the Local Development Plan.

**COMMENTS:**

- These measurements will create a drop from the rear door of the single storey extension into the gully of the back lane. Steps would be required and in order fulfil TAN 12 and health and safety requirements the size of the steps would likely infringe vehicle access along the back lane.

**RECOMMENDATION 2:** 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 and can be purchased directly by contacting Waste Management's commercial team (029 20717500).

**RECOMMENDATION 3:** The site is crossed by a public sewer, consent is required from Welsh Water for buildings directly over or within 3 metres of public sewers. The developer is advised to contact Welsh Water Developer Services prior to commencement of development (tel: 0800 917 2652).

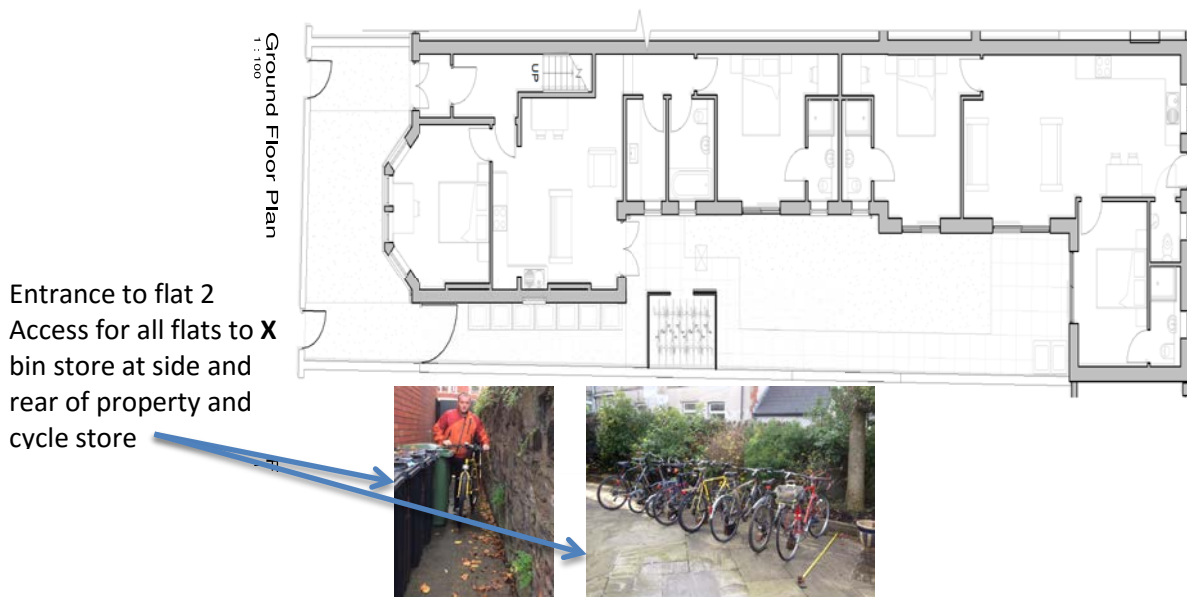
**RECOMMENDATION 4:** As the site is located within a flood risk area future occupants/owners are advised to sign up to the Environment Agency's Flood Warning service. Additional guidance can be found on the following website: <https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks planning permission to convert a two storey end of terrace dwelling to four flats and to erect single storey and rear dormer extensions.
- 2.2 An existing 3.8m long original single storey annexe structure would be demolished and a 12m long 4.7m wide single storey extension is proposed beyond the existing two storey annexe incorporating an existing detached outbuilding, it would have a flat roof 3m high and be finished in render.
- 2.3 A pitched roofed dormer would project from the main roof by up to 3.8m at a width of 5.1m, finished in hanging tiles. A flat roofed dormer would project from the rear annexe roof by up to 3.6m at a width of 9.7m, finished in hanging tiles. A window would also be inserted in the existing front gable roof, roof lights would also be inserted in the front and rear roof slopes of the main roof.
- 2.4 Internally the accommodation would comprise of a flat (65m<sup>2</sup>) within the ground floor front, a flat (66m<sup>2</sup>) within the first floor rear, a maisonette flat (57m<sup>2</sup>) within the first floor front and main roof space and a maisonette flat (56m<sup>2</sup>) within the first floor rear and rear roof space. The ground floor front and upper level flats would be accessed via an existing entrance from Albany Road and the ground floor rear flat would be accessed via an external passage to the side.
- 2.5 The application previously also proposed an external balcony on part of the flat roof of the rear extension, bin storage within the front forecourt and a different access to the first floor flat via a door in the rear elevation. However, the architect has reviewed the discussion of the previous committee meeting and revised the scheme to address concerns raised. The rear balcony has been deleted, the bin cycle store relocated to the side and primary access to the ground floor flat provided via the existing front entrance

### COMMENTS:

- Issues re access to flat 2 ground floor flat, bin and cycle storage have already been raised (Recommendation 1 no 3)
- From the ground floor plan below, the bin store is still detailed in the front garden, plus at the side of the house and at the rear near the window of bedroom 2 of flat 2. Therefore it is difficult to understand where the proposed bin store actually is.



### 3. DESCRIPTION OF SITE

- 3.1 The site comprises a two storey end of terrace dwelling with a detached garage/outbuilding at the rear.

### 4. SITE HISTORY

- 4.1 15/01837/DCH – planning permission granted for single storey rear extension and separate single storey games room, not implemented to date.

- 4.2 Related History:  
06/00690/C – planning permission granted for conversion of no. 223 Albany Road to 2 flats, not implemented.

05/00285/E – planning permission granted and implemented for single storey rear extension rear dormer extension and conversion to 4 no. flats at 219 Albany Road.

10/01203/DCO – planning permission granted and implemented for conversion from 2 to 4 flats with rear extension rear dormer and detached garage at 215 Albany Road.

08/00140/E – planning permission granted for conversion to 3 flats at no. 211 Albany Road.

09/2178/E – planning permission granted for conversion into 2 no. 2 bedroom self-contained flats at no. 199 Albany Road, not implemented.

01/02654/R – planning permission granted and implemented for conversion into 7 self- contained flats at no. 191-193 Albany Road.

07/00232/E – planning permission granted and implemented for conversion to 5 flats with ground floor rear extensions and dormer extension and alterations at no. 189 Albany Road.

14/01216/DCO – planning permission granted and implemented conversion from 2 to 5 flats with single storey rear extension and loft conversion with rear dormer at 237 Albany Road.

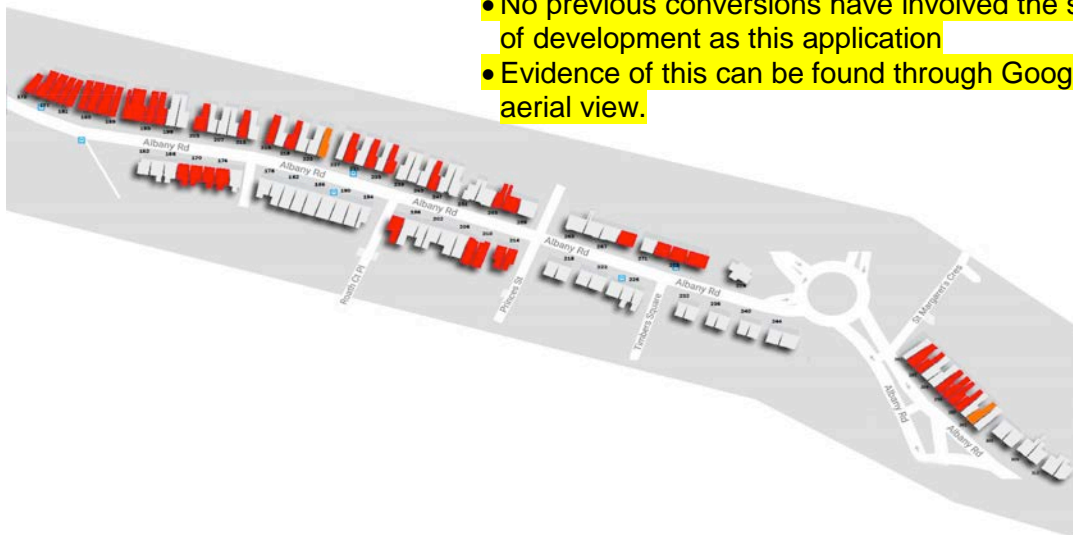
15/00084/MNR - planning permission granted for two storey rear extensions and conversion of house in multiple occupation to 5 flats at no. 269 Albany Road.

04/01990/E – planning permission granted for conversion to 2 flats at no. 206 Albany Road, not implemented.

**COMMENTS:**

- The diagram below indicates the number of properties (shown in RED) already converted into flats. Results from our investigations demonstrate that 42% of houses in Albany Road are conversions

- None of these conversions encroach into the garden space, as does this application.
- Small dormer extensions are visible in only 4 properties on the Penylan ward side of the road
- No previous conversions have involved the scale of development as this application
- Evidence of this can be found through Google map aerial view.



## 5. POLICY FRAMEWORK

### 5.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 9, 2016)  
Technical Advice Note 12: Design  
Technical Advice Note 15: Development & Flood Risk

### 5.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy KP5 (Good Quality and Sustainable Design)

Policy EN14 (Flood Risk)  
Policy H5 (Subdivision or Conversion of Residential Property)  
Policy T5 (Managing Transport Impacts)  
Policy W2 (Provision for Waste Management Facilities in Development)

### 5.3 Relevant Supplementary Planning Guidance

Access, Circulation & Parking Standards (2010).  
Waste Collection and Storage Facilities (2016).  
Residential Extensions & Alterations (2015).

## 6. INTERNAL CONSULTEE RESPONSES

6.1 Transportation – the site is on the boundary of a large district centre and on a well served bus route, adjacent to both inbound and outbound bus stops. The site is therefore considered to be in an extremely sustainable location where the need to own/use a private car is reduced and consequently lower parking standards are appropriate.

### COMMENTS:

- The LDP states that “proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where it does not have an adverse effect on local parking provision”
- Meanwhile SPG Access, Circulation and Parking Standards para 3.18 states: *“in areas where there is a high concentration of single dwellings that have been subdivided into multiple flat/bedsit/apartment units, levels of on-street parking may...be approaching a point of saturation. In locations where such circumstances prevail, proposals for the further subdivision of existing dwellings/flats etc will need to be carefully considered in light of the likely impacts of any intensification upon existing parking pressures”.*
- Vis a vis the bus route, it is in fact quite limited. No 1 & 2 clockwise and anti-clockwise routes take 55 minutes to the city centre. Every 20 mins Mon-Fri, every 1.20 hours Sat and no service on Sundays. Last bus approx. 8pm. M3/M2 via Cathays and North Rd only operating when Cardiff Met in operation.
- To access the city centre conveniently it is necessary to walk to Albany Rd District Centre or Newport Rd. It is not possible to access locations outside or on the outskirts of the city without going into the city centre first.

In terms of the parking numbers, the existing 4 bed house if applied for today would attract between 1 and 3 parking spaces; whereas the proposed 4 no. 2 bed flats would attract between 2 and 8 parking spaces (0.5 to 2 spaces per unit). In contrast to houses however, evidence of car use associated with flats suggests that they (flats) generate less parking demand than traditional family dwellings and as such we would look to the lower end of the parking scale.

In respect of the above considerations, it should be noted that the Access, Circulation and Parking Standards SPG provides guidance on parking numbers that must be considered in relation to all other aspects of a particular application and should not therefore be taken as absolute requirements.

Garages are not counted as parking spaces in connection with the SPG standards and in practice are generally not used for parking purposes; even where access is not restricted and/or they are of a suitable size.

**COMMENTS:**

- Guidance suggests up to 8 parking spaces would be possible and feasible
- The evidence that car use in flats is lower than that in houses is not substantiated. The lower ratio taken based on unsubstantiated evidence that people who live in flats own less cars than those in houses contradicts the ratio figures of 0.5-2 spaces per unit.
- If the maximum should be considered the development would attract demand of an additional 5 cars compared to the max 3 per family house.
- As family houses are more likely to accommodate families with children (under the age to drive) and attract demand for up to 3 parking spaces (at least one for each adult parent), it is possible that four two bedroom flats could easily attract demand for 8 spaces.
- Albany Road has already suffered a reduction in car parking spaces as a result of bus and corner build-outs along the road.

It is therefore considered that the current and proposed uses of the building would generate broadly similar levels of parking demand and as such zero parking provision is not considered to provide a sustainable ground for objection. Secure covered cycle parking is being proposed within the development. Eight cycle parking spaces are proposed which is in line with the current parking standards.

**COMMENTS:**

- The 5m<sup>2</sup> suggested for the cycle store is too small to accommodate the 8 cycles indicated. Based on Cycle Parking Standards of SPG Access, Circulation and Parking Standards Jan 2010 section 3.7.
- Reference to Sheffield type stands and London Cycling Design Standards are considered appropriate and service as guidance for best practice.
- Stands should be positioned so that they can be properly used and do not cause a safety hazard. [SPG3.7.6]
- Taking the standards into account the 5m<sup>2</sup> would only accommodate three bicycles and approximately 2-3 times the area indicated would be required to store up to 8 cycles.  
According to London Cycling Design Standards: *To calculate indicative space requirements, at least 1.4 square metres should be allowed for per space if using Sheffield stands that accommodate two cycles per stand. This calculates to:*  
 $1.4\text{m}^2$  per space plus  
 $1.2\text{m} \times 2\text{m} = 2.4\text{m}^2$  between stands  
 $= 3.8\text{m}^2 \times 4$  (to accommodate 8 bicycles) = **15.2m<sup>2</sup>**
- If cycles were stored 8 in a line at least 10m<sup>2</sup> would be required
- The site of the cycle store will hamper pedestrian access to other parts of the shared amenity space especially those with mobility problems and parents with pushchairs.





- The image demonstrates the amount of room required to store 8 bikes without the timber frame

6.2 Waste Management – Each flat 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; Green bags for mixed recycling (equivalent to 140 litres). The storage of which must be sensitively integrated into the design. Since 27<sup>th</sup> July 2015, the 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 and can be purchased directly by contacting the Waste Management’s commercial team.

**COMMENTS:**

- As stated above in our comments on point 2 “storage of which must be sensitively integrated into the design”. However as we have already pointed out the majority of bins stored down the side of the main house totally compromise access for all residents to the cycle store, amenity space and for residents in the single storey rear extension, flat 2. They will also be an odour and visual impact for flat 1 as the kitchen sink window is opposite the bins.

## 7. EXTERNAL CONSULTEE RESPONSES

7.1 Natural Resources Wales – initially requested a Flood Consequences Assessment (FCA) to demonstrate the risks and consequences of flooding can be managed to an acceptable level in accordance with Technical Advice Note 15. The application proposes highly vulnerable development (residential) within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Their Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk from the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability tidal/fluvial flood outlines of the Rhymney River and Roath Brook. An FCA was subsequently produced, however Natural Resources Wales advised that it did not utilise their latest flood data. As a result they were unable to provide advice on the risks and consequences of flooding in accordance with TAN15.

A revised FCA was produced and Natural Resources Wales recommend that planning permission should only be granted if a condition is attached to ensure that the finished floor levels of the rear portion of the building are set at 8.75m AOD and the front portion of building are set at 9.06m AOD. Without this condition, they would be likely to object to the application as submitted. They also recommend that the site owner signs up to their flood warning service.

**COMMENT:**

- See previous comments Recommendation 1 no 3 concerning access onto the back lane

7.2 Welsh Water - no objection, however the applicant's attention is drawn to the fact that there is a public sewer in the rear garden.

## 8. REPRESENTATIONS

8.1 The application was publicised by letter. A petition of objection was received, signed by 57 residents with addresses in Cardiff, all of which are within the vicinity who could reasonably be affected by the matter. Full details are viewable online.

8.2 Objections have been received from the following addresses:

- nos. 166, 180, 182, 186, 190, 192, 201, 202, 204, 206, 210, 221, 223, 227, 231, 235, 241, 263 Albany Road
- 86, 104 Marlborough Road
- 32 Roath Court Road
- 5, 16 Roath Court Place
- 2, 5, 11 Arran Place
- 84 Heol y Cadno
- 62 Brithdir Street.

Full details are viewable online, their comments are summarised as follows:

- Density/overdevelopment;*
- Size and scale detrimental to the character of the area;*
- Large number of bins/bags in the front garden and placed on pavement on collection days. Detrimental effect of smell/vermin from the bins. The revised bin storage area at the side would block the walkway to the rear flat and shared amenity area which would also act as a fire escape for some residents;*
- Adverse impact upon parking which is already an issue;*
- Loss of family accommodation, a large proportion of houses in Roath and Plasnewydd have already been converted to flats;*
- Saturation of HMOs;*
- Fast turnover of tenants;*
- Further stress on local amenities;*
- Increased pressure on local infrastructure and capability of sewerage system;*

- j) *Loss of amenity/loss of privacy from extensions and balcony;*
- k) *Loss of light/loss of privacy from proposed dormer extensions, the 25 degree rule referred to within the draft 'Cardiff Residential Extensions & Alterations SPG' will be broken by the proposal;*
- l) *Noise disturbance from flats and balcony;*
- m) *Insufficient outdoor space for the proposed development;*
- n) *Small size of flats and lack of disabled access to the flats;*
- o) *When permission 15/01837/DCH was granted for a single storey extension/games room a condition was imposed to prevent use as a separate dwelling;*
- p) *The proposed development sits on the boundary between nos. 223 and 225. The owners of no. 223 do not give permission for building on the boundary;*
- q) *Lack of disabled access for proposed flats;*
- r) *Devaluation of other existing family properties.*
- s) *Increased crime from flat roof and windows/door to rear lane.*
- t) *It is assumed that the proposed walk way to the side will have to be well lit for the residents to access at all times, this could have a detrimental effect on the residents and the neighbours.*

8.3 Cllr Joe Boyle objects to the application, summarised as follows:

- a) *Over-intense conversion of family homes into HMOs along Albany Road. I argue that this is having a detrimental impact on community amenity and cohesion. Policy H5 of the Local Development Plan states 'Proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where: (i) The property is of a size, whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers. ii) There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise, or overlooking. iii) The cumulative impact of such conversions will not adversely affect the amenity and/or character of the area. iv) Does not have an adverse effect on local parking provision.' I am especially mindful of the third point and believe that the amenity and / or character of the area has already been adversely affected by an intense level of conversion along Albany Road. This proposal, I fear, would add to those problems.*
- b) *The SPG on Houses of Multiple Occupancy also makes the following valid observation in paragraph 4.3: ... concentrations of HMOs, clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems. It is considered that this may conflict with policy KP13 of the LDP which aims to improve the quality of life for all. Eight out of the thirty-six homes within a 50m radius of 225 Albany Road are already converted. This equates to 22%, above even the threshold for Cathays and Plasnewydd and well beyond that 10% that would be considered acceptable within Penylan. It is also worth pointing out that in the adjacent stretch, 177 – 207 Albany Road, all bar three of the properties*

have been converted to HMOs.

8.4 Cllrs Peter Wong, Daniel De'Ath, Mary McGarry, Sue Lent object to the application, as follows:

- a) *Overdevelopment and change of character to the area. Albany Road is predominantly a street of residential houses, and we consider this planning application to be a clear overdevelopment of the site and therefore too large a development for the area. It has the potential for up to 16 people to be living there, with the added potential of 16 additional cars to the area. Allowing the over development of the residential areas of Albany road and reducing family housing stock will have a significant detrimental effect on the local community.*
- b) *Previous Planning Rationale. The previous planning application on this property (15/01837/DCH) was subject to complying with the following condition: "The single storey games room building hereby approved shall at all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently. Reason: The creation of a separate dwelling unit would be unacceptable in this location." If the creation of a single separate dwelling unit is unacceptable in this location then the latest application to create 4 separate dwelling units is much more untenable. For consistency, this application should be declined on this basis.*
- c) *Local Parking. The proposal will result in a significant additional burden on local parking in Albany Road and the surrounding streets. There is already pressure on parking from customers of the shops on Albany Road/Wellfield Road. It is difficult for residents to park, and a development with the potential for 16 additional cars would exacerbate the situation in Albany Road, with a knock on effect on streets like Arran Place and Roath Court Place. This would create great inconvenience for the existing residents in the area.*

8.5 Jo Stevens MP objects to the application, summarised as follows:

- a) *The development of dormer roof extensions and the first floor balcony will dominate the outlook of neighbouring properties;*
- b) *The additional windows and balcony will overlook neighbouring properties with considerable loss of privacy;*
- c) *The rear extension is out of character of the area;*
- d) *The previous permission (15/01837/DCH) was subject to a condition that 'the single storey games room building hereby approved shall as all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently' as the creation of a separate dwelling unit would be unacceptable in this location;*
- e) *The proposal will have a negative impact on parking in Albany Road and surrounding streets. There is already overflow parking from customers of shops on Albany Road/Wellfield Road.*

f) *Four flats will require four sets of bins stored at the front, the number of bins is likely to block pavement access on collection days.*

8.6 Jenny Rathbone AM objects to the application, summarised as follows:

a) *Overdevelopment and change of character of the area, reduction of family housing stock will have a significant detrimental effect upon local residents and the area;*

b) *The previous permission (15/01837/DCH) was subject to a condition that 'the single storey games room building hereby approved shall as all times remain in use for purposes ancillary to the residential use of no. 225 Albany Road and shall not be sold or let independently' as the creation of a separate dwelling unit would be unacceptable in this location;*

c) *The proposal will have a negative impact on parking in Albany Road and surrounding streets. There is already overflow parking from customers of shops on Albany Road/Wellfield Road.*

8.7 A further objection to the amended drawings has been received from no. 223 Albany Road. Full details are viewable online, their comments are summarised as follows:

a) *The increased length of the side screens of the balcony would have an impact upon neighbouring amenity and do not meet the requirement of Supplementary Planning Guidance;*

b) *The increased length of the side screens would be overbearing and overshadowing upon adjacent gardens as a result of 1.8m screens on top of the 3m wall;*

c) *Use of the balcony in the evening/night will possibly affect the nearby window with noise and smell issues;*

d) *The balcony would be over over-dominant and out of character with the surrounding area.*

8.8 Comments of support have been received from the following address:

- no. 217 Albany Road.

Full details are viewable online, their comments are summarised as follows:

a) *Most people with average incomes would struggle to buy a property in the area. There needs to be an option for people to buy or rent smaller properties;*

b) *A few properties have been converted to flats in this street, there were no representations from neighbours, AM and MP for those applications;*

c) *Nos. 217 & 219 Albany Road have been converted into flats and there is no waste management issue with those properties.*

## 9. ANALYSIS

### 9.1 Policy Considerations

Subdivision of residential properties is supported by Policy H5 of the Local Development Plan, the subdivision of a residential building into smaller residential units can be an important source of housing. National Planning policy encourages the provision of additional housing stock within previously developed or existing residential land. Paragraph 9.2.6 of Planning Policy Wales states that *'Local planning authorities should address the scope and potential for rehabilitation, conversion, clearance and redevelopment when considering suitable sites for housing development. Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.'* It is noted that some residential dwellings within Albany Road have been subdivided to flats, however Policy H5 does not identify a threshold at which subdivision of residential dwellings is considered to reach saturation level and the Council does not have any supplementary planning guidance applicable to subdivision of dwellings. In this case it is noted that 25% of buildings within 50m of the application site have been subdivided to flats, this proportion is relatively low in comparison with other streets elsewhere within Cardiff, for example Cathedral Road, Richmond Road, Newport Road, Connaught Road and Claude Road. Accordingly, it is not considered that subdivision to four flats would adversely affect the general character of the area.

#### COMMENTS:

- Selected quoting in the paragraph above of Policy H5 skews the perspective in favour of this planning application and does not take account of other considerations in the policy.
- Policy H5 of the LDP also provides that: ***"The subdivision of a building into smaller residential units is a sustainable form of development as it gives a new lease of life to buildings which might be redundant or economically unviable in their current use"***.
- There is nothing redundant or economically unviable about no 225, it would meet current property market value. These are extremely popular purchases for single families.
- Policy H5(iii) obliges the committee to address the question of when the cumulative impact of conversions affects the amenity and/or the character of the area, and in the absence of express figures set out in policy, the figures provided in the HMO SPG are relevant by analogy.
- Comparisons with the streets named above do NOT compare like with like. These streets are almost entirely composed of extremely large 3 storey houses. Apart from a few 3 storey properties along the top end of the residential part of Albany Rd the vast majority are 2 storey Edwardian houses. Why has the planning officer not made comparisons with other nearby streets with comparable properties?
- It also begs the question of precedent over context; the inference is that because those named examples are mostly made up of conversions then it is acceptable to continue with this precedent in other streets such as Albany Rd.

- The view presented in the paragraph above also fails to acknowledge the adverse affect on the amenity and/or character of the area and contrary to the Case officer's view, Claude Road, Connaught Road and Newport Road are not viewed as planning success stories by local residents.
- In these instances the amenity and character of the area are impacted by excessive rubbish in front gardens and on the streets, bins left on pavements week on week, antisocial behaviour, difficulties with parking, a quicker turn over of residents with less investment in the locality. Whilst these may not be planning issues there is often a negative impact which contravenes Policy H5. Residents in Albany Road already deal with the same issues; further conversions including this application will exacerbate the situation.
- Our research indicates that 42% of properties in Albany Rd have undergone conversions into flats and that does not include this application or at least 2 more pending applications (see diagram at the end of 4.2)
- KP5 also generates an obligation to protect popular family homes, as it requires planning policy to ensure developments generate “no undue effect on the amenity of neighbouring occupiers...connecting positively to surrounding communities”. Those making planning decisions are therefore obliged to consider the impact that a fast turnover of tenants has on their neighbouring long-term residents.
- Approval of this application will further reduce long-term family housing stock.
- In addition as raised by Cllr Joe Boyle at Planning Committee on 11.11.2016. the conversion is likely to have a cumulative impact on amenities such as school places.

## 9.2 Residential Amenity Considerations

It is not considered that the single storey extension would be overbearing or generally un-neighbourly to justify concern for the Local Planning Authority in this instance. The overall length and height would be identical to that permitted by extant permission 15/01837/DCH and there is an existing garage/outbuilding of 5m length adjoining at no. 223. Although the adjoining occupier has indicated that they intend to remove their garage/outbuilding, this structure existed when planning application 15/01837/DCH was considered and that permission can be implemented regardless of whether the adjoining structure is demolished. There is no power to revoke a planning permission on the basis of a change in scenario at an adjoining property.

### COMMENTS:

- SPG para 7.1 – 7.2 states: A rear extension may have less visual impact on the existing house and the surrounding area than a side or front extension. Rear extensions do however have the **potential to impact** on the daylight and outlook of your neighbours.
- Design principles:
  - Be subordinate to the original dwelling
  - Avoid blocking natural light and outlook to habitable rooms in neighbouring properties
  - Avoid reducing garden space to an unreasonable small size

- We consider the scale of the rear extension is not subordinate to the original dwelling
- Natural light will be compromised in neighbouring properties and gardens
- The garden space will be severely reduced.
- Previous planning consent 15/01837/DCH and permitted development rights are the some of the grounds on which this application is being recommended by the case officer for approval. As stated by the case officer to the planning committee on 11.10.17:
  - *The overall footprint would be very similar to the extension permitted by extant permission 15/01837/DCH and part of the extension encompasses the existing detached garage structure.*
  - In fact the garage/outbuilding was not part of the footprint of living accommodation within the existing house in the initial planning application. It remained a separate building. The condition however placed on the original permission was that the fact that the single storey games room (the detached garage structure) should remain ancillary to the residential use of 225 Albany Rd and that it should not be sold or let independently. *Reason: The creation of a separate dwelling unit would be unacceptable in this location'.*
- For the purpose of permission 15/01837/DCH the detached garage was to be converted into a “games rooms”, it was to remain a separate building. The storage shed between the kitchen extension and the games room did not link the two spaces through internal means. Conversion of the garage was **NOT** using permitted development rights and conditions were place on its use. It cannot therefore be considered relevant in considering this current planning application
- SPG Residential Extensions and Alterations para 3.10 states: In certain circumstances, Permitted Development rights may have been removed. This applies for example to: all flats, development in some Conservation Areas with an Article 4 Direction, alterations to Listed Building or as a result of conditions placed on a property or development by a previous planning consent.

It is not considered that the dormer extensions would be overbearing or generally un-neighbourly to justify concern for the local planning authority in this instance. The rear annexe dormer would have minimal additional overshadowing impact upon no. 227 to that already experienced by the existing two storey annexe and the main roof. Furthermore, the height of the rear annexe dormer would be lower than the ridge height of the existing main roof. In any case the rear annexe dormer would constitute development permitted under Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 if constructed prior to the conversion to flats.

#### COMMENT:

- There is an interpretation here of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, which we are struggling to understand. The statement above suggests that the rear annexe dormer would constitute development permitted ..... **IF constructed prior to the conversions to flats.**



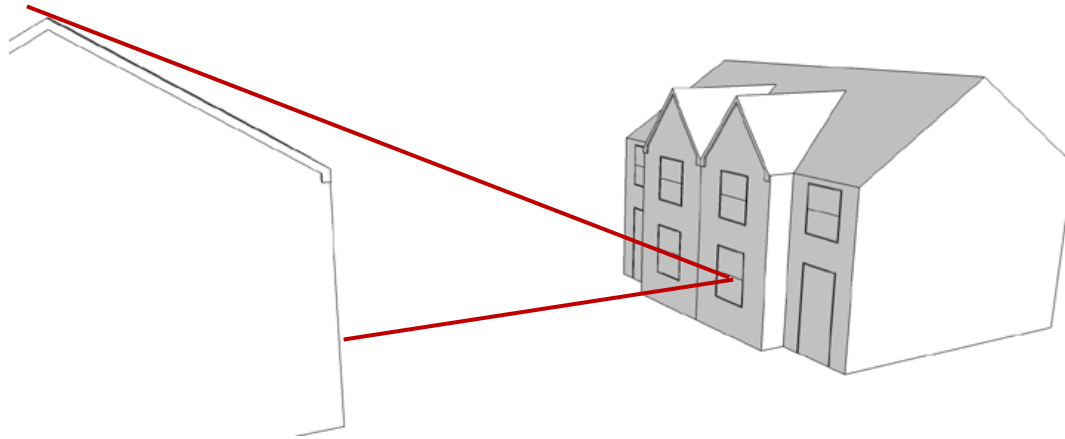
- Prevailing common sense would suggest that as the rear annexe dormer (or the dormer in the main roof) has **NOT** been constructed prior conversion to flats therefore it **CANNOT** be considered under the order of permitted development and has to be assessed as part of the overall development and conversion of the site.
- Despite the case officer's assumption that the rear dormer extension would have minimal impact on 227, we would strongly beg to differ. (see comments below)

It is not considered that the rear facing windows of the dormer extensions would result in any unreasonable loss of privacy to adjoining gardens having regard to their positioning and orientation. The rear facing windows of both dormer extensions would face the rear garden of the application site in the same manner as the existing first floor rear facing windows, angled at 90 degrees to the adjoining side gardens. The rear facing window within the main roof rear dormer would be sited 26m from the rear gardens of nos. 104 & 106 Marlborough Road and the rear annexe dormer would be sited 15.5m from the rear gardens of nos. 104 & 106 Marlborough Road, exceeding the minimum of 10.5m specified by the Residential Extensions & Alterations Design Guide. It is noted that the side facing windows of the rear annexe dormer would be sited 4.5m from the side boundary of no. 227 Albany Road which is less than the minimum of 10.5m specified by the Residential Extensions & Alterations Design Guide. Condition 6 is considered necessary to ensure these windows are obscure glazed and non-opening below an internal height of 1.7m.

#### COMMENTS

- Reference SPG – Residential extensions and alterations (7.26) *“Extension should not ...result in an unacceptable loss of daylight or sunlight to neighbouring properties”*
- The development will result in an unacceptable loss of daylight and sunlight to neighbouring houses and gardens on both sides. The industry-accepted standard for assessing daylight and sunlight is that provided in the BRE guidance 'Site Planning for Daylight and Sunlight - a guide to good practice'. The guidance is relevant by virtue of being the industry-standard, and has also been summarised in the draft version of the 'Cardiff Residential Extensions and Alterations' SPG that was published June 2017, as follows:
- Draft SPG (2017) 7.34 – 7.35 *“A significant building or structure will be obstructing reasonable light to a relevant window if it breaks a line projecting up from the centre of the relevant window 25 degrees from the horizontal.*
- The proposed addition of a huge dormer above Flat 4 will break this 25 degree rule. The occupants of the dining room, living room, kitchen (with dining facilities) and downstairs bathroom of 227 Albany Road will be adversely affected by this significant reduction in their access to daylight and sunlight and their view of the sky. These rooms are already deprived of light by virtue of their orientation and the tunnelling effect that the position of the annexes to these houses naturally produces; the dormer will compromise their daylight and sunlight further to an unacceptable extent.

- The 25-degree line projecting from the centre of the relevant window. In this case the scheme is acceptable by our own measurements the 25-degree line will be broken by the rear annex dormer extension as the diagrams below demonstrate:



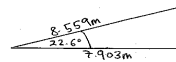
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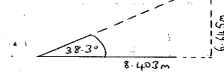
Rear Perspective View

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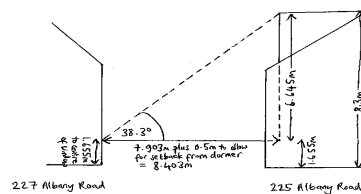
1. ANGLE BETWEEN HORIZONTAL LINE FROM CENTRE OF 227'S DINING ROOM WINDOW AND EXISTING FASCIA BOARD OF 225'S ROOF:



2. ANGLE BETWEEN HORIZONTAL LINE FROM CENTRE OF 227'S DINING ROOM WINDOW AND FASCIA BOARD OF 225'S PROPOSED REAR ANNEXE DORMER:



MEASUREMENTS USED FOR CALCULATION 2:



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The internal floor area of all flats comfortably satisfies the minimum requirement of 30 square metres at an internal height of 2m or more, and the outlook from all living areas is considered adequate. An adequate private external amenity area of 65 square metres (60 excluding the cycle store) would be retained at the rear/side accessible by all flats via an external side passage. A cycle store would be provided within the rear garden, condition 5 is considered necessary to ensure a covered cycle store is provided prior to beneficial occupation of the flats. Refuse storage containers can be satisfactorily accommodated externally within the side or the rear garden, condition 4 is considered necessary to ensure the necessary storage containers are provided prior to beneficial occupation.

**COMMENTS:**

- Planning Policy Wales 2016 also states:  
3.3.3 “When a new building is proposed, an existing building is being extended or altered or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility”.
- Welsh Governments TAN 12 on Design (5.3.1 – 5.3.6) states:  
“*Good practice for all involved in the design process involves:....increasing awareness of inclusivity by all.... Initiatives..... illustrate the importance of foresight and flexibility as well as sensitivity in design as a means of allowing everyone to use the environment and/or access/services/facilities in an equal independent way*”
- The private external amenity space is considered adequate at 65m<sup>2</sup> but only 60m<sup>2</sup> accounting for the cycle store; does that include the space down the side of the house where the bins are stored?
- Measurements presented further down the report Section 9- Design Considerations states: “.... a large external area (17.5m long 3.5m wide) of 65 square metres would remain to the rear/side” The calculation is wrong, the area would be 61.25m<sup>2</sup>
- Meanwhile our calculations suggest 5m<sup>2</sup> for the cycle store is inadequate and the minimum should be 10m<sup>2</sup> therefore the amenity space is now 50m<sup>2</sup>. In the plans there are also 2 bins stored outside flat 2 they account for approx. 3m<sup>2</sup> This leaves a total of 47m<sup>2</sup> as a shared space for recreation and drying washing for between 2 – 16 people.
- The shared amenity space does not uphold a “*reasonable extension to back garden ratio*” and therefore does not “*provide a useable form of private amenity space*”. *SPG Residential Extensions and Alterations Draft 2017*
- Meanwhile the resubmitted plans locate the bins down the external side passage of the property used as the main access to Flat 2 and the sole access to the cycle store for flat 1, 3, and 4. This contravenes published guidance SPG Waste and Storage Facilities 2016.
- “*External storage of bins should be 1) accessible - not be situated as to interfere with pedestrian or vehicular access to a building 2) Have access paths with a suitable width of 1.2m for the use of residents in wheelchairs*”



- The image demonstrates the guidance statement above. There is insufficient room for bins, a person and bicycle.
- Wheelchair access is denied.
- Health and safety and emergency escape route is severely hampered.
- Cyclists would be unable to access the covered cycle store facilities

It is noted that the ground floor rear flat would have a secondary access to the rear lane, if pedestrian access was solely via the rear lane it would be unacceptable as this would be detrimental to residents in terms of pedestrian safety and security. Condition 3 is therefore considered necessary to ensure access to this flat via the front of 225 Albany Road is retained at all times. It is also noted that a condition was imposed on previous permission 15/01837/DCH to prevent use of the games room as a separate dwelling, however this was imposed as an advisory function due to the characteristics of that proposal being for an extension to an existing dwelling and not for subdivision to create additional dwelling units unlike the current proposal.

**COMMENTS:**

- With regard to access via the rear lane we cannot see how the planning department can determine that residents won't use this as their sole access. How could they police this or seek to impose the condition.
- As referenced in 7.1 National Resources Wales have set out conditions that the finished floor levels of the rear portion of the building are set at 8.75m AOD and the front portion set at 9.06 AOD. These measurements will create a drop from the rear door of the single storey extension into the gully of the back lane. Steps would be required and in order fulfil TANS 12 and health and safety requirements the size of the steps would likely infringe vehicle access along the back lane.
- The detached garage was to be converted into a "games rooms", it was to remain a separate building. The storage shed between the kitchen extension and the games room did not link the two spaces through internal means. Conversion of the garage was **NOT** part of any permitted development and conditions were placed on its use. It cannot therefore be considered relevant in considering this current planning application.
- Access via the side gate at the front of the property by both pedestrians and cyclists will be hampered by the siting of the bins down the side of the house and then the cycle storage would also have to be negotiated.

It is noted that the side facing windows of the ground floor rear flat would be overlooked by occupants of the other flats when using the shared outdoor amenity space, however this is a widely established accepted relationship between ground floor flats and shared external amenity areas of buildings

converted to flats and new build blocks of flats.

### 9.3 Design Considerations

The scale of the single storey extension is considered acceptable in this instance as a large external area (17.5m long 3.5m wide) of 65 square metres would remain to the rear/side, the provision of an unusually large external area at the side is repeated within the vicinity at nos. 227, 237 & 239 Albany Road.

#### COMMENTS:

- We cannot see the relevance of referring to other properties with side areas. What point is being made?
- SPG Residential extensions and alterations 7.41 – 7.77
- *“Any extension to the ...rear of your house should maintain a reasonable extension to back garden ratio. Any dwelling can only accommodate a finite amount of extension. In addition to the visual impact, the overdevelopment of a property will result in an inadequate amount of amenity space with the plot and could have a detrimental impact on neighbouring amenity through overshadowing and loss of light and privacy. Any extension should NOT result in the overdevelopment of the original garden area”*
- *“For larger houses or those in areas where the establishment character includes good sized private gardens, any extensions or group of extensions/outbuildings beyond the permitted development limit, should ensure the retention of significant area of garden space. Proposals in this case will be considered in relation to character and context of the original house”*



Extension is an over-development of the plot

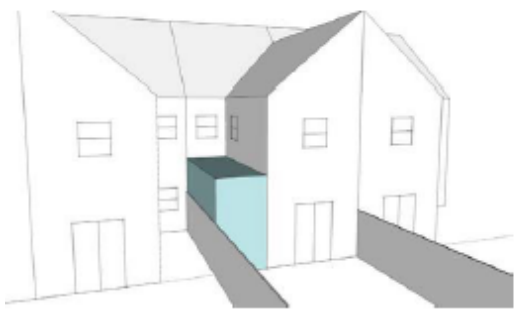
- As pointed out already, much of the remaining external area is taken up with bin and cycle storage. The calculations above are incorrect 17.5m X 3.5m makes 61.25 m<sup>2</sup>. Our calculations suggest 47m<sup>2</sup> is what remains therefore the scale of the single storey extension is **NOT** acceptable.
- The rear extension does not maintain a reasonable extension to back garden ratio resulting in an overdevelopment of the original garden area
- Many residents will feel the visual impact as the extension would be visible across a wide ranging landscape.

- Such a large building in a rear garden represents a loss of amenity for existing and future residents of the property
- Once a garden has been built over it can never be reclaimed.
- Of particular concern in terms of scale and visual impact is the large flat roof of the single storey extension. It does not blend harmoniously with the existing property as the current annexe extensions do.
- The flat roof covers an extensive area and does not give the appearance of being part of the original house. NONE of the Edwardian houses in the local area have flat roofs.
- This design goes against the guidance in the SPG Residential extensions and alterations para 7.39 – 7.40 which states: “the roof of an extension should match the main roof in terms of style, form, pitch and materials to ensure that the extension appears to be part of the original house.....a pitched, hipped or gabled roof will almost be more appropriate than a flat roof. Flat roofs...are best avoided as they can present long-term maintenance problems and rarely appear as though they blend harmoniously with the existing property.

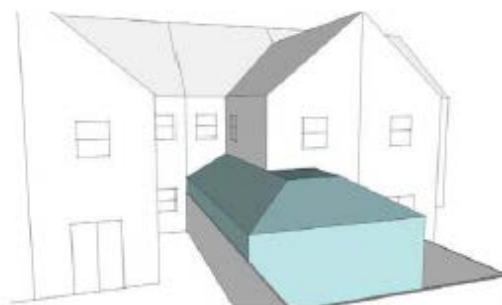
The overall footprint would be very similar to the extension permitted by extant permission 15/01837/DCH and part of the extension encompasses the existing detached garage structure. Accordingly it is considered that it would not be out of character to the locality and will provide a subservient addition to the building. It should also be noted that a large proportion would constitute development permitted under Class A of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 on the basis that: *the total area of ground covered by buildings within the curtilage of the dwelling house (other than the original dwelling house) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house); the height of the eaves of any part of the enlarged part which is within 2 metres of the boundary of the curtilage would not exceed 3 metres; and the enlarged part of the dwelling house would not extend beyond the rear wall of the original dwelling house by more than 4 metres.* The existing 3.8m single storey rear structure existed in 1948 therefore is considered original for the purposes of permitted development.

#### COMMENTS:

- SPG Residential Extensions and Alterations para 7.17



The height of the extension and position on the boundary is overbearing



Depth and height of extension is overbearing



- These diagrams help to illustrate the height of the wall of Flat 2 will overbear the neighbours in the garden of 223 Albany Road, resulting in the loss of the amenity of their garden. It will be 3 metres tall, very much higher than the existing stone garden wall. Their garden plants will be shadowed by the extra height running the entire length of the East side of the garden, and hit by water run-off from the extensive flat roof of Flat 2 at times of heavy rain.
- The wall, roof and gutter adjoining to 227's shed/outbuilding will also create problems with water run-off
- The fact that there is extant planning permission is irrelevant to this application, which is an application to convert a single dwelling into four flats, and requires fresh planning permission. It must be decided on its own merits, without reference to the previous permission for a householder extension.
- The fact that householders are able to undertake some permitted development without planning permission is equally irrelevant. Permitted development rights are not a material consideration in applications where planning permission is required

The main roof rear dormer is considered visually acceptable as it would be set back from the rear/side elevations and finished in materials to match the existing building, in accordance with the Residential Extensions & Alterations SPG. It is noted that the rear annexe dormer would be of substantial size, however in any case this dormer extension would constitute development permitted under Class B of Part 1 in Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 if constructed prior to the conversion to flats on the basis that: *it does not exceed the highest part of the existing roof, does not exceed 40 cubic metres, is set back by 0.2m from the eaves of the roof, and the appearance of the materials used will far as practicable match the appearance of the materials used in the equivalent elements of the existing dwelling house.*

#### COMMENTS:

- SPG Residential Extensions and Alterations para 7.62 – 7.68
- *“The design of dormer windows should be carefully considered as they can have significant impact on the character and appearance of a house and its surrounding area”*
- *“Dormers positioned to the side of rear annexes where planning permission is required can be inappropriate in terms of privacy and visual impact”.*
- With reference to the rear annexe dormer extension and permitted development we reiterate the point that the “Order” states that it can be permitted development **IF** constructed prior to the conversion to flats. As the dormer has NOT been constructed prior to this application for conversion into flats it cannot be deemed to come under permitted

development. It has to be considered as part of the overall planning applications.

- Meanwhile 2 dormers make the property look top heavy
- The dormers are NOT scaled so as to appear subservient to the existing dwelling, as policy requires. The existing roof is almost obliterated.
- The architect's drawing of the proposed rear elevation shows that the symmetry between rears of 225 and 223 will be completely destroyed.



Box dormer is excessively scaled relative to the roof and has poor window alignment with those below.



#### 9.4 Transport Considerations

The proposal is compliant with the Access, Circulation and Parking Standards SPG with no off street parking spaces, subject to provision of cycle parking as confirmed by Transportation. The site is also in a sustainable location near to bus routes.

**SEE PREVIOUS COMMENTS:**

- Recommendation 1 point 5
- Section 6.1 of Internal Consultee Responses

#### 9.5 Representations

The representations received from the neighbouring residents, Cllrs Joe Boyle, Peter Wong, Daniel De'Ath, Mary McGarry, Sue Lent, Jenny Rathbone AM and Jo Stevens MP are noted. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. Specific issues are addressed as follows:

a) Density/Overdevelopment. It is considered that the provision of four flats is acceptable as detailed within the above analysis.

b) Size/Scale. It is considered that the proposal is acceptable as detailed within the above analysis.

**COMMENTS to a) & b)**

- SPG Residential extensions and alterations (June 2105) para 7.26 – 7.27



- In line with the guidance, the single storey extension along with the 2 dormer roof extension constitute a development which creates significant overshadowing and loss of privacy to existing neighbours.
- They also have an overbearing appearance and an oppressive impact on its neighbours on both sides.
- SPG Residential extensions and alterations (June 2105) para 7.64 – 7.66 states that: “Dormer windows **should not dominate the original house and should look as though they were designed as part of the original roof of a dwelling. The scale of a dormer window should be appropriate to the roof upon which it is located.....** It is important that dormers appear **well proportioned** and therefore **subservient to a roof**. The roof of the dormer should not extend to, or beyond the external wall of the existing roof, nor should it breach any hip. **Large, flat roofed dormers are over-dominant and can cause the property to appear ‘top-heavy’”**.
- SEE ADDITIONAL COMMENTS in response to the analysis above.

c) Bins. It is considered that refuse storage containers could be suitably accommodated within the side/rear garden as detailed within the above analysis. Existing refuse storage containers for buildings within this street are accommodated within the front forecourts. The revised plans indicate that a 0.8m wide access would be provided to the side of the bins. Building Control have confirmed that this is adequate as the ground floor rear flat would have a secondary access to the rear lane which could be used as a means of escape in the event that the side access is obstructed by fire. If any issues were presented by bins being stored at the side they could be relocated to the rear where there is ample space. Should this be the case, condition 4 would allow full flexibility of the bins being located to the side or the rear.

**COMMENTS:**

- There is a suggestion above that there may be problems with the siting of the bins down the side of the house and that these could be relocated to the rear of the property. If bins are relocated to the rear of the property that would reduce the size of the amenity space. Wherever the bins are sited, there would be odour, visual and noise impact for residents in flat 2 and flat 1.

**SEE ALSO PREVIOUS COMMENTS:**

- Recommendation 1 point 3
- Description of Proposed Development 2.5
- Waste Management 6.2
- Residential Amenity Considerations 9.2

d) Parking. The proposal is compliant with the Access, Circulation and Parking Standards SPG with no off street parking spaces subject to provision of cycle parking as detailed within the above analysis.

**COMMENTS:**

- Policy H5 states that “Proposals for any conversions into flats or HMOs will be permitted where: it does not have an adverse effect on local parking provision.

- Access, Circulation and Parking Standards SPG paragraph 3.1.8 states: “in areas where there is a high concentration of single dwellings that ...have been subdivided into multiple flats/bedsits/apartment units levels of on-street parking may have reached or be approaching a point of saturation. In locations where such circumstances prevail, proposals for the further subdivision of existing dwelling/flats etc will need to be carefully considered in light of the likely impact of any intensification upon existing parking pressures”
- The Welsh Governments TAN 12 on Design para 5.11.7 advises “recognition that car ownership and car size can vary with income, age, household composition, the type of housing and its location. Where and how cars are parked can be a major factor in the quality of the development.
- In light of these policies and guidance statements:
  - There is already a high concentration of single dwellings that have been subdivided (see separate evidence submitted about numbers).
  - Levels of on-street parking have already reached a point of saturation in the evenings. Any further intensification will severely exacerbate those difficulties.
  - Table 3.8 of ‘Access, circulation and parking standards’ SPG identifies that the existing four-bedroomed house requires between one and three parking spaces, whereas the development (four two-bedroom flats) requires between two and eight parking spaces. Using median figures, the demand rises from two parking spaces to five parking spaces.
  - The Access, circulation and parking standards SPG quoted above explicitly acknowledges that the subdivision of houses generates increased demand for parking.
  - The experience of residents of Albany Road is that houses converted into flats generate more parking demand than family houses (as suggested by TAN 12, quoted above). Not only do they have more occupants, but a greater proportion of those occupants are adults (rather than children, who cannot drive).

e) Loss of family accommodation. There is no planning policy to protect family accommodation and no policy or specific supplementary planning guidance in terms of thresholds/saturation which the Council could rely on to support a refusal.

f) Saturation of HMOs. The application does not propose conversion to HMO accommodation (use class C4) as it proposes residential flats within use class C3. The Houses in Multiple Occupation Supplementary Planning Guidance does not apply to residential units within class C3.

**COMMENTS:**

- The fact that there is no policy with regard to conversions of family homes into flats is a matter that needs to be urgently addressed by the council and the issues identified in this application identify this need. Formulas pertaining to HMOs are the only measure objectors have in making some sort of rational comparisons – areas reaching saturation point in

conversions, parking, issues of rubbish and waste, size of shared amenity space and so on.

g) Fast turnover of tenants. Not a material planning matter, there is no planning control upon the length of a tenancy.

**COMMENTS:**

- Maybe this is not in the control of planning but it is of material concern to local residents who invest heavily in the area in which they live and wish to ensure a sustainable community.

•

h) Stress on Local Amenities. It is not considered that the proposal would cause 'demonstrable' harm to local amenities.

**COMMENTS:**

- This is not the view presented by Councillor Joe Boyle at the Planning Committee meeting on 11<sup>th</sup> Oct 2017

i) Pressure on local infrastructure and sewerage system. Connections would be considered by the building regulations procedure, it is not considered that the proposal would cause 'demonstrable' harm to the infrastructure. There is no policy or specific supplementary planning guidance which the Council could rely on to support a refusal.

j) Loss of privacy/amenity from extension and balcony. It is not considered that the proposal would result in any unreasonable loss of privacy or amenity to adjoining properties as detailed within the amenity analysis above. The rear balcony has been deleted from the scheme.

k) Loss of privacy/amenity from rear dormers. It is not considered that the proposal would result in any unreasonable loss of privacy or amenity to adjoining properties as detailed within the analysis above. The rear annexe dormer extension would constitute 'permitted development' not requiring planning permission if constructed prior to the conversion to flats. Local Development Plan policies and Supplementary Planning Guidance are not applicable to works which do not require planning permission. Condition 6 would ensure the south east facing windows of the rear annexe dormer shall be non-opening below a height of 1.7m above internal floor level. The references to the draft 'Cardiff Residential Extensions and Alterations' Supplementary Planning Guidance are noted, however this is draft guidance and has not been formally approved by the Council.

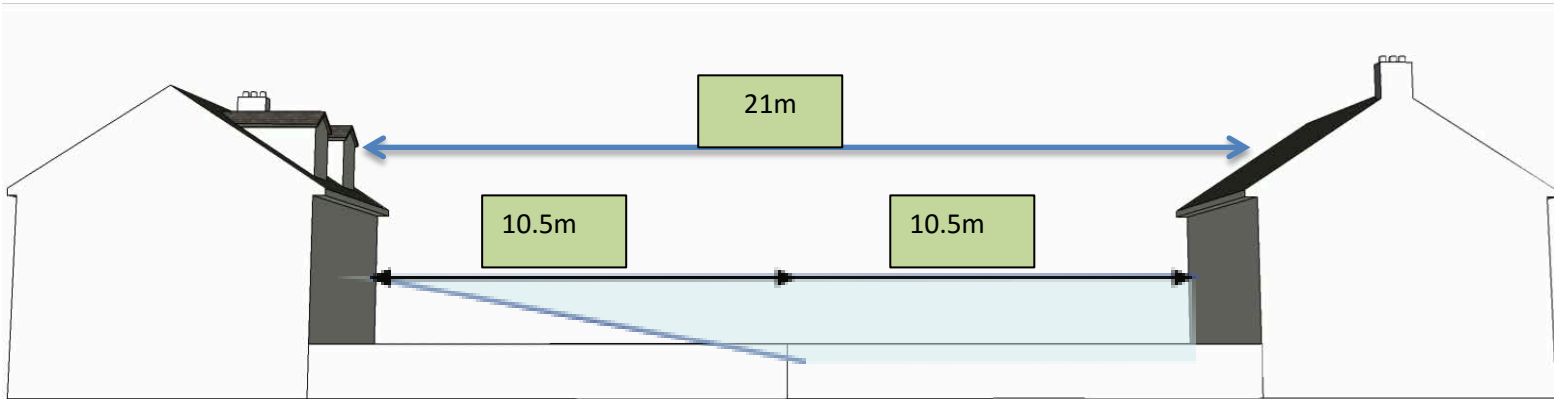
l) Noise Disturbance. It is not considered that the proposal would result in adverse noise consequences.

**COMMENTS:**

- With reference to points j, k and l. planning officers may not consider that there will be no loss of privacy or noise disturbance, but we consider there will be. It's all a matter of interpretation of policy and guidance documents and we refute the perspectives presented on these matters. SPG Residential Extensions and Alterations (June 2015) para 7.25 states: "In the case of extensions above single storey, a distance of 10.5m between

the rear wall of a property and its rear boundary, and 21m between the rear habitable room windows of dwellings which directly back on to each other, is normally required to avoid overlooking and to protect neighbouring amenity”.

- The distance between 225 and 227 is less than the requirements recommended



- We take issue with the notion of permitted development outlined by planning officers in relation to this application.
- We also consider SPG documents, whether adopted or not, are used to support the planning application when it suits the case being presented but do not have credence when referred to by petitioners.

m) External Amenity Space. It is considered that the proposed external amenity area of adequate size and useable form as detailed within the above analysis.

COMMENTS:

- The private external amenity space is considered adequate at 65m<sup>2</sup> but only 60m<sup>2</sup> accounting for the cycle store; does that include the space down the side of the house where the bins are stored? Meanwhile our calculations suggest 5m<sup>2</sup> for the cycle store is inadequate and the minimum should be 15m<sup>2</sup> therefore the amenity space is now less than 50m<sup>2</sup>. In the plans there are also 2 bins stored outside flat 2 they account for approx. 3m<sup>2</sup> This leaves a total of 47m<sup>2</sup> as a shared space for recreation and drying washing for between 2 – 16 people.
- The shared amenity space does not uphold a “reasonable extension to back garden ratio” and therefore does not “provide a useable form of private amenity space”. SPG Residential Extensions and Alterations Draft 2017

n) Size of flats. The Council and the Welsh Government have no formal policy or guidelines relating to the size of flats. However, it is of relevance that the size of the proposed flats would be considerably exceeds 30 square metres which is considered to represent a reasonable standard of amenity for occupants.

o) Condition of previous planning permission. A condition was only imposed on previous permission 15/01837/DCH as an advisory function to prevent

use of the games room as a separate dwelling due to the characteristics of that proposal being for an extension to an existing dwelling not a proposal for subdivision to create additional dwelling units. The current proposal is considered acceptable as detailed within the above analysis.

**COMMENT**

- The condition was NOT advisory. The “games rooms” was NOT part of an extension from the existing dwelling, it was a separate building and was to remain so within the previous planning application (as above), there was no internal connection between the two buildings. The condition was to prevent the “games rooms” being used as living accommodation.

p) Development on the boundary. The proposal is considered acceptable in this respect, any party wall matters would be a private civil matter between the property owners concerned as set out by the party wall legislation.

**COMMENTS:**

- SPG Residential Extensions and Alterations (June 2015) states that: “If you build right up to the boundary it is likely that the guttering will overhang. You will need your neighbour’s permission to do this, and you will also need to serve notice on them when you apply for planning permission. You should also note the requirements of the Party Wall etc. Act 1996 and the possible implications from building regulations requirements.

q) Disabled access: Access would be considered by part M of the Building Regulations. Part M is not applicable where there is no material change of use (subdivision of an existing dwelling to flats is not a material change of use), and in such cases requires that any material alterations must not make the building less satisfactory than it was before. Therefore, provision of a lift is not required in this instance.

**COMMENTS:**

- There are other additional expectations and requirements under the Equality Act 2010, which amongst other requires public services to afford the same rights to people with disability as the general population, this includes rights to buy and rent properties.

r) Effect on Property Values. Not a material planning matter.

**COMMENTS:**

- This may not be a planning matter but it is of material concern to the local residents

s) Increased crime from flat roof and windows/door to rear lane. It is not considered that the proposal would result in increased crime, the provision of a flat roof is common for single storey extensions and garages and in any case the insertion of windows/doors in the rear elevation facing the lane would not constitute development requiring planning permission.

**COMMENTS:**

- SPG Residential extensions and alterations (June 2015) para 10.1 – 10.3

- Under Section 17 of the Crime and Disorder Act, the Council is obliged to encourage design that reduces crime. All developments must demonstrate how they positively contribute towards safe and secure environments..... Alterations should maximise opportunities to provide overlooking of access routes....limit the creation of hidden recesses and poor sightlines...low flat roofs ...should be designed so that they do not provide climbing aids to gain access into the property.
- The development introduces a flat roof abutting the back lane, so that it can be used as a climbing aid
- It places three windows and a door for Flat 2 directly on the back lane, where there is no surveillance, generating an easy target for burglars.
- The flat roof provides an ideal opportunity for burglars to jump down into the gardens on either side of 225 Albany Road.
- The flat roof provides a stage for burglars to view burgling opportunities in numerous other houses and gardens along the lane.
- The back lane has gates, it is a very long lane and is frequently left unlocked. Although this is not considered a planning matter it is a matter of grave concern for residents and this development impacts on our security and safety.

t) Effect of External Lighting. Installation of external lighting at residential properties does not constitute development requiring planning permission, therefore is not a material planning matter. Artificial light nuisance can be controlled by the Environmental Protection Act 1990 as 'statutory nuisance'.

The representations in support are noted.

## 9.6 Other Legal Considerations

*Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

- **COMMENTS:**  
Planning Portal Wales states: "...alterations and additions to your property may make you more vulnerable to crime than you realise. For example, an **extension with a flat roof**, or a new porch, could give access to upstairs windows, which previously did not require a lock.
- As stated by the case officer with regard to access to the rear single storey flat: "Sole pedestrian access via the rear lane would be detrimental to occupants and give rise to concerns over pedestrian safety and security, in accordance with Policy KP5 of the Local Development Plan.

*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.

COMMENTS:

- PPW (2016) 3.3.3 states: "When a new building is proposed, an existing building is being extended or altered or a change of use is proposed, developers should consider the need to make it accessible for all those who might use the building. The appropriate design and layout of spaces in, between and around buildings, including parking provision and movement routes, is particularly important in ensuring good accessibility."
- The layout and siting of the cycle storage in relation to the movement routes to the shared amenity space do not constitute appropriate design in the relation to PPW statement above. The proposed siting of the bins will also be a hazard. And even if moved to another part of the rear garden space will lessen access to the space.

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

COMMENTS:

- *KP12 vii. Designing out crime and creating communities, which are safer and feel safer* . The flat roof, doors and windows immediately adjacent to the rear lane will compromise feelings of safety and therefore impact on the well-being of residents.
- Whichever location at the rear of the property is chosen for bin storage there would be an odour, visual and noise impact on any residents at living at ground floor level; this would compromise health & safety requirements and the well-being of the residents.
- The need to keep windows permanently obscured to minimise overlooking to the neighbours would constitute poor living conditions for the future occupants in terms of outlook. As this is a daily living space, kitchen and sitting room, this will have an unacceptable impact on the residents.

## 9.7 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.

COMMENTS:

- Planning policies and guidance documents have been used to demonstrate that this planning application should be denied permissions as follows:
- Excessive for the footprint of the existing property thereby changing the character of the building and local area.

- Overbearing in design compromising the privacy, noise disturbance and access to light for the neighbouring residents
- It does not uphold a reasonable extension to back garden ratio and does not provide a usable form of private amenity space – figures presented by the case officer are inaccurate and variable.
- In addition to the impact on neighbours the design and scale compromises living conditions for future residents – siting of bins, siting of cycle storage, access to both, non-opening glazed windows, manageable movement route through the shared amenity space, well-being compromised.
- The cumulative impact of conversions on the character of the residential end of Albany Rd
- The cumulative impact on parking
- The cumulative impact on primary service such as schools
- The cumulative impact on feelings of safety and security.

9.8 However, should Committee be minded to refuse the application as discussed at the previous meeting, the following could potentially form a reason for refusal:

- 1 The proposed subdivision would have an undue effect on the amenity of neighbouring occupiers and surrounding communities, and the cumulative impact would adversely affect the amenity and character of the area, contrary to the provisions of policies KP5 (x) and H5 (iii) of the adopted Local Development Plan.



<b>PAGE NO. 178</b>	<b>APPLICATION NO: 17/01765/MJR</b>
<b>ADDRESS</b>	<b>225 ALBANY ROAD, ROATH, CARDIFF</b>
<b>FROM:</b>	Neil Burridge, 223 Albany Road & Sian Evans, 182 Albany Road
<b>SUMMARY:</b>	<p>Further objections received, summarised as follows:</p> <ul style="list-style-type: none"> <li>a) Location of bins within the external side passage would provide insufficient space for an adult pushing a cycle past the bins to access the cycle store;</li> <li>b) The cycle store seems too small to accommodate 8 cycles required by the Access, Circulation &amp; Parking Standards SPG;</li> <li>c) The shared amenity space of 65 m2 is misleading, the actual space is 47 m2 taking into account bins and adequate cycle storage;</li> <li>d) Adverse impact in terms of car parking; evidence that car use in flats is lower than in houses is not substantiated; it is possible that four two bedroom flats could easily attract demand for 8 spaces; The bus route for this area is actually quite limited;</li> <li>e) Cumulative impact on amenity and the character of the area;</li> <li>f) Previous planning permission and permitted development.</li> </ul>
<b>REMARKS:</b>	<ul style="list-style-type: none"> <li>a) It is considered that refuse storage containers could be suitably accommodated within the site as detailed within the analysis. The bins at the side could be relocated to the rear if required, condition 4 would allow the bins to be located at the rear;</li> <li>b) Transportation have advised that the cycle store shown on the application drawings is probably not entirely suitable for the commodious long term storage of 8 cycles as currently proposed. If the cycle shelter is fully enclosed as shown/described then the outer/end stands could not be independently accessed and would be obstructed while the central stands are occupied. They are however satisfied that there is sufficient space around the currently proposed store in the garden, along with scope of store design to allow an acceptable solution. The wording of condition 5 should be revised to secure implementation of an acceptable design as follows:</li> </ul> <p>Prior to occupation of the flats hereby approved provision of undercover, secure and independently</p>

	<p>accessible cycle parking for 8 cycles shall be implemented, the hereby approved cycle parking shall thereafter be maintained and retained for the parking of cycles.</p> <p>Reason: To ensure that secure and under cover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.</p> <p>c) It is considered that the proposed external amenity area of adequate size and useable form as detailed within the analysis. The external amenity space figures referred to in the Houses in Multiple Occupation Supplementary Planning Guidance is not relevant as this document does not apply to residential units within class C3;</p> <p>d) Transportation have confirmed that the proposal is compliant with the Access, Circulation and Parking Standards SPG with no off street parking spaces;</p> <p>e) There is no policy or specific supplementary planning guidance in terms of thresholds/saturation which the Council could rely on to support a refusal;</p> <p>f) Noted.</p>
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<b>PAGE NO. 275</b>	<b>APPLICATION NO. 17/1906/MJR</b>
<b>ADDRESS:</b>	<b>CUSTOM HOUSE, CUSTOM HOUSE STREET AND FORMER YORK HOTEL, CITY CENTRE</b>
<b>FROM:</b>	Shared Regulatory Services (Noise & Air)
<b>SUMMARY:</b>	<p><b>Consultation response received 31<sup>st</sup> October 2017.</b> Request sound insulation, railway noise, delivery times, plant noise, and kitchen extraction conditions.</p> <p>Add the following conditions:</p> <p><i>Delivery times:</i> There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 and 08:00 hrs</p> <p>PC9A Kitchen extraction</p>
<b>REMARKS:</b>	Railway noise and plant noise conditions are in the draft cttee report. The sound insulation condition is not required as none of the bedrooms abut on the restaurant.