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AGENDA

Pwyllgor PWYLLGOR CYNLLUNIO

Dyddiad ac amser y cyfarfod DYDD MERCHER, 8 TACHWEDD 2017, 1.30 PM

Lleoliad YSTAFELL BWYLLGORA 4 - NEUADD Y SIR

Aelodaeth Cynghorydd Keith Jones (Cadeirydd)
Cynghorwyr Gordon, Ahmed, Asghar Ali, Congreve, Driscoll, Hudson, Jacobsen, Jones-Pritchard, Lay, Murphy a/ac Keith Parry

1 Ymddiheuriadau am Absenoldeb

2 Cofnodion

Cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 11 Hydref 2017 fel cofnod cywir.

3 Datgan Buddiannau

I'w gwneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

4 Deisebau

Derbyniwyd deisebau ynghylch y ceisiadau canlynol yn unol â Rheol 14.2 Gweithdrefn Cyfarfodydd Pwyllgorau. Mae'r deisebwyr wedi cael gwybod bod ganddynt hawl i siarad ac mae'r ymgeiswyr/asiantau wedi cael gwybod bod ganddynt hawl i ateb:

Cais rhif, 17/01547/MNR, 9 Heol Fair, Llandaf
Cais rhif, 17/00711/MNR, Cefn 19 Fairwood Road, Y Tyllgoed
Cais rhif 17/01435/MNR, 23-24 Wordsworth Avenue
Cais rhif 17/00406/MNR, The Caerau, Bishopston Road, Caerau.

5 Ceisiadau Rheoli Datblygu

a 17/01765/MNR, 225 Albany Road, Pen-y-lan

b 17/00406/MNR, The Caerau, Bishopston Road, Caerau

c 17/01547/MNR, Heol Fair, Llandaf

- d 17/00711/MNR, Annedd arfaethedig yng nghefn 19 Fairwood Road, Y Tyllgoed
- e 17/01435/MNR, 23-24 Wordsworth Avenue, Plasnewydd
- f 17/00110/MNR, Tiur ym Mryncoed, Cherry Orchard Road
- g 17/01935/MJR, The Michaelston, 105 Road, Trelái
- h 17/01801/MJR, Droke House, 948 Heol Casnewydd, Pentref Llaneirwg
- i 17/01300/MJR, Evans Halshaw Citroën gynt, 1 East Bay Close, Glanfa'r Iwerydd
- j 17/01906/MJR, Custom House, Heol y Tollty a'r York Hotel gynt, Canol y Ddinas
- k 17/01907/MJR, Custom House, Heol y Tollty a'r York Hotel gynt, (Caniatâd Adeilad Rhestredig)
- l 17/01850/MJR, Tir oddi ar Heol Hemingway, Glanfa'r Iwerydd
- m 17/00111/MJR, 199-209 Heol y Plwca
- 6 Ceisiadau a bennir gan y Pwerau Dirprwyedig**

Davina Fiore

Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol

Dyddiad: Dydd Iau, 2 Tachwedd 2017

Cyswllt: Kate Rees, 029 2087 2427, k.rees@caerdydd.gov.uk

PLANNING COMMITTEE

11 OCTOBER 2017

Present: County Councillor Keith Jones(Chairperson)
County Councillors Gordon, Ahmed, Asghar Ali, Driscoll,
Hudson, Jacobsen, Jones-Pritchard and Murphy

28 : APOLOGIES FOR ABSENCE

Councillor Congreve and Lay

29 : MINUTES

The Minutes of the 13 September 2017 were agreed as a correct record.

30 : DECLARATIONS OF INTEREST

No declarations of interest were recieved.

31 : PETITIONS

Application no, 17/00711/MNR, Proposed dwelling rear of 19 Fairwood Road,
Fairwater

Application no, 17/01143/MNR, 11 Station Road, Llanishen

Application no, 17/01183/MNR, Unit 1 Cowbridge Court, 58-62 Cowbridge Road, Ely

Application no, 17/01547/MNR, 9 Heol Fair, Llandaff

Application no, 17/01765/MNR, 255 Albany Road, Penylan

32 : DEVELOPMENT CONTROL APPLICATIONS

The Committee considered the schedule of development control applications
submitted in accordance with the Town & Country Planning Act 1990:

RESOLVED: That pursuant to this Committee's delegated powers the following
development control applications be determined in accordance with the
recommendations as set out in the report of the Director of City Operations subject to
any further amendments as detailed below and notification be given of the decision
in accordance with Section 74 of the Planning (Listed Building & Conservation Area
Act 1990)

APPLICATIONS GRANTED.

17/00969/MJR – CAERAU

FORMER TY NEWYDD CARE HOME, 343 HEOL TRALAI

Development of 16 affordable dwellings on the former Ty Newydd Care Home site
(including land to the rear of Heol Treenwydd) comprising 6no, housing apartments,
8no walk-up apartments and 2no bungalows, associated landscaping access,
drainage and highways works.

Subject to deletion of Conditions 13 and 14 and replace with the following to read:

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

“Condition 13 – Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5 l/s”

Subject to the following amendment:

“Line 1 of Condition 7 replace with 6 so it refers to Condition 6”

Subject to an additional Condition 19 to read:

“Prior to the commencement of development the slab levels of the buildings, finished ground levels and existing ground levels shall be submitted to and approved by the Local Planning Authority and then implemented as approved”

Subject to an additional Condition 20 to read:

“The first floor side facing lounge/dining room windows to units 5 and 6 shall be fitted with obscure glazing, which shall be retained in perpetuity”

17/01143/MNR – LLANISHEN

11 STATION ROAD

Variation of Conditions: 1) to allow fish and chip café with take away use and 2) to allow trading hours of 07:30 to 21:00 Monday – Saturday and 09:00 – 21:00 Sunday of 14/01745/DCO.

Subject to the following amendment to Condition 3:

“The premises shall only be open to members of the public between 09:00 and 21:00 Monday to Saturday and shall not be open to members of the public at any time on a Sunday”

17/01438/MJR – CAERAU

LAND AT FORMER ATC CENTRE, CALDICOT ROAD

Construction of 16 dwellings, access and associated works.

17/01824/MJR – SPLOTT

LAND AT NETTLEFORD ROAD

Redevelopment to provide a Dogs Trust re-homing centre including various buildings associated car parking, internal roads and paths, exercise runs, fences, sewage treatment plant, boundary treatments and landscaping.

APPLICATIONS GRANTED ON EXECUTION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990:

17/01291/MJR – CATHAYS

38-48 CRWYS ROAD

Conversion and extension of the existing buildings fronting Crwys Road to form A4 storey development for student accommodation with the retention of the existing retail units and restaurant. Erection of 3 three storey with rooms in roof student residential units within the existing car park to the rear of 38-48 Crwys Road with a car park and a communal garden.

Subject to the amendment of Condition 8 to read:

“No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access wheel washing facilities and dust suppression measures. Construction of the development shall be managed strictly in accordance with the scheme so approved”

17/01490/MJR – HEATH

PART OF FORMER PHOENIX ESTATE, CAERPHILLY ROAD

The demolition of existing buildings and erection of a class A1 foodstore (1,717SQM gross floor area) with associated access, car parking and landscaping.

Subject to Condition 2 amended to refer to plan no P(1)103 G and plan no. P(1)106C at point (viii)

Condition 7, 9 and 12 to be amended to refer to plan no. P(1)103G

Condition 10 amended to read “commenced, except for any demolition or remediation works!

Condition 14 amended to read “development, except for any demolition or remediation works”

Condition 21 amended to read “permitted hours to 07:30 – 22:30 Monday to Saturday and 10:00 – 17:30 on Sundays.

17/01691/MJR – GABALFA

BRIARDENE, NORTH ROAD

Development of 30 X two bedroom apartments for open market sales and 9 X affordable apartments (5 X one bedroom dwellings – 2 of which will be accessible ground floor units, and 4 X two bedroom dwellings) with associated landscaping, access, drainage and highways works.

Subject to Conditions 18 as 17 and the following conditions consecutively.

APPLICATIONS REFUSED

17/01183/MNR – ELY

UNIT 1, COWBRIDGE COURT, 58-62 COWBRIDGE ROAD WEST
Proposed change of use from use Class B1 to D1 (Place of Worship)

16/02934/MJR – GRANGETOWN

WINDSOR BUILDINGS, FERRY ROAD
Proposed affordable housing development and ancillary works.

Subject to an additional recommendation 2 to read:

“That the applicant be advised that given the constraints of the site, that the Local Planning Authority remain of the opinion that the site would likely yield a better quality of development if developed”

APPLICATIONS DEFERRED

17/01547/MNR – LLANDAFF

9 HEOL FAIR
2 Storey side extension and conversion to three duplex dwellings

REASON: In order for a site visit to this location to take place

17/00711/MNR – FAIRWATER

PROPOSED DWELLING REAR OF 19 FAIRWOOD ROAD
Reserved matters in relation to application 11/1285/DCO and applications 14/01330/DCO and 13/2253/DCO

REASON: In order for a site visit to this location to take place.

17/01765/MNR – PENYLAN

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.

APPLICATIONS WITHDRAWN FROM SCHEDULE

17/01532/MNR – RIVERSIDE

49 DESPENSER STREET
Proposed two storey rear extension and conversion of property to form 5 self-contained apartments with on-site refuse and cycle storage facilities.

33 : SECTION 119, HIGHWAYS ACT 1980, DIVERSION ORDER

The Committee considered a report to request Legal services progress a Diversion Order applicable under Section 119, Highways Act 1980 to alter the line of the existing right of way footpath within the new Development off Church Road, Pentyrch

RESOLVED: The Committee AGREED to ensure the public retained existing pedestrian rights within the new development.

34 : APPLICATIONS DECIDED BY DELEGATED POWERS

September 2017

35 : DATE OF NEXT MEETING

8 November 2017

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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.

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

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.
- 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.
- 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.
- 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.
- 6 The south east facing windows of the rear annexe dormer shall be non-opening 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.
- 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.

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 (65m²) within the ground floor front, a flat (66m²) within the first floor rear, a maisonette flat (57m²) within the first floor front and main roof space and a maisonette flat (56m²) 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.

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.

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.

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

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.

- 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 27th 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.

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.

- 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:

- a) *Density/overdevelopment;*
- b) *Size and scale detrimental to the character of the area;*
- c) *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;

- d) Adverse impact upon parking which is already an issue;*
- e) Loss of family accommodation, a large proportion of houses in Roath and Plasnewydd have already been converted to flats;*
- f) Saturation of HMOs;*
- g) Fast turnover of tenants;*
- h) Further stress on local amenities;*
- i) 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.

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.

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.

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.

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.

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.

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. 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.

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.*

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.

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.
- 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;
- 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.
- 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.
- g) Fast turnover of tenants. Not a material planning matter, there is no planning control upon the length of a tenancy.
- h) Stress on Local Amenities. It is not considered that the proposal would cause 'demonstrable' harm to local amenities.
- 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.
- 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.
- 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.
- 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.
- 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.
- r) Effect on Property Values. Not a material planning matter.
- 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.
- 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.

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.

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.

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.

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.

APPENDIX 1

PREVIOUS COMMITTEE REPORT

PETITION, LOCAL MEMBER, MP & AM OBJECTIONS

COMMITTEE DATE: 11/10/2017

APPLICATION No. **17/01765/MNR** APPLICATION DATE: 18/07/2017

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr HANNAN

LOCATION: 225 ALBANY ROAD, ROATH, CARDIFF, CF24 3NW

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

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_200A, P584 L_201, P584 L_210A, P584 L_211A & P584 L_212.
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.
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.
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.
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.

6. The south east facing windows of the rear annexe dormer shall be non-opening 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.
7. 1.8m high opaque privacy screens shall be provided along the north west and south east sides of the first floor rear balcony and a 1.1m high balustrade to the rear of the balcony, and thereafter retained.
Reason: To ensure that the privacy of adjoining occupiers is protected.

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>

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 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.
- 1.2 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. A small balcony would be formed on part of the roof of the single storey extension, enclosed by 1.8m high opaque screens to the sides and a 1.1m high balustrade screen to the rear.
- 1.3 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.
- 1.4 Internally the accommodation would comprise of a flat (65m²) within the ground floor front, a flat (66m²) within the first floor rear, a maisonette flat

(57m²) within the first floor front and main roof space and a maisonette flat (56m²) within the first floor rear and rear roof space. The upper level flats would be accessed via an existing entrance from Albany Road and the ground floor flats would be accessed via an external passage to the side.

- 1.5 The application originally also proposed uncovered cycle storage within the external side passage and shorter privacy screens to the sides of the rear balcony, however the architect was advised that the cycle storage would obstruct access to the rear flats and not be covered, and that the side screens would fail to prevent overlooking to the adjoining side gardens from persons leaning over the rear balustrade. The cycle store was subsequently relocated and altered to a secure structure at the rear, and the privacy screens lengthened to prevent direct overlooking from persons leaning over the rear balustrade.

2. **DESCRIPTION OF SITE**

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

3. **SITE HISTORY**

- 3.1 15/01837/DCH – planning permission granted for single storey rear extension and separate single storey games room, not implemented to date.

3.2 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.

4. **POLICY FRAMEWORK**

4.1 Relevant National Planning Guidance:

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

4.2 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)

4.3 Relevant Supplementary Planning Guidance

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

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Transportation – The existing property does not have any off-street parking. There is no on-street resident parking scheme in operation in this section of Albany Road. The location is at the boundary of the central planning area. Therefore the parking requirements under the current parking standards (January 2010) would expect a minimum of between zero and two spaces (up to a maximum of eight spaces). Therefore, the proposal to provide no spaces off-street spaces would be acceptable under current guidelines. 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 (January 2010).

5.2 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. Please advise the owner/applicant that since 27th 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.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 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 were re-consulted, comments will be reported to committee.
- 6.2 Welsh Water - no objection, however the applicant's attention is drawn to the fact that there is a public sewer in the rear garden.

7. **REPRESENTATIONS**

- 7.1 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.
- 7.2 Objections have been received from the following addresses:
- nos. 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:

- a) *Density/overdevelopment;*
- b) *Size and scale detrimental to the character of the area;*
- c) *Large number of bins/bags in the front garden and placed on pavement on collection days;*
- d) *Adverse impact upon parking which is already an issue;*

- e) *Loss of family accommodation, a large proportion of houses in Roath and Plasnewydd have already been converted to flats;*
- f) *Fast turnover of tenants;*
- g) *Further stress on local amenities;*
- h) *Increased pressure on local infrastructure and capability of sewerage system;*
- i) *Overlooking/loss of privacy from extensions and balcony;*
- j) *Loss of light from proposed dormer extensions;*
- k) *Noise disturbance from flats and balcony;*
- l) *Insufficient outdoor space for the proposed development;*
- m) *Small size of flats and lack of disabled access to the flats;*
- n) *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;*
- o) *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.*
- p) *Devaluation of other existing family properties.*

7.3 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.*

7.4 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 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.*

7.5 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.*

7.6 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.*

7.7 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.*

7.8 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.*

8. **ANALYSIS**

8.1 **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. Accordingly, it is not considered that subdivision to four flats would adversely affect the general character of the area.

8.2 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 of 5m length adjoining at no. 223. It should also be noted that the majority of the proposed single storey rear structure adjacent to the boundary 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.

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.

It is noted that the first floor rear balcony could allow overlooking to the side of nos. 223 & 227 Albany Road, condition 7 is therefore considered necessary to ensure 1.8m high opaque screens are provided along the north west and south east sides of the balcony and a 1.1m high balustrade to the rear prior to beneficial use of the balcony, and thereafter retained. The rear balustrade balcony would be sited 13.5m 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 not considered that the provision of the opaque screen within close proximity to the boundary with no. 223 Albany Road would result in any unreasonable loss of amenity to 223 as it would not extend beyond the point of the adjoining single structure at no. 223 and its total height (4.7m) would be considerably lower than the maximum height of the existing two storey

annexe structure (7.7m) in relation to the impact upon the adjoining garden.

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 within the front forecourt as per the existing scenario or within the rear garden, condition 4 is considered necessary to ensure the necessary storage containers are provided prior to beneficial occupation.

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 due to the characteristics of that proposal being a detached building with an access via the rear lane whereas the current proposal is for an extension attached to the existing building.

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.

8.3 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. 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 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.*

8.4 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.

8.5 Representations

The representations received from the neighbouring residents, Cllrs Joe Boyle, Peter Wong, Dan 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:

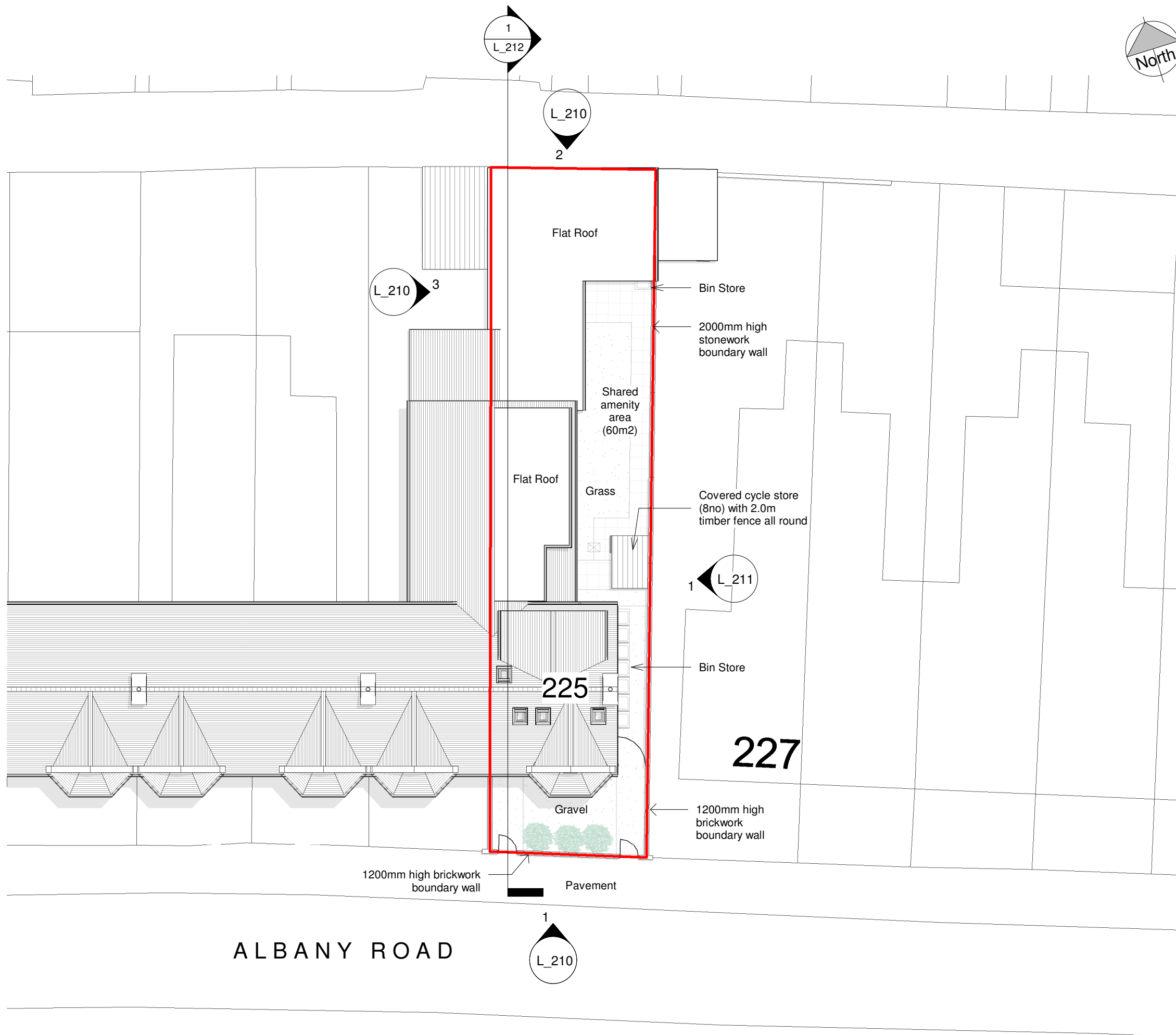
- a) Bins. It is considered that refuse storage containers could be suitably accommodated within the front forecourt enclosed behind the boundary wall as detailed within the above analysis, existing refuse storage containers for dwellings within this street are accommodated within the front forecourts.
- b) 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.
- c) Loss of privacy. 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. 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 and condition 7 would ensure a 1.8m high opaque screen is provided along the north west and south east sides of the balcony.

- d) 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.
- e) 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.
- f) 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.
- g) Impact of rear dormers. It is not considered that the proposal would result in any unreasonable loss of amenity to adjoining properties as detailed within the analysis above. The rear annexe dormer extension would constitute 'permitted development' if constructed prior to the conversion to flats.
- h) Noise Disturbance. It is not considered that the proposal would result in adverse noise consequences.
- i) Overdevelopment/Density. It is considered that the provision of four flats is acceptable and the proposed external amenity area of adequate size and useable form as detailed within the above analysis.
- j) 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.
- k) 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.
- l) Fast turnover of tenants. Not a material planning matter, there is no planning control upon the length of a tenancy.
- m) Condition of previous planning permission. A condition was only imposed on previous permission 15/01837/DCH to prevent use of the games room as a separate dwelling due to the characteristics of that proposal being a detached building with an access via the rear lane. The current proposal is considered acceptable as detailed within the above analysis.
- n) 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.
- o) Effect on Property Values. Not a material planning matter.

The representations in support are noted.

8.5 **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.



Site Plan as Proposed
1 : 200

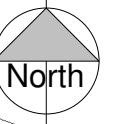
AMENDED PLAN

SITE AREA: 285m²

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

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A3 Original Sheet Size



Location Plan
1 : 1250

Planning Issue

date	rev	name	chk	note
20/10/17	B	PL		Balcony removed, bin store repositioned & entrance to flat 1 amended
07/09/17	A	PL		Balcony screens & cycle store amended



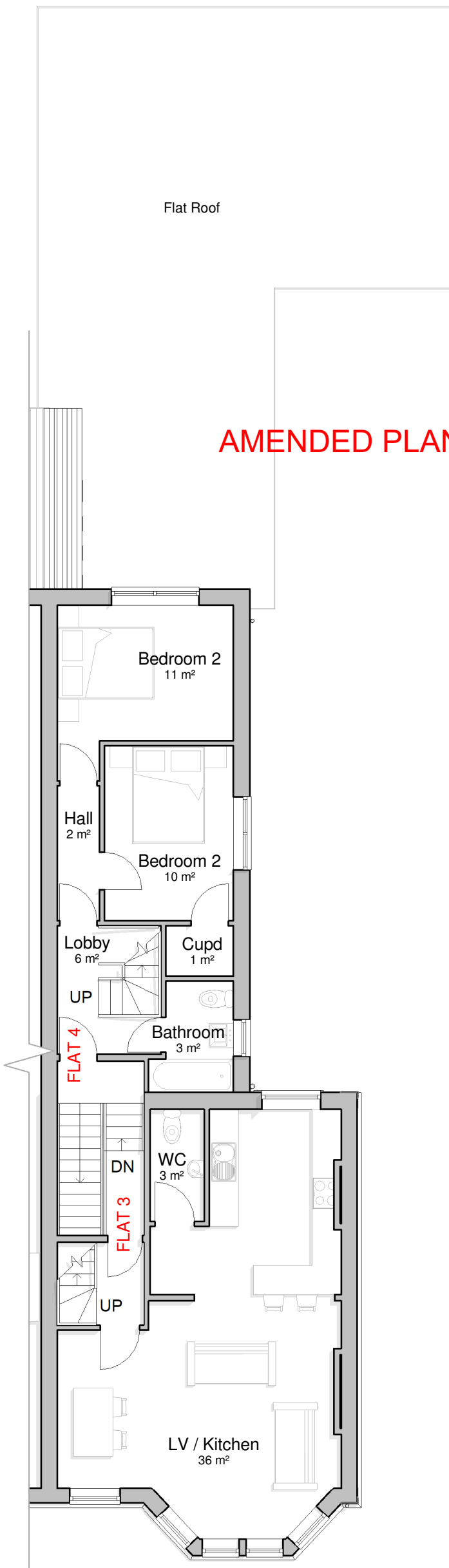
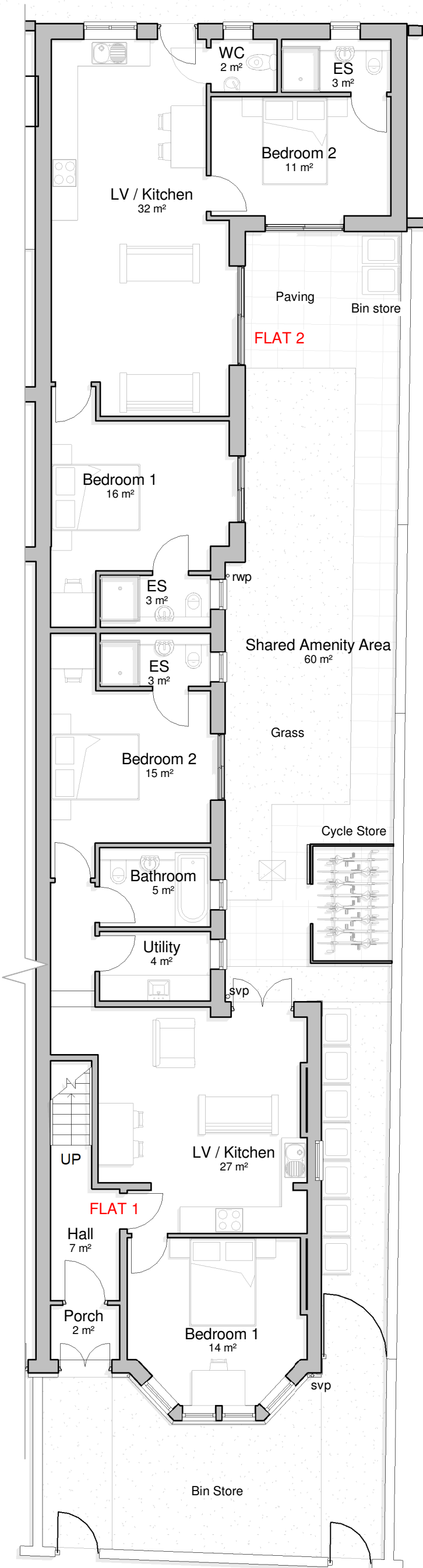
Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT
Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
225 Albany Road, Roath, Cardiff, CF24
3NW
DRAWING TITLE
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	05/07/17	PL	HH
DRAWING NUMBER	REVISION		
P584 L_002	B		

FINISHES KEY:

- A : GREY SLATE ROOFING & RED RIDGE TILES
- B : WHITE DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON BLACK FASCIA
- D : WHITE RENDERED EXTERNAL WALLS
- E : RED / ORANGE BRICKWORK EXTERNAL WALLS
- F : GREY SLATE VERTICAL CLADDING TILES



AMENDED PLAN

Planning Issue

20/10/17	B	PL	Balcony removed, bin store repositioned & entrance to flat 1 amended	
07/09/17	A	PL	Balcony screens & cycle store amended	
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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PROJECT Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats

225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE GF & 1st Floor Plans as Proposed

Ground Floor Plan

1 : 100

First Floor Plan

1 : 100

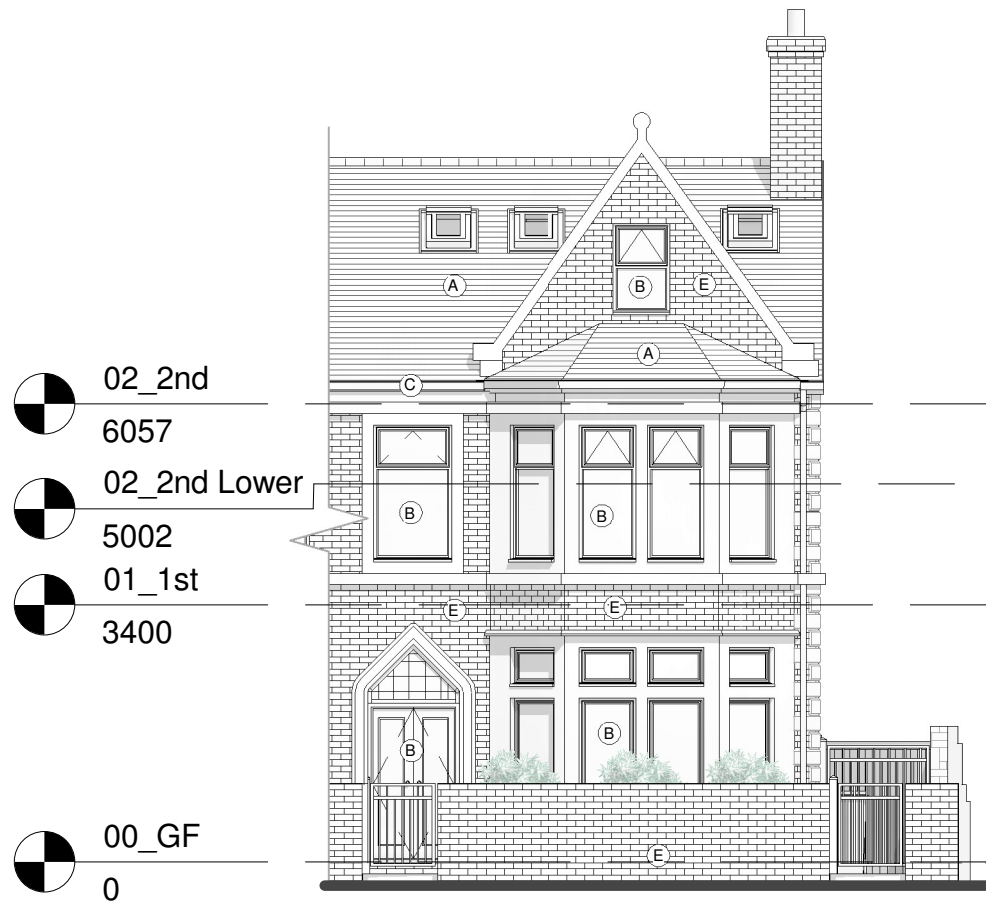
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DRAWING NUMBER	REVISION
P584	L_200
	B

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A3 Original Sheet Size



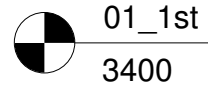
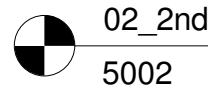
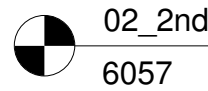
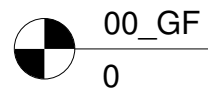
South (Front) Elevation
1 : 100



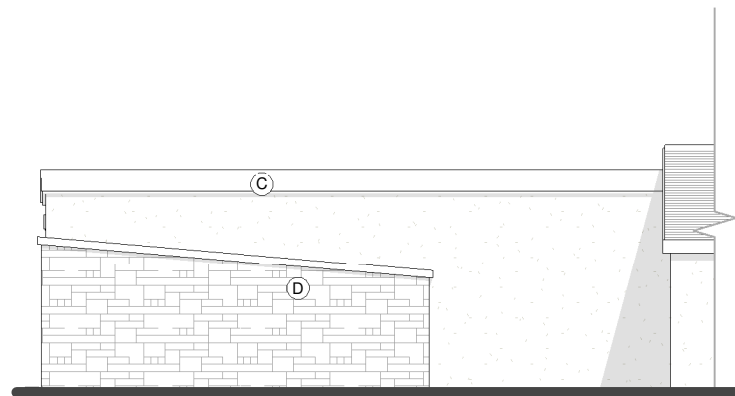
North (Rear) Elevation
1 : 100

FINISHES KEY:

- A : GREY SLATE ROOFING & RED RIDGE TILES
- B : WHITE DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON BLACK FASCIA
- D : WHITE RENDERED EXTERNAL WALLS
- E : RED / ORANGE BRICKWORK EXTERNAL WALLS
- F : GREY SLATE VERTICAL CLADDING TILES



AMENDED PLAN



West (Side) Elevation
1 : 100

Planning Issue

date	rev	name	chk	note
20/10/17	B	PL		Balcony removed, bin store repositioned & entrance to flat 1 amended
07/09/17	A	PL		Balcony screens & cycle store amended



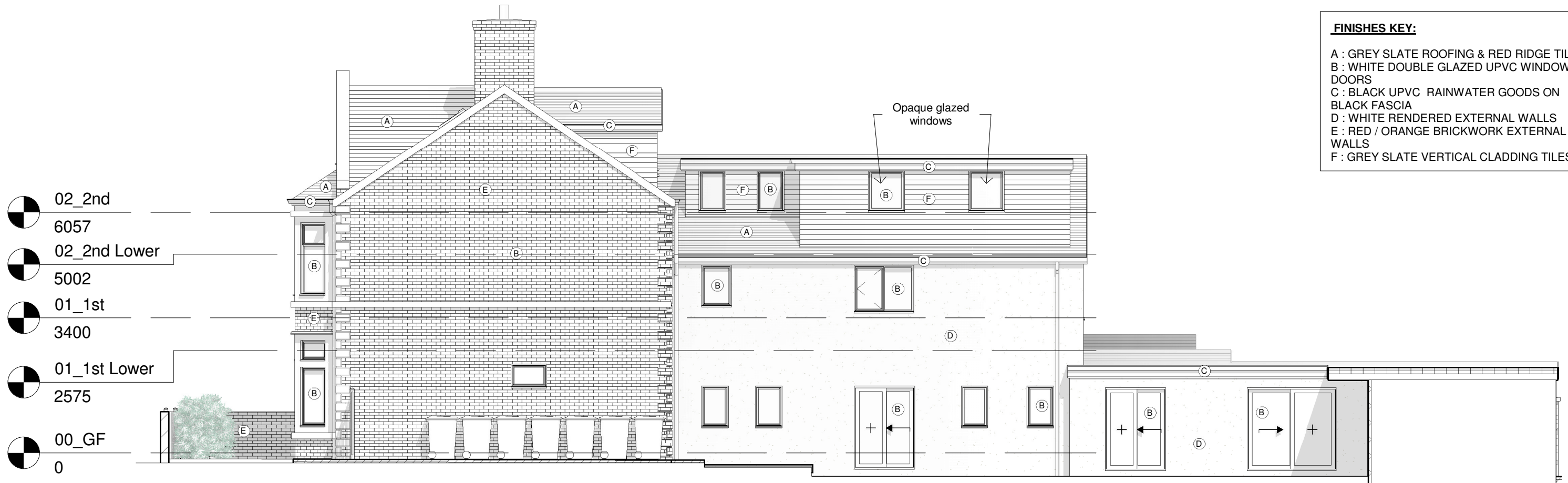
Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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PROJECT
Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
225 Albany Road, Roath, Cardiff, CF24
3NW
DRAWING TITLE
Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
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P584	L_210		B

FINISHES KEY:

- A : GREY SLATE ROOFING & RED RIDGE TILES
- B : WHITE DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON BLACK FASCIA
- D : WHITE RENDERED EXTERNAL WALLS
- E : RED / ORANGE BRICKWORK EXTERNAL WALLS
- F : GREY SLATE VERTICAL CLADDING TILES



East (Side) Elevation
1 : 100

AMENDED PLAN

Planning Issue

20/10/17	B	PL	Balcony removed, bin store repositioned & entrance to flat 1 amended	
07/09/17	A	PL	Balcony screens & cycle store amended	
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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PROJECT
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225 Albany Road, Roath, Cardiff, CF24
DRAWING TITLE
Elevations 2 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	07/07/17	PL	HH
DRAWING NUMBER	REVISION		
P584	L_211	B	



AMENDED PLAN

Rear Perspective View

FINISHES KEY:

- A : GREY SLATE ROOFING & RED RIDGE TILES
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- F : GREY SLATE VERTICAL CLADDING TILES

Planning Issue

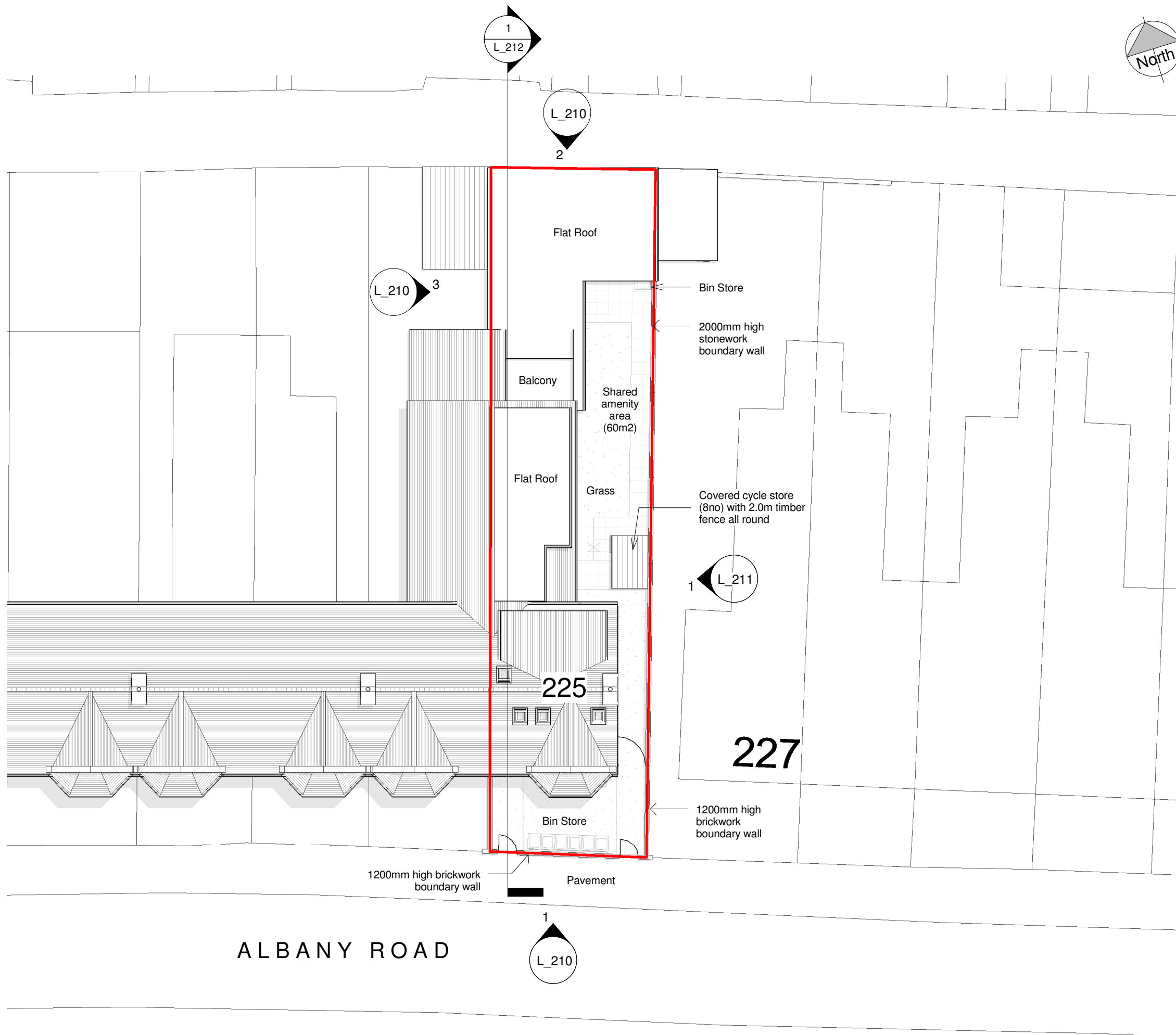
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20/10/17	B	PL		Balcony removed, bin store repositioned & entrance to flat 1 amended
07/09/17	A	PL		Balcony screens & cycle store amended



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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 Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
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 DRAWING TITLE
 Perspective View as Proposed

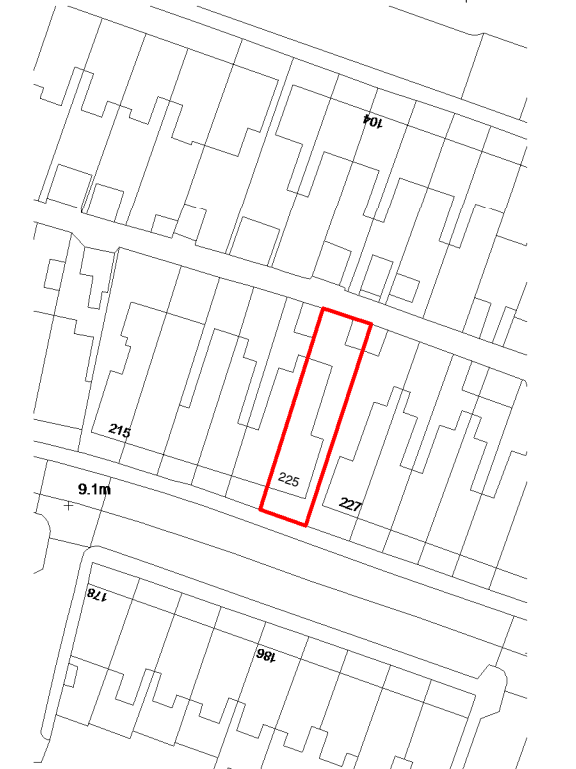
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P584 L_220		B	



Site Plan as Proposed
1 : 200

SITE AREA: 285m²

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Location Plan
1 : 1250

Planning Issue

date	rev	name	chk	note
07/09/17	A	PL		Balcony screens & cycle store amended



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
Systems House 89 Heol Don Cardiff CF14 2AT
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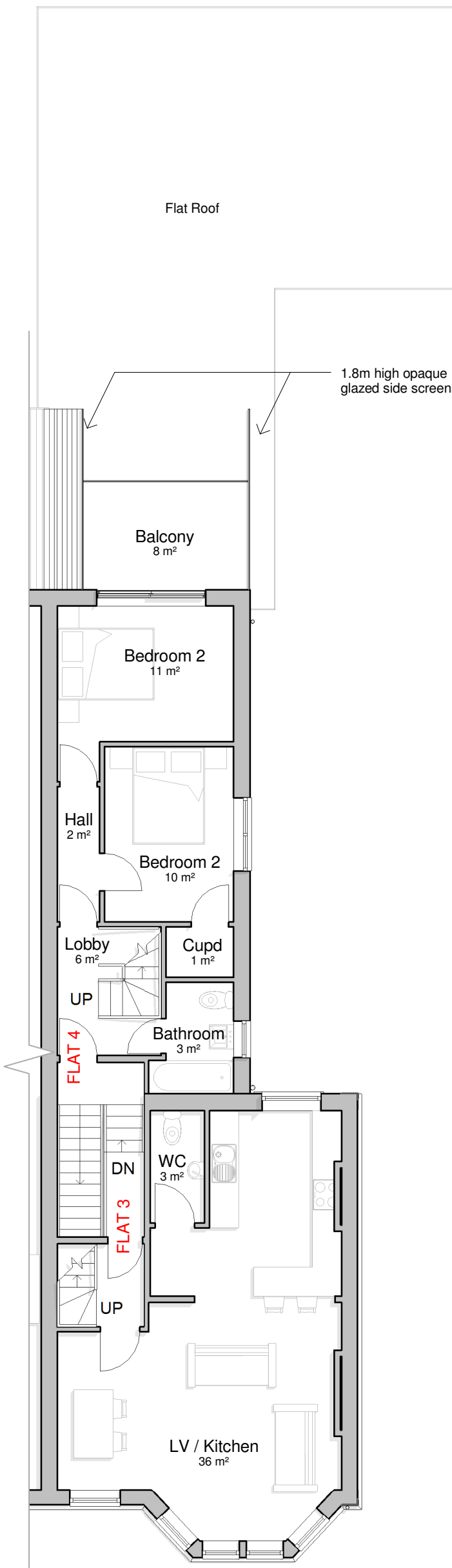
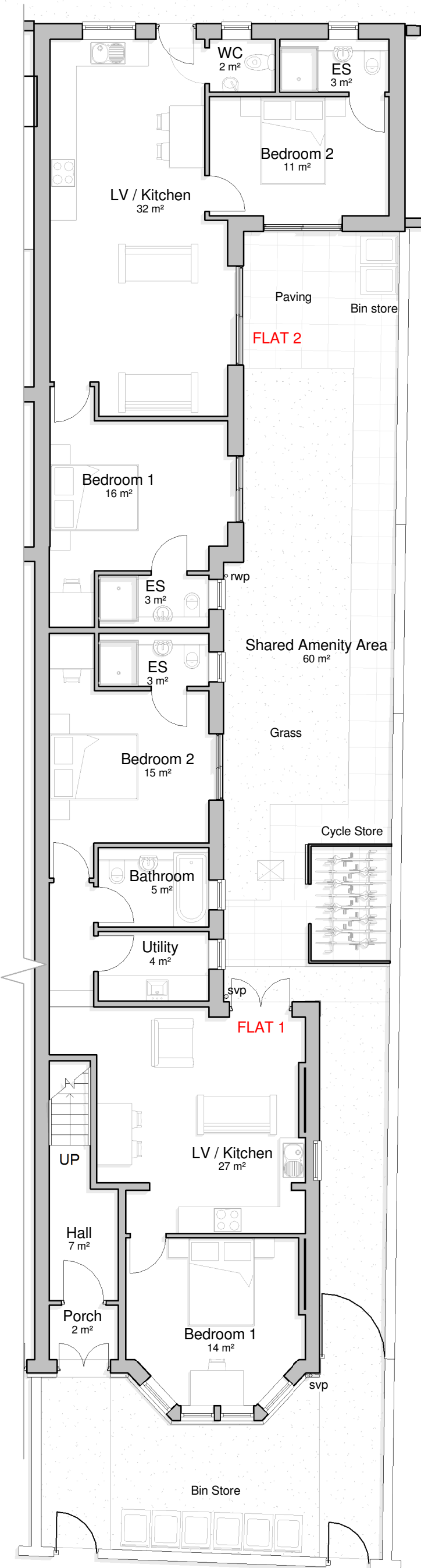
PROJECT
Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	05/07/17	PL	HH
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P584	L_002		A

FINISHES KEY:

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- F : GREY SLATE VERTICAL CLADDING TILES



Ground Floor Plan
1 : 100

First Floor Plan
1 : 100

Planning Issue

07/09/17 A PL Balcony screens & cycle store amended
date rev planr chk



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
 Systems House 89 Heol Don Cardiff CF14 2AT
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PROJECT
 Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats

225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE
 GF & 1st Floor Plans as Proposed

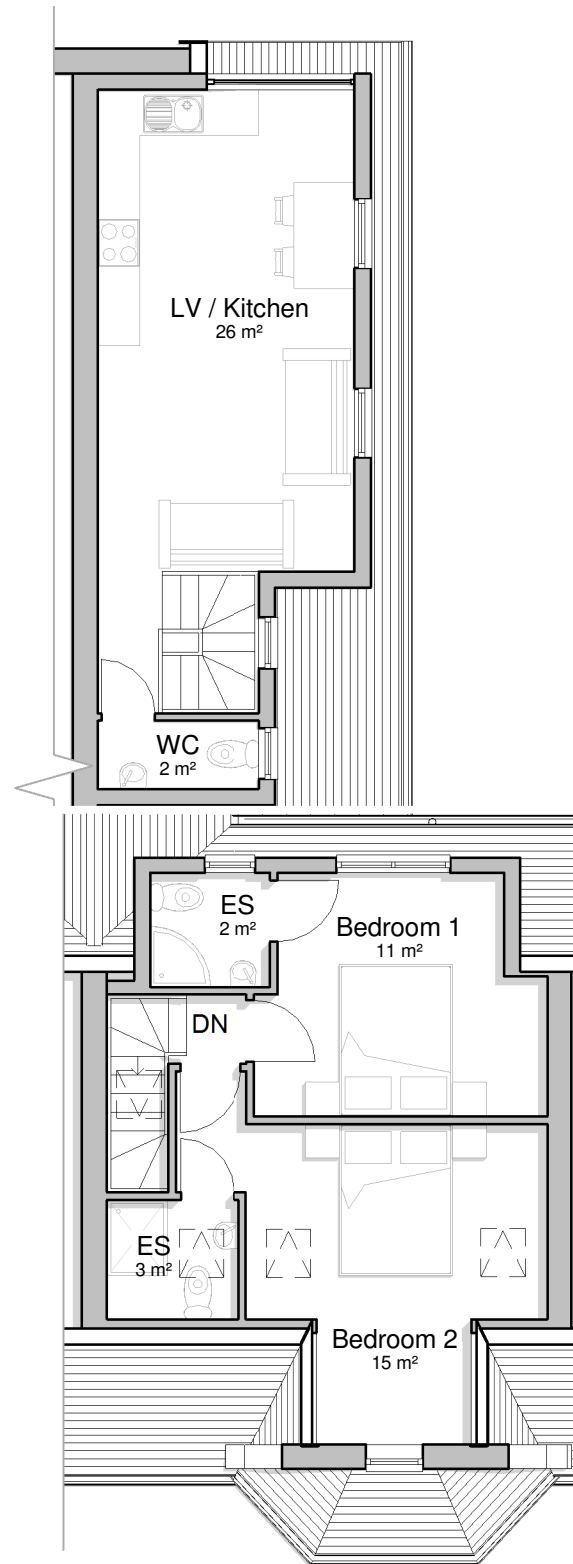
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P584	A

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A3 Original Sheet Size



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Planning Issue

date	rev	name	chk	note
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Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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PROJECT
 Proposed rear extension, loft conversion with dormers & conversion of dwelling to form 4 no. flats
 225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE
 Second Floor Plans as Proposed

Second Floor
 1 : 100

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	07/07/17	Author	Checker
DRAWING NUMBER	REVISION		
P584	L_201		

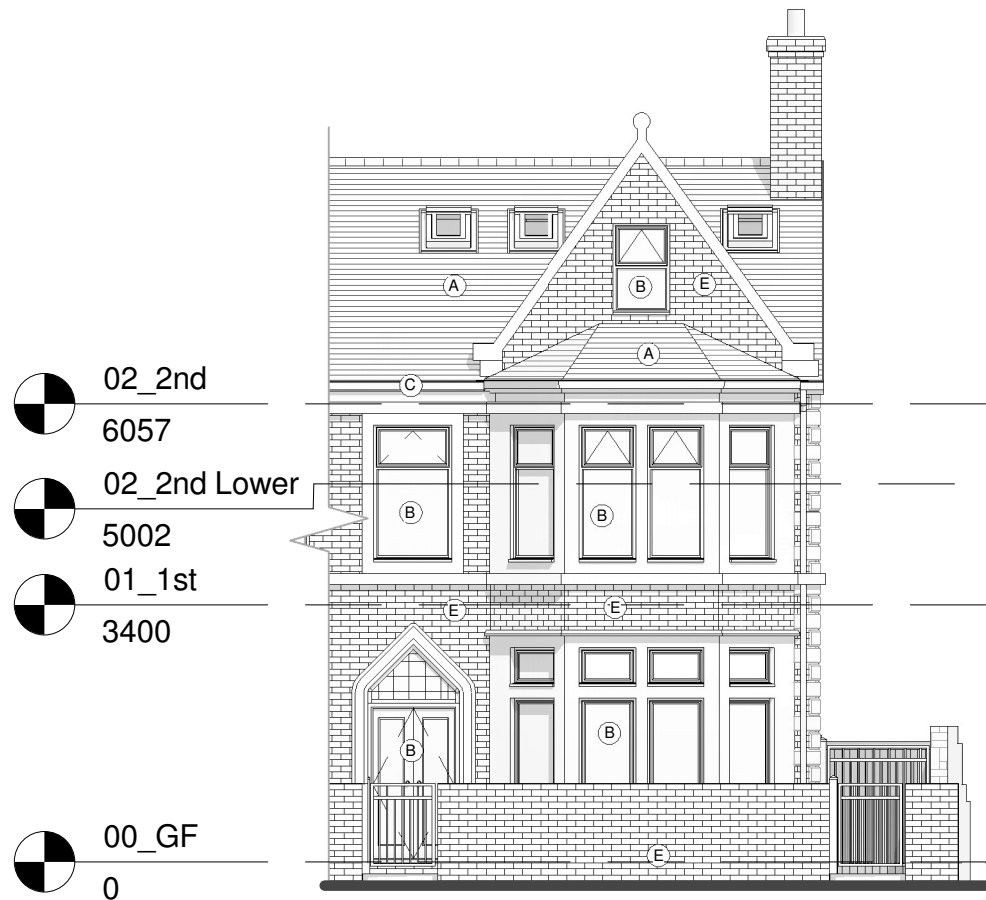
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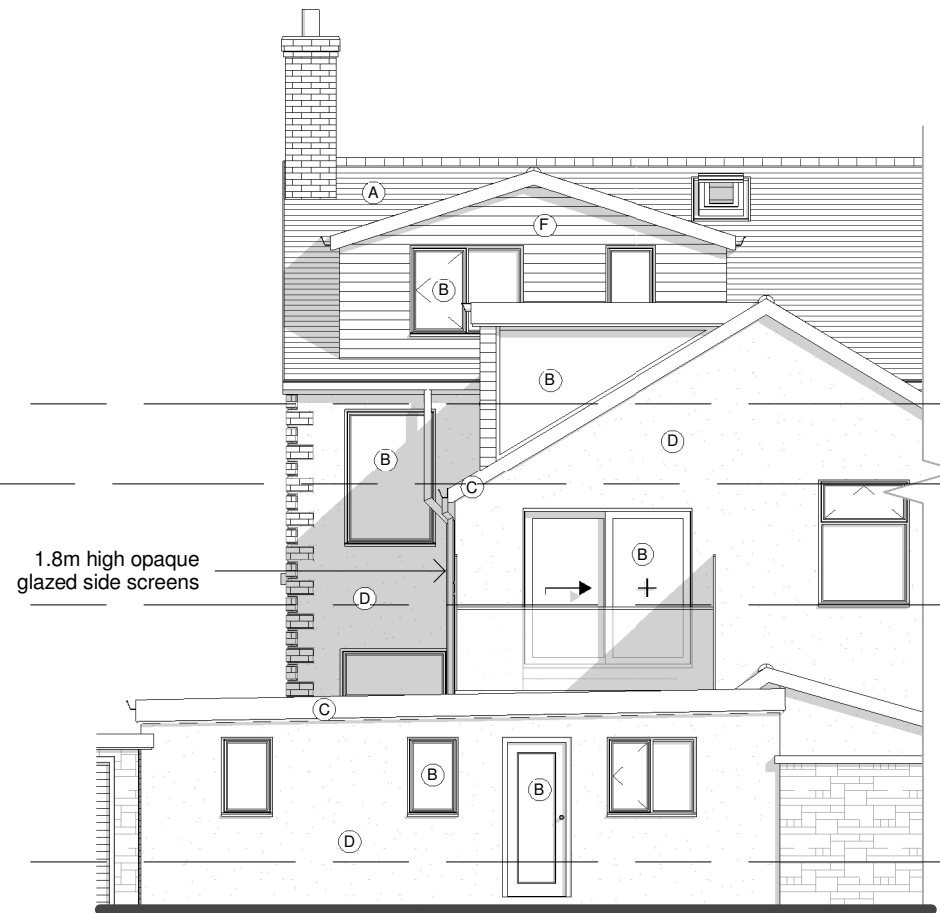
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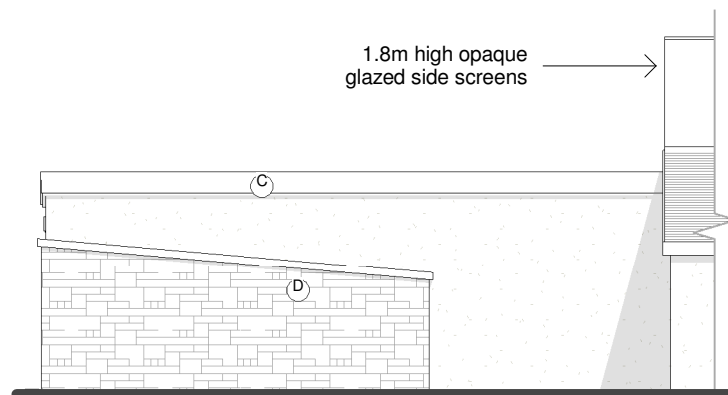
- A : GREY SLATE ROOFING & RED RIDGE TILES
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- E : RED / ORANGE BRICKWORK EXTERNAL WALLS
- F : GREY SLATE VERTICAL CLADDING TILES



South (Front) Elevation
1 : 100



North (Rear) Elevation
1 : 100



West (Side) Elevation
1 : 100

Planning Issue

date	rev	name	chk	note
07/09/17	A	PL		Balcony screens & cycle store amended



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design
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PROJECT
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225 Albany Road, Roath, Cardiff, CF24 3NW

DRAWING TITLE
Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	05/07/17	PL	HH
DRAWING NUMBER	REVISION		
P584	L_210	A	

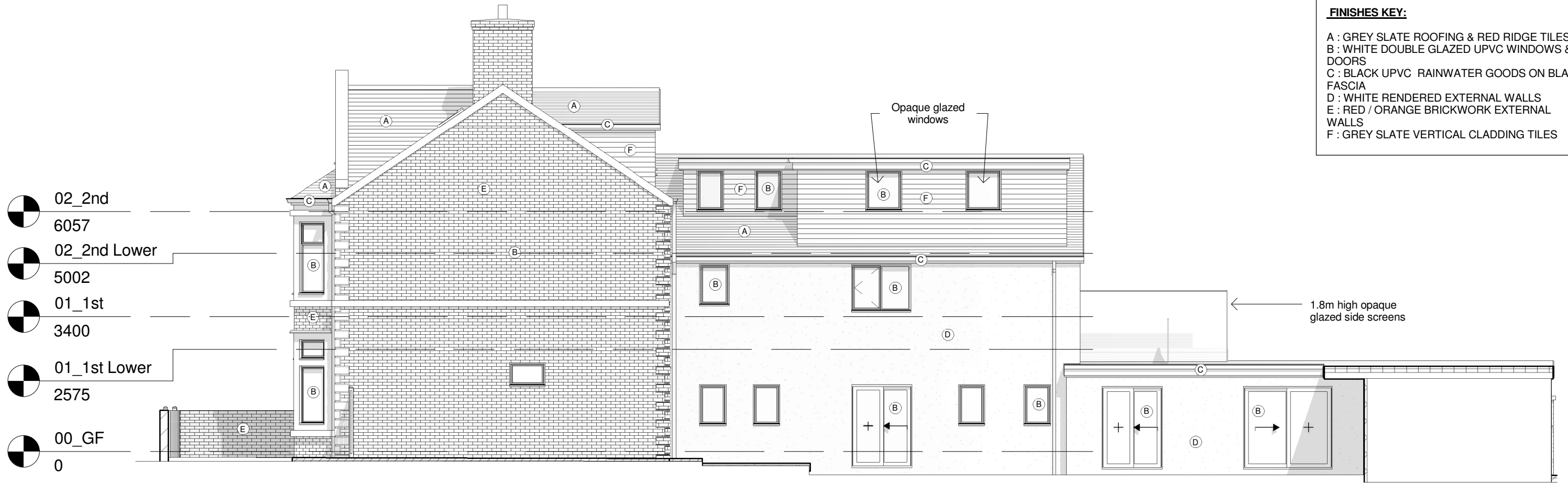
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A3 Original Sheet Size

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- 02_2nd 6057
- 02_2nd Lower 5002
- 01_1st 3400
- 01_1st Lower 2575
- 00_GF 0

East (Side) Elevation
1 : 100

Planning Issue

date	rev	name	chk	note
07/09/17	A	PL		Balcony screens & cycle store amended



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Elevations 2 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
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P584 L_211	A		

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

PETITION, REGIONAL ASSEMBLY MEMBER & LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00406/MNR** APPLICATION DATE: 23/02/2017

ED: **CAERAU**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ray Morgan

LOCATION: THE CAERAU, BISHOPSTON ROAD, CAERAU, CARDIFF,
CF5 5DZ

PROPOSAL: TAKEDOWN PUBLIC HOUSE BUILDING AND
CONSTRUCT THREE RETAIL UNITS WITH RELATED
CAR PARKING FACILITY

1 **BACKGROUND INFORMATION**

- 1.1 At the Planning Committee meeting on 13th September 2017 Members requested that this application be deferred so that Officers could report back with suggested reasons for refusal (included at paragraph 9.23 of this report).
 - 1.2 However, since the previous meeting amended plans have been submitted by the applicant (29th September 2017). The amended plans are shown in the report along with the previous plans.
 - 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 prior to the previous Committee meeting, along with consequential changes following the amended plans and further representations received.
 - 1.4 In order to provide full transparency, the original report is also included following the potential reasons for refusal, after paragraph 10.3 of this report.
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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 following approved plans and documents:
 - 201 R7 - Proposed site plan - received 29 September 2017

- 202 R7 – Proposed elevations - received 29 September 2017
- Site location plan dated 21/02/2017.

Reason: For the avoidance of doubt as to the extent of the permission.

3. The development hereby approved shall be used only for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever.

Reason: For the avoidance of doubt and to ensure that the use does not prejudice the amenities of the area or compromise the objectives of local and national planning policy, in accordance with policies KP5, EN13 and R6 of the Cardiff Local Development Plan.

4. Notwithstanding the information submitted with the application, prior to the first occupation of the commercial units hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the building is occupied.

Reason: In the interests of visual and residential amenity and the prevention of anti-social behaviour, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

5. There shall be no arrival, departure, loading or unloading of delivery vehicles outside the hours of 08.00 to 20.00 Monday to Saturday and 10.00 to 16.00 on Sundays, or at any time on Bank Holidays.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

6. No member of the public shall be admitted to or allowed to remain on the premises between the hours of 23.00 and 07.00 on any day.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

7. Prior to the installation of fixed plant on the site a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). Reference should be made to the report provided by Acoustics and Noise Ltd as part of the application (report reference 1706078 dated 4 July 2017), where a background noise assessment has been conducted to provide scope towards a future rating level.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff

Local Development Plan.

8. Prior to the commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall comprise proposed finished levels, hard surfacing materials, proposed and existing services above and below ground level, a scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan view (if appropriate), planting methodology and aftercare methodology. The landscaping shall be carried out in accordance with the approved details. Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with policy KP5 of the Cardiff Local Development Plan.
9. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation. Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with policy KP5 of the Cardiff Local Development Plan.
10. The cycle parking facilities shown on the approved plans shall be provided prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose. Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.
11. The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development. Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic, in accordance with policy T5 of the Cardiff Local Development Plan.
12. Prior to the commencement of development, details of the junction between the proposed access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. Those details shall be implemented prior to the development being put into beneficial use. Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site, in accordance with policy T5 of the Cardiff Local Development Plan.

13. Prior to the construction of any part of the building above foundation level, samples of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The developer is advised that no surface water and/or land drainage run-off shall be permitted to connect (either directly or indirectly) with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. Some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 3: The developer may be required to contribute under sections 40 - 41 of the Water Industry Act 1991 towards the provision of new off-site and/or on-site water mains and associated infrastructure. Detailed site layout plans should be sent to Dwr Cymru Welsh Water Developer Services, PO Box 3146, Cardiff CF39 0EH.

RECOMMENDATION 4: The applicant must contact:

Wales and West Utilities,
Wales and West House,
Spooner Close,
Celtic Springs,
Coedkernow,
NEWPORT
NP10 8FZ
Tel: 029 2027 8500
www.wwutilities.co.uk

to discuss their requirements in detail before any works commence, as their apparatus may be at risk during construction works. Should diversion works be required, these will be fully chargeable.

RECOMMENDATION 5: The applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department on 029 20717500.

RECOMMENDATION 6: The applicant is advised that it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible. Further information is available in the Council's "Waste Collection and Storage Facilities" Supplementary Planning Guidance.

RECOMMENDATION 7: In the interests of crime prevention and site security, it is recommended that this development be built to Police specified "Secured by Design" standards as promoted by South Wales Police. Information on these standards is available on the website www.securedbydesign.com. In particular it is recommended that: the retail units should be fitted with door sets that comply with PAS24 or security rating LPS 1175 SR1; laminated glazing to a minimum of 6.4mm should be fitted to all shop fronts in areas where persons are likely to come in contact with glazing; consideration should be given to fitting a monitored alarm system which is compliant with the latest version of the National Police Chiefs Council (NPCC) Alarms Policy; all hard landscaping features such as coping stones, pavers etc. and street furniture should be securely fixed so that it cannot be removed and used for criminal purposes; consideration should be given to the fitting of CCTV both internally and externally to identify person(s) entering or leaving the premises and to protect the shop frontage. The CCTV system should be capable of providing evidential quality imagery to at least recognition standards and be operated in accordance with the Data Protection Act. Any roller shutters (N.B. these may require planning permission) should have a minimum security rating of LPS 1175 SR1, Higher risk premises will require higher security rated shutters i.e. SR2-5. To achieve a Secured by Design accreditation it will be necessary for the applicant to meet with the South Wales Police Design out Crime officer and discuss how a safe and secure environment can be achieved.

RECOMMENDATION 6: The developer is advised that the street tree adjacent to the site on Bishopston Road will need to be protected during the full course of development by a tree protection box, details of which should be agreed with the Council prior to works commencing.

2. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 This application is for full planning permission for the demolition of the former Caerau public house and the erection of a single storey building containing 3 commercial (A1 retail) units - 1 x 279 sq.m and 2 x 112 sq.m. The building would have a footprint of approximately 41m x 13m and a pitched roof to a

maximum height of around 6.25m. It would be finished in buff coloured facing brick with render panels to the front and side elevations and a roof covering of dark grey profiled sheeting. There would be three shopfronts of powder coated aluminium, two matching “faux” shop windows (without doors) and a cash machine (protected by bollards) to the front elevation facing towards Bishopston Road, and external plant and service doors to the rear. The roof would be gabled above each shop window in the front elevation. The gables would be finished in stained softwood panels. The building would be sited between 2.5m and 3.7m from the boundary to the rear (north) and between 6.1m and 6.6m from the eastern side boundary. Access to the service area at the rear of the units would be protected by gates. The waste bin for unit 1 would be stored within the service area, those for units 2 and 3 would be kept at the eastern side of the building, where the loading area would be located.

- 2.2 Twelve car parking spaces plus one disabled parking space would be provided within the site at the front of the units, with the vehicular entrance and exit being on Bishopston Road. There would also be a cycle parking facilities on the western side of the site, with staff cycle parking being within the secure service area.
- 2.3 Opening hours were originally proposed to be 06:00 to 23:00 daily with delivery times between 06:00 and 21:00 daily, newspapers being delivered by transit van between 04:00 and 08:00. The applicant’s agent has indicated that alternative opening hours and delivery times are acceptable, these being the subject of conditions 5 and 6 in the above recommendation. The development is expected to create at least 8 full time and 8 part time jobs (12 full time equivalent).
- 2.4 The application was originally reported to the Planning Committee on 16th August 2017 and was deferred for a site visit, which took place on 4th September 2017. It was subsequently returned to the Planning Committee on 13th September and deferred to enable officers to draft reasons for refusal based on the Committee’s objections to the proposal on the grounds that it is considered to be out of accord with LDP Policy KP5 (good quality and sustainable design) by virtue of inappropriate design, massing and bulk which is out of keeping with the character of the area and having a detrimental impact on the amenity of neighbouring properties by virtue of noise and disturbance factors. Amended plans were received on 29th September 2017 and it is these plans which are now before the Planning Committee for consideration.

3. **DESCRIPTION OF SITE**

- 3.1 The site is located at the junction of Heol Ebwy and Bishopston Road, adjacent to a roundabout, with houses to the rear and eastern side and a row of three storey shops/flats on the opposite side of Bishopston Road. The existing row of commercial premises comprises a barber shop, a betting office, a supermarket, a newsagent’s/gift shop and a fish and chip shop.
- 3.2 The building to be demolished is a two storey former public house with single storey extensions to the sides, including a bookmaker’s premises. It is bounded

by a low brick wall and railings and has a car park to the eastern side with access onto Bishopston Road. Trees overhang the site from gardens to the rear. The pub is in a poor state of repair and has been vacant for around 5 years.

4. **SITE HISTORY**

- 4.1 06/02822/W - Change of use of vacant betting shop into proposed kitchen ancillary to existing public house and alterations.
- 4.2 06/01072/W - Alterations to convert existing business premises, previously used as a bookmakers into a catering establishment (cafe/diner) mon-sat 07.00-15.00 and 17.00-19.00, Sunday 12.00 - 16.00.
- 4.3 99/01400/R - Extension to public bars including family room, disabled facilities and skittle alley.
- 4.4 98/00417/R - Refurbishment of exterior of building, internal alterations and landscaping works.
- 4.5 89/00655/R - Extension to existing bookmakers office.
- 4.6 88/02112/R - Extension to lounge bar and internal refurbishment works.

5. **POLICY FRAMEWORK**

- 5.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
R1 (Retail Hierarchy);
R6 (Retail Development - Out of Centre)
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).

- 5.2 *Supplementary Planning Guidance:*
Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, T5 and W2 and can be used to help inform the assessment of relevant matters –

Waste Collection and Storage Facilities (October 2016);
Access, Circulation and Parking Standards (January 2010);

Infill Sites (April 2011);
Shopfronts and Signage (October 2011);

5.3 *Planning Policy Wales (November 2016):*

3.1.4: Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. 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. While the substance of local views must be considered, the duty is to decide each case on its planning merits.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings,
- Play an appropriate role to facilitate sustainable building standards,
- Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding.
- Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.
- Promote quality, lasting, environmentally-sound and flexible employment opportunities.
- Respect and encourage diversity in the local economy.
- Locate developments so as to minimise the demand for travel, especially by private car
- Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining

applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- the numbers and types of jobs expected to be created or retained on the site;
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.

8.1.5 Land use planning can help to achieve the Welsh Government's objectives for transport through (inter alia): reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling; locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys; improving accessibility by walking, cycling and public transport.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

10.1.4 The Welsh Government adopts the 'town centres first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. Wherever possible, retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing.

10.4.1 When determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- compatibility with the development plan;
- quantitative and qualitative need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;
- the sequential approach to site selection;
- impact on existing centres;
- net gains in floorspace where redevelopment is involved and whether or not it is like-for-like in terms of comparison or convenience;
- rate of take-up of allocations in any adopted development plan;
- accessibility by a variety of modes of travel;
- improvements to public transport;
- impact on overall travel patterns; and
- best use of land close to any transport hub, in terms of density and mixed use.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development .

13.7.1: planning decisions should take into account the potential hazard that contamination presents to the development, occupants and the local environment, and the results of specialist investigation and assessment by the developer to determine contamination and identify remedial measures.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise or in proposals to use or develop land near an existing source of noise.

5.4 *Technical Advice Note 4 – Retail and Commercial Development (2016).*

5.5 *Technical Advice Note 11 – Noise (1997):*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

5.6 *Technical Advice Note 12 - Design (March 2016).*

5.7 *Technical Advice Note 23 – Economic Development (Feb 2014).*

6. **INTERNAL CONSULTEE RESPONSES**

6.1 *Transportation:* No objections. Standard conditions on retention of parking spaces, provision of cycle parking and approval of access junction details recommended.

6.2 *Pollution Control (Noise & Air):* There has been no supporting evidence provided with regards to the potential impacts of deliveries at the proposed site. Until such time that supporting evidence can be provided pollution control would only support delivery times of 08.00 till 20.00hrs Monday to Saturday and 10.00 till 16.00hrs on Sundays, with no deliveries to take place on Bank Holidays. The opening hours of the premises would need to be 07.00 till 23.00hrs. With regard to the noise assessment for the potential fixed plant at the site, I have read the report and I am happy with its findings. I note the difficulty for the consultant to provide specifics for individual units at this stage as they have not been provided with any details in relation to the specification of the plant work on the site. As such, a condition is recommended.

6.3 *Waste Strategy & Minimisation Officer:* Plans indicating the proposed bin stores have been noted and are acceptable. Refuse storage must thereafter be retained for future use. As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.

7. **EXTERNAL CONSULTEES RESPONSES**

7.1 *Police Crime Prevention Design Advisor:* South Wales Police have no objection to this development subject to consideration of recommendations relating to opening hours restrictions for any A3 use, security specifications for doors, windows and (if necessary) roller shutters, alarm systems, CCTV, boundary treatment and landscaping. South Wales Police would advise that the development should be built to a standard to achieve a Secured by Design accreditation. There are concerns that if the gable end is to be without doors and windows the building could be vulnerable to anti-social behaviour such as ball games or graffiti. If the gable end is to be windowless then it will be necessary to install a defensible space between the public area and the

building to reduce the chances of anti-social behaviour. Consider planting thorny shrubs within the space to prevent persons approaching the wall.

7.2 *Welsh Water:* No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. A water supply can be made available.

7.3 *Wales & West Utilities:* Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

8. **REPRESENTATIONS**

8.1 The application and the amended plans were advertised by site notice and neighbour notification. 6 individual representations were received opposing the original application (and June 2017 amendments) for the following reasons:

1. There is no need for any more retail outlets in this area – affordable housing would be preferable;
2. The development would result in job losses from the existing shops across the road;
3. The Council will lose revenue if the existing shops close;
4. Long opening hours, noise and anti-social behaviour could cause disturbance to neighbouring residents
5. There will not be enough parking spaces for employees and customers.
6. The location of the delivery bay may not be safe/feasible as cars park on both sides of the road.

8.2 Following the advertisement of the original application a petition of around 700 signatures was received, objecting to the application for the following reasons:

1. There will be a return to the anti-social behaviour that led to the closure of the pub;
2. The community would support the demolition of the pub and its replacement with affordable housing;
3. There is a risk that the existing businesses across the road will suffer – these businesses employ a significant number of local people.

8.3 Following advertisement of the amended plans received on 29th September 2017, 3 individuals (2 of whom had objected to the original application) reiterated previous concerns and put forward the following additional points of objection:

1. The proposed business is likely to be uneconomical – the new building

- would therefore remain vacant and attract anti-social behaviour;
2. To be feasible the new business would have to dramatically increase footfall in the area – this will create safety issues as more cars will be parked on the roads – there will be more children in the area after the new school opens.
 3. Delivery vehicles will cause noise nuisance.

8.4 Councillors Peter Bradbury and Elaine Simmons objected to the original application as follows:

“We are very unhappy that this application is talking about three retail units, which is in direct opposition to the Council’s own retail units in Bishopston Road. Indeed, we were assured that the Caerau Public House was being bought for much needed housing units, which is something we would support. The application talks about creating local jobs. There is no mention of the effect this application will have on Shads Store and Ely Racecourse News, which could close if this application goes ahead with the loss of lots of local jobs. These are two business that have restrictive and protected leases from the Council. There is no doubt that this is in a saturation zone and would be against the Council’s own economic benefit, given the adverse effect this would have on its own units directly opposite the site of this application. We would also be worried about the potential for antisocial behaviour, given a further retail unit would no doubt be looking to serve alcohol and would cause some worry for the local police given the reasons the Caerau Public House closed and the historic problems in that area. We would request that this be rejected on these grounds and we will not in any way be changing our position that this application is wrong for local businesses in Caerau, wrong for the people of Caerau, and is something that would not be welcomed.”

8.5 After the first set of amended plans were received in June 2017 they stated that their objections still stand as no attempt had been made to address their concerns or those of the shopkeepers and residents who signed the petition, and they were annoyed that no attempt had been made by the developer to look at a residential option when they are in dire need of new homes in the area. Councillors Peter Bradbury and Elaine Simmons requested that the Planning Committee visit the area before making any decision.

8.6 Following the receipt of the latest set of amended plans in September 2017 they have reaffirmed their opposition to the proposals. They are concerned that there appear to have been no material changes made to the application: the design has not changed and still looks out of place in the general locality. They indicate that the “SPG on Design” allows the Committee to reject a design if it does not fit in with the locality of the area and quote the following extract (which is from a draft (May 2016) version of the Cardiff Residential Design Guide SPG)-

“Good designs recognise the individuality of a place, and either tailor standard solutions or create particular and original architecture for a site. We will, in particular, resist developments that make excessive or inappropriate use of standard building types which dominate the form and character of a scheme, and in particular in important locations in a residential area which have been

highlighted as requiring special treatment in thinking about key nodes or areas of special townscape treatment. We will support schemes that are informed by a thorough character analysis of the context and site, although this does not mean we expect designs to mimic those within the context. We will support the use of standard building types where they are used and adjusted to suit their position in a carefully conceived layout and townscape. We welcome innovation in the design of homes where an awareness of context has been demonstrated.”

- 8.7 Councillors Peter Bradbury and Elaine Simmons go on to state that: “this is a brick front that is designed to allow three commercial units in the middle of a largely residential area. This is not good design and we can reject it on this basis particularly when the applicant is demolishing one building to replace it with another. The agent has stated in their letter that there would be less noise under this scheme. That is frankly laughable. The agent is suggesting that a public house that has been closed for three years and has not been in use would create more noise than an application that allows for lorries to come down a largely residential area seven days a week. The concerns of the Committee have not been addressed by the applicant. The agent states in the letter that the Committee’s concern about the use of lorries is addressed in conditions of the report. However, having been on the site visit, the Committee were perfectly clear that they agreed with us that the conditions would not suitably address this situation and that they didn’t agree with Highways’ assessment. These are legitimate concerns that aren’t addressed by the conditions in the report and are grounds for refusal. We are both unhappy with the terminology used in the final paragraph of the agent’s letter. This committee does not need reminding of its civic and regulatory duties when it comes to this planning application. They have been out and seen the site, they have listened to concerns of residents and us as ward members. 700 people have signed a petition asking for this to be refused. We ask that their views are continued to be taken into account when determining this application.”
- 8.8 Neil McEvoy, Regional Assembly Member for South Wales Central, objected to the original application, stating that “there is great concern that there will be retail saturation and the development is not supported by local people. The area is already served with shops. Affordable housing would be a much more sensible use of the site, which I would support.”
- 8.9 Mark Drakeford AM (Cardiff West) and Kevin Brennan MP (Cardiff West) oppose the application and have submitted the following comments: “We are concerned about the impact that the proposed new shops would have on the existing businesses directly opposite the site, on Bishopston Road. We were pleased to hear that a site visit has taken place and that committee members will have had an opportunity to see and hear for themselves the detrimental impact that this application, if granted, would have on local amenities.”

9. **ANALYSIS**

- 9.1 The site is located in the settlement boundary as defined by the LDP proposals map. It has no specific designation or allocation but falls within a largely

residential area. The application site is in an out-of-centre location in terms of retail policy.

- 9.2 Planning Policy Wales Edition 9 (November 2016) states that planning applications for out-of-centre retail developments should be assessed in relation to:
- Compatibility with a Community or up-to-date Development Plan Strategy;
 - Consideration of need;
 - the sequential approach to site selection;
 - impact on existing centres;
 - net gains in floorspace where redevelopment is involved;
 - rate of take-up of allocations in any adopted development plan;
 - accessibility by a variety of modes of travel;
 - improvements to public transport;
 - impact on overall travel patterns; and
 - best use of land close to any transport hub, in terms of density and mixed use.
- 9.3 The aim of national retail planning policy is to protect and enhance the vibrancy, attractiveness and viability of existing centres as well as contributing to an increase in linked trips and a reduction of travel demand
- 9.4 The stated aim of Local Development Plan policy relating to retail development (policy R6) is to control the nature and size of out- of-centre retail development so as to minimise competition with, and impact on the vitality and viability of shopping centres identified in the Plan.
- 9.5 Policy R6 only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:-
- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
 - (ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;
 - (iii) The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
 - (iv) The site is accessible by a choice of means of transport; and
 - (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.
- 9.6 Paragraph 5.285 of the LDP supporting text states “ this Policy contributes to protecting and enhancing designated shopping centres and resisting out-of-centre retail development that could be harmful to District and Local shopping facilities.”
- 9.7 Whilst the applicants have not supplied a retail statement in support of their

application, it is recognised that Planning Policy Wales Technical Advice Note 4 requires such statements for out of centre retail floorspace of 2500sq m and over. The TAN also states that it may be necessary for such assessments for some smaller developments; however, the reason for the threshold is that small stores are not likely to have any material negative effect on shopping patterns in the catchment. The application proposals relate to the development of 3 small retail units totalling 503sq m. As such the proposal is just 20% of the floorspace TAN4 envisages would trigger the need to undertake a retail impact assessment. In addition, it should be noted that the site is currently occupied by a vacant pub (with a ground floor area of 501 square metres and first floor area of 98 square metres) which could convert to A1 retail use without the need for planning permission.

- 9.8 Given the scale, nature and location of the proposal, i.e. 503sqm of retail floorspace located on the site of a vacant public house some distance from the nearest designated centres at Grand Avenue and Wilson Road, it would be very difficult to argue that the proposed retail floorspace would have an adverse impact on any designated centre. Whilst there may be some trade diversion from the parade of shops opposite the application premises, this parade of shops is not located in a designated centre and is therefore not afforded any planning policy protection. As stated in paragraph 5.285 of the LDP supporting text, the purpose of policy R6 is to contribute to “protecting and enhancing designated shopping centres and resisting out-of-centre retail development that could be harmful to District and Local shopping facilities” and not to protect other out-of-centre retail facilities. Moreover, as competition between businesses is not a legitimate planning matter, the impact on these shops is not a material consideration in the determination of this application. The application therefore raises no land use policy concerns.
- 9.9 Consideration must also be given to the impact of the proposed development on visual and residential amenity. The appearance of the development is considered acceptable: the retail units will replace a dilapidated and unsightly building with a more coherent and attractive development and the proposed materials (buff brick and render walls and grey profile sheeting roof with aluminium shopfronts) are appropriate for a commercial development in this location, where there are buildings of varying styles and materials.
- 9.10 The proposed building will be around the same distance from the rear boundary as the existing building, will be single storey only and will have no windows facing towards any adjacent residential property. It will be at an adequate distance from the houses to the north and the east to cause no unacceptable overshadowing and will not appear overbearing.
- 9.11 The shop units will be closer to the side boundary of the rear garden of 112 Bishopston Road than is the existing public house; however, there will still be a gap of at least 6.1m between the new building and the boundary, the new shop units will be set back from the highway and will not obscure the side elevation of no. 112 (where there is a window) and the new units will be single storey and will have no entrances or windows in the side elevation. Therefore it is not considered that there will be any significant loss of amenity to residents of no

112 in terms of overshadowing, overbearing or loss of privacy.

9.12 There will be external plant to the rear of the building and a loading/unloading bay to the eastern side. Planning conditions will therefore be needed to ensure that noise from these areas does not adversely affect neighbouring residents. A noise report has been submitted by the applicant and, based on this, Pollution Control officers have recommended a suitable condition that will control the noise emitted by fixed plant and equipment. Noise from loading/unloading activities, and from customers visiting the site, can be controlled by limiting the hours of operation.

9.13 With regard to the objections (which are detailed in section 8 of this report):
Objections at paragraph 8.1:

1. The application site is not allocated in the LDP for housing development (or for any other alternative use) and there are no land use policy objections to the proposed retail use. In this case it is not considered reasonable to insist that the applicant proves a need for the development given that the proposal is on such a small scale that it will have no adverse impact on any existing, designated centres and that the site is currently occupied by a public house (albeit unused at the moment) which could change to A1 retail use at any time without the need for planning permission and which has more or less the same amount of ground floor floorspace as the proposed building.

It would be unreasonable for the Council to refuse planning permission on the basis that surrounding residents may prefer an alternative use.

2. It is not certain that jobs would be lost from the existing shops, and the proposed units will generate employment opportunities. According to additional information submitted by the applicant along with the amended plans, any loss of jobs from the existing convenience store on Bishopston Road would be compensated for by the c.12 jobs created by the development (the applicant also states that this is a conservative assumption as the Homes and Communities Agency's "Employment Density Guide, 3rd Edition" (November 2015) confirms that this type of retail development employs 1 member of staff (Full Time Equivalent) per 15-20 sq.m NIA, therefore the development would be expected to create 21-28 FTE posts.) In any case, the planning system is not permitted to interfere in the matter of competition between businesses therefore it would be unreasonable to refuse planning permission on these grounds.

3. This is not a material planning consideration. It would be unreasonable for the Council to refuse planning permission for a development that was otherwise acceptable on the basis that the Council itself could lose revenue as a result of the decision.

4. South Wales Police have raised no objections to this application but have provided advice on security measures. The Police advise that opening hours should be restricted for any A3 (food and drink) use; however, further planning permission would be needed for such a use as

the development is currently proposed to comprise A1 (retail) units. The sale of alcohol is controlled by licensing laws, which are separate from planning permission, noise from the units would be controlled by Environmental Health legislation and any anti-social behaviour would be a matter for the police.

5. Twelve car parking spaces plus one disabled parking space and cycle parking facilities for staff and customers will be provided within the site. This accords with the most up to date Council guidelines (contained in the Access, Circulation and Parking Standards Supplementary Planning Guidance) and Highways/Transportation officers have raised no concerns.
6. Highways/Transportation officers have no objections to the location of the delivery bay in terms of its feasibility and safety.

9.14 Objections in paragraph 8.2:

1. As mentioned above, anti-social behaviour would be a matter for the police (who have not objected to this application) and it cannot be assumed that the development would result in an increase in such behaviour.
2. The Council is obliged to consider this application and cannot insist on an application being made for affordable housing. As stated above, the application site is not allocated in the LDP for housing development (or for any other alternative use), there are no land use policy objections to the proposed retail use and there is no requirement to prove a need for such a small scale development.
3. The existing shops are not within a designated district or local centre, therefore they enjoy no protection in land use policy terms and, also given that the planning system is not permitted to interfere in the matter of competition between businesses, it would be unreasonable to refuse planning permission on these grounds. The new units will provide employment for local people and it is not necessarily the case that the existing businesses will be damaged.

9.15 Objections at paragraph 8.3:

1. In cases where there are no land use policy objections to a development such as this it is not necessary for an applicant to prove that it will be viable before planning permission can be granted. There is already a vacant building on the site which could attract anti-social behaviour.
2. Off-street parking facilities will be provided. Illegal parking or dangerous use of the highway is not a planning matter but is dealt with under other legislation; however, there is no evidence to suggest that the proposed development would lead to such behaviour. Highways/transportation officers have considered this application and raise no concerns regarding highway or pedestrian safety.
3. Delivery times can be restricted by a planning condition to prevent delivery vehicles accessing the site at unsociable hours when noise might affect neighbouring residents. Currently there are no restrictions on delivery times to the application site (which could re-open as a public

house, other class A3 use such as hot food takeaway or restaurant or class A1 retail use without the need for planning permission), or to the other businesses on Bishopston Road.

- 9.16 The objections received from Councillors Peter Bradbury and Elaine Simmons, and from Neil McEvoy AM, Mark Drakeford AM and Kevin Brennan MP, which relate to the preference for housing development, impact on local jobs, impact on existing businesses, loss of Council revenue and antisocial behaviour, are addressed in the paragraphs above.
- 9.17 With regard to Councillors Peter Bradbury and Elaine Simmons' comments received following the receipt of the amended plans in September 2017, I would comment that the applicant has made material changes to the design of the building in an attempt to address concerns that were raised by the Planning Committee at the Committee meeting on 13th September. Additional window features and rendered panels have been proposed for the front elevation, reducing the amount of blank wall space, and timber-clad gables have been added above the shopfronts, providing additional variety in the design of the building. It is not necessary in this case for the building to closely resemble adjoining developments as this is not a conservation area (where the preservation or enhancement of the area's existing character would be paramount) nor is it in the vicinity of any listed buildings. There is already a great deal of variety in the scale and appearance of buildings in this area and the proposed development would not appear out of place. The design of the building, as amended, is still considered to be appropriate to the site.
- 9.18 It should also be noted that the paragraph from the "SPG on Design" which is quoted in the Councillors' objection is taken from a May 2016 draft version of the Cardiff Residential Design Guide SPG which is not considered relevant to this proposal as that particular SPG relates specifically to "major residential development proposals providing 10 dwellings or more and which require a Design and Access Statement" and, furthermore, it has been superseded by the adopted (2017) version of the Cardiff Residential Design Guide in which that particular paragraph has been amended.
- 9.19 The "brick front" which the Councillors mention will reflect the building materials used in the surrounding area (including the adjacent houses) and there are no planning objections to allowing commercial units on this site as it is already in commercial use – planning permission for change of use of the site is not required.
- 9.20 The concerns regarding noise are considered to have been addressed: whilst it is the case that the public house currently creates no noise because it is closed, the fact remains that a public house (or other class A3 or class A1 use) could re-open here without the need for planning permission and with no restrictions on opening hours, delivery times or plant noise. Restrictions can be placed on the planning permission for a new building which will control the opening hours, delivery times and plant noise. Lorries can already "come down a largely residential area seven days a week" to make deliveries to the existing commercial premises. The suggested condition restricting delivery times would

not permit lorries to deliver to this site outside the hours of 08.00 to 20.00 Monday to Saturday and 10.00 to 16.00 on Sundays, or at any time on Bank Holidays.

- 9.21 With regard to the comments relating to the final paragraph of the agent's letter, it is clear that the applicant will appeal against any refusal of planning permission and the Committee should therefore ensure that any refusal is based on sound planning reasons - the Committee is reminded of paragraph 3.1.4 of Planning Policy Wales which states that: *While the substance of local views must be considered, the duty is to decide each case on its planning merits.* The Welsh Government's Development Management Manual (Section 12 Annex: Award of Costs, paragraph 3.9) advises that: "Local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority."

9.22 Conclusion

In conclusion, it is considered that there are no reasonable grounds for refusal of planning permission for this proposal, as amended, and approval is recommended subject to the conditions set out above

- 9.23 However, if the Committee does not consider that the amended plans have addressed the concerns relating to design and impact on residential amenity which were expressed at the Planning Committee meeting of 13th September 2017 and is minded to refuse the application, the following could potentially form reasons for refusal:

1) The external appearance, massing and bulk of the development would appear as a visually incongruous feature out of keeping with the character and context of the local area, contrary to policy KP5(i) of the Cardiff Local Development Plan.

2) The proposal is contrary to policy KP5(x) of the Cardiff Local Development Plan in that it would be detrimental to the amenities of neighbouring properties by reason of noise and disturbance generated by activities at the premises, by customers visiting the premises and by delivery vehicles arriving at and leaving the premises.

10. **OTHER CONSIDERATIONS**

10.1 *Crime and Disorder Act 1998*

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

or unacceptable increase in crime and disorder as a result of the proposed decision.

10.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

10.3 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

APPENDIX 1

Officer Report considered at the Planning Committee meeting on 13/09/17:

PETITION, REGIONAL ASSEMBLY MEMBER & LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 13/09/2017

APPLICATION No. **17/00406/MNR** APPLICATION DATE: 23/02/2017

ED: **CAERAU**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ray Morgan

LOCATION: THE CAERAU, BISHOPSTON ROAD, CAERAU, CARDIFF,
CF5 5DZ

PROPOSAL: TAKEDOWN PUBLIC HOUSE BUILDING AND
CONSTRUCT THREE RETAIL UNITS WITH RELATED
CAR PARKING FACILITY

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 following approved plans and documents:
 - 201 R4 - Proposed site plan - received 19 June 2017
 - 202 R4 – Proposed elevations - received 19 June 2017
 - Site location plan dated 21/02/2017.

Reason: For the avoidance of doubt as to the extent of the permission.

3. The development hereby approved shall be used only for purposes within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order) and for no other purpose whatsoever.

Reason: For the avoidance of doubt and to ensure that the use does not prejudice the amenities of the area or compromise the objectives of local and national planning policy, in accordance with policies KP5, EN13 and R6 of the Cardiff Local Development Plan.

4. Notwithstanding the information submitted with the application, prior to

the first occupation of the commercial units hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the building is occupied.

Reason: In the interests of visual and residential amenity and the prevention of anti-social behaviour, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

5. *There shall be no arrival, departure, loading or unloading of delivery vehicles outside the hours of 08.00 to 20.00 Monday to Saturday and 10.00 to 16.00 on Sundays, or at any time on Bank Holidays.*
Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.
6. *No member of the public shall be admitted to or allowed to remain on the premises between the hours of 23.00 and 07.00 on any day.*
Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.
7. *Prior to the installation of fixed plant on the site a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). Reference should be made to the report provided by Acoustics and Noise Ltd as part of the application (report reference 1706078 dated 4 July 2017), where a background noise assessment has been conducted to provide scope towards a future rating level.*
Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.
8. *Prior to the commencement of development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority, these details shall include the provision of an area of thorny shrubs within the space adjacent to the western side gable wall (and relocation of the cycle parking spaces from this area) and shall comprise proposed finished levels, hard surfacing materials, proposed and existing services above and below ground level, a scaled planting plan, plant schedule, topsoil and subsoil specification (to include a basic soil assessment if existing in situ soils are to be used, and if soils are to be imported, confirmation through BS 3882:2015 and BS 8601:2013 certification that the imported planting soils will be fit for purpose), tree pit section if appropriate, planting methodology and aftercare methodology. The landscaping shall be carried out in accordance with the approved*

design and implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to reduce opportunities for crime, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

9. *Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.*

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to reduce opportunities for crime, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

10. *Notwithstanding the details of cycle parking facilities shown on the submitted plans, prior to the commencement of development details showing the provision of cycle parking spaces to the front of the building shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.*

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

11. *The proposed car parking and manoeuvring areas shall be laid out in accordance with the approved details before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.*

Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic, in accordance with policy T5 of the Cardiff Local Development Plan.

12. *Prior to the commencement of development, details of the junction between the proposed access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. Those details shall be implemented prior to the development being put into beneficial use.*

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site, in accordance with policy T5 of the Cardiff Local Development Plan.

13. *Prior to the construction of any part of the building above foundation level, samples of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development*

shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The developer is advised that no surface water and/or land drainage run-off shall be permitted to connect (either directly or indirectly) with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. Some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 3: The developer may be required to contribute under sections 40 - 41 of the Water Industry Act 1991 towards the provision of new off-site and/or on-site water mains and associated infrastructure. Detailed site layout plans should be sent to Dwr Cymru Welsh Water Developer Services, PO Box 3146, Cardiff CF39 0EH.

RECOMMENDATION 4: The applicant must contact:

Wales and West Utilities,
Wales and West House,
Spoooner Close,
Celtic Springs,
Coedkernow,
NEWPORT
NP10 8FZ
Tel: 029 2027 8500
www.wwutilities.co.uk

to discuss their requirements in detail before any works commence, as their apparatus may be at risk during construction works. Should diversion works be required, these will be fully chargeable.

RECOMMENDATION 5: The applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law

(Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department on 029 20717500.

RECOMMENDATION 6: *The applicant is advised that it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible. Further information is available in the Council's "Waste Collection and Storage Facilities" Supplementary Planning Guidance.*

RECOMMENDATION 7: *In the interests of crime prevention and site security, it is recommended that this development be built to Police specified "Secured by Design" standards as promoted by South Wales Police. Information on these standards is available on the website www.securedbydesign.com. In particular it is recommended that: the retail units should be fitted with door sets that comply with PAS24 or security rating LPS 1175 SR1; laminated glazing to a minimum of 6.4mm should be fitted to all shop fronts in areas where persons are likely to come in contact with glazing; consideration should be given to fitting a monitored alarm system which is compliant with the latest version of the National Police Chiefs Council (NPCC) Alarms Policy; all hard landscaping features such as coping stones, pavers etc. and street furniture should be securely fixed so that it cannot be removed and used for criminal purposes; consideration should be given to the fitting of CCTV both internally and externally to identify person(s) entering or leaving the premises and to protect the shop frontage. The CCTV system should be capable of providing evidential quality imagery to at least recognition standards and be operated in accordance with the Data Protection Act. Any roller shutters (N.B. these may require planning permission) should have a minimum security rating of LPS 1175 SR1, Higher risk premises will require higher security rated shutters i.e. SR2-5. To achieve a Secured by Design accreditation it will be necessary for the applicant to meet with the South Wales Police Design out Crime officer and discuss how a safe and secure environment can be achieved.*

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 *This application is for full planning permission for the demolition of the former Caerau public house and the erection of a single storey building containing 3 commercial (A1 retail) units - 1 x 279 sq.m and 2 x 112 sq.m.. The building would have a footprint of approximately 41m x 13m and a pitched roof to a maximum height of around 6.25m. It would be finished in buff coloured facing brick with render panels to the front and side elevations and a roof covering of dark grey profiled sheeting. There would be three shopfronts of powder coated aluminium and a cash machine (protected by bollards) to the front elevation facing towards Bishopston Road and external plant and service doors to the rear. The building would be sited between 2.5m and 3.7m from the boundary to the rear (north) and between 6.1m and 6.6m from the eastern side boundary.*

Access to the service area at the rear of the units would be protected by gates. The waste bin for unit 1 would be stored within the service area, those for units 2 and 3 would be kept at the eastern side of the building, where the loading area would be located.

- 1.2 Twelve car parking spaces plus one disabled parking space would be provided within the site at the front of the units, with the vehicular entrance and exit being on Bishopston Road. There would also be a cycle parking facility on the western side of the building.
- 1.3 Opening hours would be 06:00 to 23:00 daily. Delivery times are proposed to be 06:00 to 21:00 daily, with newspapers expected to be delivered by transit van between 04:00 and 08:00. The development is expected to create 8 full time and 8 part time jobs (12 full time equivalent).
- 1.4 The application was originally reported to the Planning Committee on 16th August 2017 and was deferred for a site visit, which took place on 4th September 2017.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located at the junction of Heol Ebwy and Bishopston Road, adjacent to a roundabout, with houses to the rear and eastern side and a row of three storey shops/flats on the opposite side of Bishopston Road. The existing row of commercial premises comprises a barber shop, a betting office, a supermarket, a newsagent's/gift shop and a fish and chip shop.
- 2.2 The building to be demolished is a two storey former public house with single storey extensions to the sides, including a bookmaker's premises. It is bounded by a low brick wall and railings and has a car park to the eastern side with access onto Bishopston Road. Trees overhang the site from gardens to the rear. The pub is in a poor state of repair and has been vacant for around 5 years.

3. **SITE HISTORY**

- 3.1 06/02822/W - Change of use of vacant betting shop into proposed kitchen ancillary to existing public house and alterations.
- 3.2 06/01072/W - Alterations to convert existing business premises, previously used as a bookmakers into a catering establishment (cafe/diner) mon-sat 07.00-15.00 and 17.00-19.00, Sunday 12.00 - 16.00.
- 3.3 99/01400/R - Extension to public bars including family room, disabled facilities and skittle alley.
- 3.4 98/00417/R - Refurbishment of exterior of building, internal alterations and landscaping works.
- 3.5 89/00655/R - Extension to existing bookmakers office.

3.6 88/02112/R - Extension to lounge bar and internal refurbishment works.

4. **POLICY FRAMEWORK**

4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
R1 (Retail Hierarchy);
R6 (Retail Development - Out of Centre)
C3 (Community Safety/Creating Safe Environments);
W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*
Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, T5 and W2 and can be used to help inform the assessment of relevant matters –

Waste Collection and Storage Facilities (October 2016);
Access, Circulation and Parking Standards (January 2010);
Infill Sites (April 2011);
Shopfronts and Signage (October 2011);

4.3 *Planning Policy Wales (November 2016):*
3.1.4: Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. 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. While the substance of local views must be considered, the duty is to decide each case on its planning merits.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings,*
- Play an appropriate role to facilitate sustainable building standards,*

- *Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness*
- *Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Promote quality, lasting, environmentally-sound and flexible employment opportunities.*
- *Respect and encourage diversity in the local economy.*
- *Locate developments so as to minimise the demand for travel, especially by private car*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides.*

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

7.1.3 The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

7.6.1 Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- *the numbers and types of jobs expected to be created or retained on the site;*
- *whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;*
- *a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.*

8.1.5 Land use planning can help to achieve the Welsh Government's objectives for transport through (inter alia): reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling; locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys; improving accessibility by walking, cycling and public transport.

8.4.2: Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate.

10.1.4 The Welsh Government adopts the 'town centres first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. Wherever possible,

retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing.

10.4.1 When determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- compatibility with the development plan;*
- quantitative and qualitative need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;*
- the sequential approach to site selection;*
- impact on existing centres;*
- net gains in floorspace where redevelopment is involved and whether or not it is like-for-like in terms of comparison or convenience;*
- rate of take-up of allocations in any adopted development plan;*
- accessibility by a variety of modes of travel;*
- improvements to public transport;*
- impact on overall travel patterns; and*
- best use of land close to any transport hub, in terms of density and mixed use.*

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development .

13.7.1: planning decisions should take into account the potential hazard that contamination presents to the development, occupants and the local environment, and the results of specialist investigation and assessment by the developer to determine contamination and identify remedial measures.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise or in proposals to use or develop land near an existing source of noise.

4.4 *Technical Advice Note 4 – Retail and Commercial Development (2016).*

4.5 *Technical Advice Note 11 – Noise (1997):*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.

4.6 *Technical Advice Note 12 - Design (March 2016).*

4.7 *Technical Advice Note 23 – Economic Development (Feb 2014).*

5. INTERNAL CONSULTEE RESPONSES

5.1 *Transportation: No objections. Standard conditions on retention of parking spaces, provision of cycle parking and approval of access junction details recommended.*

5.2 *Pollution Control (Noise & Air): There has been no supporting evidence provided with regards to the potential impacts of deliveries at the proposed*

site. Until such time that supporting evidence can be provided pollution control would only support delivery times of 08.00 till 20.00hrs Monday to Saturday and 10.00 till 16.00hrs on Sundays, with no deliveries to take place on Bank Holidays. The opening hours of the premises would need to be 07.00 till 23.00hrs. With regard to the noise assessment for the potential fixed plant at the site, I have read the report and I am happy with its findings. I note the difficulty for the consultant to provide specifics for individual units at this stage as they have not been provided with any details in relation to the specification of the plant work on the site. As such, a condition is recommended.

- 5.3 *Waste Strategy & Minimisation Officer: Plans indicating the proposed bin stores have been noted and are acceptable. Refuse storage must thereafter be retained for future use. As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.*

6. EXTERNAL CONSULTEES RESPONSES

- 6.1 *Police Crime Prevention Design Advisor: South Wales Police have no objection to this development subject to consideration of recommendations relating to opening hours restrictions for any A3 use, security specifications for doors, windows and (if necessary) roller shutters, alarm systems, CCTV, boundary treatment and landscaping. South Wales Police would advise that the development should be built to a standard to achieve a Secured by Design accreditation. There are concerns that if the gable end is to be without doors and windows the building could be vulnerable to anti-social behaviour such as ball games or graffiti. If the gable end is to be windowless then it will be necessary to install a defensible space between the public area and the building to reduce the chances of anti-social behaviour. Consider planting thorny shrubs within the space to prevent persons approaching the wall.*
- 6.2 *Welsh Water: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. A water supply can be made available.*
- 6.3 *Wales & West Utilities: Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.*

7. REPRESENTATIONS

- 7.1 *The application was advertised by site notice and neighbour notification, and the amended plans were advertised by neighbour notification. 6 individual*

representations have been received opposing the application for the following reasons:

- 1. There is no need for any more retail outlets in this area – affordable housing would be preferable;*
- 2. The development would result in job losses from the existing shops across the road;*
- 3. The Council will lose revenue if the existing shops close;*
- 4. Long opening hours, noise and anti-social behaviour could cause disturbance to neighbouring residents*

Following the submission of amended plans, one objector re-iterated their concerns and also added the following:

- 5. There will not be enough parking spaces for employees and customers.*
- 6. The location of the delivery bay may not be safe/feasible as cars park on both sides of the road.*

7.2 A petition of around 700 signatures has been received, objecting to the application for the following reasons:

- 1. There will be a return to the anti-social behaviour that led to the closure of the pub;*
- 2. The community would support the demolition of the pub and its replacement with affordable housing;*
- 3. There is a risk that the existing businesses across the road will suffer – these businesses employ a significant number of local people.*

7.3 Councillors Peter Bradbury and Elaine Simmons object to the application as follows:

“We are very unhappy that this application is talking about three retail units, which is in direct opposition to the Council’s own retail units in Bishopston Road. Indeed, we were assured that the Caerau Public House was being bought for much needed housing units, which is something we would support. The application talks about creating local jobs. There is no mention of the effect this application will have on Shads Store and Ely Racecourse News, which could close if this application goes ahead with the loss of lots of local jobs. These are two business that have restrictive and protected leases from the Council. There is no doubt that this is in a saturation zone and would be against the Council’s own economic benefit, given the adverse effect this would have on its own units directly opposite the site of this application. We would also be worried about the potential for antisocial behaviour, given a further retail unit would no doubt be looking to serve alcohol and would cause some worry for the local police given the reasons the Caerau Public House closed and the historic problems in that area. We would request that this be rejected on these grounds and we will not in any way be changing our position that this application is wrong for local businesses in Caerau, wrong for the people of Caerau, and is something that would not be welcomed.”

7.4 *They state that their objections still stand following the submission of amended plans as no attempt has been made to address their concerns or those of the shopkeepers and residents who signed the petition, and they are annoyed that no attempt has been made by the developer to look at a residential option when they are in dire need of new homes in the area. Councillors Peter Bradbury and Elaine Simmons request that the Planning Committee visits the area before making any decision.*

7.5 *Neil McEvoy, Regional Assembly Member for South Wales Central, objects to the application, stating that “there is great concern that there will be retail saturation and the development is not supported by local people. The area is already served with shops. Affordable housing would be a much more sensible use of the site, which I would support.”*

8. **ANALYSIS**

8.1 *The site is located in the settlement boundary as defined by the LDP proposals map. It has no specific designation or allocation but falls within a largely residential area. The application site is in an out-of-centre location in terms of retail policy.*

8.2 *Planning Policy Wales Edition 9 (November 2016) states that planning applications for out-of-centre retail developments should be assessed in relation to:*

- *Compatibility with a Community or up-to-date Development Plan Strategy;*
- *Consideration of need;*
- *the sequential approach to site selection;*
- *impact on existing centres;*
- *net gains in floorspace where redevelopment is involved;*
- *rate of take-up of allocations in any adopted development plan;*
- *accessibility by a variety of modes of travel;*
- *improvements to public transport;*
- *impact on overall travel patterns; and*
- *best use of land close to any transport hub, in terms of density and mixed use.*

8.3 *The aim of national retail planning policy is to protect and enhance the vibrancy, attractiveness and viability of existing centres as well as contributing to an increase in linked trips and a reduction of travel demand*

8.4 *The stated aim of Local Development Plan policy relating to retail development (policy R6) is to control the nature and size of out- of-centre retail development so as to minimise competition with, and impact on the vitality and viability of shopping centres identified in the Plan.*

8.5 *Policy R6 only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:-*

- (i) *There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);*

- (ii) *That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;*
- (iii) *The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;*
- (iv) *The site is accessible by a choice of means of transport; and*
- (v) *The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.*

8.6 *Paragraph 5.285 of the LDP supporting text states “ this Policy contributes to protecting and enhancing designated shopping centres and resisting out-of-centre retail development that could be harmful to District and Local shopping facilities.”*

8.7 *Whilst the applicants have not supplied a retail statement in support of their application, it is recognised that Planning Policy Wales Technical Advice Note 4 requires such statements for out of centre retail floorspace of 2500sq m and over. The TAN also states that it may be necessary for such assessments for some smaller developments; however, the reason for the threshold is that small stores are not likely to have any material negative effect on shopping patterns in the catchment. The application proposals relate to the development of 3 small retail units totalling 503sq m. As such the proposal is just 20% of the floorspace TAN4 envisages would trigger the need to undertake a retail impact assessment. In addition, it should be noted that the site is currently occupied by a vacant pub (with a ground floor area of 501 square metres and first floor area of 98 square metres) which could convert to A1 retail use without the need for planning permission.*

8.8 *Given the scale, nature and location of the proposal, i.e. 503sqm of retail floorspace located on the site of a vacant public house some distance from the nearest designated centres at Grand Avenue and Wilson Road, it would be very difficult to argue that the proposed retail floorspace would have an adverse impact on any designated centre. Whilst there may be some trade diversion from the parade of shops opposite the application premises, this parade of shops is not located in a designated centre and is therefore not afforded any planning policy protection. As stated in paragraph 5.285 of the LDP supporting text, the purpose of policy R6 is to contribute to “protecting and enhancing designated shopping centres and resisting out-of-centre retail development that could be harmful to District and Local shopping facilities” and not to protect other out-of-centre retail facilities. Moreover, as competition between businesses is not a legitimate planning matter, the impact on these shops is not a material consideration in the determination of this application. The application therefore raises no land use policy concerns.*

8.9 *Consideration must also be given to the impact of the proposed development on visual and residential amenity. The appearance of the development is considered acceptable: the retail units will replace a dilapidated and unsightly*

building with a more coherent and attractive development and the proposed materials (buff brick and render walls and grey profile sheeting roof with aluminium shopfronts) are appropriate for a commercial development in this location, where there are buildings of varying styles and materials.

- 8.10 *The proposed building will be around the same distance from the rear boundary as the existing building, will be single storey only and will have no windows facing towards any adjacent residential property. It will be at an adequate distance from the houses to the north and the east to cause no unacceptable overshadowing and will not appear overbearing.*
- 8.11 *The shop units will be closer to the side boundary of the rear garden of 112 Bishopston Road than is the existing public house; however, there will still be a gap of at least 6.1m between the new building and the boundary, the new shop units will be set back from the highway and will not obscure the side elevation of no. 112 (where there is a window) and the new units will be single storey and will have no entrances or windows in the side elevation. Therefore it is not considered that there will be any significant loss of amenity to residents of no 112 in terms of overshadowing, overbearing or loss of privacy.*
- 8.12 *There will be external plant to the rear of the building and a loading/unloading bay to the eastern side. Planning conditions will therefore be needed to ensure that noise from these areas does not adversely affect neighbouring residents. A noise report has been submitted by the applicant and, based on this, Pollution Control officers have recommended a suitable condition that will control the noise emitted by fixed plant and equipment. Noise from loading/unloading activities, and from customers visiting the site, can be controlled by limiting the hours of operation.*
- 8.13 *With regard to the objections (which are detailed at paragraphs 7.1 to 7.3 of this report):*
1. *The application site is not allocated in the LDP for housing development (or for any other alternative use) and there are no land use policy objections to the proposed retail use. In this case it is not considered reasonable to insist that the applicant proves a need for the development given that the proposal is on such a small scale that it will have no adverse impact on any existing, designated centres and that the site is currently occupied by a public house (albeit unused at the moment) which could change to A1 retail use at any time without the need for planning permission and which has more or less the same amount of ground floor floorspace as the proposed building.*

It would be unreasonable for the Council to refuse planning permission on the basis that surrounding residents may prefer an alternative use.
 2. *It is not certain that jobs would be lost from the existing shops, and the proposed units will generate employment opportunities (according to the applicant this will be 12 full-time equivalent jobs). The planning system is not permitted to interfere in the matter of competition between businesses therefore it would be unreasonable to refuse planning*

permission on these grounds.

3. *This is not a material planning consideration. It would be unreasonable for the Council to refuse planning permission for a development that was otherwise acceptable on the basis that the Council itself could lose revenue as a result of the decision.*
4. *South Wales Police have raised no objections to this application but have provided advice on security measures. The Police advise that opening hours should be restricted for any A3 (food and drink) use; however, further planning permission would be needed for such a use as the development is currently proposed to comprise A1 (retail) units. The sale of alcohol is controlled by licensing laws, which are separate from planning permission, noise from the units would be controlled by Environmental Health legislation and any anti-social behaviour would be a matter for the police.*

8.14 *In response to the points raised in the petition:*

1. *As mentioned above, anti-social behaviour would be a matter for the police (who have not objected to this application) and it cannot be assumed that the development would result in an increase in such behaviour.*
2. *The Council is obliged to consider this application and cannot insist on an application being made for affordable housing. As stated above, the application site is not allocated in the LDP for housing development (or for any other alternative use), there are no land use policy objections to the proposed retail use and there is no requirement to prove a need for such a small scale development.*
3. *The existing shops are not within a designated district or local centre, therefore they enjoy no protection in land use policy terms and, also given that the planning system is not permitted to interfere in the matter of competition between businesses, it would be unreasonable to refuse planning permission on these grounds. The new units will provide employment for local people and it is not necessarily the case that the existing businesses will be damaged.*

8.15 *The objections received from Councillors Peter Bradbury and Elaine Simmons, and from Neil McEvoy AM, which relate to the preference for housing development, impact on local jobs, impact on existing businesses, loss of Council revenue and antisocial behaviour, are addressed in the paragraphs above.*

8.16 *In conclusion, there are no reasonable grounds for refusal of this application and approval is recommended subject to the conditions set out above.*

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

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

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9.3 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.



City of Cardiff Council
Cyngor Dinas Caerdydd



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DAVID LUCAS
BOOKMAKER

Proton

David Lucas

Jake's Barber Shop

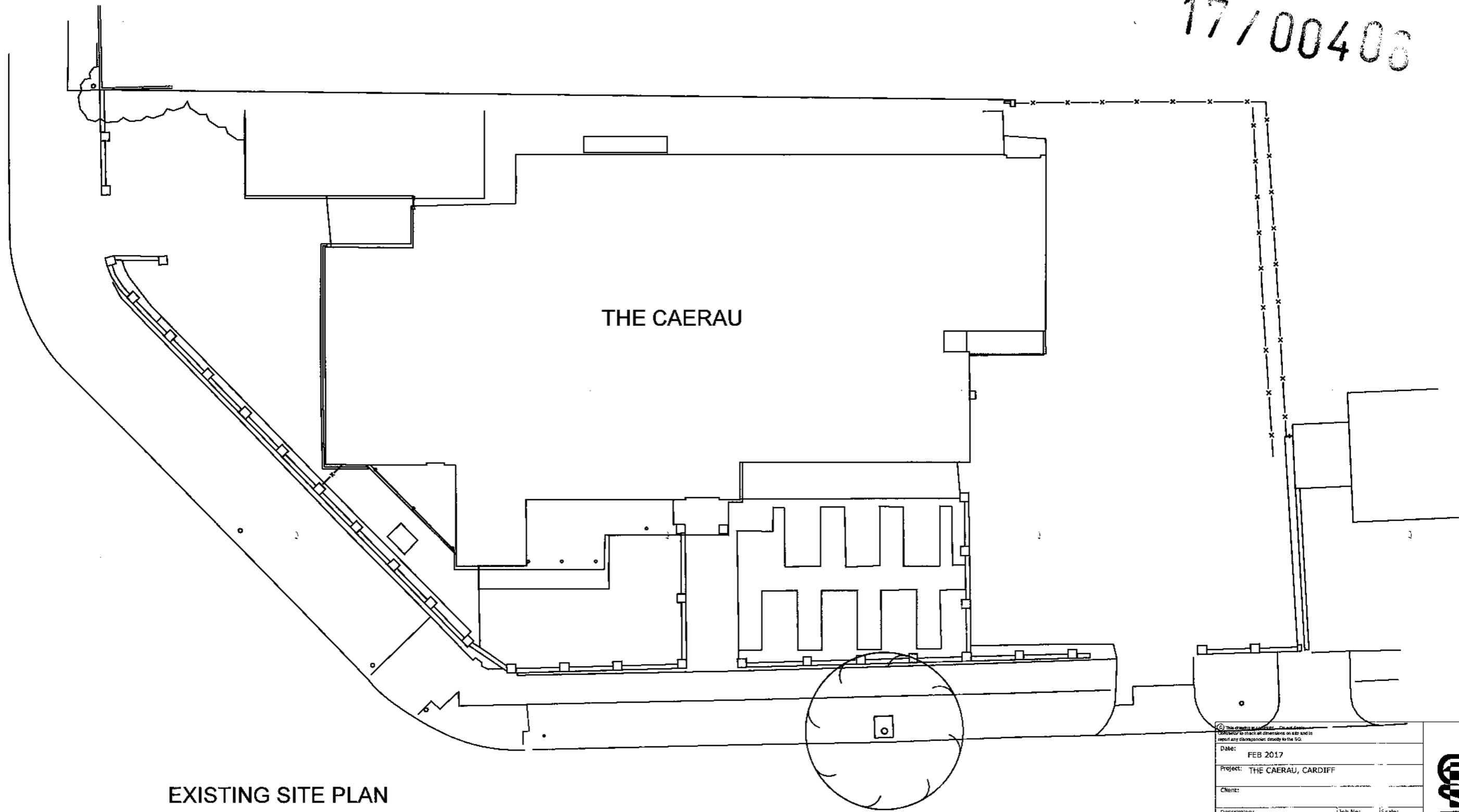









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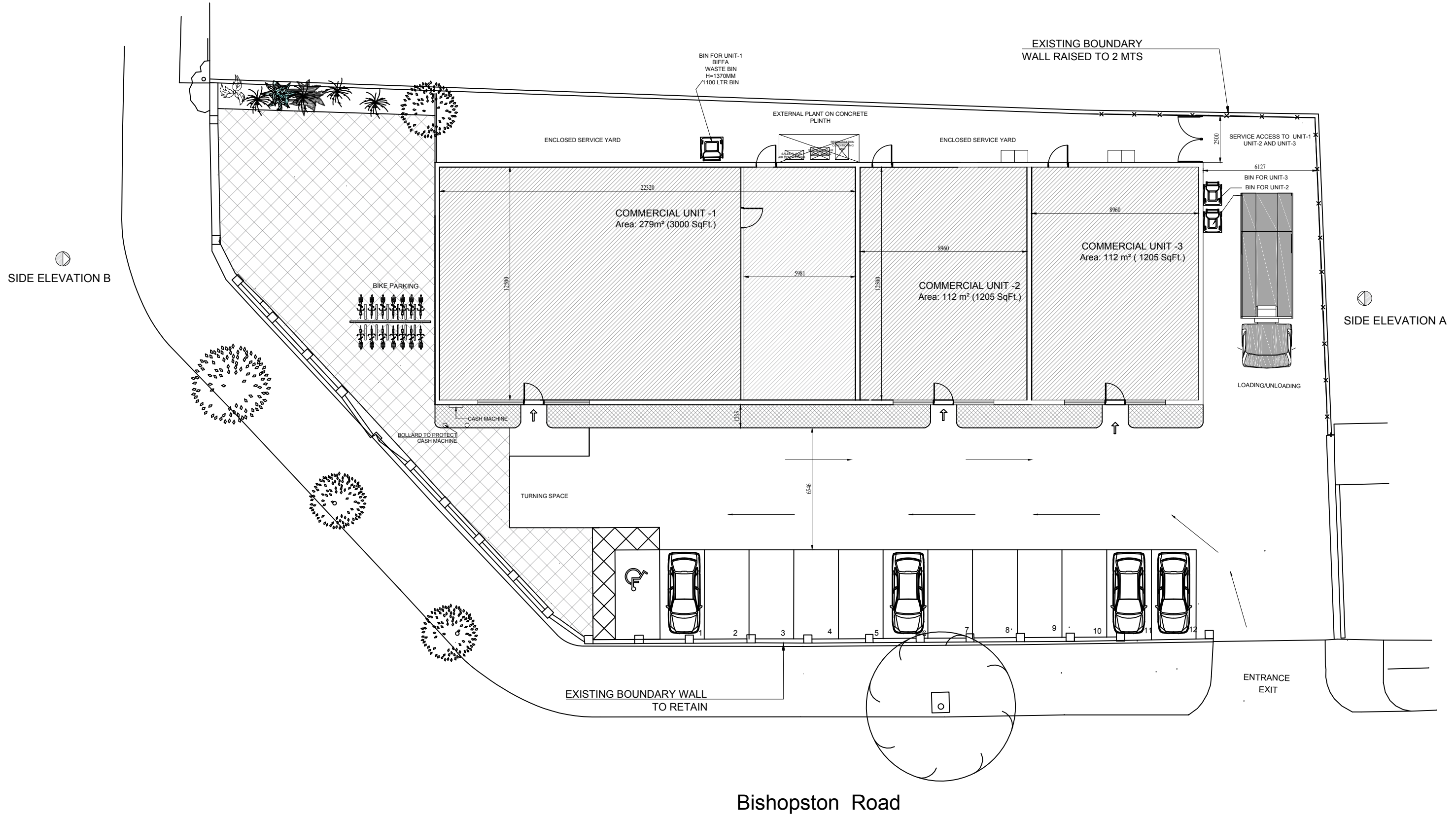


THE CAERAU


Bishopston Road

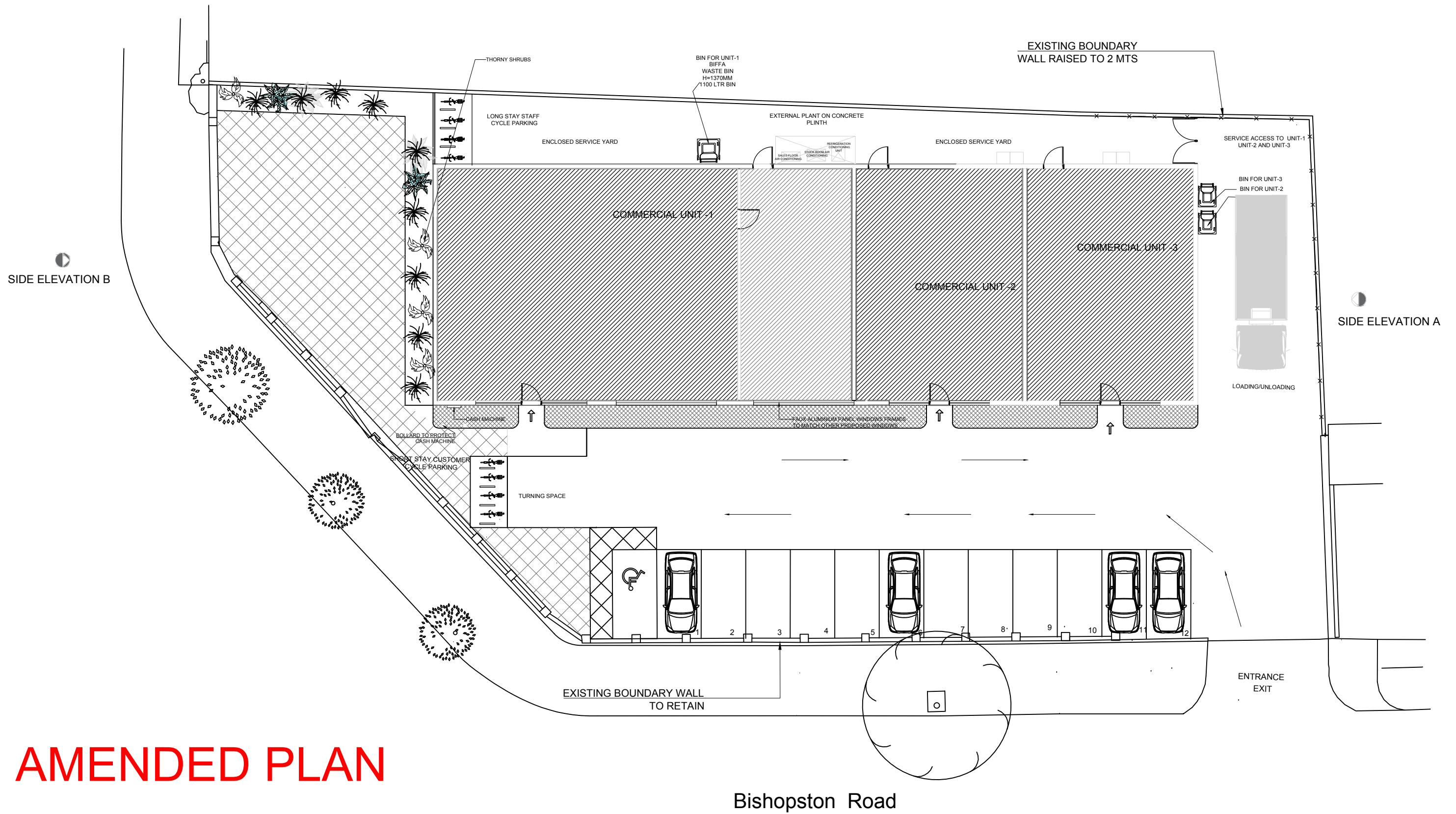
EXISTING SITE PLAN

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	Dwg No: 104	Drawn By: KG
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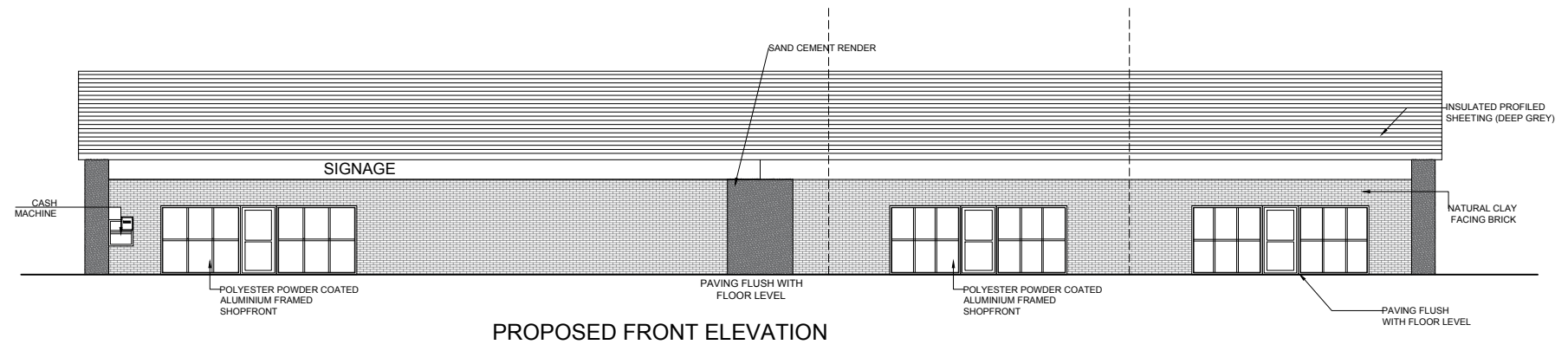
PROPOSED GROUND FLOOR PLAN

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Project: THE CAERAU		
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Description: PROPOSED SITE PLAN	Job No:	Scale: 1:200
Dwg No: 201 R4	Drawn By: NZ	 SK DESIGNS <small>58B, Clearwater Way, Lakeside, Cardiff, CF23 6D Tel: 029 20 761 950 Fax: 029 20 761 950 Email: info@skdesigns.org.uk</small>

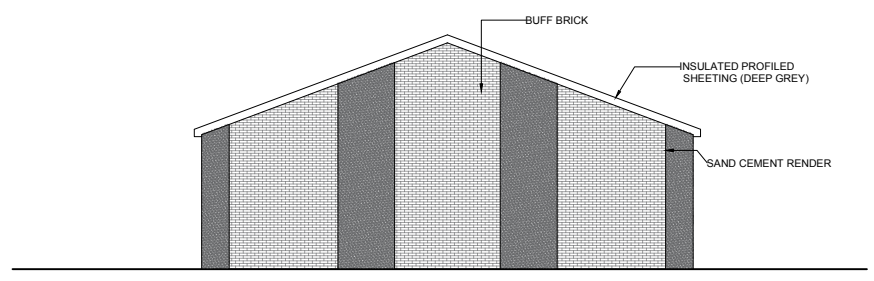


PROPOSED GROUND FLOOR PLAN

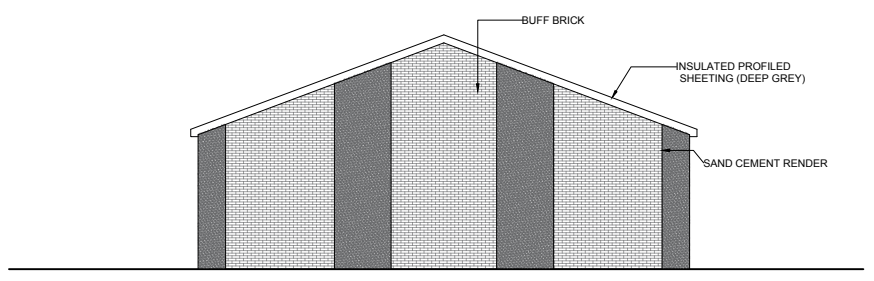
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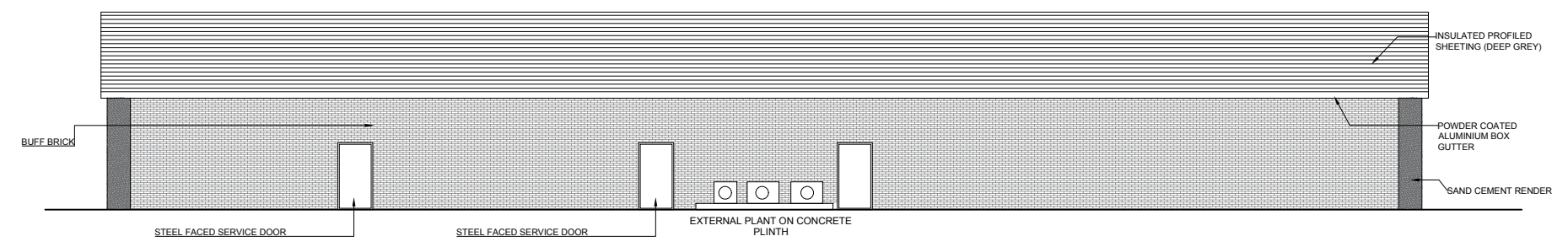
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION B




PROPOSED SIDE ELEVATION A



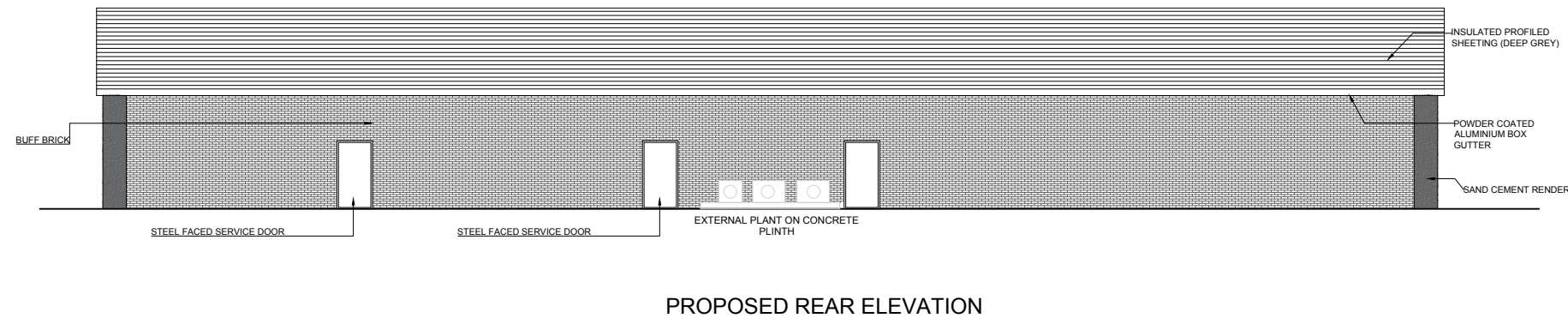
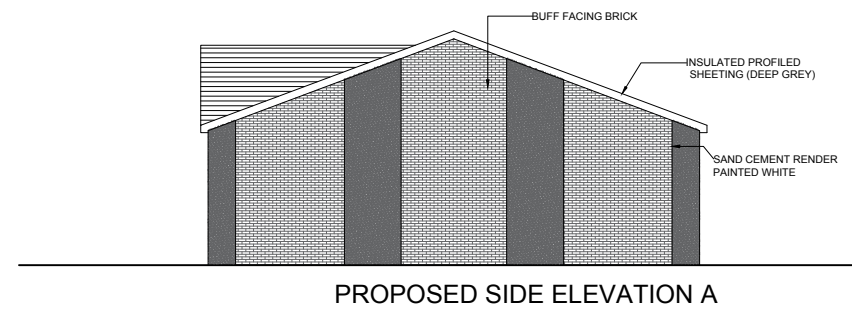
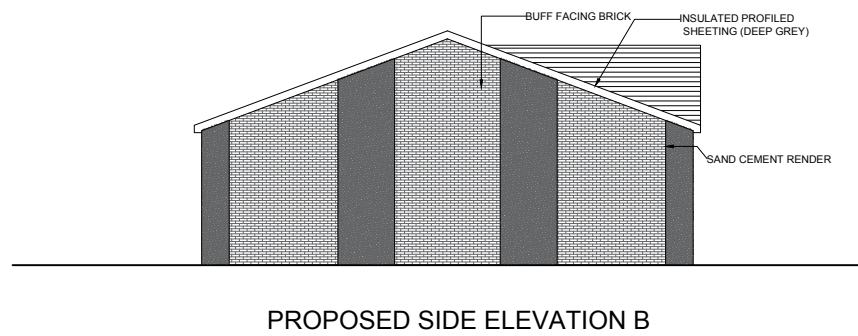
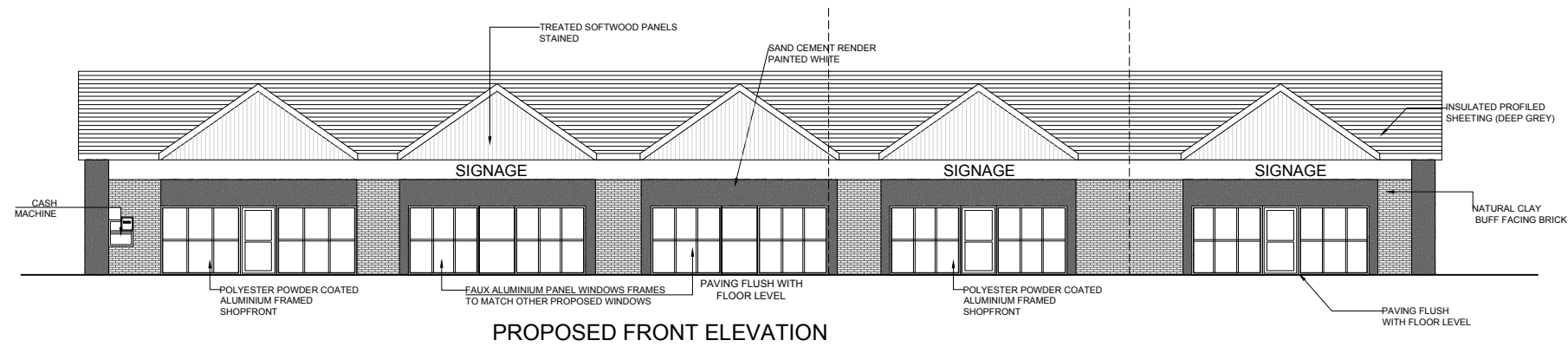
PROPOSED REAR ELEVATION

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Client:		
Description: PROPOSED ELEVATIONS	Job No:	Scale: 1:100
	Dwg No: 202 R4	Drawn By: NZ




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AMENDED PLAN



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Project: THE CAERAU		
Client:		
Description: PROPOSED ELEVATIONS	Job No:	Scale: 1:200
	Dwg No: 202 R7	Drawn By: KG



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

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/01547/MNR** APPLICATION DATE: 12/07/2017

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Love Investments Ltd

LOCATION: 9 HEOL FAIR, LLANDAFF, CARDIFF, CF5 2EE

PROPOSAL: 2 STOREY SIDE EXTENSION AND CONVERSION TO THREE
DUPLEX DWELLINGS

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
 - BBA0/5/a – Ground Floor Proposed
 - BBA0/6/a – First Floor Proposed
 - BBA0/7 – Second Floor Proposed
 - BBA0/8 – Site Plan Proposed
 - BBA0/8/a/b – Front & Side Elevations Proposed
 - BBA0/15 – Construction Details
 - BBA0/16 – Construction Detailing

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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the First Floor windows facing 11 Heol Fair, other than those hereby approved.

Reason : To ensure that the privacy of adjoining occupiers is protected.

4. The first floor rear bathroom window + rear rooflight facing 11 Heol Fair and first floor rear bedroom window on the northern elevation shall be non opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.

Reason : To ensure that the privacy of adjoining occupiers is protected.

5. No development shall take place until details of the means of site enclosure have been submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason: To ensure that the amenities of the area are protected.
6. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area.
7. Prior to commencement of any works on site, details shall be submitted to and approved in writing by the Local Planning Authority of all new windows, doors, quoin details, moulded brick tiles and brick dental course. The approved works shall be implemented as agreed and thereafter retained.
Reason: To protect the historic fabric and aesthetic integrity within the Conservation Area and ensure the proposal protects or enhances the character of the Conservation Area.
8. Prior to occupation of the dwelling units hereby approved, a covered cycle store shall be provided within the curtilage of the property to accommodate at least 7 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.
9. Prior to occupation of the dwelling units hereby approved, a refuse storage area shall be provided within the curtilage of the site to accommodate general waste, recycling and food waste for all the dwelling units. The refuse storage area shall thereafter be retained.
Reason: To secure an orderly form of development and to protect the amenities of the area.
10. Prior to installation, details of the conservation style roof light hereby approved on the rear elevation, shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
Reason: In the interests of conservation.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the

implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3 : That the applicant is advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application was deferred by Committee on the 11th October 2017 in order to undertake a site visit. The site visit was undertaken on the 30th October 2017.
- 1.2 Planning permission is sought to erect a two-storey side extension and convert the property to three duplex dwellings
- 1.3 The proposed side extension is to be approximately 7.4m high with a pitched roof, 4.3 wide and 7.2m deep. The submitted plans show the property to be converted into three duplex dwellings units within the property, these units are to be 1 x 3 bed unit and 2 x two bed units (seven bedrooms in total).

2. **DESCRIPTION OF SITE**

- 2.1 The application property known as 9 Heol Fair, sited on the junction of Heol Fair and Imperial Buildings. The property is currently vacant but was previously in use as 5 bed dwelling house with an attached A1 shop unit.
- 2.2 The surrounding area is a combination of two-storey terrace and detached dwellings
- 2.3 The site is located within the Llandaff Conservation Area

3. **SITE HISTORY**

- 3.1 None

4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan
- 4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:

Policy KP5 (Good Quality and Sustainable Design)

Policy H5 (Sub-Division or Conversion of Residential Properties)

Policy H6 (Change of Use or Redevelopment to Residential Use)

Policy EN9 (Conservation of the Historic Environment)

Policy T5 (Transport Impacts)
Policy W2 (Provision for Waste Management Facilities in Development)

- 4.3 Supplementary Planning Guidance: Residential Extensions and Alterations (2015)
- 4.4 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)
- 4.5 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007).
- 4.6 Llandaff Conservation Area Appraisal
- 4.7 Technical Advice Note 12: Design
- 4.8 Planning Policy Wales 2016

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation – No objections but advise the need for cycle parking (see condition 8).
- 5.2 The Operational Manager, Environment and Public Protection – No objections.
- 5.3 The Operational Manager, Waste Management – No objections

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 None

7. **REPRESENTATIONS**

- 7.1 Neighbours have been consulted and a site notice erected (expiry 24/08/2017), letters and e-mails have been received from the occupiers of 1 + 19 Heol Fair and 1 Imperial Buildings objecting for the following summarised reasons;

- i) Proposal will lead to increased parking problems
- ii) Materials proposed not in keeping with surroundings
- iii) Submitted plans are inadequate
- iv) Noise from occupants of extension
- v) Issues in regard to changing adjacent property from an end of terrace to terraced house
- vi) Overdevelopment of site
- vii) Proposal would impact upon the Conservation Area

- 7.2 The Llandaff Society object for the following summarised reasons:

- i) Overdevelopment of the property into 3 dwelling units
- ii) Reduction in amenity space for occupiers

- iii) Proposal would lead to unacceptable car parking pressure within the Conservation Area
 - iv) Concern over proposal to replace original shop window and ask that this element is retained if approved
- 7.3 A 52 name Petition has been received objecting to the proposal for the following summarised reason:
- i) Increase in on-street parking in an area already overstretched.
- 7.4 Councillor Philippa Hill-John, objects for the following summarised reasons;
- i) Parking problems due to increased on-street parking
 - ii) Overlooking/loss of privacy to adjoining properties
 - iii) Party Wall agreement has not been submitted/agreed
- 7.5 The Llandaff Conservation Group, object for the following summarised reasons:
- i) The proposal is an overdevelopment of the site
 - ii) Imperial row and Imperial Buildings are important sites within the conservation area with architecture that gives character to this junction
 - iii) Significant traffic management issues
 - iv) Services for this site will adversely impact upon the Conservation Area.

8. **ANALYSIS**

- 8.1 The main planning issues relate to:
- (i) The impact of the amenities of neighbouring occupiers.
 - (ii) Highway safety/parking issues.
 - (iii) Impact upon the Conservation Area
- 8.2 Amended Plans have been received due to concerns regarding the proposed materials and alterations as the property is within the Llandaff Conservation Area. The details received show additional details on the alterations (including retention of the existing shopfront and doorway). The materials proposed are likely to be acceptable, subject to appropriate conditions regarding final details
- 8.3 The amended plans show that each dwelling unit proposed has a satisfactory amount of floorspace and an acceptable outlook available for future occupiers.
- 8.4 The amended plans show that there is an acceptable amount of amenity space available for occupiers. The area is shown as a communal space for occupiers and this is an accepted situation for developments of this nature
- 8.5 It is not considered that the proposal as amended would prejudice the privacy of adjoining neighbours. The amended plans show the provision of a rear facing first floor bathroom window and a rear facing rooflight, which look directly toward 11 Heol Fair (approximately 4.5m away) and a first floor bedroom windows on the northern elevation and it is considered necessary to ensure

that these two windows and the rooflight are obscurely glazed and non-opening below 1.7m internal floor level (see condition 4). The amended plans also show a first floor window and second floor dormer window facing south towards the property known as 1 Imperial Buildings, however, it should be noted that these are existing windows, which were utilised as habitable rooms in the original building. The windows are sited approximately 12m from the boundary of no. 1 Imperial Buildings, which is considered to be an acceptable privacy distance in this circumstance.

- 8.6 It is not considered that the proposed side extension would prejudice the amenities of the adjoining neighbours, the extension would adjoin onto the existing flank wall of no. 1 Imperial Buildings and would not project rearward of the adjoining property
- 8.7 The Councils Conservation Officer has no objections to the proposal as amended, subject to conditions approving the proposal materials. Also states that the proposed extensions and alterations as amended would maintain the character and appearance of the Conservation Area and would not have a prejudicial impact upon it.
- 8.8 The Operational Manager (Transportation) has no objections to the proposal as amended. Note that the Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010) advises that the proposed 3 dwelling units in a non-central area would require the provision of 2 parking spaces, however the existing 5 bedroom property together with the A1 retail unit would also have a requirement of a minimum of 2 parking spaces, therefore the required parking requirement does not exceed the existing situation. It is noted that there is no allocated on-street parking for the existing property and other adjoining residential properties within the surrounding area (other than a residential permit scheme within part of Imperial Buildings).
- 8.9 In regards to comments made by neighbours and other interested parties, which are not covered above, the following should be noted:
- i) See para 8.9
 - ii) See para 8.5
 - iii) The submitted plans are considered to be acceptable
 - iv) Covered under a future Building Regulations submission
 - v) Noted, the issue of an end of terrace becoming a mid terrace property is generally considered acceptable in planning terms
 - vi) The proposal is not considered an overdevelopment of the site, the extension proposed is modest in size and the proposed dwelling units are of a sufficient size in terms of proposed floor-space
 - vii) See para 8.8

8.10 **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.

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.

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.

8.11 **Conclusion**

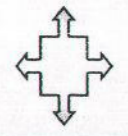
Having regard to the policy context above, the proposal as amended is considered to be acceptable and planning permission is recommended subject to conditions.



THE SITE.

17/01547

DTB DESIGN
 TEMPLE COURT 13a CATHEDRAL ROAD
 CARDIFF CF11 9HA
 TEL 029 2035 0365



REVISIONS	DATE	REVISIONS	DATE

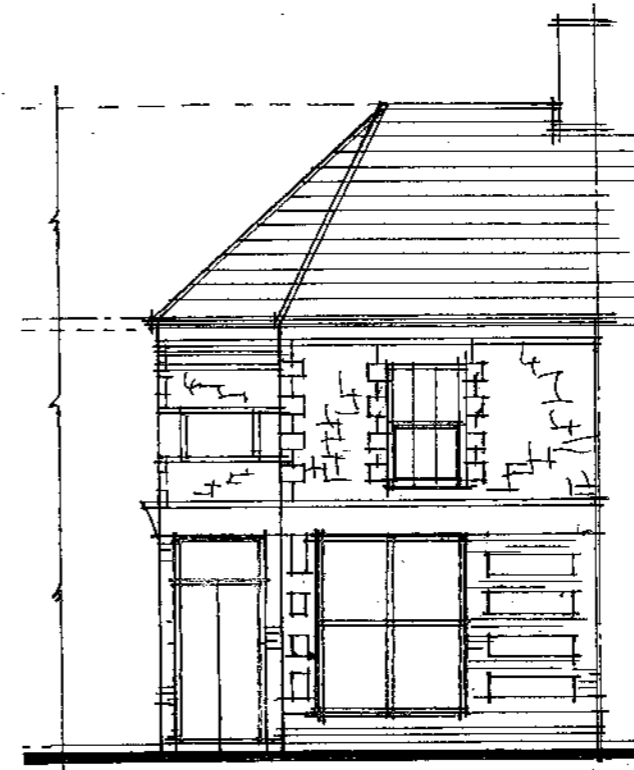
DEVELOPMENT AT
9 HEOL FAIR
CARDIFF

DATE JUNE 2017 PLAN NO. BBA0/8

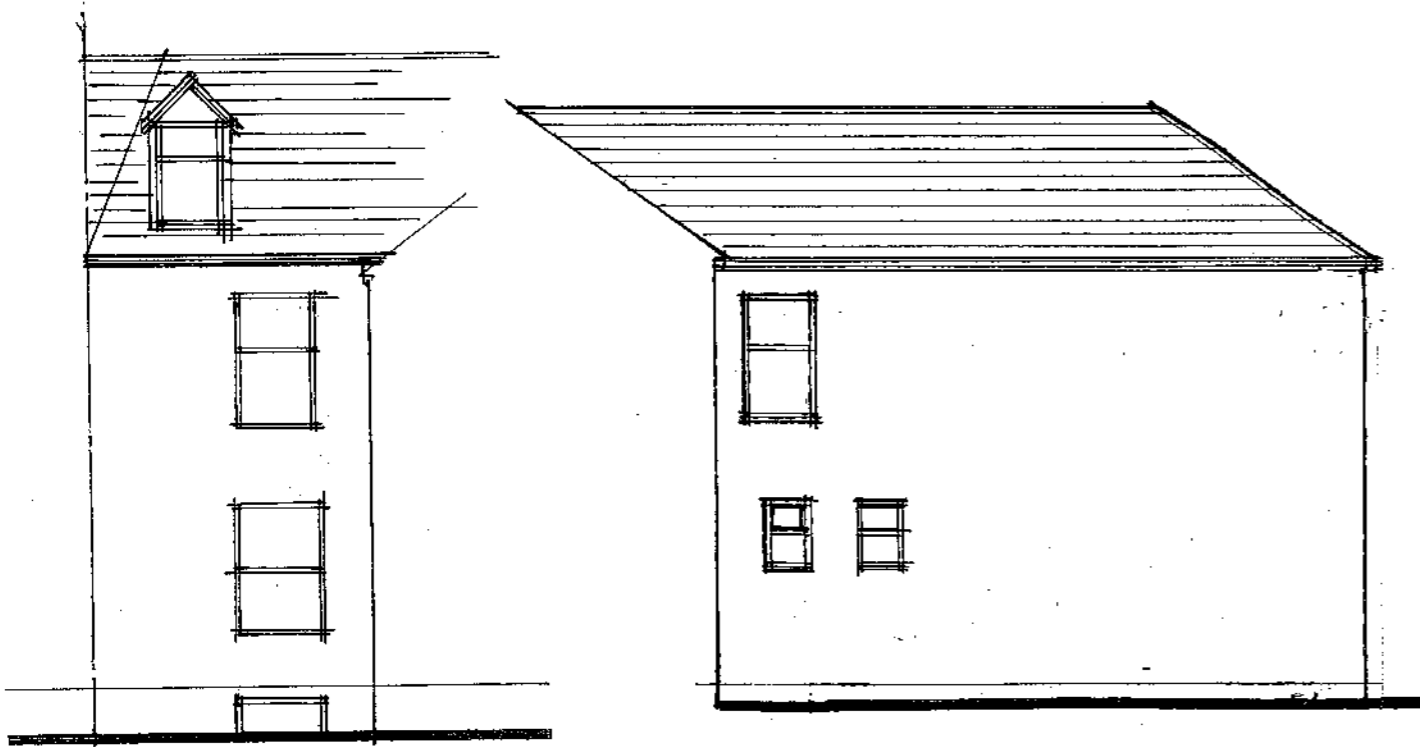
SITE PLAN PROPOSED 1:500 at A3



SIDE



FRONT

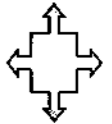


REAR

REAR/SIDE

17/01547

DTB DESIGN
 TEMPLE COURT 13a CATHEDRAL ROAD
 CARDIFF CF11 9HA
 TEL 029 2035 0365

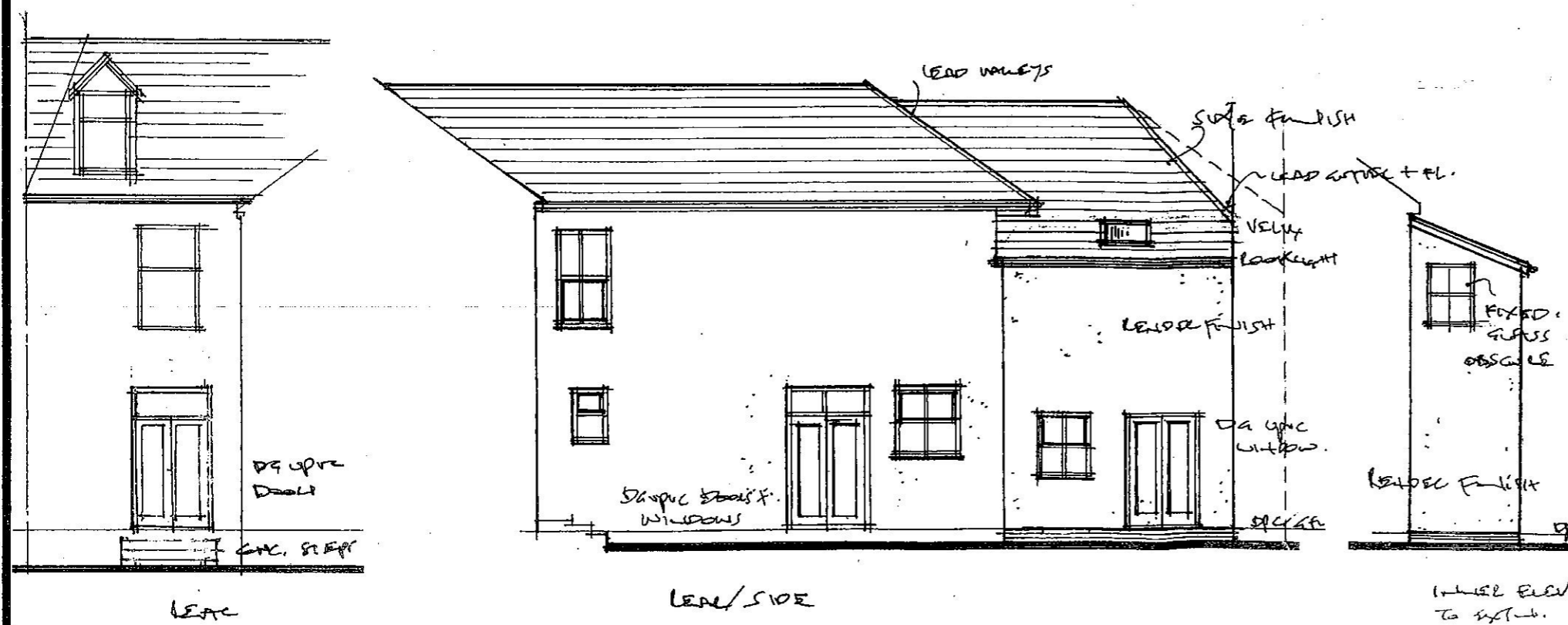


REVISIONS	DATE	REVISIONS	DATE

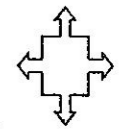
DEVELOPMENT AT
9 HEOL FAIR
CARDIFF

DATE JUNE 2017 PLAN NO. BBA01/9

FRONT & SIDE ELEVATIONS EXISTING 1:100 at A3



DTB DESIGN
 TEMPLE COURT 13a CATHEDRAL ROAD
 CARDIFF CF11 9HA
 TEL 029 2035 0365

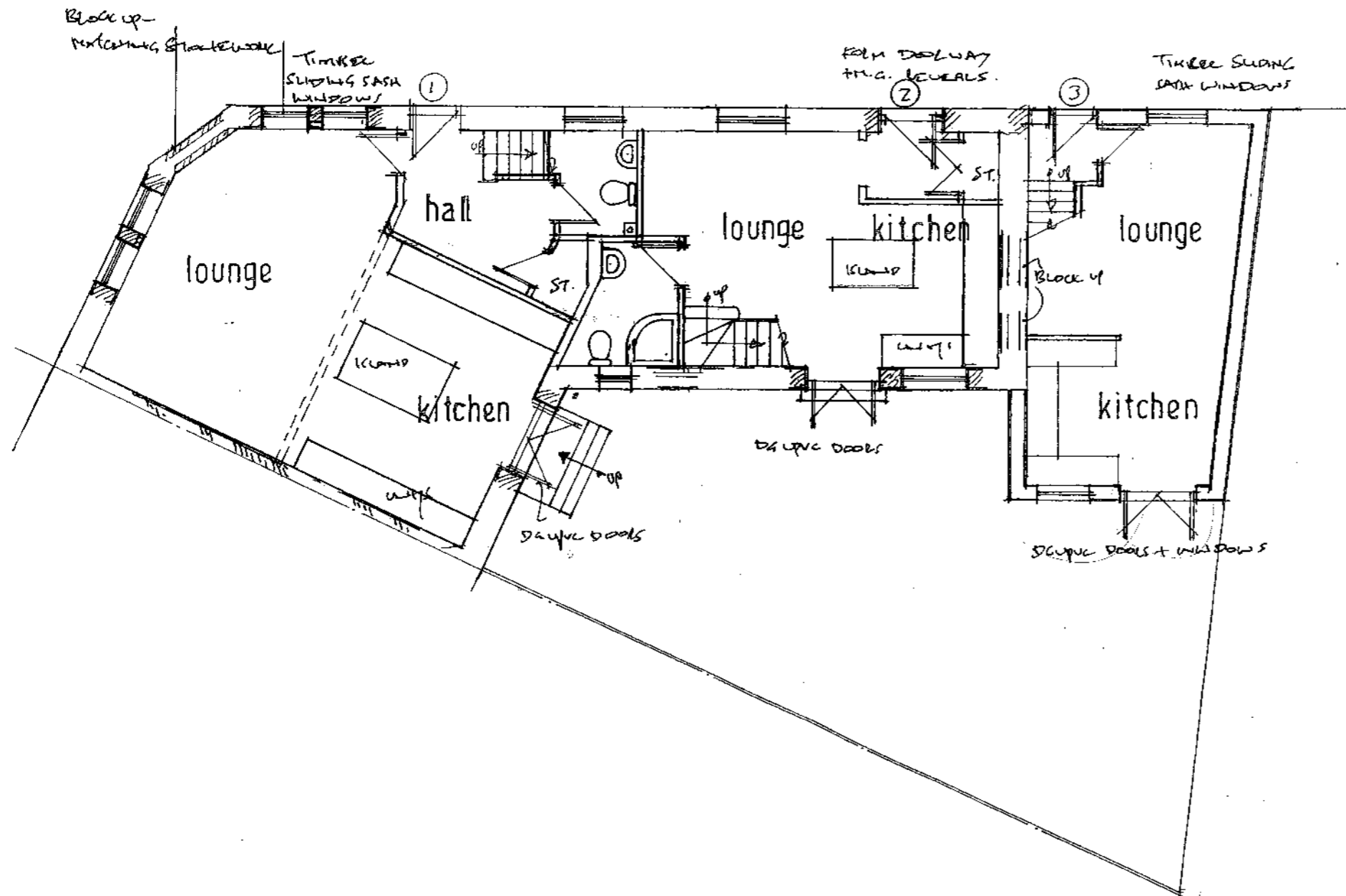


REVISIONS	DATE	REVISIONS	DATE

DEVELOPMENT AT
9 HEOL FAIR
CARDIFF

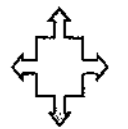
DATE JUNE 2017 PLAN NO 6600/8/a/6

FRONT & SIDE ELEVATIONS PROPOSED 1:100 at A3



17 / 01547

DTB DESIGN
 TEMPLE COURT 13a CATHEDRAL ROAD
 CARDIFF CF11 9HA
 TEL 029 2035 0365

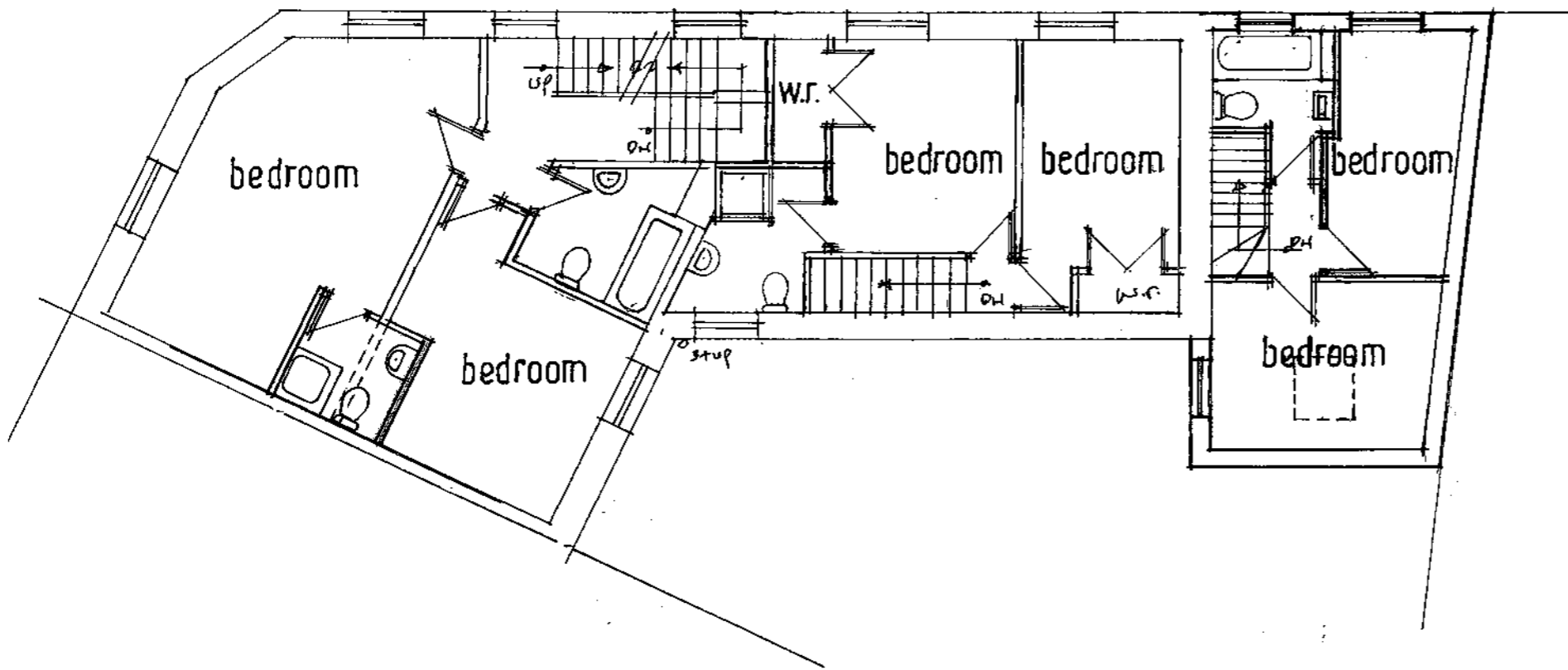


REVISIONS	DATE	REVISIONS	DATE

DEVELOPMENT AT
9 HEOL FAIR
CARDIFF

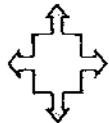
DATE JUNE 2017 PLAN NO. BBA0/5

GROUND FLOOR PROPOSED 1:100 at A3



17 / 01547

DTB DESIGN
 TEMPLE COURT 13a CATHEDRAL ROAD
 CARDIFF CF11 9HA
 TEL 029 2035 0365

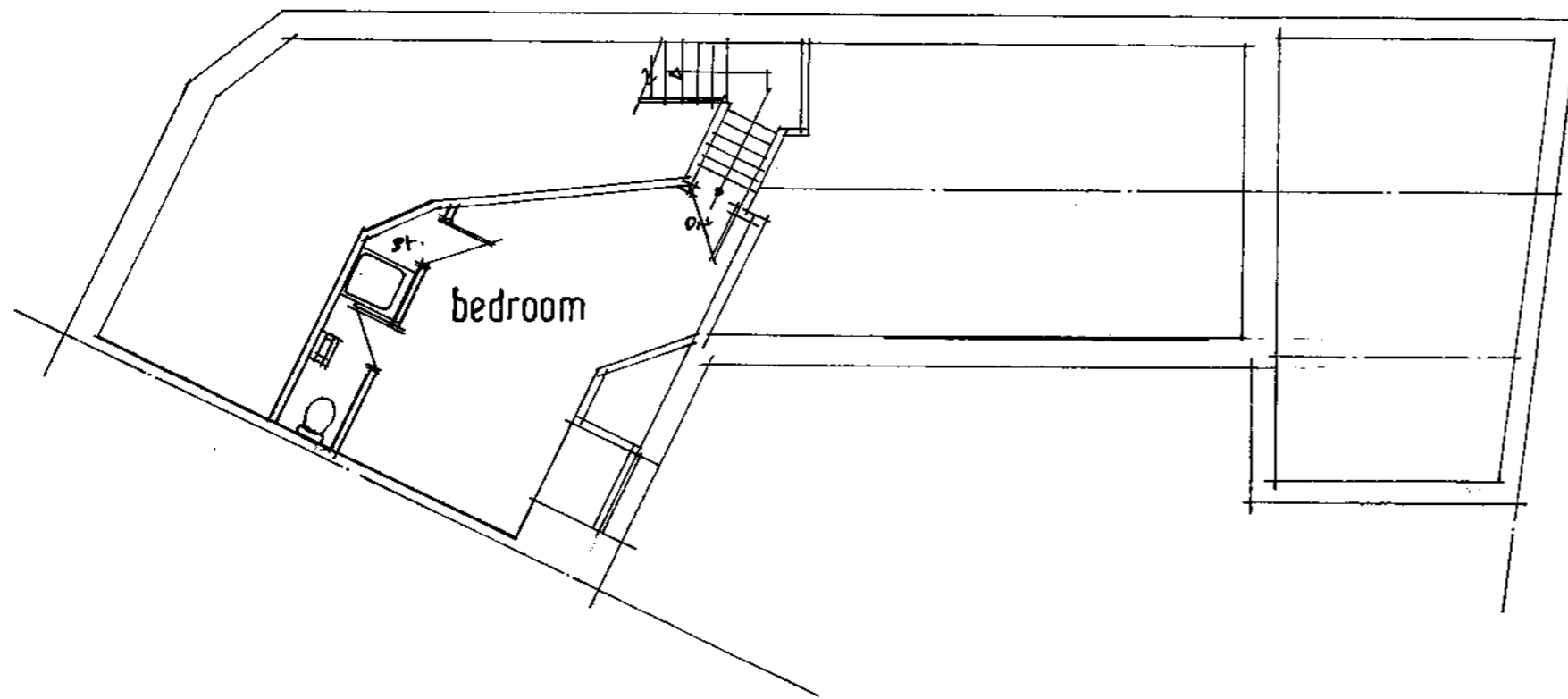


REVISIONS	DATE	REVISIONS	DATE
<i>a. beds @ lobby</i>			

DEVELOPMENT AT
9 HEOL FAIR
CARDIFF

DATE JUNE 2017 PLAN NO. BBA0/6/4

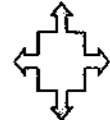
FIRST FLOOR PROPOSED 1:100 at A3



17 / 01547

SECOND FLOOR PROPOSED 1:100 at A3

DTB DESIGN
 TEMPLE COURT 13a CATHEDRAL ROAD
 CARDIFF CF11 9HA
 TEL 029 2035 0365



REVISIONS	DATE	REVISIONS	DATE

DEVELOPMENT AT
9 HEOL FAIR
CARDIFF

DATE JUNE 2017 PLAN NO. BBA0/7

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

LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00711/MNR** APPLICATION DATE: 29/03/2017

ED: **FAIRWATER**

APP: TYPE: Reserved Matters

APPLICANT: Mr N Maqueline

LOCATION: PROPOSED DWELLING REAR OF 19 FAIRWOOD ROAD,
FAIRWATER

PROPOSAL: RESERVED MATTERS IN RELATION TO APPLICATION
11/1285/DCO AND APPLICATIONS 14/01330/DCO AND
13/2253/DCO

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 following approved plans:
 - 2331-03 Rev B – Block Plan
 - 2331-02 Rev B – Proposed Plans and Elevations

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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in the first floor Side elevations facing 17 Fairwood Road (to the South) and The Bungalow (to the North), other than those hereby approved.

Reason : To ensure that the privacy of adjoining occupiers is protected.

4. The Second floor rooflights facing 17 Fairwood Road (to the South) and The Bungalow (to the North) elevation shall be non-opening below a height of 1.8 metres above internal floor level and glazed with obscure glass and thereafter be so maintained.

Reason : To ensure that the privacy of adjoining occupiers is protected.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no structure or

extension shall be placed within the curtilage of any dwelling or alteration to any roof.

Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area.

6. No development shall take place until details of the means of site enclosure have been submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

Reason: To ensure that the amenities of the area are protected.

7. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway.

8. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area.

9. No equipment, plant or materials shall be brought onto the site for the purpose of development until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of paved areas, verges and other open spaces, indications of all existing trees and hedgerows on the land and details of any to be retained and planted.

Reason: To maintain and improve the appearance of the area and in the interests of visual amenity.

10. The use of the roof of the flat roof annexe positioned to the rear elevation of the dwelling hereby approved shall not be used for any type of external amenity space or recreational space what so ever.

Reason: To ensure that the privacy and amenities of the occupier of the adjoining properties are protected.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays

to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4 : That the applicant is advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicant's ownership.

RECOMMENDATION 5 : You should contact Welsh Water before commencing the development since it may lie within the easement of a public sewer that crosses the site. The approximate position of the sewer is marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Developer Services on 0800 9172652 or via email at

developer.services@dwrwymru.com. Please note that the grant of planning permission does not give any rights to build within a sewer easement without first obtaining the consent of Welsh Water.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application was deferred by Committee on the 11th October 2017 in order to undertake a site visit, which took place on the 30th October 2017.
- 1.2 Planning permission is sought for the construction of a two-storey detached dwelling
- 1.3 The proposed dwelling house is to be approximately 8.2m high with a pitched roof, 7.6m wide and 7.8m deep and a single storey rear annexe measuring 4m wide, 3.2m deep and 2.8m high with a flat roof. The submitted plans show the provision of two off-street parking spaces positioned to the front of the proposed dwelling.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises the rearmost part of the rear garden of no.19 Fairwood Road
- 2.2 The site is accessed off Chatsworth Close along a single lane highway
- 2.3 The surrounding area is a combination of two-storey semi-detached dwelling, detached two-storey dwellings as well as a number of single storey dwellings

3. **SITE HISTORY**

- 3.1 11/1285/DCO – Outline planning application (with all matters reserved) for new detached residence at land to rear of 19 Fairwood Road. Approved
- 3.2 13/935/DCO – Variation of conditions 8 (attached plans) and 9 (single storey dwelling only) of 11/1285/DCO to allow construction of a house within 9.5m x 7m footprint and to allow for the construction of a two-storey house. Refused
- 3.3 13/2253/DCO – Removal of condition 9 (single storey dwelling only) of planning permission 11/1285/DCO to enable a two-storey development on the application site. Approved
- 3.4 14/1330/DCO – Variation of condition 8 (attached plans) of planning permission 13/2253/DCO to allow for substitution of plan drawing 663-03 G. Refused but subsequent Planning Appeal Allowed

4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan

4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:

Policy KP5 (Good Quality and Sustainable Design)

Policy T5 (Transport Impacts)

Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Supplementary Planning Guidance: Infill Sites (April 2011)

4.4 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)

4.6 Technical Advice Note 12: Design

4.7 Planning Policy Wales 2016

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Transportation – No objections

5.2 The Operational Manager, Environment and Public Protection – No objections

5.3 The Operational Manager, Waste Management – No objections

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water – No objections

7. **REPRESENTATIONS**

7.1 Neighbours have been consulted, letters and e-mails have been received from the occupiers of 1, 2 and 3 Chatsworth Close, 62, 64, 66 and 68 Kirton Close, 5, 6, 9, 13, 14, 17, 19 and 21 Fairwood Road (plus a Diane Brewster, address unknown) objecting for the following summarised reasons;

(i) Highway Safety issues – site is down a narrow lane

(ii) Off-street parking provision for proposal is unsatisfactory

(iii) Proposed dwelling not in keeping with area

(iv) Overlooking/privacy issues

(v) Proposed dwelling would be overbearing and unneighbourly

(vi) Loss of value to adjacent dwellings

(vii) Noise and disturbance from construction works

(viii) Potential for vehicles from occupants or visitors to block adjacent lane

7.2 A 53 name Petition has been received objecting to the proposal for the following summarised reasons;

- i) Creation of new building line within Chatsworth Close
- ii) Precedent for further new dwellings in immediate area
- iii) Impact on surrounding area
- iv) Cramped size of plot

7.3 Councillor Lisa Ford, objects for the following summarised reasons;

- i) The development by reason of its size, depth, width, height and massing would have an adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy, being overbearing and visual impact on the area as a whole
- ii) Circulation within the site would be unacceptable as will create conflict between pedestrians, cyclists and vehicular movement thereby creating a safety hazard
- iii) Vehicles could overhang onto the lane to the detriment of other users
- iv) Parking spaces are insufficient which will impact surrounding properties through roadside parking on the narrow lane
- v) Beech hedge will be affected by the house

8. **ANALYSIS**

8.1 The main planning issues relate to:

- (i) The impact of the amenities of neighbouring occupiers.
- (ii) Highway safety/parking issues.

8.2 Amended Plans have been received due to concerns regarding the design and scale of the proposed dwelling, its siting adjacent to the side boundaries and potential overlooking issues.

8.3 It is noted that the principle of a dwelling house on this site was approved under planning application 11/1285/DCO. The original application was in outline with all matters reserved for future consideration. However, conditions 8 and 9 were imposed in regard to the proposed scale, design and size of the dwelling being as shown on the submitted plans and the dwelling being of a single storey design. It should be noted that subsequent planning applications have removed these requirements as listed in the site history section of this report.

8.4 It is not considered that the proposal as amended would prejudice the amenities of adjoining neighbours. The property is detached and sited approximately 2m away from the adjoining side boundaries with 17 Fairwood Road and The Bungalow.

8.5 The submitted amended plans show that there are no first floor windows sited in the side elevations facing 17 Fairwood Road and The Bungalow other than the insertion of four rooflights into the second floor. It is considered necessary to ensure that these rooflights are non-opening and obscurely glazed if sited below 1.7m internal floor level (see conditions 4) and that no other windows be inserted into the first floor side elevations (see condition 3). The first floor elevation is sited 21 metres from the adjoining dwelling at no. 19 Fairwood

Road and approximately 10.8 metres from the rear elevation of 64 Kirkton Close, notwithstanding this distance is it considered that privacy will not be compromised.

8.6 It is noted that the original outline permission was granted with a condition that any future dwelling-house be single storey (condition 9), this condition was subsequently removed under planning application 13/2253/DCO and the Planning Committee considered that a two-storey development would be acceptable on this site

8.7 In considering the application the Supplementary Planning Guidance; Infill sites (2011) is appropriate.

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

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

Para 2.15 states that the intensification of a site often means that additional car parking needs to be accommodated within the site boundary. Parking design is an important consideration with all infill development (see section on Parking), but the increased unit densities can specifically create problems for site redevelopment. Front gardens are important for biodiversity, amenity, drainage, street character and therefore parking should not intrude on these areas where they contribute to the character of the area. Parking should be designed and sited to encourage the use of street frontage to access dwellings

Para 3.11 states that as an overarching guide for all residential development, the Residential Design Guide sets out the following list of design characteristics that should inform a character analysis:

- Locally distinct patterns of streets and spaces
- Urban grain/built form relationships
- Local or strategic views
- Building envelope : scale, mass, form, height, roof form.
-

Detailing and visual richness: window profiles, timberwork, building entrances, materials

- Layout: plot widths, set backs
- Topographical, microclimatic and ecological features
- Local patterns of landscape: front garden treatments, street trees

Para 3.12 Infill development needs to be sensitive to its immediate surroundings and respond well to the built context. It is important that in

residential areas where there is a clear existing pattern and form of development, that new buildings, landscaping and boundary treatment (e.g. gates, railings, walls and hedges) complement the character of the surroundings. A thorough understanding of detailing in the street scene which contributes to the form the character of the area needs to be gained and responded to.

It is considered that the proposal meets the above criteria used in the Supplementary Planning Guidance: Infill Sites as the design of the dwelling as amended is considered to be acceptable, and reflects those properties adjoining in Kirton Close. It is noted that there are a number of different designs of dwellings within the area with no one dominant style, with those sited along Chatsworth Close being modern properties.

8.8 The Operational Manager (Transportation) has no objection to the proposal.

8.9 In regards to comments made by neighbours which are not covered above, the following should be noted:

- i, ii + viii) The OM, Transportation raises no objections to the proposal
- iii) See para 8.5
- iv+ v) See para 8.4
- vi) Not a material planning consideration
- vii) Dealt with under separate legislation

8.10 In regard to the comments made by Councillor Lisa Ford, would comment as follows:

- i) See para 8.5-8.7
- ii-iv) See para 8.8
- v) Damage to adjoining neighbours property is a private legal matter between the two parties

8.11 Other Legal Considerations

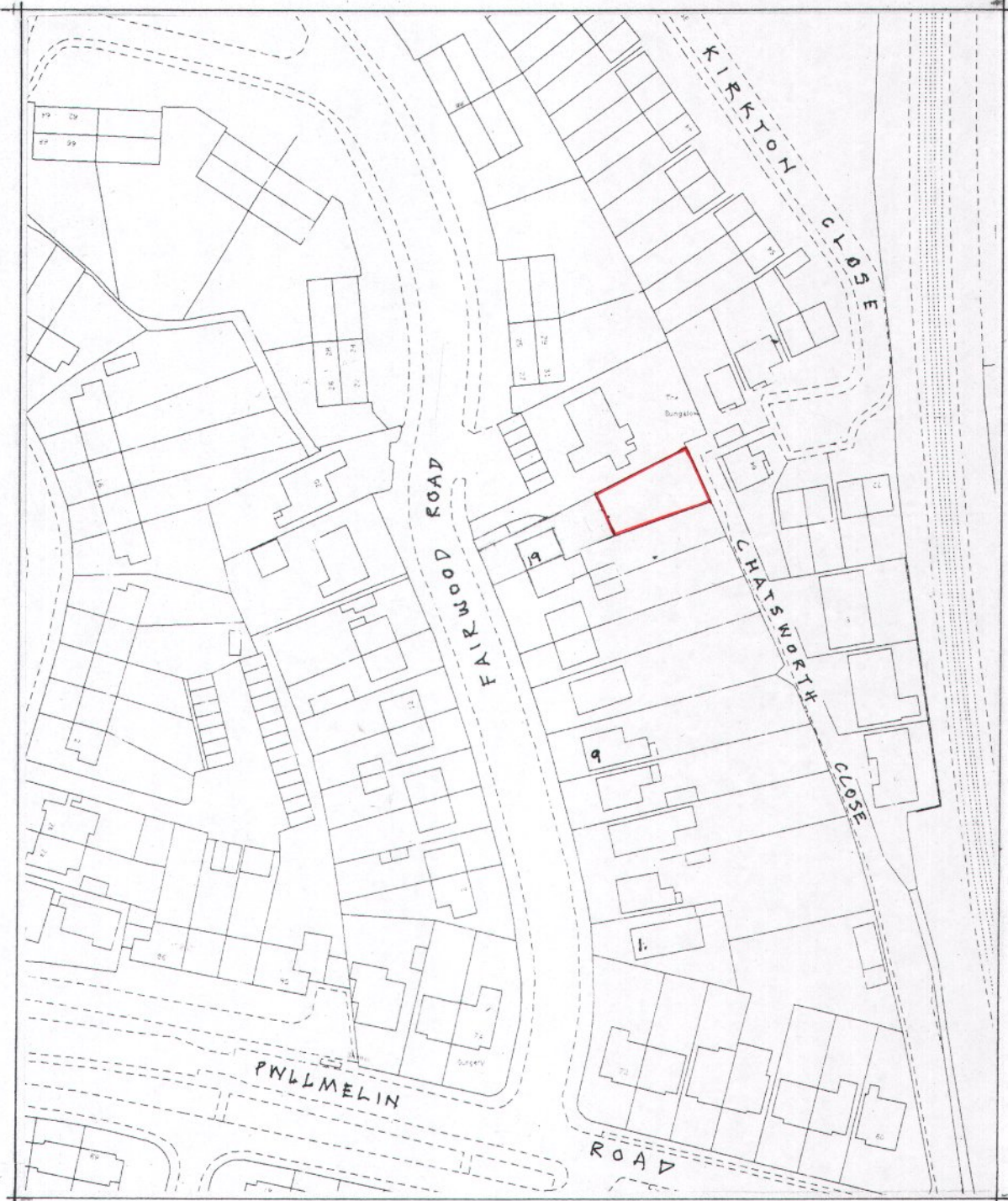
Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder 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.

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.

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.

8.12 **Conclusion**

Having regard to the policy context above, the proposal as amended is considered to be acceptable and planning permission is recommended subject to conditions.

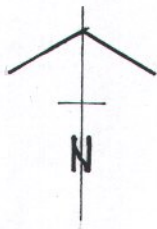


LOCATION PLAN

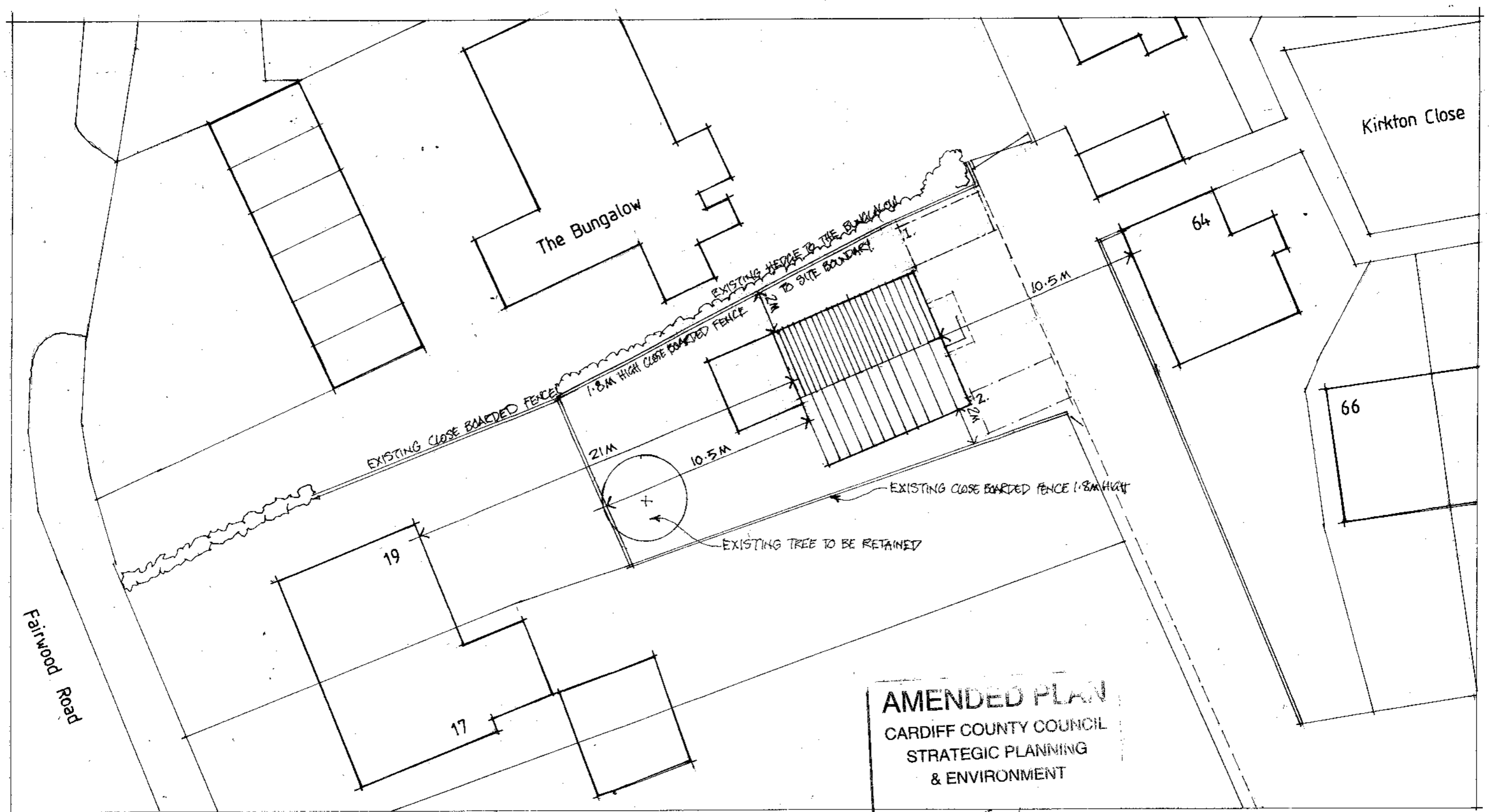
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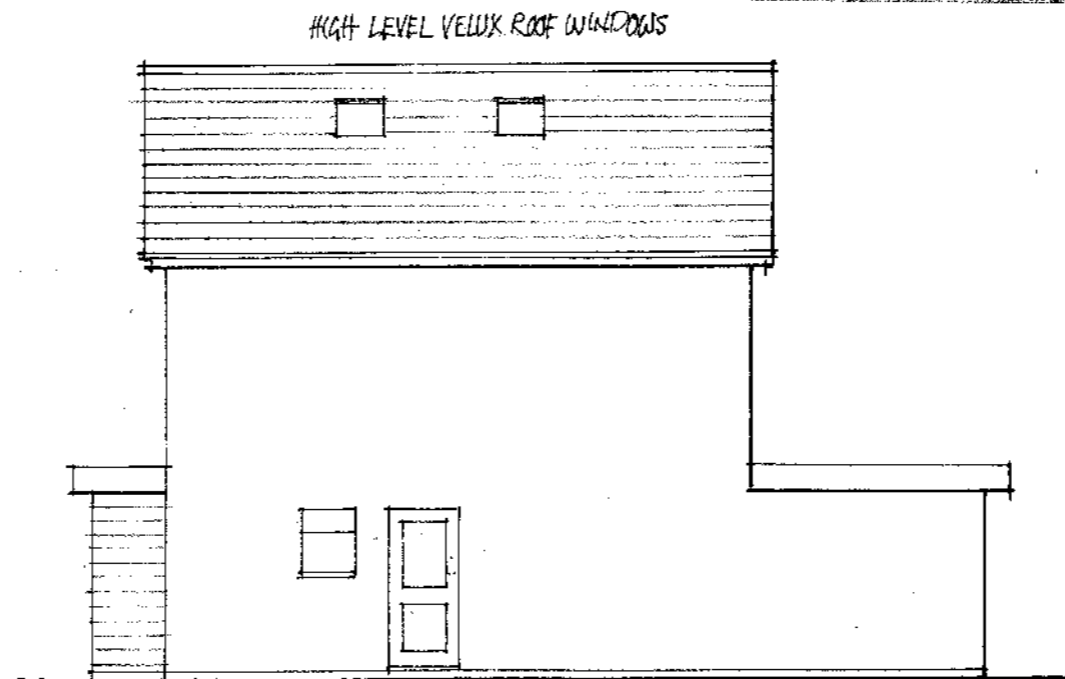
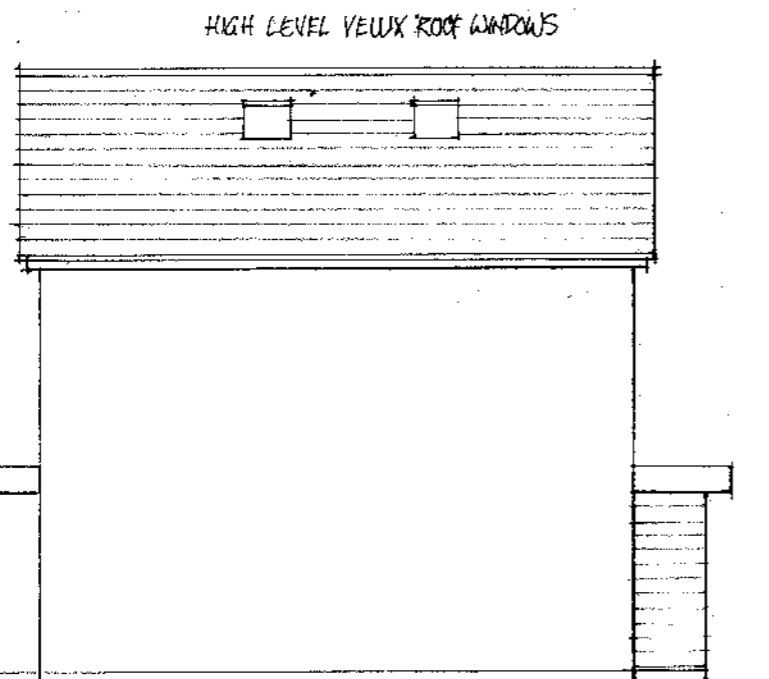
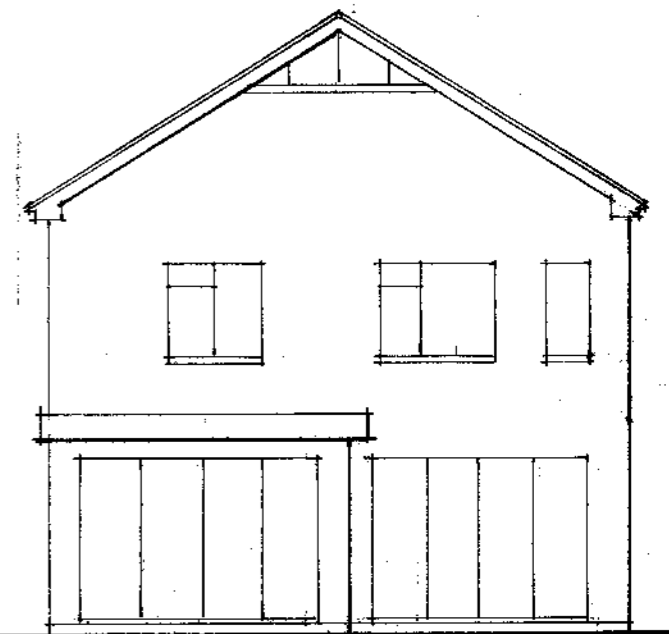
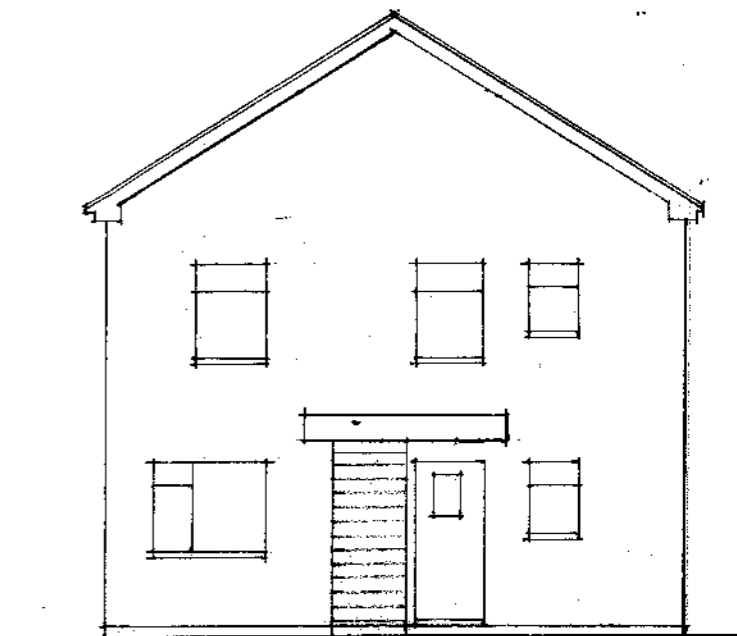
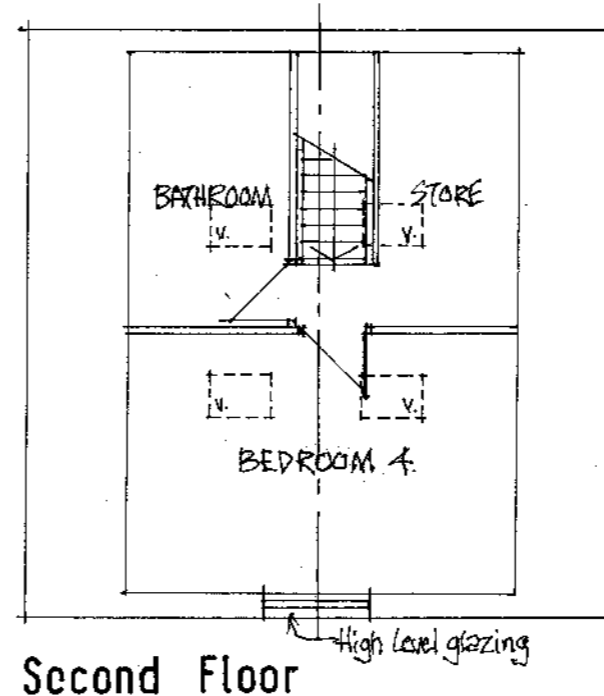
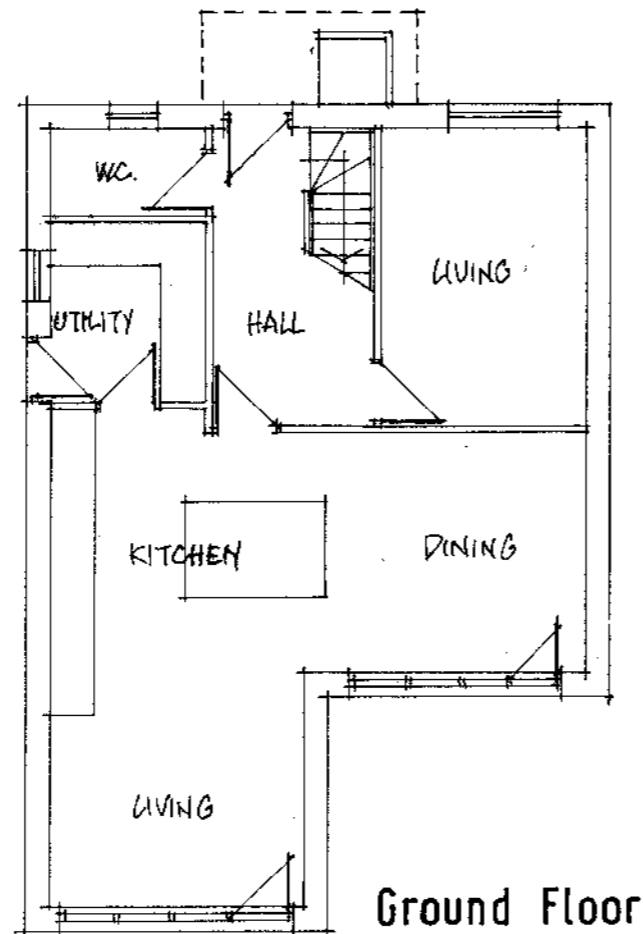
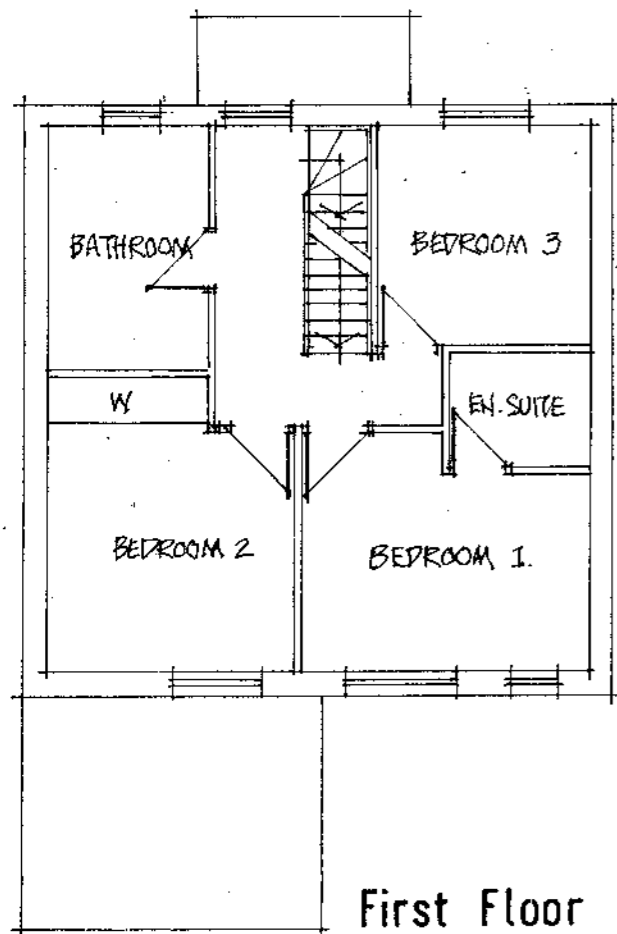
AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
 & ENVIRONMENT

DATE 7.8.17

TERRY NUNNS ARCHITECT
 D.Arch Dip.TP ARB

Bedw Arian, School Lane, Gwaelod y Garth,
 Cardiff, CF15 9HN
 Email: terry@terrynnuns.co.uk
 Tel: 02920 810134 Mob: 07581 233058

SITE REAR OF 19 FAIRWOOD ROAD	
TITLE BLOCK PLAN	
DATE 03-07-2017	DRWG. NO. 2331-03 REV B
SCALE 1:200 AT A3	



AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
 & ENVIRONMENT
 DATE 7.8.17

DATE 31-07-2017	DRWG. NO. 2331-02 REV. B
SCALE 1:100 AT A3	

TERRY NUNNS ARCHITECT
 D.Arch Dip.TP ARB

Side Elevation [north]

Side Elevation [south]

SITE
REAR OF 19 FAIRWOOD ROAD
 TITLE
PROPOSED PLANS & ELEVATIONS

Bedw Arian, School Lane, Gwaelod y Garth,
 Cardiff, CF15 9HN
 Email: terry@terrynnuns.co.uk
 Tel: 02920 810134 Mob: 07581 233058

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00110/MNR** APPLICATION DATE: 20/02/2017

ED: **LISVANE**

APP: TYPE: Full Planning Permission

APPLICANT: Mr CARRINGTON

LOCATION: LAND AT BRYNCOED, CHERRY ORCHARD ROAD, LISVANE, CARDIFF, CF14 0UE

PROPOSAL: PROPOSED CONSTRUCTION OF 3 DETACHED DWELLINGS. MINOR AMENDMENTS TO EXISTING DWELLINGS. NEW SITE ACCESS AND PARKING. NEW PARKING PROVISION FOR EXISTING DWELLINGS FRONTING CHERRY ORCHARD ROAD

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 8.12 and 8.16 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Proposed site plan AL(90) 01 Rev C
 - Proposed House Elevations AL(10) 10 Rev A
 - Proposed House Plans AL (10) 02 Rev A
 - Proposed House Elevations Plot 4 AL (10) 06
 - Proposed House Plans Plot 4 AL (10) 05
 - Proposed House Elevations Plot 5 AL (10) 11
 - Proposed House Plans Plot 5 AL (10) 09
 - Proposed House Elevations Plot 6 AL (10) 08
 - Proposed House Plans Plot 6 AL (10) 07
 - Tree Protection Plan Rev B 2017
 - Arboricultural Report from Cardiff Treescapes, revised 16th February, 2017;
 - Addendum to Ecology Assessment from Ethos Environmental Planning dated March, 2017
 - Noise Assessment from Acoustics and Noise Ltd., dated 31st August, 2017.

Reason: To ensure satisfactory completion of the development and in

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

3. Prior to the construction of the building above foundation level, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
4. Notwithstanding the submitted information, details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
5. Notwithstanding the submitted plans, no equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, hard surfacing materials, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, soil protection and after care methods) and an implementation programme. The proposed landscaping details shall also include a basic soil assessment based on the preparation of trial pits to establish the suitability of the soil for its intended end use together with a strategy for soil handling, storage and placement.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to ensure that all usable soil resources are appropriately recovered and protected, and not lost, damaged or sterilised during the construction process, in accordance with Policies KP5: Good Quality and Sustainable Design and KP:15 Climate Change of the Cardiff Local Development Plan.
6. Any trees, plants or hedgerows which within a period of five years from the completion of the development, die are removed, become seriously damaged or diseased or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

9. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from

contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

10. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.
11. Prior to the construction of the dwellings hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed as approved.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and in accordance with Policy EN10: Water Sensitive Design of the Cardiff Local Development Plan.
12. The car parking spaces and manoeuvring areas shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
13. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include as required, details of construction/demolition traffic routes, site hoardings, site access, contractors parking and wheel washing facilities. Construction of the development shall be managed in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

14. Notwithstanding the submitted drawings, prior to the commencement of development, a detailed scheme of highway improvement works shall be submitted to the Local Planning Authority for approval to include, the provision of a new footway adjacent to Cherry Orchard Road, the rearrangement of the existing frontage areas of grass and car parking, the improvement of the retained existing access to a minimum 5.5 metres width and the reinstatement as footway of the redundant access to the existing dwelling at Cherry Orchard Cottage (plot 4). The works so approved shall be implemented prior to beneficial occupation of the new dwelling houses.

Reason: To make satisfactory provision for access, parking and circulation and to avoid unacceptable harm to safe and efficient use and operation of the road, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
15. The proposed development shall be carried out in accordance with the mitigation and enhancement measures referred to in the Addendum to the Ecological Assessment from Ethos Environmental Planning dated March, 2017.

Reason: In the interests of biodiversity and in accordance with Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.
16. The following windows shall be non-opening below a height of 1.7 metres above internal floor level and glazed with obscure glass and thereafter be so maintained:

The first and second floor windows in the side elevations of the dwelling house at plots 3.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no further windows shall be inserted in the dwelling houses hereby approved.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the adopted Cardiff Local Development Plan.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no extension shall be placed within the curtilage or any alteration undertaken to the roof of the dwellings hereby approved.

Reason: To ensure that the living conditions of adjoining occupiers are

protected and to ensure for the provision of satisfactory external amenity areas for future occupiers of the proposed dwellings, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

19. Details of refuse storage facilities shall be submitted to and approved by the Local Planning Authority. The development shall not be put into beneficial use until the approved refuse storage facilities are provided and thereafter the facilities shall be retained for the use the occupiers of the development.
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
20. Retained trees shall be protected during the course of development in accordance with the measures identified in the Arboricultural Report and Tree Protection Plan submitted in support of the application.
Reason: To safeguard trees of amenity value in accordance with policy EN8: Trees, Woodlands and Hedgerows of the Cardiff Local Development Plan.
21. The alterations to the existing dwelling houses at Cherry Orchard Cottage, Haul Fryn and Felindre Fach (plots 4, 5, and 6), granted as part of this planning permission, shall be completed prior to the beneficial occupation of the new houses at plots 1, 2 and 3.
Reason: To provide acceptable living conditions for the occupiers of those properties in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
22. An acoustic report shall be to be carried out that confirms the internal noise levels of 40dB(A) LAeq 16 hour during the day and 35dB(A) LAeq 8 hour during the night are to be met in all habitable rooms of the proposed dwellings at plots 1, 2 and 3. The report shall be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation of the dwellings.
Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4: The applicant is advised that developers of all new residential units are required to purchase the bin provision 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 on 029 20717500.

RECOMMENDATION 5: The applicant is advised that the highways works outlined in condition 15 will need to be the subject of an agreement under Section 278 of the Highways Act 1980. For further guidance, please contact highways@cardiff.gov.uk.

RECOMMENDATION 6 : This development falls within

- a] a radon affected area and may require full radon protective measures,
- b] an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of

the Building Regulations 2000. Should you have any queries in this matter I would suggest you consult with my Building Control Division

RECOMMENDATION 7: The applicant is reminded of Network Rail's requirements for the safe operation of the railway and the protection of its adjoining land as outlined in an e-mail communication from the Company to the Council dated 20th October, 2017 and subsequently forwarded to the agents for their information. The Company has advised that the applicant should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. Network Rail advises that it will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to construct three detached dwellings on land comprising parts of the rear gardens of two pairs of semi-detached houses at Cherry Orchard Road, Lisvane, next to the roundabout junction with Excalibur Drive and the entrance to Cefn Onn Park.
- 1.2 A previous planning application to construct a block of 10 apartments on the site together with the demolition of one of the pairs of semis and their replacement with a new detached house, was approved by Planning Committee in April, 2016 subject to a S106 Agreement (ref. 15/02593/MRJ). The application was subsequently withdrawn at the applicant's request prior to the conclusion of the S106 Agreement and therefore the planning permission was not issued. The current application seeks an alternative development of the site.
- 1.3 As the application drawings illustrate, three detached dwellings with garages are proposed accessed onto Cherry Orchard Road via a new driveway located between the two pairs of retained houses.
- 1.4 The proposed properties are of modern appearance, rising to a height of approximately 9.5 metres to the ridge of a pitched roof. The front and rear elevations have projecting gable elements incorporating large areas of glazing. Accommodation is provided over three floors with the second floor contained within the roof space. Proposed materials comprise a mix of painted render and random stonework cladding with a grey synthetic slate roof.
- 1.5 Two of the dwellings are orientated to front onto the adjacent entrance road of Cefn Onn Park whilst the northern most dwelling has its side elevation next the Park boundary.
- 1.6 The proposed dwellings would occupy a similar proportion of the site to that of the previously submitted apartment block and its associated parking and amenity areas. The rear gardens of the existing semis would be reduced in length to facilitate the proposed development. The retained gardens of the eastern most pair of semis (Felindre Fach and Bryncoed) would be similar in size to those proposed in the previous planning application. The retained

gardens of the western most pair of semi-detached houses (Cherry Orchard Cottage and Haul Fryn) would be relatively modest although sufficient space would be provided for sitting out, clothes drying etc.

- 1.7 As indicated in paragraph 1.3, the proposed dwellings would be accessed via a new driveway, approximately 5.5 metres wide to the front of the site, reducing to approximately 4.0 metres in width between the pairs of retained houses. The access would also serve Cherry Orchard Cottage where a parking area would be provided at the rear of that property. Off street parking spaces are shown to be provided on the front gardens of Haul Fryn and Felindre Fach orientated at 90 degrees to the access road. The existing driveway serving Bryncoed would be retained.
- 1.8 The application site also includes the area between the front of the dwellings and the back edge of carriageway along Cherry Orchard Road. This land, which comprises adopted highway, includes a footway, areas of grass and hard surfacing permitting vehicular access onto the adjacent carriageway and some limited off street parking. The planning application proposes the partial re-arrangement of this space, with a parking and turning area retained and provision of a footway next the back edge of carriageway in a similar manner to the other footways at the roundabout.
- 1.9 An ecological assessment of the site has been undertaken to identify existing habitats on site and assess any potential impact that the development may have on such habitats.
- 1.10 The central part of the site will be cleared of existing trees which the submitted Tree Report identifies are of low amenity value.
- 1.11 A Noise Assessment has also been submitted at the request of the Council's Pollution Control Officer.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises two pairs of semi-detached dwellings known as Cherry Orchard Cottage, Haul Fryn, Felindre Fach and Bryncoed and their associated garden areas. The application site also includes land between the front of the dwellings and the back edge of carriageway along Cherry Orchard Road. This land, which comprises adopted highway, includes a footway, areas of grass and hard surfacing permitting vehicular access onto the adjacent carriageway and some limited off street parking. There is street lighting column and a telegraph post on the land.
- 2.2 The site tapers from south to north and measures approximately 0.29ha in area.
- 2.3 The site lies between the entrance to Cefn Onn Park to the west, the Caerphilly railway line and its wooded embankment to the east, a roundabout and highway (Excalibur Drive) to the south and some mature trees to the north which separates the site from part of the Cefn Onn Park

car park. Lisvane railway station is less than 100m to the south east. The Old Cottage PH and restaurant lies immediately to the west of the Cefn Onn Park entrance.

- 2.4 The site of the proposed new dwellings would not be readily visible from the north and east and would be partially obscured from the south by the existing houses. The site would be visible from the entrance road leading to Cefn Onn car park.
- 2.5 The site is well defined by existing trees, shrubs and hedgerows. The northern section of the site is characterised by large areas of dense scrub and unmanaged garden areas.

3. **SITE HISTORY**

- 3.1 15/02593/MJR: Demolition of Cherry Orchard Cottage and Haul Fryn and construction of a replacement dwelling with detached double garage, construction of block of self-contained residential apartments, creation of new site access, associated vehicular and cycle parking areas and bin stores: The application was approved by Planning Committee in April, 2016 subject to a S106 Agreement but was subsequently withdrawn prior to the conclusion of the agreement.

4. **POLICY FRAMEWORK**

- 4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP5: Good Quality and Sustainable Design;
KP7: Planning Obligations;
KP 15: Climate Change;
EN13: Air, Noise, Light Pollution and Land Contamination;
T5: Managing Transport Impacts;
H3: Affordable Housing
EN10 (Water Sensitive Design);
EN7: Priority Habitats and Species;
EN8: Trees, Woodlands and Hedgerows;
W2 (Provision for Waste Management Facilities in Development).

- 4.2 Supplementary Planning Guidance: Design Guidance for Infill Development (2011)
Supplementary Planning Guidance: Access, Circulation and Parking (January, 2010)
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016)
Supplementary Planning Guidance: Trees and Development (2007).
Supplementary Planning Guidance: Biodiversity (June 2011).
Supplementary Planning Guidance: Cardiff Planning Obligations (January, 2017).

4.3 *Planning Policy Wales Edition 9 (2016):*

1.2.5 Provided that a consideration is material in planning terms it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

5.2.9: Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

9.1.2 Local planning authorities should promote sustainable residential

environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote, inter alia, development that is easily accessible by public transport, cycling and walking, attractive landscapes around dwellings with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive, well designed living environments, where appropriate at increased densities.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3: Insensitive infilling or the cumulative effects of development or re-development should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

12.4.1: The adequacy of water supply and the sewerage infrastructure are material considerations in planning applications and appeals.

13.2.1: Flood risk is a material planning consideration.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation raises no objections to the application and comments as follows;

The proposals entails the closure of the roundabout access serving one of the existing houses together with the utilisation of the other to provide an access to the proposed new dwellings running between Haul Fryn and Felindre Fach, and the provision of a new footway running adjacent to Cherry Orchard Road. As the existing footway is to be retained, no extinguishment will be involved.

Adequate provision for off-street parking is made in association with the new dwellings and also for the existing dwellings via a re-arrangement of the communal hard-paved areas within the adopted frontage together with the conversion of the property frontages to parking and the retention of the existing off-street parking associated with Bryncoed. Mindful of the absence of a turning area within the new development, the proposal, as amended, denotes a turning area within the adopted frontage.

The removal of the existing roundabout access is beneficial in terms of highway safety and is therefore to be welcomed. It is noted that the revised access within the adopted highway is 5.5 metres wide which will ensure that vehicles are able to pass each other and that adequate manoeuvring room is available for the new parking spaces.

The following conditions are recommended;

Prior to the commencement of development, a scheme of highway improvements shall be submitted to the LPA for approval to include the provision of a new footway adjacent to Cherry Orchard Road, the rearrangement of the existing frontage areas of grass and car parking, the

improvement of the retained existing access to a minimum 5.5 metres width and the reinstatement as footway of the redundant access to the existing dwelling at Cherry Orchard Cottage (plot 4) The works so approved to be implemented prior to beneficial occupation.

A second recommendation is also requested advising the developer that these works will need to be subject to an agreement under Section 278 of the Highways Act 1980.

Conditions relating to retention of parking (D3D) and to the submission for approval of a Construction Management Plan.

- 5.2 Shared Regulatory Services (Noise and Air Team): No objections subject to an appropriate noise mitigation condition.
- 5.3 Shared Regulatory Services (Environment Team/ Contaminated Land) request conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy 2.63 of the Cardiff Unitary Development Plan.
- 5.4 The Operational Manager, Drainage Management: No representations have been received.
- 5.5 The Operational Manager, Waste Management has raised no objections to the application, providing advice on waste/recycling storage requirements.
- 5.6 The Housing Strategy Officer advises as follows:

In line with the adopted LDP, an affordable housing contribution of 20% of the 3 units (0.6 units) is sought on this brown-field site.

Although priority is to deliver on-site affordable housing, given the proposed design of the scheme, the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord would be unsustainable. On that basis, a financial contribution of £78,648, calculated in accordance with the formula in the Planning Obligations Supplementary Planning Guidance (SPG) (2017) would be acceptable.

- 5.8 The Ecologist comments that he is satisfied the revised addendum to the Ecological Assessment addresses his concerns and requests that mitigation and enhancement measures in respect of bats, nesting birds, dormice and reptiles, as set out in the revised addendum.
- 5.9 The Parks Planning Manager comments as follows:

Following a site visit along with examining the concerns of the Cefn Onn Park Friends Group, I would comment as follows:

1. Having looked on site, the (western) hedgerow is less robust than originally envisaged, particularly adjacent to the proposed house closest to the boundary

and it does need substantial work to provide a solid boundary for the properties and to provide a strong ecological corridor. Therefore, I agree with the Friends' comments that additional planting within the park would be needed to provide adequate screening and that achieving this within the development site is not feasible.

2. *The existing retained trees and hedgerow should be protected (both canopy and root protection area).*

3. *On the original planning application (for the apartments) it was agreed that the developer would pay for planting and maintenance of a number of whips/shrubs, 6 larger trees, and a commuted sum based on the following figures : 6 trees (supply and plant) @ £400 = £2400, Whip/shrub planting £300, Commuted sum £500, Total : £3200*

The revised development has slightly less impact in terms of length of boundary affected but I believe would benefit from reinforcing the whole length of hedge using whips, with only 4-5 trees planted within the park to avoid over-shading the properties. Therefore, I suggest an overall figure of £3000 allowing for 200 -250 whips @ £2 each, 4-5 trees @ £400 each and £500 commuted sum. The work would be carried out by the Council with species chosen by the Conservation Officer.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/Dwr Cymru advises that no surface water and/or land drainage should be allowed to connect with the public sewerage network.
- 6.2 Network Rail objected to the application as initially submitted on the basis that it appeared to the Company that the applicant had included a section of land in its ownership. In response, the agents submitted an amended site plan to reflect the applicant's ownership of the site and to avoid possible encroachment over Network Rail land. The Company has subsequently withdrawn its objection and provided details of its requirements for the safe operation of the railway and protection of its adjoining land. These have been forwarded to the agents for their information.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised on site. The existing occupiers on the site and the neighbouring public house have been consulted.
- 7.2 The Local Member has been notified of the application.
- 7.3 Lisvane Community Council objects to the application following reasons:

1. The proposed development would dominate the entrance to Parc Cefn Onn. It would introduce an inappropriate suburban ambience to the entrance to a park which is valued and visited by many for its superb variety of plant life in a semi-wild setting.

2. There would be road traffic dangers from the access to Cherry Orchard Road, close to a roundabout on a road that carries a growing amount of through traffic from Thornhill Road to Pentwyn and Pontprennau. This will only increase with the proposed development to the east of Lisvane.

3. The plan shows the site encompassing what is currently assumed to be part of the footpath and highway alongside Cherry Orchard Road. Ownership of this needs to be checked.

4. The Ecological Assessment alleges that the Cefn Onn SSSI is 2.3 km north of the proposed site. While this is true of the designated SSSI, the entrance to the park is immediately adjacent to the proposed development.

5. The Council was surprised to read in the arboricultural report that " it is not known whether any of the trees on site are protected by Tree Preservation Orders or are within a conservation area". This should be readily available information which needs to be checked in such a sensitive location.

7.4 Friends of Parc Cefn Onn have the following two main areas of concern (summary):

i The imposing nature of 3 no. three storey buildings should be reconsidered.

ii) The boundary of a high hedgerow must be retained and improved.

It should be a condition that the high hedgerow and as many of the existing trees as possible should be retained on the boundary. Tree protective barriers should be erected to prevent construction activities that may have a detrimental effect on retained trees and the hedgerow.

A requirement for additional planting should be included and paid for by the applicant.

Having view the amended plans the Friends of Parc Cefn Onn considers that their concerns still remain valid.

8. **ANALYSIS**

8.1 Planning permission is sought to construct three detached dwellings on land comprising parts of the rear gardens of two pairs of semi-detached houses at Cherry Orchard Road, Lisvane, next to the roundabout junction with Excalibur Drive and the entrance to Cefn Onn Park.

8.1 The principle of developing the land has been accepted in that a previous planning application to construct a block of 10 apartments on the site together with the demolition of one of the pairs of semis and their replacement with a new detached house was approved by Planning Committee in April, 2016 subject to a S106 Agreement. The application was subsequently withdrawn at the applicant's request prior to the conclusion of the planning obligation. The current application seeks an alternative development of the site.

8.2 The main planning issues are considered to relate to:

- (i) The effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers;
- (ii) Whether the proposed development will provide an acceptable living environment for prospective occupiers;
- (iii) The acceptability of the proposed parking/access arrangements;
- (iv) Affordable housing provision.
- (v) Trees/landscaping and nature conservation.

8.3 Policy KP5 of the Local Development Plan : states that... *all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by (inter alia):*

(i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;

(x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities.

8.4 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: Design Guidance for Infill Development (2011). Although the SPG was approved as supplementary guidance to the City of Cardiff Local Plan, the advice contained within it is consistent with the aims of LDP Policy KP5 and guidance in Planning Policy Wales and, therefore, remains pertinent to the consideration of the application, assisting in informing the assessment of relevant matters.

8.5 The SPG advises at paragraph 2.14 that:

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

- *Maintain a useable amenity space or garden for new as well as any existing dwellings/occupiers*
- *Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site*
- *Maintain appropriate scale and massing which respects buildings in the vicinity of the site*
- *Respect the frontage building line and respond to the existing street scene.*

8.6 The SPG advises at paragraph 3.12 that:

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

landscaping and boundary treatment complement the character of the surroundings.

8.7 At paragraph 4.11, the SPG states that:

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

8.8 As indicated in paragraph 8.1, an application to construct a block of 10 flats on the site was approved by Planning Committee (subject to S106 Agreement) in April, 2016. The apartment building, which provided accommodation over three floors, varied in height from 10.8 metres to 12.8 metres and extended for a length of approximately 27.0 metres.

8.9 The proposed properties subject of the current application are of modern appearance, rising to a height of approximately 9.5 metres to the ridge of a pitched roof. The front and rear elevations have projecting gable elements incorporating large areas of glazing. The addition of three detached dwellings, as proposed, would represent a less intensive use of the site and are considered acceptable from a design perspective.

8.10 Each dwelling would be provided with external amenity space which exceeds the Council's guidelines, as outlined in Infill Sites SPG.

8.11 The rear gardens of the existing semis would be reduced in length to facilitate the proposed development. The retained gardens of the eastern most pair of semis (Felindre Fach and Bryncoed) would be similar in size to those proposed in the previous planning application. The retained gardens of the western most pair of semi-detached houses (Cherry Orchard Cottage and Haul Fryn) would be relatively modest although sufficient space would be provided for sitting out, clothes drying etc. to serve the two bedroom properties. The houses are under the applicant's control and it is proposed to undertake certain alterations, including the removal of existing rear annexes at Cherry Orchard Cottage and Felindre Fach together with changes to windows/doors on the side elevations facing the proposed access, to mitigate the effects of the development on the occupiers of the houses. Subject to the implementation of these alterations, it is not considered that the scheme would impact on the living conditions of the existing occupiers to the extent that would support refusal of the application on this ground.

8.12 The proposed development would be visible from the entrance to the Cefn Onn Park although the site is separated from access road to the park by a wide grass verge and hedge. The application has been subject of consultation with the Parks Planning Manager who has identified measures that will help mitigate the visual impact of the development and enhance the appearance of the Park at a point which currently provides an open view of the rear gardens of the 4 dwellings on Cherry Orchard Road. To this end, the Officer has requested additional planting along the boundary and within the park, paid for by the applicant and secured via a planning obligation. The contribution, amounting to

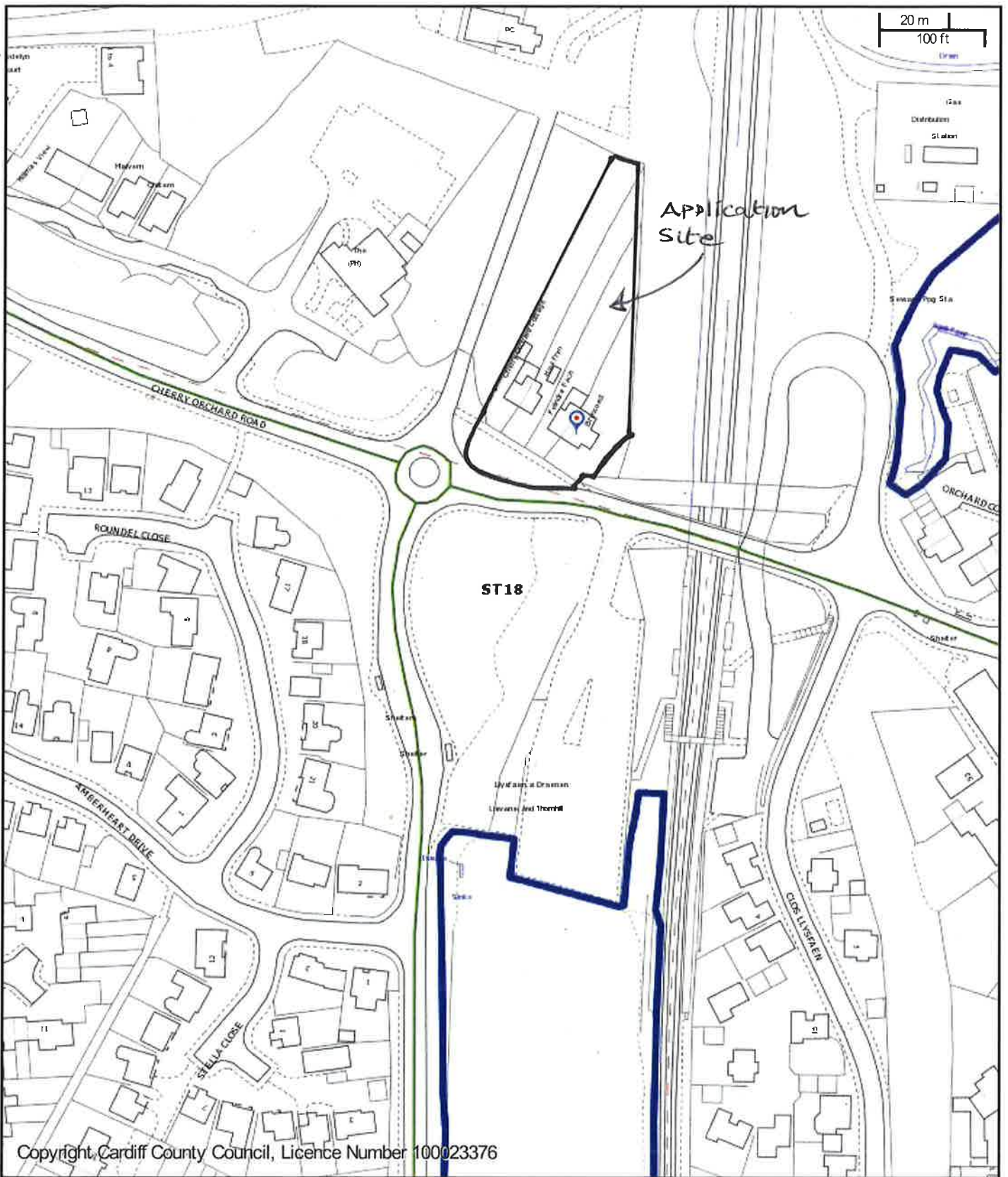
£3,000, has been agreed with the applicant.

- 8.13 The Ecological Assessment concludes that the habitats on site were of low conservation value and their loss would not be significant. The site is used by breeding birds, reptiles and foraging bats and mitigation and enhancement measures for these species is proposed. An addendum ecological report submitted during the assessment of the application has satisfied the Council's ecologist.
- 8.14 The Tree Officer has raised no objections to the removal of the trees on the site subject to an appropriate landscape scheme.
- 8.15 The Operational Manager, Transportation raises no objections on highway safety or parking grounds subject to appropriate planning conditions. The current application represents a less intensive use of the site that proposed in the previous planning application. Adequate provision for off-street parking is made for both the existing and proposed dwellings. The proposal is also considered to be a sustainable form of development given its location close to Lisvane railway station, an existing bus route
- 8.16 In accordance with Local Development Plan Policy H3, the Housing Strategy Officer has advised that an affordable housing contribution should be sought in relation to the development. This amounts to a financial contribution of £77,430 calculated in accordance with the formula in the Affordable Housing Supplementary Planning Guidance and has also been agreed with the applicant.
- 8.21 The proposal, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions and the conclusion of a Section 106 Planning Obligation to secure financial contributions in respect of affordable housing and planting enhancement works.

9. **OTHER CONSIDERATIONS**

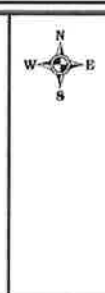
- 9.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.2 Equality Act 2010 – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

- 9.3 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.
- 9.4 Environment (Wales) Act 2016
The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.



CHIEF EXECUTIVE
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 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd

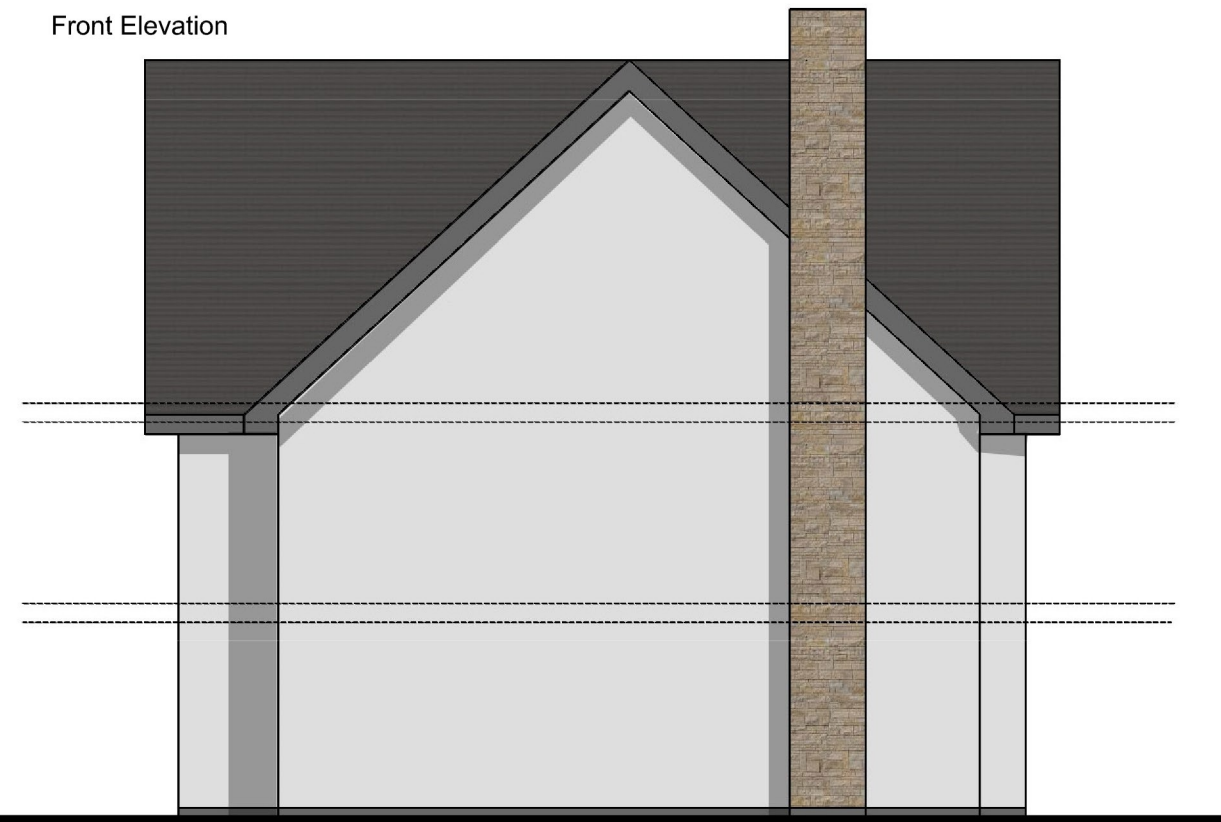
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Front Elevation




Side Elevation



Side Elevation



Rear Elevation

Plot At Bryncoed Cherry Orchard Road Lisvane		Job No. 16_088
Title Proposed House Elevations		Dwg No. Rev. AL(10)10 A
Date 30/11/16	Drawn BK	Scale 1:100@A3 1:50@A1
 C² Architects		Town planners Environmental & Urban design
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 5HL</small>		<small>www.c2architects.co.uk tel: 029 20452100</small>

Previous planning application
15/02593/MJR

Date	Drawn	Chg	Description
16/10/15	***	***	Single house mirrored to match AL1020
04/10/15			Main block stepped back

Rev
A
B



1:1250 EXTRACT



Plot At Bryncoed Cherry Orchard Road Lisvane		Job No. 14_033
Proposed		Rev. AL(90)01 B
Date 27/05/14	Drawn BK	Scale 1:250/1250 @ A3
		Town planners
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 5HL</small>		<small>www.cjarchitects.co.uk tel: 029 29431100</small>

PROPOSED SITE PLAN 1:250

Previous Planning application
15/02593/MJR

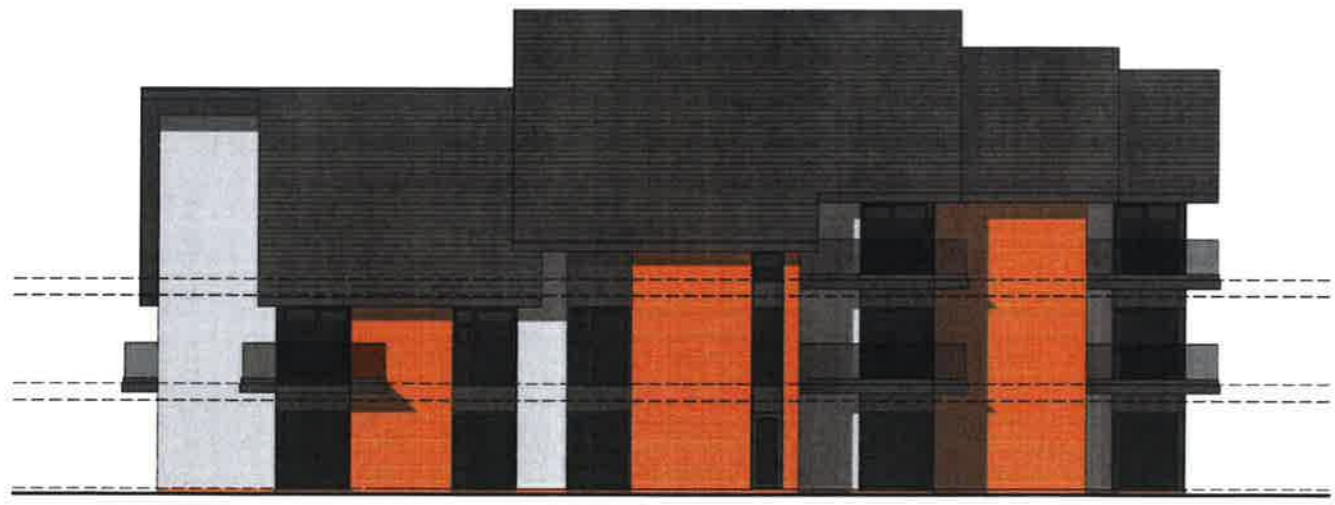
Date	Drawn	Check	Description	Rev
06/07/15	---	---	Plans updated to match elevations	A
12/11/15	---	---	Amended to planners comments, G Stirling (12.11.15)	B
04.01.15	---	---	Main block stepped back to reduce the massing	D



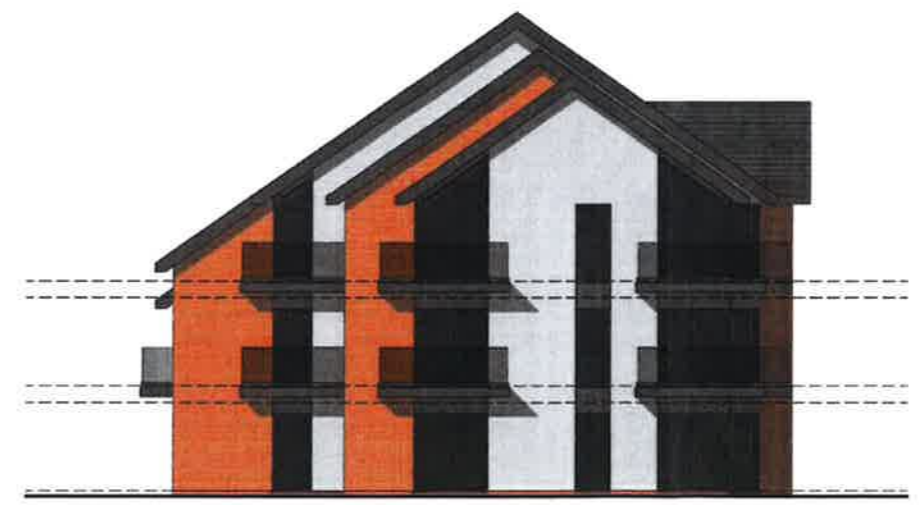
Side Elevation (Facing onto Entrance to Park)




Front Elevation



Side Elevation (Facing onto Woods)



Rear Elevation

Plot At Bryncoed Cherry Orchard Road Lisvane		Job No. 14_033	Rev. D
Title Proposed Apartment Building			
Date 27/05/14	Drawn BK	Scale 1:200@A3 1:100@A1	
		Architects · Town planners Environmental & Urban design	
<small>Unit 1A, Canopies Business Park, Preston Road, Gwent, NP23 5PL</small>		<small>www.jarchitects.co.uk tel: 0129 20452106</small>	

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00110/MNR** APPLICATION DATE: 20/02/2017

ED: **LISVANE**

APP: TYPE: Full Planning Permission

APPLICANT: Mr CARRINGTON

LOCATION: LAND AT BRYNCOED, CHERRY ORCHARD ROAD, LISVANE, CARDIFF, CF14 0UE

PROPOSAL: PROPOSED CONSTRUCTION OF 3 DETACHED DWELLINGS. MINOR AMENDMENTS TO EXISTING DWELLINGS. NEW SITE ACCESS AND PARKING. NEW PARKING PROVISION FOR EXISTING DWELLINGS FRONTING CHERRY ORCHARD ROAD

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation, in agreement with the Council, under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 8.12 and 8.16 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Proposed site plan AL(90) 01 Rev C
 - Proposed House Elevations AL(10) 10 Rev A
 - Proposed House Plans AL (10) 02 Rev A
 - Proposed House Elevations Plot 4 AL (10) 06
 - Proposed House Plans Plot 4 AL (10) 05
 - Proposed House Elevations Plot 5 AL (10) 11
 - Proposed House Plans Plot 5 AL (10) 09
 - Proposed House Elevations Plot 6 AL (10) 08
 - Proposed House Plans Plot 6 AL (10) 07
 - Tree Protection Plan Rev B 2017
 - Arboricultural Report from Cardiff Treescapes, revised 16th February, 2017;
 - Addendum to Ecology Assessment from Ethos Environmental Planning dated March, 2017
 - Noise Assessment from Acoustics and Noise Ltd., dated 31st August, 2017.

Reason: To ensure satisfactory completion of the development and in

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

3. Prior to the construction of the building above foundation level, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
4. Notwithstanding the submitted information, details of the means of site enclosure shall be submitted to and approved by the Local Planning Authority. The means of site enclosure shall be constructed in accordance with the approved details prior to the development being put into beneficial use.
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
5. Notwithstanding the submitted plans, no equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, hard surfacing materials, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, soil protection and after care methods) and an implementation programme. The proposed landscaping details shall also include a basic soil assessment based on the preparation of trial pits to establish the suitability of the soil for its intended end use together with a strategy for soil handling, storage and placement.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to ensure that all usable soil resources are appropriately recovered and protected, and not lost, damaged or sterilised during the construction process, in accordance with Policies KP5: Good Quality and Sustainable Design and KP:15 Climate Change of the Cardiff Local Development Plan.
6. Any trees, plants or hedgerows which within a period of five years from the completion of the development, die are removed, become seriously damaged or diseased or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.
Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policy KP5: Good Quality and Sustainable Design.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

8. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

9. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from

contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

10. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.
11. Prior to the construction of the dwellings hereby approved, a scheme for the drainage of the site and any connection to the existing drainage system shall be submitted to and approved in writing to the local planning authority. Prior to the submission of the drainage details, ground permeability tests shall be undertaken to ascertain whether sustainable drainage techniques can be utilised and the results of the tests shall be incorporated in the submitted scheme. No part of the development shall be occupied until the scheme is carried out and completed as approved.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and in accordance with Policy EN10: Water Sensitive Design of the Cardiff Local Development Plan.
12. The car parking spaces and manoeuvring areas shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
13. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include as required, details of construction/demolition traffic routes, site hoardings, site access, contractors parking and wheel washing facilities. Construction of the development shall be managed in accordance with the scheme so approved.
Reason: In the interests of highway safety and public amenity in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.

14. Notwithstanding the submitted drawings, prior to the commencement of development, a detailed scheme of highway improvement works shall be submitted to the Local Planning Authority for approval to include, the provision of a new footway adjacent to Cherry Orchard Road, the rearrangement of the existing frontage areas of grass and car parking, the improvement of the retained existing access to a minimum 5.5 metres width and the reinstatement as footway of the redundant access to the existing dwelling at Cherry Orchard Cottage (plot 4). The works so approved shall be implemented prior to beneficial occupation of the new dwelling houses.

Reason: To make satisfactory provision for access, parking and circulation and to avoid unacceptable harm to safe and efficient use and operation of the road, in accordance with Policy T5: Managing Transport Impacts of the Cardiff Local Development Plan.
15. The proposed development shall be carried out in accordance with the mitigation and enhancement measures referred to in the Addendum to the Ecological Assessment from Ethos Environmental Planning dated March, 2017.

Reason: In the interests of biodiversity and in accordance with Policy EN7: Priority Habitats and Species of the Cardiff Local Development Plan.
16. The following windows shall be non-opening below a height of 1.7 metres above internal floor level and glazed with obscure glass and thereafter be so maintained:

The first and second floor windows in the side elevations of the dwelling house at plots 3.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no further windows shall be inserted in the dwelling houses hereby approved.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5: Good Quality and Sustainable Design of the adopted Cardiff Local Development Plan.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no extension shall be placed within the curtilage or any alteration undertaken to the roof of the dwellings hereby approved.

Reason: To ensure that the living conditions of adjoining occupiers are

protected and to ensure for the provision of satisfactory external amenity areas for future occupiers of the proposed dwellings, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.

19. Details of refuse storage facilities shall be submitted to and approved by the Local Planning Authority. The development shall not be put into beneficial use until the approved refuse storage facilities are provided and thereafter the facilities shall be retained for the use the occupiers of the development.
Reason: In the interests of visual and residential amenity, in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
20. Retained trees shall be protected during the course of development in accordance with the measures identified in the Arboricultural Report and Tree Protection Plan submitted in support of the application.
Reason: To safeguard trees of amenity value in accordance with policy EN8: Trees, Woodlands and Hedgerows of the Cardiff Local Development Plan.
21. The alterations to the existing dwelling houses at Cherry Orchard Cottage, Haul Fryn and Felindre Fach (plots 4, 5, and 6), granted as part of this planning permission, shall be completed prior to the beneficial occupation of the new houses at plots 1, 2 and 3.
Reason: To provide acceptable living conditions for the occupiers of those properties in accordance with Policy KP5: Good Quality and Sustainable Design of the Cardiff Local Development Plan.
22. An acoustic report shall be to be carried out that confirms the internal noise levels of 40dB(A) LAeq 16 hour during the day and 35dB(A) LAeq 8 hour during the night are to be met in all habitable rooms of the proposed dwellings at plots 1, 2 and 3. The report shall be submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation of the dwellings.
Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13: Air, Noise, Light Pollution and Land Contamination of the Cardiff Local Development Plan.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4: The applicant is advised that developers of all new residential units are required to purchase the bin provision 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 on 029 20717500.

RECOMMENDATION 5: The applicant is advised that the highways works outlined in condition 15 will need to be the subject of an agreement under Section 278 of the Highways Act 1980. For further guidance, please contact highways@cardiff.gov.uk.

RECOMMENDATION 6 : This development falls within

- a] a radon affected area and may require full radon protective measures,
- b] an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of

the Building Regulations 2000. Should you have any queries in this matter I would suggest you consult with my Building Control Division

RECOMMENDATION 7: The applicant is reminded of Network Rail's requirements for the safe operation of the railway and the protection of its adjoining land as outlined in an e-mail communication from the Company to the Council dated 20th October, 2017 and subsequently forwarded to the agents for their information. The Company has advised that the applicant should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. Network Rail advises that it will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to construct three detached dwellings on land comprising parts of the rear gardens of two pairs of semi-detached houses at Cherry Orchard Road, Lisvane, next to the roundabout junction with Excalibur Drive and the entrance to Cefn Onn Park.
- 1.2 A previous planning application to construct a block of 10 apartments on the site together with the demolition of one of the pairs of semis and their replacement with a new detached house, was approved by Planning Committee in April, 2016 subject to a S106 Agreement (ref. 15/02593/MRJ). The application was subsequently withdrawn at the applicant's request prior to the conclusion of the S106 Agreement and therefore the planning permission was not issued. The current application seeks an alternative development of the site.
- 1.3 As the application drawings illustrate, three detached dwellings with garages are proposed accessed onto Cherry Orchard Road via a new driveway located between the two pairs of retained houses.
- 1.4 The proposed properties are of modern appearance, rising to a height of approximately 9.5 metres to the ridge of a pitched roof. The front and rear elevations have projecting gable elements incorporating large areas of glazing. Accommodation is provided over three floors with the second floor contained within the roof space. Proposed materials comprise a mix of painted render and random stonework cladding with a grey synthetic slate roof.
- 1.5 Two of the dwellings are orientated to front onto the adjacent entrance road of Cefn Onn Park whilst the northern most dwelling has its side elevation next the Park boundary.
- 1.6 The proposed dwellings would occupy a similar proportion of the site to that of the previously submitted apartment block and its associated parking and amenity areas. The rear gardens of the existing semis would be reduced in length to facilitate the proposed development. The retained gardens of the eastern most pair of semis (Felindre Fach and Bryncoed) would be similar in size to those proposed in the previous planning application. The retained

gardens of the western most pair of semi-detached houses (Cherry Orchard Cottage and Haul Fryn) would be relatively modest although sufficient space would be provided for sitting out, clothes drying etc.

- 1.7 As indicated in paragraph 1.3, the proposed dwellings would be accessed via a new driveway, approximately 5.5 metres wide to the front of the site, reducing to approximately 4.0 metres in width between the pairs of retained houses. The access would also serve Cherry Orchard Cottage where a parking area would be provided at the rear of that property. Off street parking spaces are shown to be provided on the front gardens of Haul Fryn and Felindre Fach orientated at 90 degrees to the access road. The existing driveway serving Bryncoed would be retained.
- 1.8 The application site also includes the area between the front of the dwellings and the back edge of carriageway along Cherry Orchard Road. This land, which comprises adopted highway, includes a footway, areas of grass and hard surfacing permitting vehicular access onto the adjacent carriageway and some limited off street parking. The planning application proposes the partial re-arrangement of this space, with a parking and turning area retained and provision of a footway next the back edge of carriageway in a similar manner to the other footways at the roundabout.
- 1.9 An ecological assessment of the site has been undertaken to identify existing habitats on site and assess any potential impact that the development may have on such habitats.
- 1.10 The central part of the site will be cleared of existing trees which the submitted Tree Report identifies are of low amenity value.
- 1.11 A Noise Assessment has also been submitted at the request of the Council's Pollution Control Officer.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises two pairs of semi-detached dwellings known as Cherry Orchard Cottage, Haul Fryn, Felindre Fach and Bryncoed and their associated garden areas. The application site also includes land between the front of the dwellings and the back edge of carriageway along Cherry Orchard Road. This land, which comprises adopted highway, includes a footway, areas of grass and hard surfacing permitting vehicular access onto the adjacent carriageway and some limited off street parking. There is street lighting column and a telegraph post on the land.
- 2.2 The site tapers from south to north and measures approximately 0.29ha in area.
- 2.3 The site lies between the entrance to Cefn Onn Park to the west, the Caerphilly railway line and its wooded embankment to the east, a roundabout and highway (Excalibur Drive) to the south and some mature trees to the north which separates the site from part of the Cefn Onn Park

car park. Lisvane railway station is less than 100m to the south east. The Old Cottage PH and restaurant lies immediately to the west of the Cefn Onn Park entrance.

- 2.4 The site of the proposed new dwellings would not be readily visible from the north and east and would be partially obscured from the south by the existing houses. The site would be visible from the entrance road leading to Cefn Onn car park.
- 2.5 The site is well defined by existing trees, shrubs and hedgerows. The northern section of the site is characterised by large areas of dense scrub and unmanaged garden areas.

3. **SITE HISTORY**

- 3.1 15/02593/MJR: Demolition of Cherry Orchard Cottage and Haul Fryn and construction of a replacement dwelling with detached double garage, construction of block of self-contained residential apartments, creation of new site access, associated vehicular and cycle parking areas and bin stores: The application was approved by Planning Committee in April, 2016 subject to a S106 Agreement but was subsequently withdrawn prior to the conclusion of the agreement.

4. **POLICY FRAMEWORK**

- 4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP5: Good Quality and Sustainable Design;
KP7: Planning Obligations;
KP 15: Climate Change;
EN13: Air, Noise, Light Pollution and Land Contamination;
T5: Managing Transport Impacts;
H3: Affordable Housing
EN10 (Water Sensitive Design);
EN7: Priority Habitats and Species;
EN8: Trees, Woodlands and Hedgerows;
W2 (Provision for Waste Management Facilities in Development).

- 4.2 Supplementary Planning Guidance: Design Guidance for Infill Development (2011)
Supplementary Planning Guidance: Access, Circulation and Parking (January, 2010)
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016)
Supplementary Planning Guidance: Trees and Development (2007).
Supplementary Planning Guidance: Biodiversity (June 2011).
Supplementary Planning Guidance: Cardiff Planning Obligations (January, 2017).

4.3 *Planning Policy Wales Edition 9 (2016):*

1.2.5 Provided that a consideration is material in planning terms it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

5.2.9: Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

9.1.2 Local planning authorities should promote sustainable residential

environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote, inter alia, development that is easily accessible by public transport, cycling and walking, attractive landscapes around dwellings with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive, well designed living environments, where appropriate at increased densities.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3: Insensitive infilling or the cumulative effects of development or re-development should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

12.4.1: The adequacy of water supply and the sewerage infrastructure are material considerations in planning applications and appeals.

13.2.1: Flood risk is a material planning consideration.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation raises no objections to the application and comments as follows;

The proposals entails the closure of the roundabout access serving one of the existing houses together with the utilisation of the other to provide an access to the proposed new dwellings running between Haul Fryn and Felindre Fach, and the provision of a new footway running adjacent to Cherry Orchard Road. As the existing footway is to be retained, no extinguishment will be involved.

Adequate provision for off-street parking is made in association with the new dwellings and also for the existing dwellings via a re-arrangement of the communal hard-paved areas within the adopted frontage together with the conversion of the property frontages to parking and the retention of the existing off-street parking associated with Bryncoed. Mindful of the absence of a turning area within the new development, the proposal, as amended, denotes a turning area within the adopted frontage.

The removal of the existing roundabout access is beneficial in terms of highway safety and is therefore to be welcomed. It is noted that the revised access within the adopted highway is 5.5 metres wide which will ensure that vehicles are able to pass each other and that adequate manoeuvring room is available for the new parking spaces.

The following conditions are recommended;

Prior to the commencement of development, a scheme of highway improvements shall be submitted to the LPA for approval to include the provision of a new footway adjacent to Cherry Orchard Road, the rearrangement of the existing frontage areas of grass and car parking, the

improvement of the retained existing access to a minimum 5.5 metres width and the reinstatement as footway of the redundant access to the existing dwelling at Cherry Orchard Cottage (plot 4) The works so approved to be implemented prior to beneficial occupation.

A second recommendation is also requested advising the developer that these works will need to be subject to an agreement under Section 278 of the Highways Act 1980.

Conditions relating to retention of parking (D3D) and to the submission for approval of a Construction Management Plan.

- 5.2 Shared Regulatory Services (Noise and Air Team): No objections subject to an appropriate noise mitigation condition.
- 5.3 Shared Regulatory Services (Environment Team/ Contaminated Land) request conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy 2.63 of the Cardiff Unitary Development Plan.
- 5.4 The Operational Manager, Drainage Management: No representations have been received.
- 5.5 The Operational Manager, Waste Management has raised no objections to the application, providing advice on waste/recycling storage requirements.
- 5.6 The Housing Strategy Officer advises as follows:

In line with the adopted LDP, an affordable housing contribution of 20% of the 3 units (0.6 units) is sought on this brown-field site.

Although priority is to deliver on-site affordable housing, given the proposed design of the scheme, the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord would be unsustainable. On that basis, a financial contribution of £78,648, calculated in accordance with the formula in the Planning Obligations Supplementary Planning Guidance (SPG) (2017) would be acceptable.

- 5.8 The Ecologist comments that he is satisfied the revised addendum to the Ecological Assessment addresses his concerns and requests that mitigation and enhancement measures in respect of bats, nesting birds, dormice and reptiles, as set out in the revised addendum.
- 5.9 The Parks Planning Manager comments as follows:

Following a site visit along with examining the concerns of the Cefn Onn Park Friends Group, I would comment as follows:

1. Having looked on site, the (western) hedgerow is less robust than originally envisaged, particularly adjacent to the proposed house closest to the boundary

and it does need substantial work to provide a solid boundary for the properties and to provide a strong ecological corridor. Therefore, I agree with the Friends' comments that additional planting within the park would be needed to provide adequate screening and that achieving this within the development site is not feasible.

2. *The existing retained trees and hedgerow should be protected (both canopy and root protection area).*

3. *On the original planning application (for the apartments) it was agreed that the developer would pay for planting and maintenance of a number of whips/shrubs, 6 larger trees, and a commuted sum based on the following figures : 6 trees (supply and plant) @ £400 = £2400, Whip/shrub planting £300, Commuted sum £500, Total : £3200*

The revised development has slightly less impact in terms of length of boundary affected but I believe would benefit from reinforcing the whole length of hedge using whips, with only 4-5 trees planted within the park to avoid over-shading the properties. Therefore, I suggest an overall figure of £3000 allowing for 200 -250 whips @ £2 each, 4-5 trees @ £400 each and £500 commuted sum. The work would be carried out by the Council with species chosen by the Conservation Officer.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/Dwr Cymru advises that no surface water and/or land drainage should be allowed to connect with the public sewerage network.
- 6.2 Network Rail objected to the application as initially submitted on the basis that it appeared to the Company that the applicant had included a section of land in its ownership. In response, the agents submitted an amended site plan to reflect the applicant's ownership of the site and to avoid possible encroachment over Network Rail land. The Company has subsequently withdrawn its objection and provided details of its requirements for the safe operation of the railway and protection of its adjoining land. These have been forwarded to the agents for their information.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised on site. The existing occupiers on the site and the neighbouring public house have been consulted.
- 7.2 The Local Member has been notified of the application.
- 7.3 Lisvane Community Council objects to the application following reasons:

1. The proposed development would dominate the entrance to Parc Cefn Onn. It would introduce an inappropriate suburban ambience to the entrance to a park which is valued and visited by many for its superb variety of plant life in a semi-wild setting.

2. There would be road traffic dangers from the access to Cherry Orchard Road, close to a roundabout on a road that carries a growing amount of through traffic from Thornhill Road to Pentwyn and Pontprennau. This will only increase with the proposed development to the east of Lisvane.

3. The plan shows the site encompassing what is currently assumed to be part of the footpath and highway alongside Cherry Orchard Road. Ownership of this needs to be checked.

4. The Ecological Assessment alleges that the Cefn Onn SSSI is 2.3 km north of the proposed site. While this is true of the designated SSSI, the entrance to the park is immediately adjacent to the proposed development.

5. The Council was surprised to read in the arboricultural report that " it is not known whether any of the trees on site are protected by Tree Preservation Orders or are within a conservation area". This should be readily available information which needs to be checked in such a sensitive location.

7.4 Friends of Parc Cefn Onn have the following two main areas of concern (summary):

i The imposing nature of 3 no. three storey buildings should be reconsidered.

ii) The boundary of a high hedgerow must be retained and improved.

It should be a condition that the high hedgerow and as many of the existing trees as possible should be retained on the boundary. Tree protective barriers should be erected to prevent construction activities that may have a detrimental effect on retained trees and the hedgerow.

A requirement for additional planting should be included and paid for by the applicant.

Having view the amended plans the Friends of Parc Cefn Onn considers that their concerns still remain valid.

8. **ANALYSIS**

8.1 Planning permission is sought to construct three detached dwellings on land comprising parts of the rear gardens of two pairs of semi-detached houses at Cherry Orchard Road, Lisvane, next to the roundabout junction with Excalibur Drive and the entrance to Cefn Onn Park.

8.1 The principle of developing the land has been accepted in that a previous planning application to construct a block of 10 apartments on the site together with the demolition of one of the pairs of semis and their replacement with a new detached house was approved by Planning Committee in April, 2016 subject to a S106 Agreement. The application was subsequently withdrawn at the applicant's request prior to the conclusion of the planning obligation. The current application seeks an alternative development of the site.

8.2 The main planning issues are considered to relate to:

- (i) The effects of the proposed development on the character and appearance of the street scene and the general amenities of neighbouring occupiers;
- (ii) Whether the proposed development will provide an acceptable living environment for prospective occupiers;
- (iii) The acceptability of the proposed parking/access arrangements;
- (iv) Affordable housing provision.
- (v) Trees/landscaping and nature conservation.

8.3 Policy KP5 of the Local Development Plan : states that... *all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by (inter alia):*

(i) responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;

(x) ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities.

8.4 Further guidance on residential infill development is provided in the Council's Supplementary Planning Guidance: Design Guidance for Infill Development (2011). Although the SPG was approved as supplementary guidance to the City of Cardiff Local Plan, the advice contained within it is consistent with the aims of LDP Policy KP5 and guidance in Planning Policy Wales and, therefore, remains pertinent to the consideration of the application, assisting in informing the assessment of relevant matters.

8.5 The SPG advises at paragraph 2.14 that:

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

- *Maintain a useable amenity space or garden for new as well as any existing dwellings/occupiers*
- *Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site*
- *Maintain appropriate scale and massing which respects buildings in the vicinity of the site*
- *Respect the frontage building line and respond to the existing street scene.*

8.6 The SPG advises at paragraph 3.12 that:

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

landscaping and boundary treatment complement the character of the surroundings.

8.7 At paragraph 4.11, the SPG states that:

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

8.8 As indicated in paragraph 8.1, an application to construct a block of 10 flats on the site was approved by Planning Committee (subject to S106 Agreement) in April, 2016. The apartment building, which provided accommodation over three floors, varied in height from 10.8 metres to 12.8 metres and extended for a length of approximately 27.0 metres.

8.9 The proposed properties subject of the current application are of modern appearance, rising to a height of approximately 9.5 metres to the ridge of a pitched roof. The front and rear elevations have projecting gable elements incorporating large areas of glazing. The addition of three detached dwellings, as proposed, would represent a less intensive use of the site and are considered acceptable from a design perspective.

8.10 Each dwelling would be provided with external amenity space which exceeds the Council's guidelines, as outlined in Infill Sites SPG.

8.11 The rear gardens of the existing semis would be reduced in length to facilitate the proposed development. The retained gardens of the eastern most pair of semis (Felindre Fach and Bryncoed) would be similar in size to those proposed in the previous planning application. The retained gardens of the western most pair of semi-detached houses (Cherry Orchard Cottage and Haul Fryn) would be relatively modest although sufficient space would be provided for sitting out, clothes drying etc. to serve the two bedroom properties. The houses are under the applicant's control and it is proposed to undertake certain alterations, including the removal of existing rear annexes at Cherry Orchard Cottage and Felindre Fach together with changes to windows/doors on the side elevations facing the proposed access, to mitigate the effects of the development on the occupiers of the houses. Subject to the implementation of these alterations, it is not considered that the scheme would impact on the living conditions of the existing occupiers to the extent that would support refusal of the application on this ground.

8.12 The proposed development would be visible from the entrance to the Cefn Onn Park although the site is separated from access road to the park by a wide grass verge and hedge. The application has been subject of consultation with the Parks Planning Manager who has identified measures that will help mitigate the visual impact of the development and enhance the appearance of the Park at a point which currently provides an open view of the rear gardens of the 4 dwellings on Cherry Orchard Road. To this end, the Officer has requested additional planting along the boundary and within the park, paid for by the applicant and secured via a planning obligation. The contribution, amounting to

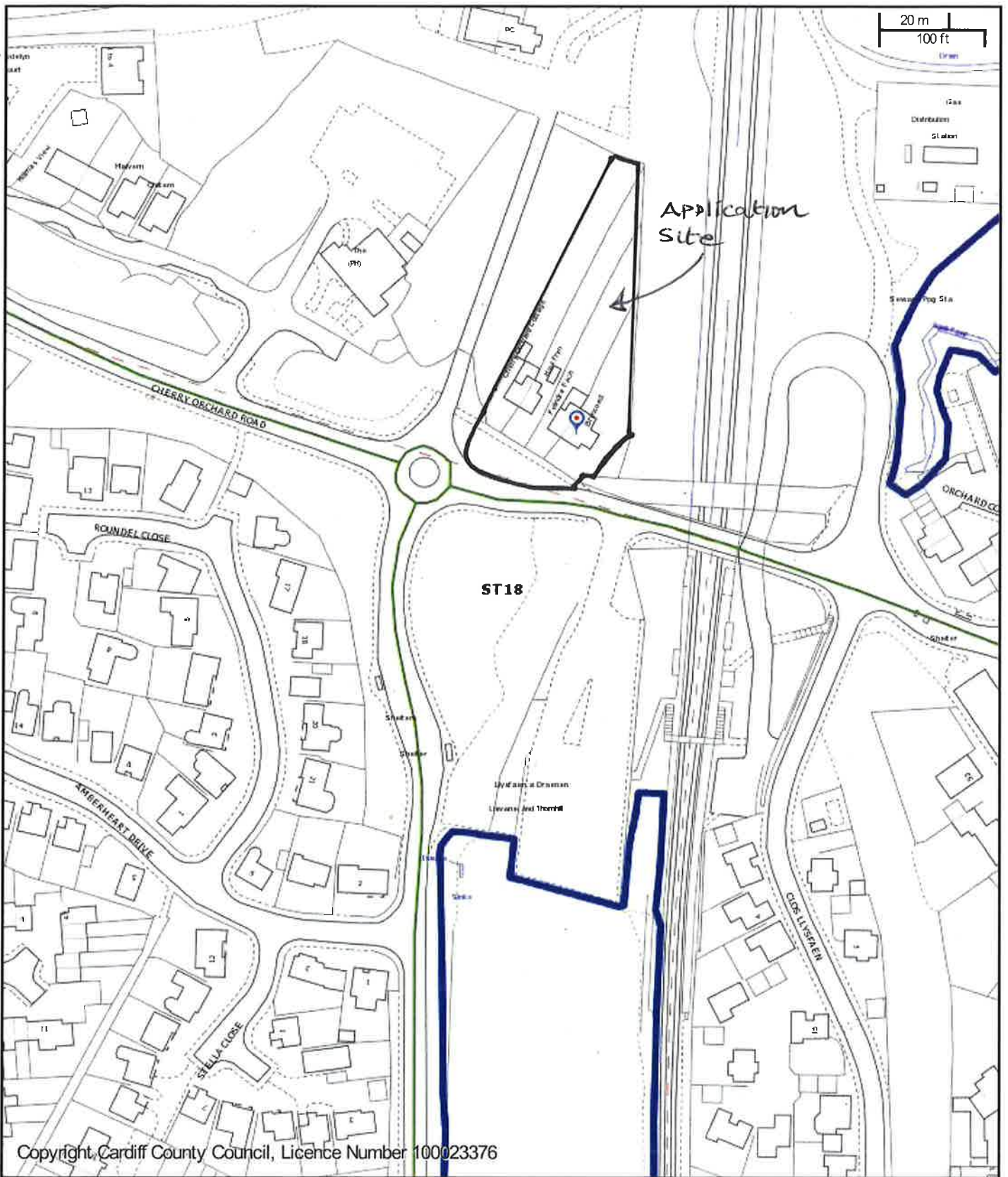
£3,000, has been agreed with the applicant.

- 8.13 The Ecological Assessment concludes that the habitats on site were of low conservation value and their loss would not be significant. The site is used by breeding birds, reptiles and foraging bats and mitigation and enhancement measures for these species is proposed. An addendum ecological report submitted during the assessment of the application has satisfied the Council's ecologist.
- 8.14 The Tree Officer has raised no objections to the removal of the trees on the site subject to an appropriate landscape scheme.
- 8.15 The Operational Manager, Transportation raises no objections on highway safety or parking grounds subject to appropriate planning conditions. The current application represents a less intensive use of the site that proposed in the previous planning application. Adequate provision for off-street parking is made for both the existing and proposed dwellings. The proposal is also considered to be a sustainable form of development given its location close to Lisvane railway station, an existing bus route
- 8.16 In accordance with Local Development Plan Policy H3, the Housing Strategy Officer has advised that an affordable housing contribution should be sought in relation to the development. This amounts to a financial contribution of £77,430 calculated in accordance with the formula in the Affordable Housing Supplementary Planning Guidance and has also been agreed with the applicant.
- 8.21 The proposal, as amended, is considered acceptable on planning grounds and approval is recommended subject to the attached conditions and the conclusion of a Section 106 Planning Obligation to secure financial contributions in respect of affordable housing and planting enhancement works.

9. **OTHER CONSIDERATIONS**

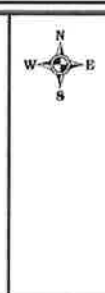
- 9.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.2 Equality Act 2010 – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

- 9.3 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.
- 9.4 Environment (Wales) Act 2016
The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.



CHIEF EXECUTIVE
 Paul Orders
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd

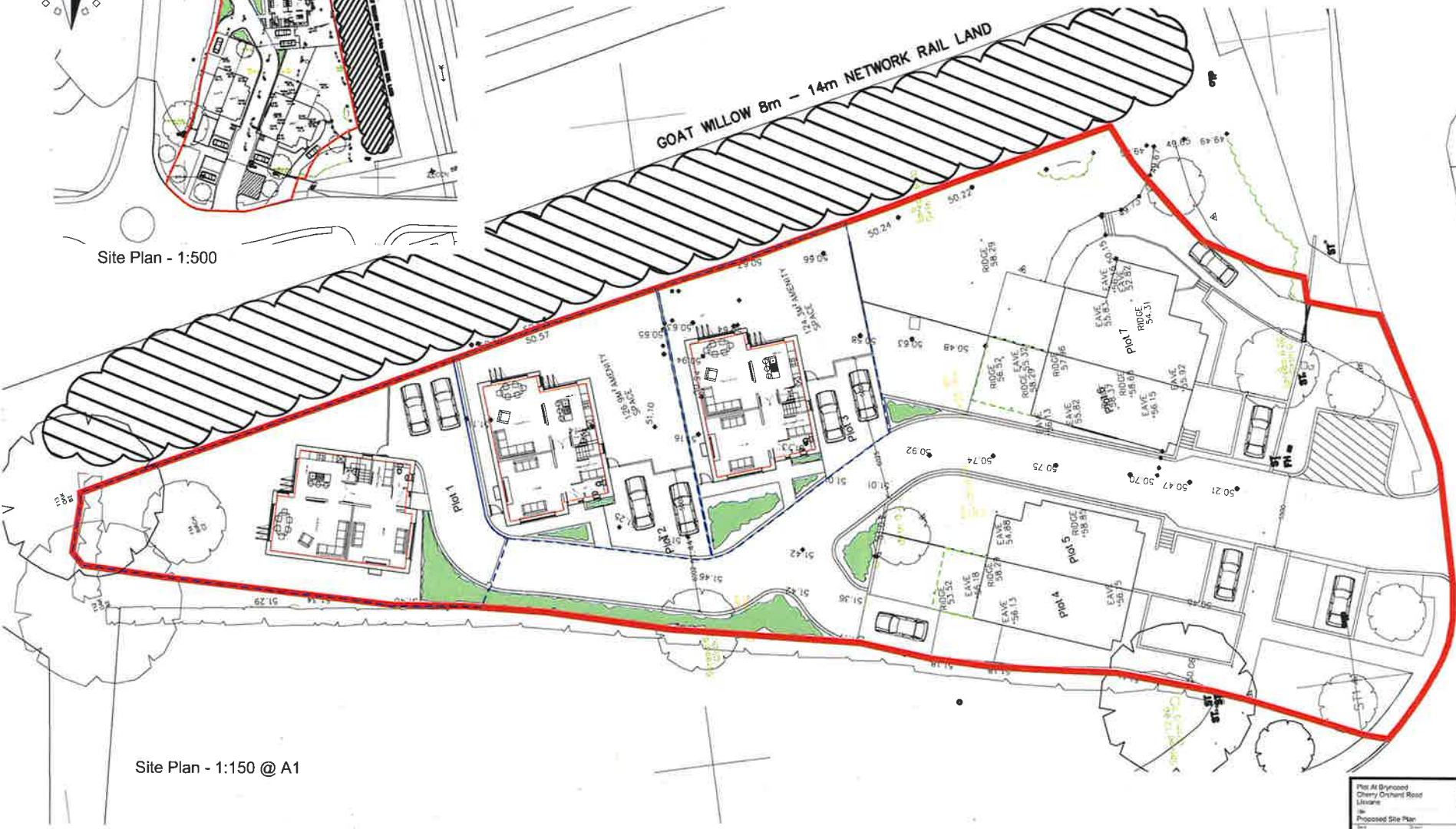



Title
 Scale: 1:1500
 Date: 23/10/2017 at 9:54 AM
 Coordinates
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 Ordnance Survey 100023376 (2014).



Site Plan - 1:500

GOAT WILLOW 8m - 14m NETWORK RAIL LAND

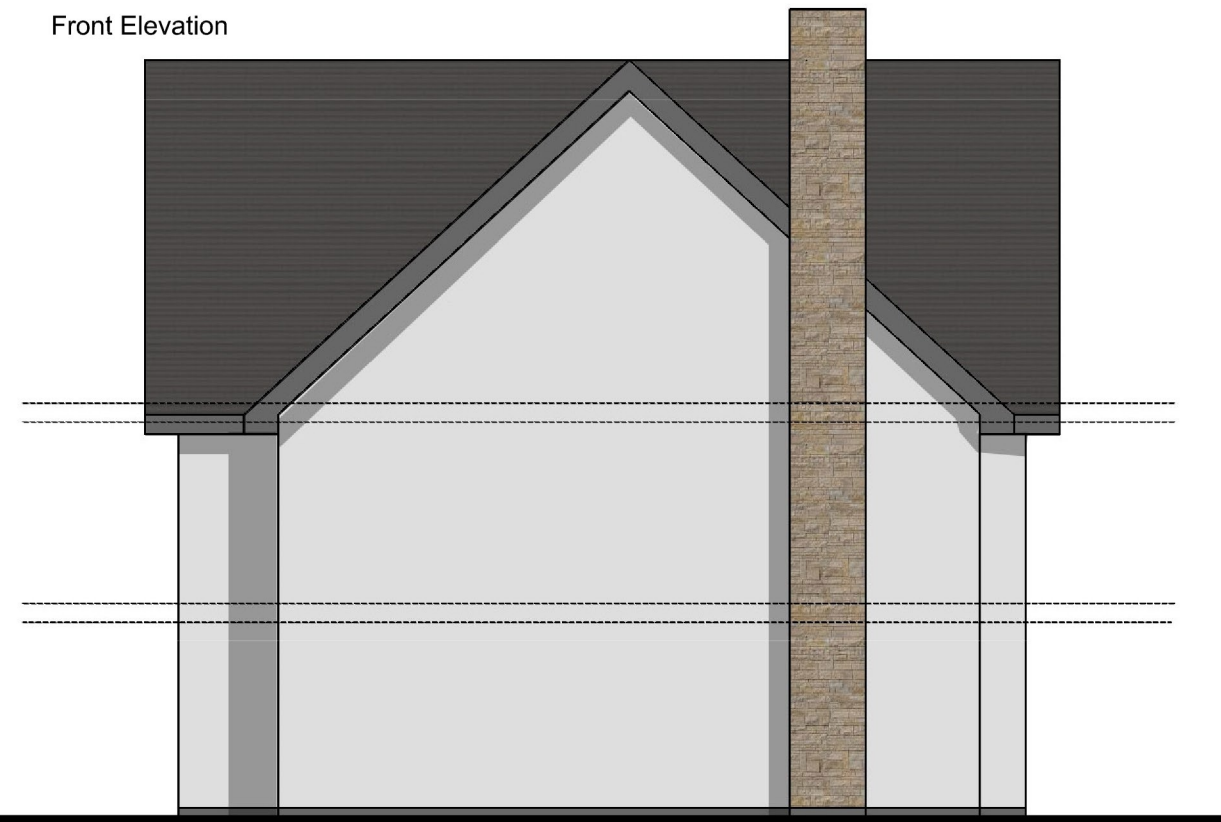




Front Elevation



Side Elevation



Side Elevation



Rear Elevation

Plot At Bryncoed Cherry Orchard Road Lisvane		Job No. 16_088
Title Proposed House Elevations		Dwg No. Rev. AL(10)10 A
Date 30/11/16	Drawn BK	Scale 1:100@A3 1:50@A1

C² Architects · Town planners
Environmental & Urban design

Unit 1A, Compass Business Park,
Pacific Road, Cardiff, CF24 5HL www.c-jarchitects.co.uk
tel: 029 20452100

Previous planning application
15/02593/MJR

Date 16/10/15
Drawn ***
04/10/15
Description
Single house mirrored to match AL1020
Main block stepped back

Rev
A
B



1:1250 EXTRACT



Plot At Bryncoed
Cherry Orchard Road
Lisvane

Job No.
14_033
Ewg No.
AL(90)01
Rev.
B

Title
Proposed
Date 27/05/14
Drawn BK
Scale 1:250/1250 @ A3

 Architects
Town planners
Environmental & Urban design
Unit 1A, Compass Business Park,
Pacific Road, Cardiff, CF24 5HL
www.r.architects.co.uk
tel: 029 29431100

PROPOSED SITE PLAN 1:250

Previous Planning application
15/02593/MJR

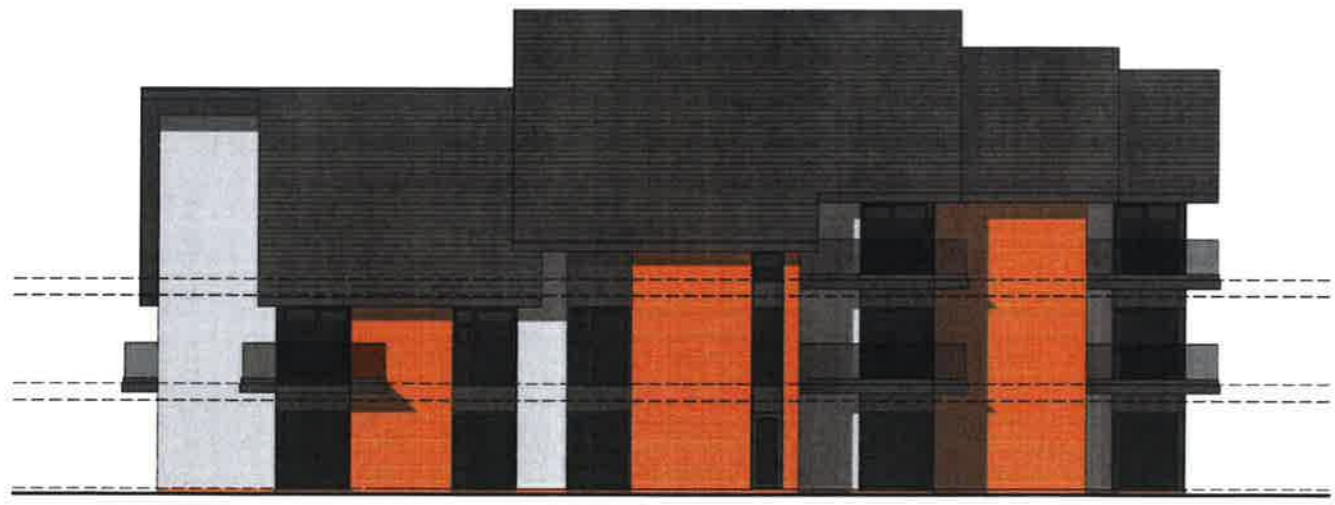
Date	Drawn	Check	Description	Rev
06/07/15	---	---	Plans updated to match elevations	A
12/11/15	---	---	Amended to planners comments, G Stirling (12.11.15)	B
04.01.15	---	---	Main block stepped back to reduce the massing	D



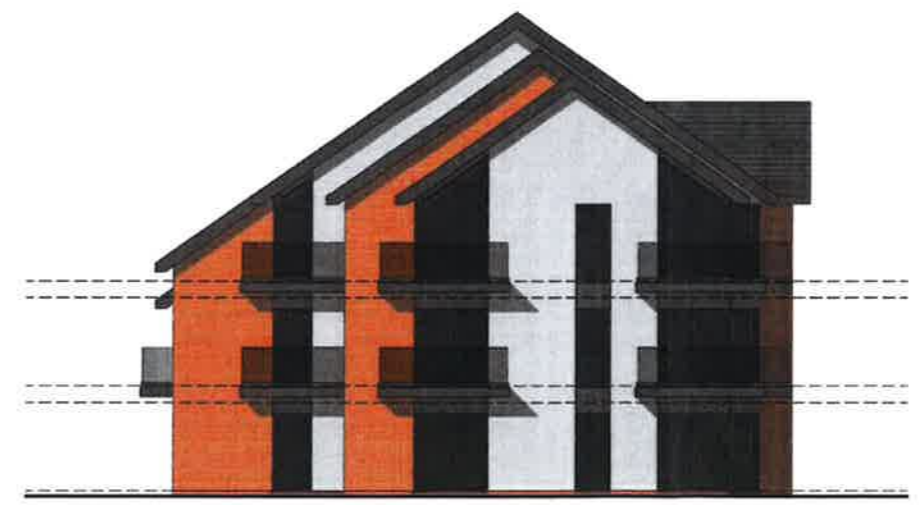
Side Elevation (Facing onto Entrance to Park)



Front Elevation



Side Elevation (Facing onto Woods)



Rear Elevation

Plot At Bryncoed Cherry Orchard Road Lisvane		Job No. 14_033	Rev. D
Title Proposed Apartment Building			
Date 27/05/14	Drawn BK	Scale 1:200@A3 1:100@A1	
		Architects · Town planners Environmental & Urban design	
<small>Unit 1A, Canopies Business Park, Preston Road, Gwent, NP23 5PL</small>		<small>www.jarchitects.co.uk tel: 01493 20452106</small>	

AM & MP OBJECTION

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/01935/MJR** APPLICATION DATE: 07/08/2017ED: **ELY**

APP: TYPE: Full Planning Permission

APPLICANT: NRB Properties Ltd

LOCATION: THE MICHAELSTON, 105 MICHAELSTON ROAD, ELY,
CARDIFF, CF5 4SYPROPOSAL: CHANGE OF USE FROM PUBLIC HOUSE (A3) TO RETAIL
(A1) WITH 'BACK OF HOUSE ' EXTENSION, WITH
REFURBISHMENT OF EXISTING FIRST FLOOR FLAT
NEW BUILD MIXED USE 4 STOREY BLOCK WITH GROUND
FLOOR RETAIL(A3) AND 9 NO. FLATS ABOVE
ALL WITH ASSOCIATED PARKING & LANDSCAPING
ALTERATIONS

RECOMMENDATION 1 : That, subject to the relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of Town and Country Planning Act 1990 within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 10.2, 10.3 & 10.4 of this report, planning permission be **GRANTED** subject to the following conditions and for the following reasons:

1. C01 Statutory Time Limit
2. The Development shall be carried out in accordance with the following approved plans:

PL 100 – Site Location Plan
 PL 102 – Existing Site Survey
 PL 110 – Existing Ground Floor Plan
 PL 111 – Existing First Floor Plan
 PL 112 – Existing Roof Plan
 PL 113 - Existing Context Elevations - South and West Views
 PL 114 - Existing Context Elevations – North and East Views
 PL 115 - Existing Elevations – Existing Michaelston Public House
 PL 116 - Existing Sections – Section A-A and B-B
 PL 125 – Demolition Plan - Ground Floor
 PL 126 – Demolition Plan – First Floor
 PL 200 – Proposed Ground Floor Plan
 PL 201 – Proposed First Floor Plan
 PL 202 – Proposed Second Floor Plan
 PL 203 - Rev A – Proposed Third Floor Plan

PL 204 – Proposed Roof Plan
 PL 230 – Proposed GA First Floor Plan
 PL 231 – Proposed GA Second Floor Plan
 PL 232 - Rev A– Proposed GA Third Floor Plan
 PL 301 – Rev A – Proposed Context Elevations – View from South
 PL 302 – Proposed Context Elevations – View from North
 PL 303 – Rev A – Proposed Context Elevations – View from West
 PL 304 – Proposed Context Elevations – View from East
 PL 310 – Proposed Elevations – Refurbished Building
 PL 311 – Rev A – Proposed Elevations – New Build
 PL 405 – Rev A - Proposed Part Section & Part Elevation Details Sheet 1
 PL 406 – Proposed Part Section & Part Elevation Details Sheet 2
 PL 407 – Proposed Part Section & Part Elevation Details Sheet 3
 PL 408 – Proposed Part Section & Part Elevation Details Sheet 4
 PL 409 – Proposed Part Section & Part Elevation Details Sheet 5
 PL 410 – Proposed Part Section Detail Sheet 1 – Section through West Elevation
 PL 411 – Proposed Part Section Detail Sheet 2 – Section through South Elevation
 PL 412 – Proposed Part Section Detail Sheet 3 – Section through South Elevation
 PL 413 – Proposed Part Section Detail Sheet 4 – Section through South Elevation
 PL 414 – Proposed Part Section Detail Sheet 5 – Section through East Elevation
 PL 415 – Proposed Part Section Site Boundary Details Sheet 6
 PL 420 – Proposed Context Section A-A
 PL 421 – Proposed Context Section B-B
 PL 422 – Proposed Context Section C-C
 PL 1001 – Rev A - Proposed Perspective
 1165/PL/01 – Rev B - Landscape Proposals
 Planting Methodology and Five Year Soft Landscape Management
 Plan -Project no. 1165 – Dated 24th October 2017
 Plan 1 dated 19.10.17 (Public Realm Enhancement Scheme)

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.

3. The parapet detail of the new build block shall accord with plan ref: PL 405 – Rev A - Proposed Part Section & Part Elevation Details Sheet 1, and with no other plan.
Reason: For the avoidance of doubt and to ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2006 - 2026).
4. Notwithstanding the submitted details in plans ref: PL 201 – Proposed First Floor Plan, PL 202 – Proposed Second Floor Plan, PL 230 – Proposed GA First Floor Plan, PL 231 – Proposed GA Second Floor

Plan, no windows shall be added to the western elevation of flats of flats 3 and 6 within the new build block.

Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006 - 2026).

5. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2006 - 2026).
6. The retail units 1 & 2 as shown on plan ref: PL200 shall be used as coffee shops/restaurants and for no other purpose (including any other purpose in Class A3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006 - 2026).
7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending or revoking and re-enacting that Order) The retail units 1 & 2 as shown on plan number PL200 June 2017 shall not be used for the sale of hot food for consumption off the premises.
Reason: To ensure that the use of the premises does not prejudice the amenities of the area in accordance with policies KP5, EN13 and R6 of the Cardiff Local Development Plan.
8. No member of the public shall be admitted to or allowed to remain on the A3 premises between the hours of 23.00 and 07.00 on any day.
Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
9. No member of the public shall be admitted to or allowed to remain on the A1 premises between the hours of 23.00 and 06.00 on any day.
Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
10. There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20.00 and 07.00 on Monday to Saturday and no deliveries to take place on a Sunday. There shall be a no idling policy on all delivery vehicles except for temperature controlled deliveries where preservation of food products is required.
Reason: To ensure that the amenities of occupiers of other premises in

the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

11. A scheme of sound insulation works to the floor/ceiling structure between the commercial unit and proposed residential shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected. Note to applicant this will require a greater level of sound insulation than that stipulated by building regulation approved document E in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006 - 2026).
12. Any fixed plant and equipment shall be designed and installed to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
13. Notwithstanding the submitted landscaping plan and specification, a finalised plan and specification shall be submitted to and approved in writing by the LPA prior to any site preparation, clearance or development. The finalised documents shall include a landscaping implementation plan and shall be informed by a Soil Resource Survey and Plan prepared in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Should the survey identify that imported topsoil and/or subsoil will be required for the proposed landscaping, then this soil shall be of pH 7.0-5.5 on placement unless otherwise agreed in writing with the LPA.
Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006-2026).
14. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 13, unless the Local Planning Authority gives written consent to any variation.
Reason: To maintain and improve the amenity and environmental value of the area in accordance with policy EN8 of the adopted Cardiff Local Development Plan (2006-2026).

15. If at any time the use of the premises are to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

16. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

17. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.
The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

18. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

19. The remediation scheme approved by condition x (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all

associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

21. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

22. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

23. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

24. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with policy EN10 of the adopted Cardiff Local Development Plan.

25. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The plan shall provide for:

- (i) access;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding;
- (vi) wheel washing facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety, public amenity and to avoid any conflict situations with students and/or staff attending/working on this site in accordance with policies T5, T6 and EN13 of the adopted Cardiff Local Development Plan (2006 - 2026).

26. Notwithstanding the cycle parking facilities shown on the submitted

plans, prior to the commencement of development details showing the provision of cycle parking spaces serving the retail element of the proposed scheme and cycle store serving the residential properties shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

27. Notwithstanding the car parking and manoeuvring areas shown on the submitted plans, prior to the commencement of development details showing the car parking and manoeuvring areas proposed shall be submitted to and approved in writing by the local planning authority in accordance with Policy T5 of the Cardiff Local Development Plan and the guidance contained in the Access, Circulation and Parking Standards SPG. Details should be provided which demonstrate;

- The appropriate provision of parking spaces for the retail provision proposed;
- The appropriate provision of parking spaces for the residential properties proposed;
- The appropriate provision of disabled spaces;
- Details regarding the means by which the parking spaces reserved for the residential properties would be differentiated from those associated with the retail offer;
- Details of the ANPR system indicated on the plans

Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic, in accordance with policy T5 of the adopted Cardiff Local Development Plan.

28. Notwithstanding plan ref: PL 200 – Proposed Ground Floor Plan, no development shall take place until details of a secondary levelled access within the northeast corner of the site has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial occupation of the development and thereafter retained.

Reason. To improve the accessibility of the development for all, in accordance with policies KP5, T1 and T5 of the adopted Cardiff Local Development Plan (2006-2026).

29. The means of site enclosures hereby approved shall be constructed in accordance with Plan ref: PL415 – Proposed Part Section Site Boundary Details Sheet 6 prior to the development being put into beneficial use.

Reason: to ensure that the amenities of the area are protected in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2006 – 2026).

30. Prior to the beneficial occupation of the site, a scheme of works to the Michaelston Road and Drope Road footways, as shown in principle on Plan 1 dated 19.10.17, shall be submitted to and approved in writing by the LPA. The footway repaving scheme shall include drainage, signing and lining, renewal of kerbs, channels and edging, and Traffic Regulation Orders as may be required. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation. Reason: To ensure the provision of access to the proposed development, in the interests of highway and pedestrian safety. Reason: To ensure the provision of access to the proposed development, in the interests of highway and pedestrian safety in accordance with policies KP5, T1, T5 of the adopted Cardiff Local Development Plan.
31. Prior to the beneficial occupation of the site, details of the installation on site a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be installed and maintained. All external lighting shall be designed to avoid light spill into neighbouring residential properties. All external lighting shall be installed in accordance with the approved details. Reason: In the interests of residential amenity in accordance with Policies KP5 and EN13 of the adopted Cardiff Local Development Plan (2006 - 2016).
32. Prior to beneficial occupation of the site, details of any external CCTV system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed on site and thereafter maintained. Reason: To assist in the prevention of prevention of crime and anti-social behaviour, in accordance with Policies KP5 and C3 of the adopted Cardiff Local Development Plan (2006 - 2016).

RECOMMENDATION 2 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or

- radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 3: This development falls within a radon affected area and may require basic radon protective measures, as recommended for the purposes of the Building Regulations 2010.

RECOMMENDATION 4: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above. Part or all of this development site is at a height where mains water cannot be guaranteed at all times. Under the Water Industry Act 1991, we are not obliged to provide mains water to a height greater than that it will flow by gravity from the service reservoir or tank the supply is taken. To ensure an adequate mains water supply to service this development, a booster pump will need to be installed and associated watermains laid to the development site. Costs and the future maintenance will be the developer's responsibility.

RECOMMENDATION 5 : That the developer be advised to have regard to the advice of the Design out Crime Officer, South Wales Police, in his letter dated 17th August, which has been forwarded to the agent. South Wales Police operates the Secure by Design (SBD) initiative and is a National Police Chiefs Council and Home Office scheme which promotes the inclusion of crime prevention measures into developments. A safe and secure environment is the prime objective of the Secured by Design initiative. To achieve this result, equal weight should be given to both environmental design and physical security. For further information on Secured by Design Standards' please visit the website www.securedbydesign.com

RECOMMENDATION 7: The applicant is advised that the proposed A3 units are required to provide litter bins at the front of the unit in order to prevent littering on the adopted highway. The tenant will be required to provide, service and empty a litter bin to be placed at front of the unit during opening hours and removed from the highway during closing hours. (Please refer the applicant to Paragraph 4.8 of the Restaurants, Takeaways and other Food and Drink Uses Supplementary Planning Guidance: 1996).

RECOMMENDATION 8: That the applicant / developer should seek the advice of the South Wales Fire and Rescue Service to ensure fire prevention, warning signs and appropriate evacuation policies are in place.

RECOMMENDATION 9: That the applicant /developer is advised that the highway works proposed to the existing adopted public highway, to be undertaken by the developer, will need to be subject to agreement(s) under Section 278 of the Highways Act 1980 between the developer and Council.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for the change of use of the former Michaelston Inn public house from (A3 use) to retail (A1 use) along with a 'back of house' extension and the refurbishment of the existing first floor flat. The application also seeks planning permission for the erection of a new build mixed use 4 storey block comprising 2 ground floor retail (A3) units and 9 no. affordable 1 and 2 bedroom flats above, associated parking & landscaping works.
- 1.2 The new build would have a footprint of approximately 20m x 13.5m and have a maximum height of around 14.5m. The building would be finished in bricks to match neighbouring buildings (this will be controlled by way of condition), grey framed windows and a single ply flat roofing system.
- 1.3 The retail (A1) element of the proposal will have a floor area of approximately 278m² (3000ft²) with a back of house area measuring approximately 92m² (1000ft²). The 2 proposed A3 units would have floors area of 116m² (1250ft²) and 55m² (590ft²) respectively.
- 1.4 The residential element of the new build block would comprise 9 units of affordable housing comprising 3 x 2 bed flats measuring (60m²) and 6 x 1 bed flats measuring (50m²)

- 1.5 36 parking spaces are proposed as part of the development comprising of 9 spaces associated with the residential properties and 27 associated with the retail offer of which 2 spaces would be disabled spaces. The disabled spaces would be located in close proximity to the entrances of the three A1/A3 units proposed.
- 1.6 Amended plans have been received at the request of the planning officer in which the parapet wall of the new build has been lowered in order to reduce the buildings height and the arrangement of the windows at the rear of this building have also been amended in order to mitigate potential overlooking issues upon the neighbouring properties.

2. DESCRIPTION OF SITE

- 2.1 The application site is located at the junction of Michaelston Road and Drope Road and currently contains the Michaelston Inn and its associated beer garden and car park. The existing public house is a two storey building containing the pub at ground floor level and associated 3 bedroom residential flat above. The ground floor pub element of the building has been extended over time giving the ground floor of the building a significantly larger floor area than the first floor flat.
- 2.2 The application site measures 0.26 hectares in size and is largely level. Aside from the pub building and a narrow strip of grass running along the Michaelston Road and Drope Road frontages of the site, the site is laid out in macadam.
- 2.3 The application site is bound to the north by an existing parade of shops containing 5 units at ground floor level with residential accommodation above. The existing parade contains a SPAR convenience store, bookmakers, Newsagents, florists and Chinese Takeaway / Fish and Chip Shop. No's. 21 - 23 Barnwood Crescent is also located to the north of the application site on the opposite side of a private access lane currently used by vehicles servicing the existing parade of shops.
- 2.4 The application site is bound to the east by Michaelston Road and Western Cemetery beyond, to the south by Drope Road, Michaelston Community College and the Ely and Caerau Children's Centre. To the west of the site is No. 6 Drope Road, a two storey detached dwelling with detached coach house style annexe to its rear.
- 2.5 The existing pub building is in a poor state of repair and has been vacant for around 2 years though the submitted Design and Access Statement suggests that the pub has been open and closed on numerous occasions over the past 10 years.
- 2.6 The site is not located within a conservation area, flood risk zone and there are no listed buildings or protected trees affected.

3. SITE HISTORY

- 3.1 15/01391/MNR – External alterations to form new children's play area, new floor surface, new smoking shelter, new entrance lobby, new disabled access ramp and alterations to existing windows – Permitted

- 3.2 04/01720/W – Retain play and activity centre for children – Permitted
- 3.3 03/02017/R – Skittle alley extension – Single storey to side and rear of existing building - Permitted
- 3.4 99/01305/R – Form new entrance lobby with bay window to front - Permitted
- 3.5 97/01148/R - Erection of 6 metre column and cameras - Permitted
- 3.6 95/00416/R – Proposed fencing and security lighting/cameras - Permitted

4. POLICY FRAMEWORK

4.1 Cardiff Local Development Plan 2006-2021:

KP5: Good Quality and Sustainable Design
KP6: New Infrastructure
KP7: Planning Obligations
KP8: Sustainable Transport
KP13: Responding to Evidenced Social Needs.
KP14: Healthy Living
KP15: Climate Change
H3: Affordable Housing
EN3: Landscape Protection
EN10: Water Sensitive Design
EN13: Air, Noise, Light Pollution and Land Contamination
T1: Walking and Cycling
T5: Managing Transport Impacts
R1: Retail Hierarchy
R6: Retail Development – Out of Centre
W2: Provision for Waste Management Facilities in Development
C3: Community Safety/Creating Safe Environments
C5: Provision for Open Space Outdoor Recreation, Children’s Play and Sport

4.2 Supplementary Planning Guidance:

Following the adoption of the Cardiff Local Development Plan, many existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is either adopted or considered consistent with LDP policies KP5, T5 and W2 and can be used to help inform the assessment of relevant matters –

Waste Collection and Storage Facilities (October 2016);
Access, Circulation and Parking Standards (January 2010);
Infill Sites (April 2011);
Shopfronts and Signage (October 2011);

Planning Obligations SPG (January 2017)

4.3 *Planning Policy Wales (November 2016):*

4.4 *Technical Advice Notes*

Technical Advice Note 4 – Retail and Commercial Development (2016).

Technical Advice Note 11 – Noise (1997):

Technical Advice Note 12 - Design (March 2016).

Technical Advice Note 23 – Economic Development (Feb 2014).

5. INTERNAL CONSULTEE RESPONSES

5.1 The **Operational Manager, Transportation**, considers the application to be acceptable in principle subject to the conditions and financial requirements detailed below.

- To provide a construction management plan
- Provision of secure cycle parking in accordance with SPG
- Provision of parking (including disabled) in accordance with SPG
- Any damage to the highway would be rectified to an approved standard.
- Pedestrian access would need to accommodate all (including the mobility impaired).

Given the proximity of the application site to the school and projected flows of traffic, a financial contribution of £5,000 will be sought in order to extend the existing 20mph speed restriction on to Drope Road beyond the entrance to the application site. .

5.2 The **Operational Manager (Housing Development)** notes that the planning application proposes 9 units of social rented accommodation. Housing Development fully supports the development of this site for affordable housing, given the high levels of need for affordable housing in the area and will be working closely with LINC Housing Association to ensure the successful delivery of the scheme.

In the event that the site and/or units are purchased by LINC Housing Association for social rented accommodation, then no affordable housing contribution would be sought.

5.3 **The Tree Officer,**

The tree officer raises no objection to the proposed development subject to the implementation of the submitted landscaping scheme and conditions.

5.4 **The Operational Manager (Parks and Sport)** makes the following comments;

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor

Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, the additional population generated by the development would be **13.2**. This generates an open space requirement of **0.032 ha** of on-site open space based on the criteria set for **Housing accommodation**, or an off-site contribution of **£13,696**.

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

In the event that the Council is minded to approve the application, it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are The Drope, Greenway Road Recreation Ground and Parc Hywel Dda

- 5.5 The **Waste Strategy and Minimisation Officer**, advises that the waste collection and storage arrangements shown on the site plan is acceptable.
- 5.6 **Shared Regulatory Services – Pollution Control (Noise and Air)** are satisfied with the detail submitted in terms of any road traffic impact on the proposed residential development but suggest that a condition be added to any grant of planning permission covering other noise sources from the proposed development that are likely to have an impact on the surrounding area and the proposed residential units as well.
- 5.7 **Shared Regulatory Services – Pollution Control – Contaminated Land**

The application site has been identified as formerly commercial – public house with associated parking. In addition part of the site is underlain by an historic landfill. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and

the environment for the proposed end use.

In addition several former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.

Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services requests the inclusion of and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 **Dwr Cymru Welsh Water** provided the following comments in respect to the proposed development.

SEWERAGE

We have reviewed the information submitted as part of this application with particular focus on the Geotechnical and Geo-environmental Assessment Report and the Drainage Strategy reference CC1617 006 rev A.

Within the Geotechnical and Geo-environmental Assessment Table 9 under paragraph 8.9.1 shows that two of the trial holes produced a favourable infiltration rate. We acknowledge that these are estimated and a further test is required to confirm however if a similar result is obtained then this would demonstrate that infiltration is a viable option. Within the Welsh Governments consultation document Interim Non-Statutory Standards for Sustainable Drainage (SuDS) in Wales (February 2015) states that "Disposal of extreme events using solutions such as soakaway units or infiltration basins usually requires infiltration rates of the order of 1×10^{-5} m/s or higher. However, effective infiltration can be achieved with lower rates under units such as permeable pavements due to the large storage and infiltrating surface area available. Very low rates of infiltration (as low as 1×10^{-7} m/s) can be used to achieve compliance"

Therefore we recommend the further undertaking of percolation tests over a 24 hour period to obtain an actual infiltration rate and then revisit the drainage strategy accordingly.

Therefore, if you are minded to grant planning permission we request that **conditions and Advisory notes** are included within any subsequent consent.

- 6.2 **Police Crime Prevention Design Advisor: South Wales Police** has no objection to the development subject to consideration of recommendations relating to opening hours restrictions for the A3 uses, security specifications for doors, windows and (if necessary) roller shutters, alarm systems, CCTV, lighting, access control systems, mail delivery, dwelling identification cycle/bin storage, utility metres, landscaping and smoke/fire alarms. South Wales Police would advise that the development should be built to a standard to achieve a Secured by Design accreditation.

The hours of business for the ground floor commercial unit (A3) is should be restricted to no later than 23.00 hours in order to minimise noise and disturbance to residents in the student accommodation located above.

With regard to the current car park layout, this includes a rear access into the access lane which serves the rear of the adjacent existing commercial units. Vehicles will be denied using this by bollards. The car park should however have one entry and exit only. Allowing this further entry/exit will make the car park, particularly vehicles and the cycle stores, vulnerable to crime and anti-social behaviour. It is therefore recommended that this rear exit is closed off with a fence at least 2.1m high.

7. REPRESENTATIONS

- 7.1 The application was advertised by site notice and neighbour notification. 127 letters of representation have been received opposing the application. Of the 127 representations, 109 were standardised letters with the remaining 18 letters providing additional comments. The objections received are summarised below;
1. The operators of the existing SPAR shop do not wish to relocate into the proposed retail unit as suggested in the submitted Retail Statement. The retail element of the application proposal, if another SPAR, would provide direct competition to the existing store.
 2. The retail market is saturated in the area, current retailers are struggling.
 3. Traffic in the area at times is severe and therefore the proposed scheme will further add to existing pressures.
 4. The additional numbers of delivery vehicles serving the proposed development would be dangerous, especially given the access to the site would be located directly opposite the entrance to the school, nursery and primary school.
 5. The proposed development will generate increased noise within the area, particularly in the morning through deliveries.
 6. The development will generated increased litter in the area.
 7. The provision of four storey social housing flats would be out of keeping with

the surrounding, predominantly two storey, semi-detached housing estate.

8. The height and location of the proposed new build will block light and views from surrounding properties and allow their gardens and some rooms to be overlooked.
9. The proposed access/egress vehicular route via Barnwood Crescent would cause increased traffic and parking problems within an already busy street.
10. The provision of fast food outlets on the site would not be welcomed.
11. Should any additional retail outlets be necessary, these should be included as part of the probable future re-development of the Michaelston School site and not on this site.
12. The local area is predominantly housing, not flats and therefore any development on the site should reflect this.
13. Cardiff Council has spent considerable money in recent years regenerating the existing retail outlets. It would look bad on the council if the proposed development was approved and the increased competition led to the potential closure of the existing businesses.
14. The proposed development, along with numerous other developments in the area, should collectively necessitate the provision of some community facility for the area.
15. The location of the refuse bins would lead to an increase in seagulls and vermin within area if not managed correctly and would be located in close proximity to residential properties.
16. The development would bring back past issues of anti-social behaviour to the area.
17. There is only enough space for one lorry to unload at a time in the lane serving the existing parade of shops. Other lorries often have to wait before they can be unloaded creating traffic issues in the area and therefore the development would add to this issue.
18. The retailers within the existing parade of shops pay a service charge for the lane and will not allow other lorries to use the lane.
19. The proposed access road will create a 'roundabout' around the adjacent residential property on Drope Road and would be used as a rat run.
20. The proposal would block the walkway alongside the existing parade of shops which allows access to the flats above.
21. The parking spaces proposed will be used up by the occupiers of residential premises and shop workers so will not help with parking issues in the area.

22. The proposal will generate increased demand for vehicles to turn right into Drope road from Michaelston Road which will add to traffic congestion along Michaelston Road.
23. The proposed flats would add to the already overpopulated area.
24. The existing building should be retained as a public house.
25. The proposed development would be of no asset to the community whereas the existing pub use was.
26. The applicant's retail statement is factually incorrect as the owners of the existing SPAR have no intention of occupying the proposed store on site. The provision of two adjacent SPAR stores would be unviable.
27. The current SPAR shop is the key retail offer in the existing parade, losing this and moving footfall away from the existing businesses in the parade would harm the viability and vitality of the existing retail offer.
28. The two A3 units proposed could provide direct competition to the existing SPAR and Chinese/Fish and Chip shop.
29. The A1 and A3 uses proposed would open the floodgates allowing large chains/ multinationals to occupy the development which would ruin the offer of the existing shops in the parade. Allowing multinational retailers to occupy the building would outprice the existing retails in the parade potentially leading to their closure.
30. The existing retail offer along Michaelston Road already serves the need of the local community and therefore there is no need for the retail offer proposed.
31. The planning process requires that existing retail development be explored before developing more and there are plenty of vacant units in the various retail developments less than a mile away.
32. The close proximity of a 4 storey building containing flats to a children's centre and bus stop would be dangerous.
33. The architecture of the new build block is unimaginative.
34. Emergency service vehicles needing to gain access to Barnwood Crescent would be further restricted as a result of the development.
35. The upper floor of the proposed new build will be able to look directly into the outdoor play area of the children's nursery.
36. There are sufficient shops in the current parade and the proposed outlets will not enhance the shopping area.

37. Extra lorries and cars in the area generated as a result of the proposed development would be dangerous for the school children in the area.
38. The increased traffic generated was a result of the proposed will cause increased levels of pollution in the area.
- 7.2 A petition of 62 signatures has been received objecting to the planning application however no reasons were provided which detailed what the petition specifically objected to, and neither were the full names and addresses of the signatories provided. The petition would not, therefore, allow any petitioner the 'right to speak' at planning committee under the Council's approved procedures..
- 7.3 A second petition of 36 signatures was submitted on the behalf of the Michaelston Community Group. Their opposition was on the basis that the development would raise health and safety concerns due to its proximity to a school and on the increased pressures which the development would bring to the area in terms of car parking.
- 7.4 A letter of representation has been received Watts Morgan on the behalf of their client, Devrow Estates Limited who own the freehold of 105 -115 Michaelston Road, including the service lane to the rear. They stress that no agreement has been entered into to allow for their lane to be accessed via the application site and that no planning notice has been served on their client. As such, they question the validity of the planning application.
- 7.5 A letter of representation has been received from Kevin Brennan, MP for Cardiff West and Mark Drakeford, AM for Cardiff West, on the following grounds;

This application sees the former Michaelston Public House extended towards the rear of the site and also extended to a four storey block. Firstly this is completely out of character for the area and should be rejected on the general principle of bad design. This is covered under KP5 (Good Quality and Sustainable Design), KP8 (Sustainable Transport) & EN9 (Conservation of the Historic Environment)

The property will overhang and will be extremely close to our residents who live on Barnwood Close. The extension upwards would go against the SPG on Tall Buildings which state that "Outside the city centre: Buildings which are double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors". This proposed development is significantly taller than those properties on Barnwood Close.

Also no traffic survey has been carried out. Nearby is local school and children centre and lorry access to this site on a regular basis and in our opinion this will be hazardous and will have a detrimental effect on the community. We do not believe that imposing conditions on this application can possibly alleviate this. Also the application is actually taking parking space away from the local area. Next door is a parade of shops that are highly populated and Michaelston Road is already a busy place to park. To suggest limiting the amount of parking

further and putting retail and residential in place is unrealistic.

We would ask that the Planning Committee look to visit the site and also that officers recommend refusal on the grounds we have given.

- 7.6 Local Ward Councillors have been consulted and any comments received will be reported to committee.
- 7.7 One letter has been received in support of the planning application on the following grounds;
1. The current site is an eyesore and desperately needs redevelopment.
 2. The Michaelston failed as a public house time after time and even when open was a blight on the area.
 3. The local community would benefit from additional local retail opportunity, particularly given the additional housing being built in the area.
 4. The provision of a coffee shop would add to the community facilities.
 5. There is a danger that the site could be over developed and that the 4 storey building with ground floor retail may be too much for the site and could be better served by a selection of houses more suited to the area.
 6. Less retail could also help address concerns regarding delivery access.

8. ANALYSIS

- 8.1 **Planning Policy** - The application site does not fall within a designated district or local centre identified under Policy R4 or R5 of the Local Development Plan. The application site is located next to an existing retail frontage which provides an important local shopping function.

Policy R6 only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:-

- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
- (ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;
- (iii) The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
- (iv) The site is accessible by a choice of means of transport; and
- (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail

development can be shown to limit the range and quality of sites for such use.

The agent has submitted a Planning and Retail Statement that provides an assessment of the proposed development in respect of retail planning policy in relation to the need for the proposal, the sequential approach to site selection and the potential retail impact on the vitality and viability of nearby district/local centres. Given the floorspace equates to 278 sqm, a formal retail impact assessment is not required.

It is considered that the Retail Planning Statement has, on balance, adequately demonstrated that the proposal satisfies the standard retail tests of need, sequential test and impact.

Paragraph 5.282 of the LDP states that in addition to local centres identified on the proposals Map, there are numerous smaller groups of shops and individual 'corner shops' across the county that provide valuable shopping facilities to surrounding communities. The application site adjoins a local parade of shops which would fall under this definition. Furthermore, Planning Policy Wales recognises the important economic and social role of such local shopping facilities to communities.

It is noted that the submitted Retail Statement states that the proposed A1 retail unit would be occupied by SPAR, which would relocate from its existing location in the adjacent parade. The occupiers of the existing SPAR have however confirmed in a letter of representation that it is not their intention to occupy the new store, instead wishing to remain within and continue trading from their existing premises.

Should the existing Spar business move into the new building, it should be noted that its former premises would be vacant and therefore open to a competitor to occupy. Similarly, it should be noted that the existing public house could be converted into an A1 retail unit under permitted development. Whilst the future occupier of the proposed A1 unit remains unknown at this time, this is not a material planning consideration in the determination of this planning application.

The existing spar convenience store provides an important function in meeting the day-to day shopping needs of local residents. Even with the additional A1 unit proposed, it is considered that expenditure would remain localised and will not cause unacceptable harm to the vitality or viability of established Local centres within a mile of the site.

The two additional A3 unit proposed would be assessed against Policy R8: Food and Drink Uses.

Para 5.297 states Local Centres and smaller neighbourhood centres are generally more residential in nature, and do not have the scale or variety of retail and non-retail uses of larger centres. Therefore, A3 proposals may be more difficult to accommodate, and are less likely to be acceptable on amenity

grounds (e.g. potential noise and disturbance, anti-social behaviour and litter associated with this type of development proposal). As a consequence more emphasis will be placed on protecting residential amenity within these centres through restricting closing times and the type of A3 premises.

It is suggested that were permission to be granted a condition should be applied to restrict the separate A3 element to a restaurant or coffee shop type use only (with no hot food takeaway function).

Taking the above factors into consideration the proposal does not raise a land use policy objection.

8.2 Opening and Delivery Hours

Shared Regulatory Services – Pollution Control (Noise and Air) have specified opening times between 7am and 11pm for the proposed A1 unit. The applicants have however requested that the opening time be extended to allow for trading between 6am and 11pm as this earlier opening times reflects that of the existing SPAR. Taking this into consideration it is, on balance, considered that these requested opening hours would be reasonable.

With regard to the delivery hours, Shared Regulatory Services have specified delivery times of between 8am and 8pm. The applicants have requested that this also be extended to allow for deliveries from 7am to 8pm. Given that that the existing public house had no specified delivery times and given the location of the site opposite a school, it is considered that the extra hour proposed in the morning would be both reasonable and would potentially enable deliveries to be undertaken before the morning drop off period for the school thereby reducing any conflict.

8.3 Access and Parking

36 parking spaces are proposed serving both the retail and residential elements of the development. As such, the parking provision would exceed the level set out in the Council's Access, Circulation and Parking SPG, while insufficient provision has been made of disable spaces. It is also unclear from the plans how the residential parking spaces would be differentiated from those of the retail offer. It is therefore considered necessary to condition the parking provision for the development in order to ensure that it would comply with the guidance set out in the councils Access, Circulation and Parking Standards SPG.

The Council's highways officer notes that additional traffic would be generated as a result of the proposed development, beyond that of the former pub, which may cause an additional hazard and potential conflict with pedestrians. It is however considered that this could be controlled by way of increasing speed reduction measures in the vicinity. As such, a financial contribution of £5,000 has subsequently been agreed with the applicants as part of a section 106 agreement to extend the existing 20mph speed limit into Drope Road to an appropriate location past the development and school.

Whilst the proposed scheme included a vehicular link through the application site

to the rear servicing lane for the existing parade of shops, this was included to in order to remove the necessity for vehicles having to negotiate the lane via Barnwood Crescent. The owners of the lane have however indicated that they would not wish for their lane to be accessed via the application site. The police (see para 6.2) have also raised concerns over the addition of this access. It should be noted that the provision of this link is not a material consideration in the determination of this application and would not impact upon the servicing arrangement of the proposed development or servicing arrangement of the units in the existing parade.

It is recognised that the existing vehicular access to the site from Drope Road would be widened to allow for improved access for delivery vehicles. This is, on balance, considered acceptable.

The Council's transportation department raise no objection to the proposal on highways grounds. However, given the location of the application site adjacent to a school, nursery, parade of shops and busy roads, officers consider it necessary for a construction management plan condition to be imposed in order to minimise potential disruption and conflict during construction.

8.4 Design and Appearance

The conversion of the public house building is considered acceptable in design terms. The existing building is neither listed nor located within a conservation area and therefore the demolition of the lean-to extensions and false roof features have no statutory protection. The extension proposed to the ground floor of the northwest corner of the building, forming the back of house area, is considered to be of an appropriate scale and massing. The proposed shop front includes glazing on the Michaelston Road and Drope Road frontages, which would create welcome level of interaction between inside and out and providing interest within the street. Aside from potential internal alterations to the existing flat, the upper floor of the building would remain unaltered.

With regard to the scale and massing of the proposed new build block, at 4 storeys the building would be a taller than that of the surrounding residential properties along Barnwood Crescent and Drope Road which are generally two storey pitched roof dwellings. However, the existing parade of shops and Michaelston Court flats to the north of the parade are both 3 storeys in height, while the buildings within the Michaelston Community College, opposite the site, range from single storey flat roofed to 3 storey pitched roofed buildings. As such, within the context of the surrounding built form, the height of the proposed new building would be broadly consistent with its surroundings and therefore, on balance acceptable. Furthermore, the location of the application site on the corner of Michaelston Road and Drope Road, adjacent to the 3 storey parade of shops, is such that a building of 4 storeys would not be considered unreasonable on this site.

The siting of the 4 storey building has been governed by the requirement to retain and convert the former pub, the desire to extend the number of retail outlets in the parade within an seamless transition between old and new and by the desire to provide car parking to the front of the new retail units where they are most

accessible, overlooked and secure. In converting the 2 storey former public house building, an unusual juxtaposition would be created between the existing parade of shops and new build block given the variation in building heights involved. However, it is considered that the proposed building would be read in conjunction with that of the built form of the existing parade to the east rather than the domestic dwellings to the west. It is therefore, on balance, considered that its addition would not undermine the character of the area

8.5 Residential Amenity

With regard to the conversion of the existing public house building, the alterations proposed to this building are focused on the ground floor. This coupled with the location of the building relative to surrounding residential properties is such that they would not be considered to impact upon the amenity of neighbouring occupiers.

With regard to the new build block, this would be located approximately 15m away from the western boundary of the site with No. 6 Droke Road. The Council's Infill Sites SPG and Residential Design Guide SPG specify that a minimum overlooking distance from a habitable room window to a garden area of a separate dwelling should be 10.5m. As such, an appropriate separation distance would be achieved between the windows proposed in the western elevation of the new building and the boundary with this neighbouring property.

It is not considered that the proposed 4 storey building would unacceptably overlook habitable room windows or private amenity space of No. 23 Barnwood Crescent. The nearest point of the proposed building to the boundary of No. 23 would be approximately 11m away while the nearest windows proposed in the building would be approximately 12m away and set at oblique angles to the garden of this dwelling, thereby further reducing any potential overlooking possibilities. A distance greater than 21m, the minimum standard set out in the Councils design SPG's, would be achieved between the windows proposed within the new building and the windows in the rear of No. 23. The relative angles between the windows would further reduce any overlooking concerns.

Shadow cast analysis diagrams have been submitted which demonstrate that the height and bulk of the proposed new building would not result in the unacceptable overshadowing of any of the neighbouring properties or their associated private amenity spaces.

Amended plans have been received in which the parapet of the proposed new building has been reduced by approximately 0.8m. This reduction in height would further diminish any potential overshadowing issues upon neighbouring properties.

A number of windows originally proposed in the western elevation of the new building have also omitted within the amended plans in order to further reduce any potential overlooking issues upon No. 23 Barnwood Crescent.

It is not considered that the proposed development would unacceptably overlook the children's nursery on the opposite site of Drope Road or its associated play

area given the separation distances involved.

8.6 Materials

The finishing material proposed will be secured by way of condition.

8.7 Affordable Housing

The provision of 9 units of affordable housing within the proposed new build unit is welcomed given the high levels of need for affordable housing in the area.

8.8 Amenity Space

There would be no private amenity space provision for any of the 9 flats proposed nor for the flat above the converted pub. It is however acknowledged that the proposed new build would contain 6 x 1 bedroom flats and 3 x 2 bedroom flats while the flat above the pub would have 2 bedrooms. As such, there is only limited provision for the flats to be occupied by families. Taking this into consideration, that as affordable housing, the provider can control who occupies their 9 units and that there is an area of public open space located approximately 50m away along Drope Road, the lack of amenity space provision would, on balance, be considered acceptable.

A contribution has been agreed to enhance Public Open Space in the vicinity of development site in lieu of on-site provision and will be secured under a S106 planning obligation.

8.9 Crime and Disorder

There is no evidence to suggest that the proposed development would result in an increase in anti-social behaviour or crime in the area.

The recommendations of the Wales Police are noted and have been considered against the six tests set out in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. While the provision of a lighting and CCTV scheme have been conditioned, it is not considered that the other recommendations made would meet the tests set out in the circular such as to form valid planning conditions. However an advisory note has been added to ensure that the applicant is aware of the design considerations suggested by the police.

8.10 Trees and Landscaping

The proposed landscaping scheme is considered acceptable, subject to conditions.

8.11 Other matters not considered above

While the proposed new build block is taller than that of the surrounding 2 storey residential dwellings, it would not represent a tall building when

considered in the context of the parade of shops, Michaelston Court Flats and school buildings in.

Paragraph 1.14 of the Councils Tall Buildings Supplementary Planning Guidance states that;

'In areas outside the city centre, buildings tend to be far lower. Buildings which are double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors, would be considered tall in this context. Tall buildings outside the city centre are unlikely to be supported unless they can be demonstrated as meeting all of the criteria outlined in this SPG.'

Given that the existing parade of shops, Michaelston Court flats and various buildings within Michaelston Community College are of 3 storeys or more, it is not considered that new building block would represent a tall building.

With regard to the potential creating of litter, whilst the proposed development may result in increased litter generation in the area, this does not represent a material planning consideration. An advisory note has been added reminding the applicant that the refuse bins should be provided outside of the proposed A3 uses.

With regard to the height of the building and the safety of school children and bus users, it is not considered that the height of the building would have any impact on the safety of the school children or bus users.

9. OTHER CONSIDERATIONS

9.1 Crime and Disorder Act 1998

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

9.2 Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9.3 Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and

take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

9.4 *Environment (Wales) Act 2016*

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

9.5 *Flood and Water Management Act 2010*

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.

10. Planning Obligations - Section 106

- 10.1 The following planning obligations have been agreed with the applicant to mitigate any significant adverse impact of the proposed development as defined within LDP Policy KP7
- 10.2 Highways and Transportation - £5,000 towards extending the area of 20mph speed restriction onto Drope Road.
- 10.3 Public Open Space - £13,696 towards improvements to provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality.
- 10.4 The restriction of the new build element of the development for affordable housing and for no other residential use.

11. CONSLUSION

- 11.1 It is considered that the amended proposal will result in an acceptable development which would bring a redundant site back into beneficial use, whilst adding much needed affordable housing provision to the area and adding to the existing retail offer.
- 11.2 The concerns of local residents regarding building height, scale and impact

upon their amenities are noted however it is considered that the development will be policy compliant in this regard.

- 11.3 The application is therefore recommended for approval, subject to relevant conditions and the completion of a Section 106 Agreement to secure the financial contributions and obligations summarised in Section 10.

The Michaelston Inn, Cardiff.

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REVISIONS			
No	By	Description	Date



- Proposed new wall
- Existing walls / structure to be retained
- Site Boundary

Schedule of Accommodation

EXISTING

MICHAELSTON INN GIA

Ground Floor (public House)	4198 ft ²	390 m ²
First Floor (existing apartment)	925 ft ²	86 m ²
Total Existing GIA	5,123 ft²	476m²

PROPOSED RETAIL AREA - NIA

Ground Floor:		
Retail A1	3,000ft ²	278m ²
Back of House	1,000ft ²	92m ²
Retail 1/A3	1,250ft ²	116m ²
Retail 2/A3	590ft ²	55m ²
Total Retail - NIA	5,840ft²	541m²

PROPOSED RESIDENTIAL UNITS - NIA

FIRST FLOOR: - NIA		
2 Number 1 Bed	540ft ²	50m ²
500ft ²		46m ²
1 Number 2 Bed:	645ft ²	60m ²
SECOND FLOOR: - NIA		
2 Number 1 Bed:	540ft ²	50m ²
500ft ²		46m ²
1 Number 2 Bed:	645ft ²	60m ²
THIRD FLOOR: - NIA		
2 Number 1 Bed:	540ft ²	50m ²
500ft ²		46m ²
1 Number 2 Bed:	645ft ²	60m ²

Total Residential Units:

6 Number	1 Bed
3 Number	2 Bed
Total:	9 units

EXISTING RESIDENTIAL UNIT - NIA

FIRST FLOOR: - NIA		
Refurbished existing first floor flat with new access		
1 Number 3 Bed:	830ft ²	77m ²

PARKING

2 disabled parking spaces	
34 parking spaces	
TBA	Scale: 1: 250 @ A3
TOTAL PARKING 36	1: 125 @ A1

morgan hayman

Chartered Architects Surveyors Urban Designers
 16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
 Tel: (029) 2044 7520 Fax: (029) 2045 1813

Project: Michaelston Inn, Cardiff
 Client: NRB Properties
 Drawing Title: Proposed Ground Floor Plan

Drawn	Checked	Scale	Original	Date
DW	ARM	1:250	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	200	-	Planning

Proposed Ground Floor Plan.

The Michaelston Inn, Cardiff.

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REVISIONS		
No	By	Date
A	DG	Rear window to living room omitted following planners request 29.09.17



- Proposed new wall
- Site Boundary

Schedule of Accommodation

EXISTING

MICHAELSTON INN GIA

Ground Floor (public House)	4198 ft ²	390 m ²
First Floor (existing apartment)	925 ft ²	86 m ²
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	500ft ²	46m ²
1 Number 2 Bed:	645ft ²	60m ²

SECOND FLOOR: - NIA

2 Number 1 Bed:	540ft ²	50m ²
	500ft ²	46m ²
1 Number 2 Bed:	645ft ²	60m ²

THIRD FLOOR: - NIA

2 Number 1 Bed:	540ft ²	50m ²
	500ft ²	46m ²
1 Number 2 Bed:	645ft ²	60m ²

Total Residential Units:

6 Number	1 Bed
3 Number	2 Bed
Total:	9 units

EXISTING RESIDENTIAL UNIT - NIA

FIRST FLOOR: - NIA

Refurbished existing first floor flat with new access

1 Number 3 Bed:	830ft ²	77m ²
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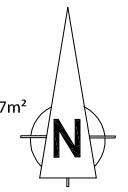
PARKING

2 disabled parking spaces
34 parking spaces

TBA

TOTAL PARKING 36

Scale: 1: 250 @ A3
1: 125 @ A1



morgan hayman

Chartered Architects Surveyors Urban Designers
16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
Tel: (029) 2044 7520 Fax: (029) 2045 1813

Project: Michaelston Inn, Cardiff
Client: NRB Properties
Drawing Title: Proposed GA Third Floor Plan

Drawn	Checked	Scale	Original	Date
DW	ARM	1:250	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	232	A	Planning

Proposed GA Third Floor Plan.

The Michaelston Inn, Cardiff.

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REVISIONS			
No	By	Description	Date
A	DG	Parapet height dropped to minimal height to reduce following meeting with CCC	29.09.17



Context Elevation - View from South

Proposed Context Elevations.

Scale: 1: 250 @ A3
1: 125 @ A1

morgan hayman
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16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
Tel: (029) 2044 7520 Fax: (029) 2045 1813

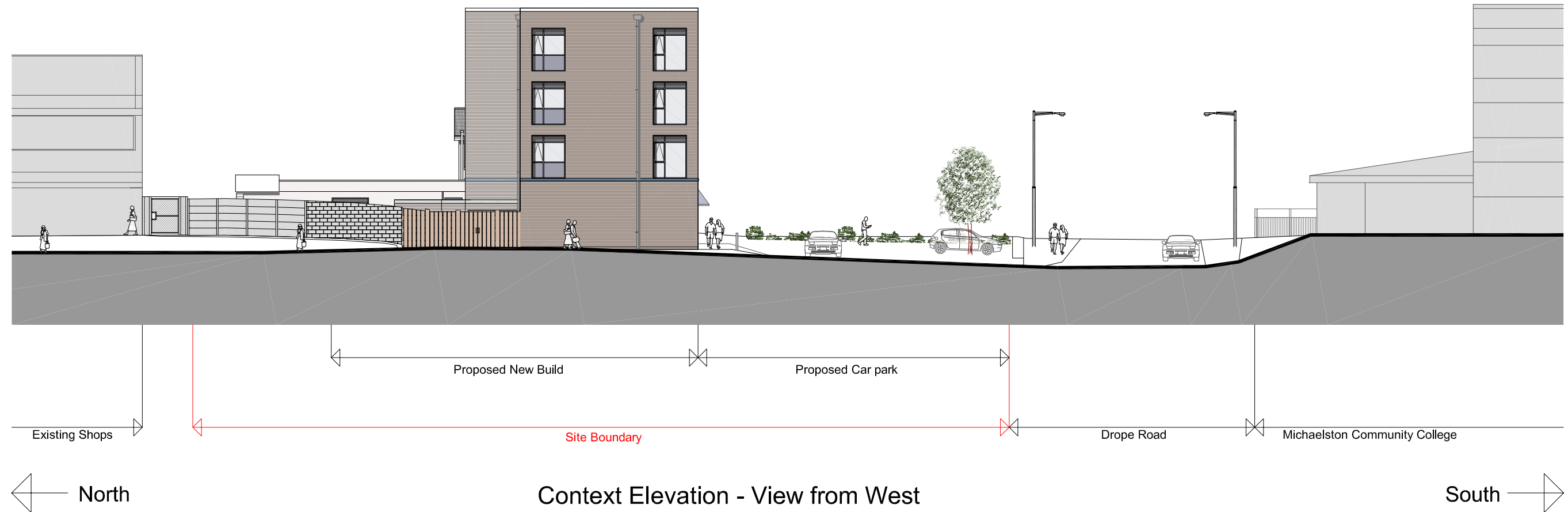
Project: Michaelston Inn, Cardiff
Client: NRB Properties

Drawing Title: Proposed Context Elevations
View from South

Drawn	Checked	Scale	Original	Date
DW	ARM	1:250	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	301	A	Planning

The Michaelston Inn, Cardiff.

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REVISIONS		
No	By	Date
A	DG	29.09.17
Parapet height dropped to minimal height and rear corner windows removed following meeting with CCC		



Scale: 1: 250 @ A3
1: 125 @ A1

morgan hayman

Chartered Architects Surveyors Urban Designers
16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
Tel: (029) 2044 7520 Fax: (029) 2045 1813

Project: Michaelston Inn, Cardiff

Client: NRB Properties

Drawing Title: Proposed Context Elevations
View from West

Drawn	Checked	Scale	Original	Date
DW	ARM	1:250	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	303	A	Planning

Proposed Context Elevations.

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REVISIONS

No	By	Description	Date
A	DG	Parapet dropped to minimal height following planners request	27.10.17



View from South East on Michaelston Road

morgan hayman

Chartered Architects Surveyors Urban Designers
 16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
 Tel: (029) 2044 7520 Fax: (029) 2045 1813

Project
 Michaelston Inn, Cardiff

Client
 NRB Properties

Drawing Title
 Proposed Perspective

Drawn	Checked	Scale	Original	Date
DW	ARM	NTS	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	1001	A	Planning

LOCAL MEMBER COMMENT

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/01801/MJR** APPLICATION DATE: 27/07/2017ED: **PONTRENAU/ST MELLONS**

APP: TYPE: Full Planning Permission

APPLICANT: Taff Housing Association

LOCATION: DROKE HOUSE, 948 NEWPORT ROAD, OLD ST MELLONS,
CARDIFF, CF3 5UAPROPOSAL: CONSTRUCTION OF 33 AFFORDABLE APARTMENTS, ACCESS
AND ASSOCIATED WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans and documents:

Plans

(90) 001A	Site Location Plan
(SK) 001A	Existing Site Survey
(SK) 100Q	Proposed Site Layout/Lower Ground Floor Plan
(SK) 101Q	Proposed Ground Floor Plan
(SK) 102Q	Proposed First Floor Plan
(SK) 103P	Proposed Second Floor Plan
(SK) 104P	Proposed Roof Plan
(SK) 105E	Proposed Sections
(SK) 106H	Proposed Elevations Front & Rear
(SK) 107F	Proposed Side Elevations
(SK) 108G	Proposed Elevations
(SK) 111	Elevation & Proposed Section Through Flat 7 to Forge House
TDA.2030.03 A	Detailed Soft Landscape Proposals
1752.OS.102.01	Proposed Site Access

Documents

LRM Pre-Application Consultation Report dated July 2017
LRM Design & Access Statement dated July 2017

LRM Planning Statement dated July 2017
Lime Transport, Transport Statement ref: 17152 d1a dated 13 July 2017
Lime Transport amended Appendix D to Transport Statement received 13 September 2017
TDA Pre Development Tree Survey & Assessment ref: TDA/2303/TS&A/RhC/06.17.
TDA Tree Constraints Plan ref: TDA/2303/TCP/RhC/06.17
Weather Graph 23-30 June received 13 September 2017
Weather Graph 01-08 July received 13 September 2017

Reason: for the avoidance of doubt.

3. No above ground superstructure works shall be commenced until a full schedule and samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory finished appearance to the development.
4. The bedroom and bathroom windows to Flat 7 of Block 2 as identified on the approved plan (SK)101Q shall be non-opening and shall be glazed in obscured glass below the height of 1.8m above internal floor level.
Reason. To protect the privacy and amenity of future and adjacent occupiers.
5. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and

- any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

6. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. The remediation scheme as approved by condition 5 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.

9. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

10. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

11. Any site won recycled aggregate materials shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its reuse. Only material approved by

the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

13. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

14. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that
- Light into neighbouring residential windows generated from the floodlights shall not exceed $5/10 \cdot E_v$ (lux) (vertical illuminance in lux).
 - Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
 - The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed

2.5/5*%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved scheme shall be implemented prior to beneficial use and be permanently maintained.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

15. Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

16. Notwithstanding the submitted plans, prior to any above ground development, details of the facilities for refuse storage, which shall have regard to the information contained in the email to the agent dated 03 July 2017, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The facilities shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. To ensure an orderly form of development and to protect the amenities of the area.

17. Unless otherwise agreed with the LPA, the applicant is required to undertake a detailed dust assessment which shall quantify the magnitude of risk to surrounding/ nearby sensitive receptors, this being the various residential properties located within 350m to the site boundary, during the demolition and construction phase of the development. Prior to the commencement of development a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from construction activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.

Reason: To assess air quality and agree any mitigation measures that may be required to safeguard the amenity of nearby residents in the area.

18. Notwithstanding the submitted plans, details of the construction of the cycle (minimum 33 spaces) and scooter parking facility shall be submitted to and approved in writing by the Local Planning Authority. The approved facility

shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure an orderly form of development and ensure appropriate provision for cycles.

19. Notwithstanding the submitted plans, details of the construction of the refuse storage facility shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: To ensure an orderly form of development and to protect the amenity of the area.

20. No part of the development hereby permitted shall be commenced until a scheme of reinstatement works to Newport Road adjacent to the site has been submitted to and approval in writing by the LPA. The scheme to include the resurfacing/reinstatement of the footway/carriageway as may be required as consequence of implementation of the development; to include the access road off Newport Road, new pedestrian access, relocated bus stop. These works would include, but not be limited to, road surfacing, kerbs, edging, (tactile) paving, drainage, lighting, road marking & lining, signing and street furniture as required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented.

Reason: To amend and reinstate the carriageway and footway to provide an improved environment to facilitate safe commodious access to and from the proposed development.

21. No part of the development hereby permitted shall be commenced until a Construction and Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include (but not limit to) details of site hoardings, welfare facilities, site access and wheel washing facilities, a strategy for the delivery of plant and materials, construction staff parking, traffic management proposals etc. Development may only be commenced in accordance with the construction and demolition management plan approved by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity.

22. A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the development. The plan should include (but not limited to) details such as the promotion of public transport and other alternatives to the private car. The approved travel plan should be incorporated in to a welcome pack (for example) provided to all new residents to encourage the use of alternative transport. The Travel Plan shall be implemented in accordance with a timetable set out in the plan or in accordance with a revised timetable which shall be agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted to the Local Planning Authority for a period of

five years from beneficial occupation of the development.

Reason: To encourage sustainable transport and effect modal shift to non-car modes.

23. Notwithstanding the submitted plans, details of the means of site enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: In the interests of visual amenity.

24. All planting, seeding, turf-laying and paving shown on the approved plans shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner.

Any retained or planted trees or plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their death with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

25. No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

26. The car parking and manoeuvring areas hereby approved shall be laid out in accordance with the approved plans before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.

Reason: to make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.

RECOMMENDATION 2: The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

RECOMMENDATION 3: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 5: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The

design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

RECOMMENDATION 6 : Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development , and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

RECOMMENDATION 7 : The applicant is advised that the highway works condition and any other works proposed to the existing adopted public highway, to be undertaken by the developer, shall be subject to agreement(s) under Section 278 of the Highways Act 1980 between the developer and Council.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A full application for redevelopment to provide 33no. self-contained affordable apartments, with associated ground works, provision for car, cycle and scooter parking, refuse storage and landscaping.
- 1.2 The proposed accommodation is set in two blocks, fronting Newport Road, with rear projecting annexes. The accommodation is broken down as follows:

Block 1

A 2.5 storey (fronting Newport Road – 3.5 storey to the rear) block accommodating 21 flats, comprising 17no 1 bed flats and 4no 2 bed flats, with 2 of the flats intended for disabled occupiers.

Block 2

A 2 storey (fronting Newport Road – partial 3 storey to rear) block accommodating 12 flats, comprising 11no 1 bed flats and 1no 2 bed, with 1 of the flats intended for disabled occupancy.

- 1.3 To the rear of the site, at a ground level which is lower than Newport Road by approx. 3.0m there are 11no car parking spaces (with 3no designated for disabled use), a refuse container store and a combined storage facility for 33 cycles and 5 mobility scooters, all running along the rear boundary of the site.

The hard surfaced areas are indicated as being laid with brick paviours, with areas of grassed landscaping, including amenity spaces between the two projecting annexes and to the southern boundary area.

- 1.4 Access to the rear of the site is via a single point, set at the northern end of the site and running along the northern boundary. The accommodation blocks can be accessed (pedestrian) via dedicated points off Newport Road, and the rear amenity/facilities can be accessed by all residents through the blocks.

The improved access is facilitated by the relocation of the existing bus boarder and cage slightly further west, with new tactile paving to be provided either side of the new access road.

- 1.5 Block 1 is to be finished wholly in render, (with the exception of the basement level to the rear, which is to be facing brick) with an imitation slate roof and reconstituted stone surrounds and cills to the windows.

Block 2 is to be finished in facing brick to the Newport Road frontage, and on the return elevations of the main frontage element and basement level to the rear. The remainder of the rear is to be finished in the same render as Block 1, the roof and window surrounds are as per Block 1.

- 1.6 The site is to be enclosed by a 2.1m high close boarded timber fence to the rear and majority of the southern boundary (shared with Forge House).

The Newport Road frontage (and an element of the return along the Southern Boundary) is to be enclosed with a dwarf brick wall and railings, to a height of approx. 1.2m.

The northern boundary (to the retained footpath), is to be enclosed with a hoop topped steel railing at approx. 1.5m height.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located at Old St Mellons along the south eastern side of Newport Road. To the north east of the site is a post office with flat above, to the south west of the site is a dwelling (Forge House). The land levels drop away significantly to the south east toward residential properties in Orchard Park.

- 2.2 The application site comprises:

(i) Droke House; a two storey dwelling which is located within the St Mellons Conservation Area.

(ii) Holts Garage; a commercial garage which occupies a corrugated metal building set back from Newport Road by a large concrete forecourt. The garage is located outside the St Mellons Conservation Area boundary.

3. **PLANNING HISTORY**

- 3.1 06/02862/E – Prior Approval application for the demolition of Droke House and adjoining garage – Granted

07/01711/E – Full application to demolish existing dwelling and garage and redevelop for 34 flats – Granted

07/01712/E – Conservation Area Consent application for the demolition of dwelling and garage – Granted

13/01456/DCO – Renewal of pp 07/01711/E – Resolution to grant, subject to

S106 (unsigned)

13/01551/DCO – Renewal of CAC 07/01712/E – Granted

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design
- 4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-
- KP5 Good Quality and Sustainable Design
 - KP7 Planning Obligations
 - H6 Change of Use or Redevelopment to Residential Use
 - EN9 Conservation of the Historic Environment
 - C1 Community Facilities
 - C5 Provision for Open Space, Outdoor Recreation, Childrens Play and Sport
 - T1 Walking and Cycling
 - T5 Managing Transport Impacts
 - W2 Provision for Waste Management Facilities in Development
- 4.4 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:
- Community Facilities and Residential Development (2007)
 - Access, Circulation and Parking Requirements (2010)
 - Infill Sites (2011)
- 4.5 In addition to the above, the following new Supplementary Planning Guidance is also relevant:
- Locating Waste Management Facilities Jan. 2017
 - Planning Obligations Jan. 2017

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager Transportation has no objection subject to conditions, making the following comments:

This project comprises of the construction of two blocks containing a total of 33 affordable homes. There would be 30 one bedroom flats and three two

bedroom flats. Three of the one bedroom flats would be wheelchair accessible.

The development would provide 11 parking spaces (3 disabled bays), 33 secure covered cycle parking spaces and five secure covered mobility scooter parking spaces.

There are local facilities (local shops, public houses, take-away food, restaurants, bus stops) in the immediate vicinity of the development.

Comments:

I would confirm that the above application submission has been assessed and is considered to be acceptable in principle subject to the comments, conditions and financial requirements detailed below.

The application proposes to provide two separate buildings;

- One comprising 21 units
- One comprising 12 units.

Vehicle access will be taken from Newport Road using an existing northern access to St Mellons Garage (located to the north east of the site). The access carriageway will include a 2m footway on its southern side, until the access becomes a shared space. The first 6m of the access road would become public highway. The carriageway after this point, demarcated by a rumble strip, will become a private shared area. The footway would be at grade with the shared surface carriageway to accommodate pedestrians and mobility scooter users. There would be a section of appropriate tactile paving (details to be approved during the S278 process) at this juncture.

A seven day traffic survey was undertaken to identify traffic flows and speeds outside the proposed development. The 85th percentile speed recorded during weekdays can be accommodated within the visibility splay, in accordance with the Manual for Streets 2 calculation. To accommodate a safe stopping distance for a HGV, or bus, the stopping distance for northbound vehicles would be 50m (46m light vehicles) and for southbound HGV/buses would be 46m (42m light vehicles).

The proposed car park will include 11 parking spaces, including three disabled spaces, in accordance with the SPG – Access, Circulation and Parking Requirements (2010). The parking provision within the site is in an acceptable form, with adequate space to manoeuvre parking vehicles and adequate space within the parking and access routes to accommodate a refuse vehicle and delivery vehicles. The adequacy of the access road is demonstrated with swept path analysis.

The secure cycle provision (33 spaces) is in accordance with the council's SPG – Access, Circulation and Parking Requirements (2010). There are existing cycle lanes on both sides of Newport Road to / from Cardiff (although not toward Newport).

Public transport provision is convenient to the site (13 buses per hour each way) , with a bus stop (from Newport to Cardiff) located immediately outside the development. The bus cage (and bus boarder) is to be relocated to the west to accommodate the access to the site. The bus stop and shelter will not be relocated. The bus stop (from Cardiff toward Newport) on the opposite side of the road is located some 130m from the proposed development. Users are able to use a controlled pedestrian crossing to cross Newport Road.

It is concluded that the proposed development is acceptable in transport terms, subject to the listed conditions and financial contribution, and that any objection on traffic or parking grounds would therefore be unsustainable.

Financial Contribution:

A S106 contribution, of **£3000**, is sought in respect of amending any traffic regulation orders associated with the relocation of the bus cage and associated waiting restrictions required to accommodate the installation of the access arrangements. Reason: To facilitate implementation of the new access and prohibit inappropriate parking.

- 5.2 The Pollution Control Manager (Noise & Air) has no objection, subject to conditions in respect of traffic noise, lighting and plant noise, with further advice in respect of construction noise.
- 5.3 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contaminated land issues, with further contaminated land advice.
- 5.4 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.5 The Air Quality Manager has no objection, subject to a condition relating to the control of dust..
- 5.6 The Regeneration Manager has no objection, making the following comments:

Request for Community Facilities

The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that ‘Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

- The provision of new facilities,
- The extension to, or upgrading of existing facilities.

If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet

the needs of the new population.

The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

No. of bedrooms	Number of Dwellings	Contribution per dwelling	Totals
1	28	£720.51	£20,174.28
2	5	£997.63	£4,988.15
3		£1,385.60	£0.00
4		£1,718.14	£0.00
5+		£2,106.11	£0.00
Where number of bedrooms unknown		£1,291.38	£0.00
Single Student Bedroom	0	£554.24	£0.00
TOTALS:			£25,162.43

In summary, the following contribution is sought from the developer:

£25,162.43

Community Infrastructure Levy (CIL)

CIL Regulation 122(2) provides:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

Comments in respect of the request for contributions towards community facilities are as follows:

(a) Necessary to make the development acceptable in planning terms:

The Cardiff Planning Obligations SPG was formally adopted by Council on 26th January 2017. The SPG was adopted to help to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) supports the provision of community facilities as part of new residential developments.

It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states “Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to

secure benefits which will make development more sustainable". A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via onsite provision and/or a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.

(b) Directly related to the development

Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities.

(c) Fairly and reasonably related in scale and kind to the proposed development

Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.

5.7 The Parks Manager has no objection, making the following comments:

Design Comments

No street trees appear to be affected by the development

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **43.1**. This generates an open space requirement of **0.105 ha** of on-site open space based on the criteria set for **Housing accommodation**, or an off-site contribution of **£44,718**. I enclose a copy of the calculation

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

Notes relating to Affordable Housing Schemes

The request for an offsite contribution is applied consistently across both private and affordable house developments. In providing for the additional residents the development will result in increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities. This is regardless of the financial model for the development.

In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Orchard Park, Beech Tree Park and Elgar Crescent.

- 5.8 The Council's Trees Officer has no objection to the landscape proposals as indicated on the approved plans.
- 5.9 The Waste Manager has no objection, advising that the proposed refuse storage area is acceptable.
- 5.10 The Council's Ecologist comments that the existing buildings show a number of features that may be exploited by roosting bats and advises that a preliminary assessment of bat roosting potential is requested.
- 5.11 The Neighbourhood Regeneration Manager (Access) has been consulted and no comments have been received.
- 5.12 The Housing Strategy Manager has no objection, making the following comments:

The planning application has been submitted by one of our partner Registered Social Landlords (RSL) (Taff Housing Association), and the whole site will be delivered as affordable housing.

The Housing Development Enabling team fully supports the development of this site wholly for affordable housing, given the levels of housing need in the area, and have been working very closely with Taff Housing Association to ensure the successful delivery of the scheme. The development will comprise of 33 units of new affordable housing.

All social rented units will meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).

- 5.13 The Council's Rights Of Way Manager has no objection, making the following comments:

St Mellons No.1 footpath runs adjacent to the development site on the Eastern side therefore the footpath is to remain in situ and unaffected. From the design plans, it appears the public right of way will be utilised and retained while being improved to 2m width to provide improved access for walkers. The path will need to be open without a fence/wall or any gates to improve access for all.

The right of way footpath from Newport Road to Orchard Park is only intended for walkers therefore any proposal for creating a shared use path will require an application to the PROW team for consideration.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water have no objection subject to a standard drainage details condition.
- 6.2 Glamorgan Gwent Archaeological Trust have no objection, subject to a condition requiring the provision of an Archaeological Watching Brief during any excavations, and provide addition advice in respect of qualified persons.
- 6.3 South Wales Police have no objection. Further advice in respect of crime prevention has been provided and has been passed to the agent.
- 6.4 Western Power Distribution have been consulted and no comments have been received.

7. **REPRESENTATIONS**

- 7.1 Local Members for the Wards of Pontprennau/Old St Mellons and Trowbridge have been consulted.

The Planning Service was copied into an email from Cllr J Williams (Pontprennau/Old St Mellons), addressed to Cllr D Rees (Pontprennau/Old St Mellons) and Cllrs M Michael, C Lay and B Bowen-Thomson (Trowbridge), dated 31 July 2017, making the following comments:

"Please be advised that I and Councillor Rees will be submitted an objection to this planning application.

To advise our Trowbridge colleagues that we have been contacted by residents in their Ward (who live behind the proposed application) who have strong reservations surrounding this application. I trust you will be undertaking a knock and drop in the area of your Ward impacted by this application to understand local feeling on this matter."

No further representations have been received from Local Members.

7.2 Old St Mellons Community Council were consulted and object to the proposals, making the following comments:

As Clerk to the Old St. Mellons Community Council we are electing to put our objection in writing, as well as our local residents our Councillors have also expressed an objection to this application.

We would like to draw your attention to the original planning application: 13/01456/DCO dated 26th July 2013, to erect 34 apartments, garages and associated access, according to the planning application at that time there were 39 car park spaces.

The current planning application indicates 33 apartments and only 7 car park spaces and 3 disabled.

This will be of great concern to Old St. Mellons Community as there are no parking facilities on the public highway, there are 4 spaces available outside the Seaview Stores and 4 on the main road near Coach House and Bluebell Inn Public Houses.

This will undoubtedly cause severe traffic issues as residents of the new development would be forced to park their cars on the public highway by mounting the pavement along Newport Road, which would also cause obstruction to the cycle lane.

OSMCC would also like to draw your attention to the following points:

- Taff Housing very emphatic they would be managing the tenants / residents of the building but no guarantee this would be the case in the future!
- There must be sufficient parking spaces for all units. Residents, visitor's carers etc. must be able to park without infringing the parking restrictions on the main road.
- The Village Hall has no car parking facilities. It is in constant use, daytime and evenings when every available public car parking space in the Village is needed by the Hall users. These spaces are extremely limited
- Only one local bus route through the village i.e. No 30 Newport to Cardiff. There was reference at the meeting with LRM of 'many' buses but they were possibly taking into account buses that serve the St Mellons estate via Greenway Road and X route buses.
- There is a need in the community for accommodation for the elderly.
- There are far too many units being planned.
- The development is being cost driven – as explained by Taff Housing!
- Original plans had greater number of car spaces.
- The Village is a conservation area. Is this being considered by the Planning Authority?
- Following issues in the past all four very local public houses and the off

licence premises are now part of the Pub Watch Scheme. The area needs to be well patrolled to ensure no further disturbances occur. Further significant development in the close proximity of the licenced premises would aggravate the situation.

- A development of this size and nature would jeopardise the conservation environment of Old St Mellons.

Please consider these points before making any decisions.

- 7.3 The occupier of 31 Orchard Park objects to the proposal, making the following comments:

We are strongly objecting as this planned building will be overlooking our garden. I feel that we are surrounded in affordable and association properties in our area. This build is also not privately owned properties so it is going to affect the selling price of my property. I have worked all my life to buy a house on a private estate so I don't feel it is fair for a privately owned property turned into association flats this is totally unfair to the residents surrounding the. I also feel it is not in keeping with the small village.

- 7.4 The Occupier of 40 Orchard Park objects to the proposals, making the following comments:

My concern is that there is insufficient parking for 33 apartments. There will be eight standard parking spaces and three disabled spaces. The planners estimate that car ownership will be under fifty percent, but it needs to be under twenty-five percent for there not to be a problem, and that is before visitors are accounted for. An alleyway runs alongside the proposed development, at the bottom of which are a number of parking spaces. All of these spaces are allocated to specific existing houses (one of which I live in). What will prevent residents of the new apartments and their guests parking in these spaces and causing a constant nuisance for existing house-owners. Additionally what will prevent the construction workers parking here during the building of the apartments?

- 7.5 The application was publicised as a Major development by way of site and press notice. No comments have been received.

8. **ANALYSIS**

- 8.1 The application site falls within the settlement boundary, as defined by the Cardiff Local Development Plan (2006-2026) Proposals Map. The site has no other specific designation or allocation. The application should be assessed against Policy H6 'Change of Use or Redevelopment to Residential Use', which states that the change of use of redundant premises or redevelopment of redundant previously developed land for residential use will be permitted where:

- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;

- ii. The resulting residential accommodation and amenity will be satisfactory;
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.

The existing commercial garage is offered no specific protection in land use policy terms in this location. Given the surrounding land uses, and the fact that the principle of residential use has already been established through planning application 13/01456/DCO the redevelopment of the site for residential purposes is considered acceptable in policy terms subject to detailed considerations.

- 8.2 It is of note that the current proposals are, in broad terms and in respect of the built form and layout, consistent with the previously approved proposal for 34 flats (07/01711E & 13/01456DCO), insofar as the development proposes multiple blocks fronting Newport Road, with traditional features including pitched roofs and gables, and with the smaller 2 storey block lying adjacent to Forge House and the larger 2.5 (to Newport Road) storey block replacing the existing commercial garage space.
- 8.3 The design of the proposal is considered to be acceptable, having regard for its scale, massing and appearance on the Old St Mellons Conservation Area (south-western end of the site & opposite side of Newport Road), and the wider street scene.

The architectural design is generally supported as drawing on the character of the local vernacular, which is relatively mixed and includes a new build flat development in the vicinity of this site. The enclosure created by the proposal is generally welcomed in replacing a level of enclosure at the heart of the village where the buildings on the garage site are currently set back. The introduction of a low wall and railing enclosure to the whole of the Newport Road frontage (access point excepted) is also welcomed as reinforcing the street scene and providing an important defensive area for residents.

The use of two separate blocks of differing scale and massing is considered to add interest to the street scene. This variation in scale, massing and finish appearance, in conjunction with the separation of the blocks from themselves and the adjacent Forge Cottage to the south-west and the commercial terrace to the north-east, and the degree of set back off the footpath to Newport Road (Block 1 approx. 2.7m; Block 2 approx. 4.1m) ensures that the proposed buildings do not present as overbearing or over dominant.

- 8.4 The proposed blocks are set towards the front of the site. At the rear of the site, there is a shared boundary to dwellings located on Orchard Park, with some dwellings lying close to that boundary.

With regard to Block 1, the separation distance from the rearmost elevation to this boundary is approx. 16m at its closest point, with the side elevation of the projecting rear annexe being approx. 10m from the boundary to the adjacent footpath to the north-east.

In this case, it is considered that Block 1 would have no adverse impact on the privacy or amenity of adjacent occupiers.

- 8.5 Block 2 is set closer to the Orchard Park boundary at approx. 9.5m and the boundary to the south-west, shared with Forge Cottage, at distances ranging between approx. 3.7m and 7.5m.

The original submission showed Flat 7 of Block 2 (first floor equivalent) having a lounge window looking towards the rear of Forge Cottage. At a distance of approx. 7.5m, although not appearing to have direct views into any windows, may have had views into the rear garden area. In this case, the internal arrangement has been amended. The proposals now show a bedroom window to this elevation, which is indicated (and conditioned above), to be non-opening and obscurely glazed below 1.8m above internal floor level.

Whilst it is noted that the same flat has a kitchen window facing towards the rear of 32 Orchard Park, it is of note that under pp 06/835E no 32 benefits from a large two storey rear extension. That consent included a bedroom window to the rear elevation, facing into the current application site. However, a condition was imposed in a similar vein to condition 4 above requiring that window to be obscurely glazed. In this case, the rear elevation of no. 32 is effectively a blank elevation. Having regard for the condition attached to pp 06/835E, and the fact that the window in Flat 7 of Block 2 is a kitchen, it is considered that to impose an obscure glazing condition would be an unnecessary duplication and would therefore fail the tests for the use of conditions in planning permissions.

In addition to the fenestration issues above, Block 2 has been considered in respect of the impact of its scale on, what appears to be, a conservatory structure to the rear of Forge Cottage. The proposals introduce a 2-2.5 storey structure where currently there is none. However, it is of note that the proposal site has a reduced ground level of approx. 1.0m to that at Forge Cottage, effectively reducing the proposed building's scale at the point of concern, and the proposed building is also set to the north-east of Forge Cottage and therefore has very limited, or no adverse Impact on direct sunlight.

In light of the above, and having regard for the mitigating factors described, it is considered that Block 2 would have no adverse impact on the amenity or privacy of adjacent occupiers.

- 8.5 With regard to the request for a preliminary bat survey (para 5.10 above), this has been the subject of further discussion with the agent and the Council's Ecologist. Having regard for the extant demolition consents that run to May 2019, and the overarching authority of Natural Resources Wales in respect of the protection of roosting bats, it is considered that such a survey is not required

at this time. However, the applicant has been made aware that should demolition not take place within the remaining time available, such a survey may then be required.

8.6 With regard to objections raised not discussed above, the following comments are made:

- Matters relating to the management of future tenants is not a material consideration in the determination of this application;
- The proposals have been considered by the Operational Manager, Transportation, who has no objection in respect of the amount of on-site parking provided;
- The Housing Strategy Manager has advised that the Housing Development Team support the proposals in this area of high housing need. Whilst there may be a need for need for housing for the elderly, that is a matter for the landlord and is not subject to this application;
- There is no evidence that future occupiers of the proposed development would exacerbate any existing issues of anti-social behaviour or crime and disorder;
- The impact of development on adjacent/nearby property value is not a material planning consideration. As indicated above, the area is identified as in high housing need and the nature of tenancy/occupants is not a material planning consideration;
- Whilst instances of un-authorized parking in adjacent streets may already be taking place, this matter is controlled by other legislation. There is no evidence that future occupiers of the proposed development would exacerbate any existing situation. It is also of note that a Construction Management Plan is required by condition, which could include the control of site staff. In addition, a Travel Plan is also required by condition, which will seek to inform and advise future occupiers of alternative modes of transport

9. **OTHER CONSIDERATIONS**

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

9.2 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

- 9.3 *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.

10. **PLANNING OBLIGATIONS**

- 10.1 The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Parks – A contribution of £44,718 is requested towards the maintenance/provision of open space in the vicinity of the site.

Regeneration – A contribution of £25,162.43 is requested towards the provision/maintenance of community facilities in the vicinity of the site.

Transportation – A contribution of £3000 is requested, towards amended Traffic Orders associated with the relocation of the Bus Cage and waiting periods adjacent to the site.

In addition to the above, it is recommended that the development is limited to use as affordable housing, secured through any legal agreement made.

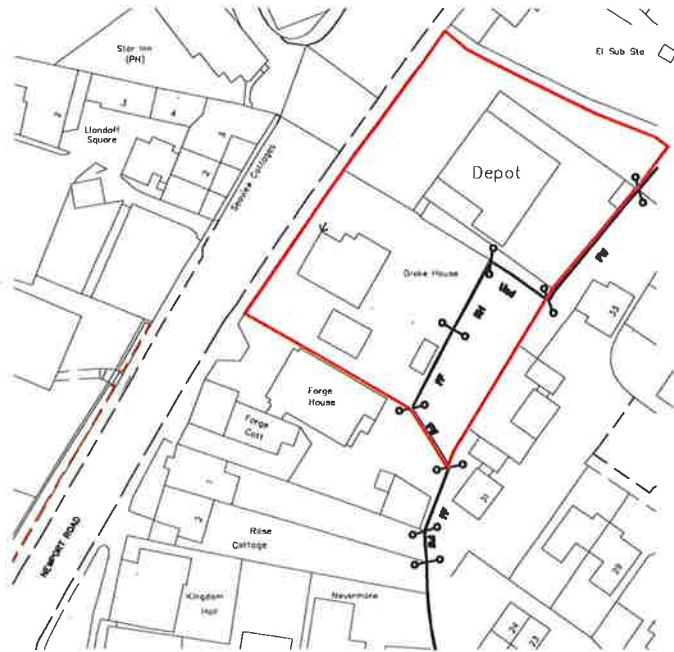
The agent has confirmed that the above mentioned contributions are acceptable to the applicant.

11. **CONCLUSION**

- 11.1 The proposals include the redevelopment of an unattractive and conflicting commercial vehicle garage site and provide affordable housing in an area identified as having high housing need. It is considered that the standard of the layout and design will enhance the appearance and amenity of the area.

In light of the above, and having regard for adopted planning policy guidance, it is recommended that planning permission be granted, subject to conditions and a Legal Agreement.

<p>Notes</p> <p>This drawing is copyright. All dimensions are to be checked prior to construction or manufacture. Any discrepancies to be reported immediately to the Architect.</p>	<p>davies llewelyn and jones Chartered Architects The Mallings, East Tynhall Street, Cardiff Bay, Cardiff CF1 5EA. Tel: (029) 20484433 Fax: (029) 20484345</p>
<p>Sheet SITE LOCATION PLAN Sheet No/Revision (90)001A</p>	<p>Client TAFF HOUSING ASSOCIATION</p>
<p>Date JULY 2017 Scale 1:1250 Drawn/Checked AV/DD</p>	<p>Job PROPOSED RESIDENTIAL DEVELOPMENT AT NEWPORT ROAD, OLD ST. MELLONS</p>



Site Location Plan



SCHEDULE OF ACCOMMODATION - BLOCK 1

LOWER GROUND FLOOR	COMMON ACCESSED FLAT	TYPE A	2P 1B	02 No
COMMON ACCESSED FLAT	TYPE D	2P 1B	DISABLED	01 No
GROUND FLOOR	COMMON ACCESSED FLAT	TYPE A	2P 1B	04 No
COMMON ACCESSED FLAT	TYPE D	2P 1B	DISABLED	02 No
FIRST FLOOR	COMMON ACCESSED FLAT	TYPE A	2P 1B	04 No
COMMON ACCESSED FLAT	TYPE B	3P 2B		02 No
SECOND FLOOR	COMMON ACCESSED FLAT	TYPE A	2P 1B	04 No
COMMON ACCESSED FLAT	TYPE B	3P 2B		02 No
TOTAL No OF UNITS				

SCHEDULE OF ACCOMMODATION - BLOCK 2

LOWER GROUND FLOOR	COMMON ACCESSED FLAT	TYPE A	2P 1B	02 No
COMMON ACCESSED FLAT	TYPE E	2P 1B		01 No
GROUND FLOOR	COMMON ACCESSED FLAT	TYPE A	2P 1B	02 No
COMMON ACCESSED FLAT	TYPE A	2P 1B		01 No
COMMON ACCESSED FLAT	TYPE D	2P 1B	DISABLED	01 No
COMMON ACCESSED FLAT	TYPE E	2P 1B		01 No
FIRST FLOOR	COMMON ACCESSED FLAT	TYPE A	2P 1B	02 No
COMMON ACCESSED FLAT	TYPE A	2P 1B		01 No
COMMON ACCESSED FLAT	TYPE B	3P 2B		02 No
TOTAL No OF UNITS				

notes

THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE FOLLOWING ARCHITECT'S DRAWINGS

- (S0001) SITE LOCATION PLAN
- (S0002) EXISTING SITE SURVEY
- (S0100) PROPOSED LOWER GROUND FLOOR PLAN
- (S0101) PROPOSED GROUND FLOOR PLAN
- (S0102) PROPOSED FIRST FLOOR PLAN
- (S0103) PROPOSED SECOND FLOOR PLAN
- (S0104) PROPOSED ROOF PLAN
- (S0105) PROPOSED SECTIONS
- (S0106) PROPOSED ELEVATIONS - FRONT & REAR
- (S0107) PROPOSED SIDE ELEVATIONS
- (S0108) PROPOSED ELEVATIONS
- (S0109) PROPOSED FLAT TYPES
- (S0110) PROPOSED FLAT TYPES
- (S0111) PROPOSED KITCHEN LAYOUTS
- (S0112) PROPOSED KITCHEN LAYOUTS

EXTERNAL WORK
 DENOTES EXTENT OF CONCRETE BRICK PAVING Laid HERRINGBONE FASHION
 ALL CAR PARKING BAYS TO BE IN TANKADAM WITH ROOFPABLE STANDARDS WITH BAYS DEMARKED WITH BRICKS Laid ON EDGE ALL BAYS 2.5m WIDE x 5m DEEP

WALLING & FENCING
 DENOTES 2100mm HIGH CLOSE BOARDED S/W FENCE TO B 1722 PART 5 WITH TIMBER POSTS AND RAILS
 DENOTES 1200mm HEIGHT BRICK AND GALVANISED STEEL VERTICAL RAILINGS

BIN STORES
 4x1100 LITRE BIN FOR RECYCLING WASTE
 2x1100 LITRE BIN FOR FOOD WASTE
 4x1100 LITRE BIN FOR GENERAL WASTE

BIKE STORE
 22 No LOCKABLE SECURE WALLMOUNTED BICYCLE RACKS

LANDSCAPING
 REFER TO LANDSCAPE ARCHITECT'S DRAWING TDA 2303 (S/A)

BOUNDARY TREATMENTS
 X1-X2-X3 1200mm HEIGHT BRICK AND GALVANISED STEEL VERTICAL RAILINGS
 X4-X5-X6-X7 8" STEEL VERTICAL RAILINGS
 X8-X9 X10-X11-X12 1200mm HEIGHT GALVANISED STEEL VERTICAL RAILINGS
 X13-X14 1200mm HEIGHT GALVANISED STEEL VERTICAL RAILINGS
 X15-X16 1800mm HEIGHT GALVANISED STEEL VERTICAL RAILINGS
 X17-X18-X19 2100mm HIGH CLOSE BOARDED S/W FENCE TO B 1722 PART 5 WITH TIMBER POSTS & RAILS



Proposed Ground Floor Plan

Notes

THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE FOLLOWING ARCHITECT'S DRAWINGS

Specification

Refer to the following drawings for details of construction and materials to be used in accordance with the Specification and all related technical conditions, and standards.

Proposed Ground Floor Plan (SK) 1010

Drawn: [Name]
 Checked: [Name]
 Date: 2017/1/10

Client: TAFF HOUSING ASSOCIATION
 Proposed Residential Development at Newbost Road, Old St. Mellons

davies lewelyn and jones
 Chartered Architects
 100, The Arcade, Cardiff, CF10 1AT
 Tel: 0300 004 4444 Fax: 0300 004 4445

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

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/01300/MJR** APPLICATION DATE: 19/06/2017

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: JEDS Investments Ltd.

LOCATION: FORMER EVANS HALSHAW CITROEN, 1 EAST BAY CLOSE,
ATLANTIC WHARF, CARDIFF, CF10 4BA

PROPOSAL: ERECTION OF STUDENT BLOCK TO FORM 711 NO
STUDENT ROOMS AND ANCILLARY ACCOMMODATION
PLUS LANDSCAPING AND CAR PARKING

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the following approved plans and documents:

Plans

1437-LP	Location Plan
1437-100 rev. A	Existing Site Plan
1437-101 rev. K	Proposed Site Plan
1437-102 rev. J	Proposed Site Plan
1437-102A	Proposed Site Plan (Amendment)
1437-200 rev. G	Proposed Ground & first Floor Plan
1437-201 rev. D	Proposed Second & Third Floor Plan
1437-202 rev. D	Proposed Fourth & Fifth Floor Plan
1437-203 rev. D	Proposed Sixth & Seventh Floor Plan
1437-204 rev. D	Proposed Eighth & ninth Floor Plan
1437-300 rev. D	Proposed Elevations (1)
1437-301 rev. E	Proposed Elevations (2)
1437-302 rev. C	Proposed Elevations/Sections (3)
1437-303	Existing Street Scenes
1437-304 rev. E	Proposed Street Scenes
1437-500 rev. D	Proposed Block Plan
ExA_1713_PL_001 rev. C	Hardworks Plan
ExA_1713_PL_002 rev. C	Softworks Plan

Documents

KDP Pre-Application Consultation Report dated June 2017
KDP Design & Access Statement rev. G, dated 19th April 2017
The Planning Consultancy, Planning Statement
Right of Light Consulting, Daylight and Sunlight Study dated 11 May 2017
Andrew Harker Associates BS5837 Arboricultural Report ref: Cardiff/RB/17 dated March 2017
Schedule of Accommodation ref: 1437/SRD/CW/JEC rev. C dated 19 April 2017
Aether, Air Quality Assessment Version 4 ref: AQ_assessment/2017/East_Bay_Close dated 11 May 2017
Groundsure, Enviro Insight Report ref: GS-3711918 dated 08 March 2017
Groundsure, Enviro Insight Report ref: GS-3711919 dated 08 March 2017
Groundsure, Enviro Insight Report ref: GS-3711920 dated 08 March 2017
Earth Environmental & Geotechnical, GeoEnvironmental Desk Study, Report No. A1943/13 dated March 2017
RVW Consulting, Drainage Strategy Statement, revision 01 ref: DR-Rep01 dated April 2017
Hunter Acoustics, Environmental Noise & Vibration Assessment ref: 4472/ENVA1 dated 06 April 2017
Hunter Acoustics, Noise Map and External Building Fabric Assessment ref: 4472/EBF1 dated 16th June 2017
RVW Consulting, Flood Consequences Assessment, Revision B. ref: C6622 dated 06 October 2017
ADL Traffic, Transport Statement ref: AL/LRJ/3408/11A dated May 2017
ADL Traffic, Framework Travel Plan ref: ADL/LRJ/3408/11A dated May 2017
Middlemarch Environmental, Preliminary Ecological Assessment ref: RT-MME-124930-01 dated April 2017
Middlemarch Environmental, Preliminary Bat Roost Assessment ref: RT-MME-124930-02 dated April 2017
Middlemarch Environmental, Nocturnal Emergence and Drawn Re-Entry Bat Surveys ref: RT-MNE-125589 dated September 2017.

Images

East Bay Close 001 rev. B
East bay Close 002 rev. C
East Bay Close 003 rev. B

Reason: for the avoidance of doubt.

3. No above ground superstructure works shall be commenced until samples of the external finishing materials have been submitted to and

approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the development.

4. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan

5. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) - an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

6. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors.

7. The remediation scheme as approved by the LPA must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.
9. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.
Reason: To ensure that the safety of future occupiers is not prejudiced.
10. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other

potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

11. Any site won recycled aggregate materials shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its reuse. Only material approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the existing public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the building and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

13. Unless otherwise agreed in writing with the LPA no development other than demolition and remediation works shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by the undertaking of a Hydraulic Modelling Assessment and demonstrate that the existing water supply network can suitably accommodate the proposed development site.

Thereafter, the building shall not be occupied until any necessary reinforcement works identified through the Hydraulic Modelling Assessment have been completed on the public water supply system that serves that building.

Reason: To ensure an adequate water supply and to protect the integrity of the public water supply system.

14. Prior to completion of the development a detailed acoustic assessment

of the noise environment that examines the likely internal noise levels within each habitable room shall be submitted to and approved in writing by the Local Planning Authority. The assessment will also specify the standard of mitigation required to achieve an internal noise level of 40dB(A) $L_{Aeq, 16hrs}$ during the day and 35dB(A) $L_{Aeq, 8hrs}$ at night. The acoustic assessment should be submitted to the Local Planning Authority for approval. The mitigation measures recommended by the detailed acoustic assessment shall be installed and confirmed to be operational prior to the beneficial occupation of the development.

Reason: To meet policy EN-13 i.e. to prevent unacceptable harm to health and local amenity due to noise.

15. Notwithstanding the submitted plans, prior to any above ground development, details of the facilities for refuse storage, which shall have regard to the information contained in the email to the agent dated 03 July 2017, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The facilities shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. To ensure an orderly form of development and to protect the amenities of the area.

16. Prior to the commencement of any above ground development, a revised Air Quality Assessment (AQA) is to be submitted and approved by the LPA. The revised AQA should project air quality levels at agreed sensitive receptor locations and examine the level of impact which is expected from the on-site energy plant for the proposed year of opening or if necessary a revised year. The assessment shall consider the cumulative impact expected from the on-site energy plant and the already modelled traffic emission data, examining projected levels for NO_2 and PM_{10} at the various levels of expected residency and any surrounding sensitive receptor locations. Should the assessment indicate that the development will negatively impact upon air quality of the future occupiers and any nearby sensitive receptor locations, then appropriate mitigation measures must be developed and their effectiveness assessed and be approved by the LPA prior to the development commencing.

Reason: To ensure that the development does not have a detrimental impact on the local environment and public health.

17. Prior to commencement of development, details of bird nesting boxes attached to and incorporated into the new buildings shall be submitted to and approved in writing by the Local Planning Authority. The nature and location of bird nesting boxes shall be appropriate for the following species:-

- Swift (*Apus apus*)
- Swallow (*Hirundo rustica*)

- House Martin (*Delichon urbica*)
- House Sparrow (*Passer domesticus*)

The details shall be implemented as approved.

Reason: To ensure the enhancement of nesting habitat for birds on site, in accordance with the duty upon Cardiff Council to seek to maintain and enhance biodiversity in the exercise of its functions as set out in Section 6 of the Environment (Wales) Act 2016.

18. No above-ground development shall take place until details of the undercover and secure cycle parking facilities for 240 cycles has been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

19. No part of the development hereby permitted shall be occupied until a travel/parking/traffic/resident/letting management plan to include, but not limited to, the promotion of walking, cycling, public transport and other alternatives to the ownership and use of the private car; the management of student drop-off and collection/traffic at the start and end of term; the control of vehicular access to the site and the exclusion, and control of student resident car parking within the site and surrounding area, has been submitted to and approved by the Local Planning Authority.

Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway.

20. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity.

21. No part of the development hereby permitted shall be commenced until a scheme of highway works to East Bay Close adjacent to the site has been submitted to and approval in writing by the LPA. The scheme to include the provision of an extended footway/cycleway, new vehicle entrance and closure of the existing vehicle entrance on East Bay Close along the frontage of the site; to include as required: surfacing, kerbs, edging, tactile paving, drainage, lighting, lining, signing and street furniture as may be required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented to the satisfaction of the LPA.

Reason: To provide pedestrian, cycle and vehicle facilitate for safe commodious access to the proposed development.

22. No part of the development hereby permitted shall be commenced until the details of a before and after survey, and protection method statement for Central Link flyover where it over-sails the site have been submitted to and agreed in writing with the LPA. The survey to record the condition of the flyover and supports that may be exposed to construction activity, the survey to be repeated following completion of construction; and the protection method statement to ensure that the structure is adequately protected before and during construction, and thereafter during occupation/operation of the development. The condition survey is to be submitted to the Council and construction and subsequent operation of the development to be undertaken strictly in accordance with the approved method statement.

Reason: To ensure that Central Link, the flyover and all associated structures (be they overground or underground) are appropriately protected during construction and throughout the life of the development.

23. No demolition, site preparation or development shall take place until full details of the soft landscaping specification have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A landscaping implementation programme.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and minimum 5 year post-planting aftercare methodology prepared by a qualified landscape architect.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

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

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition *,

unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area.

25. Notwithstanding the submitted plans, details of the sports and other external communal facilities indicated on plans numbered 1437-101 rev. K and 102 rev J. I shall be submitted and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. To ensure the delivery of essential facilities for future occupiers.

26. Prior to the commencement of any above ground development, details of the means of post construction site enclosure, external communal lighting and CCTV systems shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. To make appropriate provision for the safety and security of future occupiers, in the interests of crime prevention.

27. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) submitted by RVW dated October 2017 with Finished Floor levels to be set at 8.850 metres above Ordnance Datum (AOD)

Reason: To reduce flood risk to the site and its occupants.

RECOMMENDATION 2: The highway works condition and any other works to the existing public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 3 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.

- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 5: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

RECOMMENDATION 6: Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A full application for redevelopment for student accommodation (711 bedspaces), with external sports/play facilities, cycle parking and car parking provision, landscaping and rooftop terrace amenities.

The accommodation is broken down into 455no. studio rooms, 218no. cluster rooms (with ancillary communal kitchen/lounge areas), and 38 accessible rooms.

The Ground floor of the southern element includes communal facilities such as a laundry, gym, cinema, meeting rooms, refuse storage and management offices. Lift access is available in four locations.

- 1.2 The proposals are for the construction of a large, predominantly 'H' shaped block enclosing two courtyard areas either side of the central spine, with activity areas set out underneath the flyover serving the 'Central Link' road.
- 1.3 The northern element, facing the main Cardiff-London Rail line (and Tharsis Close beyond), is 10 storeys in height for a frontage of approx. 60.6m and is sited approx. 8m back from the boundary to the adjacent railway land.
- 1.4 The southern element, facing East Bay Close has a frontage of approx. 58m, and is set off the back edge of the pavement to East Bay Close by approx. 14.4m (closest point). The height is split. From the western end of this element, to the point up to and including the junction with the central spine, the height is 10 storeys. However from the junction of the spine to the eastern end it is 9 storeys, with an open rooftop terrace amenity area at tenth floor level.
- 1.5 The central spine (of the 'H' shape) separates the northern and southern elements by approx. 30.8m, is 9 storeys high and includes a further open rooftop terrace at tenth floor level.
- 1.6 There is a fourth element, which runs along the same axis as the central spine, but projects from the southern element towards East Bay Close, to a point approx. 3.5m off the back edge of the pavement. This projection has an angled frontage, following the line of the pavement, is 6 storeys in height and benefits from a large expanse of glazed curtain walling overlooking East Bay Close.
- 1.7 The facades are to be finished in a combination of grey metal rainscreen cladding, interspersed with areas of glazed curtain walling. Doors and windows are to be grey metal framed double glazing units. The facades (predominantly fronting East Bay Close) are broken up using setbacks, balconies and different window angles to assist in reducing the visual impact, especially in terms of bulk and massing.
- 1.8 Substantial external communal facilities areas comprising sports pitches, seating areas and other casual entertainment spaces are included in the

proposals. The majority of the sporting facilities are sited on land underneath the Central Link flyover, with the more casual open spaces located either side of the central spine structure, between the northern and southern elements. No details of the facilities are provided and this is the subject of a condition above, along with a requirement to implement prior to beneficial occupation and maintain.

- 1.9 The proposed development will be predominantly car free, however, there are facilities for the parking of up to 32 vehicles, with five dedicated disability bays.

Cycle parking is to be provided at the fringe of the car park area, and along the communal sports area, with a capacity for 240 cycles. No details of the stands & shelters are provided and this is the subject of a condition above.

- 1.10 The site is to be accessed via a new access road, sited closer to the junction of East Bay Close and the Tyndall Street roundabout, with the existing site entrance and crossover being extinguished. The new access arrangement includes a drop off zone, set in front of the main residential entrance.

- 1.11 Pre-application discussions have been held with Council Officers. In summary, the bulk and massing of the proposed development has been reduced from earlier iterations to reduce overlooking and overbearing impacts, particularly on the northern elevation. The height in the north western corner in particular was reduced and effectively relocated to the north eastern corner to provide a landmark local feature.

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 0.98Ha in size and is located within an area of existing employment land as identified in the LDP (EC1.22 – Land at East Bay Close). The site is currently occupied by a temporary car showroom.

- 2.2 The site is bounded to the north by the Cardiff-London Railway line, to the east by a Construction Plant Hire premises, to the south by a large electrical sub-station and to the west by the Central Link Road flyover.

- 2.3 Beyond the flyover, to the north side of Tyndall Street there are existing warehouse premises set behind two storey semi detached dwellings. To the south side of Tyndall street on the west side of the flyover are further dwellings and office accommodation ranging from 3 to 9 storeys in height.

- 2.4 Further to the east there are other low level commercial premises, including a fishmongers premises and a builders merchant warehouse & yard.

- 2.5 To the south, across East Tyndall Street and beyond the electrical sub-station there is a 3 storey Youth Hostel, sitting alongside a large vehicle showroom/workshop facility.

- 2.6 Beyond the railway line to the north there are dwellings on Tharsis Close,

comprising bungalows and 3 storey block of flats.

3. **PLANNING HISTORY**

- 3.1 11/01002/DCI – Change use from car showroom to B1/B2/B8 with external changes – Approved

16/02064/MNR – new 6 car temporary showroom with customer and office facilities – Approved – use to cease on/before 21 Oct 2019.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, 2016 favours the sustainable re-use of previously developed land.

- 4.2 The following Technical Advice Notes (TANs) are relevant:

- TAN 12: Design

- 4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- C1 Community Facilities
- C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
- EC1 Existing Employment Land
- EC3 Alternative Use of Employment Land and Premises
- EN12 Renewable Energy and Low Carbon Technologies
- T1 Walking and Cycling
- T5 Managing Transport Impacts

- 4.4 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:

- Safeguarding Land for Business and Industry SPG (June 2006)
- Tall Buildings (2009)
- Open Space (2008)
- Community Facilities and Residential Development (2007)
- Access, Circulation and Parking Requirements (2010)
- Infill Sites (2011)

- 4.4 In addition to the above, the following new Supplementary Planning Guidance is also relevant:

- Locating Waste Management Facilities Jan. 2017
- Planning Obligations Jan. 2017

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager Transportation has no objection to the proposals, subject to conditions and a financial contribution of **£150,000**, making the following comments:

The adopted Access, Circulation and Parking Standards SPG confirms that up to one car parking space per 25 beds may be provided for operational use, to include disabled parking provision, and that there is no requirement for on-site resident car parking for the sui generis use of student accommodation. In addition, established practice is that one cycle parking space be provided per two beds for the proposed type of development, albeit that an initial relaxation of this requirement to one cycle space per three beds has been agreed, subject to the demand for cycle parking being reviewed via the Travel Plan and provision being increased as required by review.

Being mindful of the location of the site and nature of the proposed development, I am satisfied that the proposed is compliant with adopted parking policy as submitted; with limited on-site operational/servicing vehicle parking only and the provision of resident cycle parking as required by proposed condition. Active travel and specifically demand for cycle parking will also be monitored as part of the conditioned Travel Plan and, in addition to any other measures, provision of cycle parking enhanced as may be required to respond to any identified shortfall.

With reference to the location and wider development considerations, it is noted that the site is in a city centre fringe location within a reasonable walking/cycling distance of employment, leisure, shopping, etc. opportunities, as well as university campus/facilities, to the north of the rail line. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car, having access to bus based public transport services on Tyndall Street and Schooner Way; local and national rail services at Queen Street and Central train stations; and continuous footways/Cardiff's cycle network. Subject to my further comments below, the site is therefore considered to be reasonably sustainably located in transport terms and therefore in this context appropriate for the proposed type of development.

It is nonetheless noted that the introduction of circa 700 residents who will be wholly reliant on walking, cycling and public transport for daily journeys will put a not insignificant amount of additional non-motorised traffic onto the adjacent footways, cycleways and crossings in the vicinity of the site and along routes to the above mentioned facilities. In respect of which (walking/cycling) it is noted the applicant has offered by way of a S106 undertaking, to make a financial contribution totalling £30,000 towards:-

- The provision of a controlled crossing on Ellen Street, £29,000; and

- *Cycle lane lining on Tyndall Street, west side of the Central Link roundabout, £1,000.*

The above combined contribution is however considered insufficient to either complete the schemes to which they relate or mitigate the anticipated additional pedestrian and cycle traffic that the proposed development will generate.

In respect of the provision of controlled crossing facilities on Ellen Street, an indicative lump sum cost estimate of £29,000 has been suggested to the Council by the applicant's Transport Consultant. However we have not been provided with a design or breakdown of what is included in the indicative cost, and understand it does not take account of detailed design, procurement, traffic management, project management/supervision, etc. In contrast, our experience is that a crossing scheme of the kind we understand to be envisaged would typically cost in excess of twice the offered contribution of £29,000 to actually deliver.

Notwithstanding the above, in its response to the pre-application and in subsequent correspondence with the applicant, the Council confirmed that it viewed securing enhanced pedestrian connectivity to the City Centre/University Buildings as critical to making the proposed development acceptable. This improved connectivity initially focused on a route to the south of the rail line, however improvements to the junction of Tyndall Street/Ellen Street/Schooner Way, as shown in principle on the attached Aecom drawing M001.121-005, were also identified in the transportation comments. In the absence of proposals to provide a dedicated pedestrian/cycle route to the south of the rail line, a S106 contribution of £150,000 is sought towards the cost of the improvements identified of the attached Aecom drawing and/or other pedestrian and cycle improvements to the route between the site and Smart Way/Smart Bridge as may be agreed.

A new vehicular access and extended footway/cycleway on East Bay Close to link with Tyndall Street is also proposed to serve the development. The footway/cycleway will extend along the frontage of the site to provide a continuous pedestrian access to the proposed development. These works will be completed under a Highways Act 1980 Section 278 Agreement and are subject to proposed condition.

I am also satisfied, subject to agreement of the conditioned Traffic Management Plan, that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of students at the start and end term, and any daily servicing requirements of the proposed development. The Traffic Management plan will also assist with the control of student car parking within the site and surrounding area.

- 5.2 The Pollution Control Manager (Noise & Air) notes the submitted Acoustic Report. However it is considered that further Noise Assessment is required, with details of any mitigation measures necessary. In this case, condition 14 is recommended.

- 5.3 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contaminated land issues, with further contaminated land advice.
- 5.4 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.5 The Air Quality Manager has no objection, subject to a condition requiring the submission of a revised Air Quality Assessment.
- 5.6 The Regeneration Manager has no objection, making the following comments:

Request for Community Facilities

The Cardiff Planning Obligations SPG 2017 (Section 8 – Community Facilities) states that ‘Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

The provision of new facilities,
 The extension to, or upgrading of existing facilities’.

If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.

The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

No. of bedrooms	Number of Dwellings	Contribution per dwelling	Totals
1		£720.51	£0.00
2		£997.63	£0.00
3		£1,385.60	£0.00
4		£1,718.14	£0.00
5+		£2,106.11	£0.00
Where number of bedrooms unknown		£1,291.38	£0.00
Single Student Bedroom	711	£554.24	£394,064.64
TOTALS:	711		£394,064.64

In summary, the following contribution is sought from the developer:

£394,064.64

Community Infrastructure Levy (CIL)

CIL Regulation 122(2) provides:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

Comments in respect of the request for contributions towards community facilities are as follows:

(a) Necessary to make the development acceptable in planning terms:

The Cardiff Planning Obligations SPG was formally adopted by Council on 26th January 2017. The SPG was adopted to help to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) supports the provision of community facilities as part of new residential developments.

It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states “Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable”. A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.

(b) Directly related to the development

Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities:

(c) Fairly and reasonably related in scale and kind to the proposed development

Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population.

5.7 The Parks Manager has no objection, making the following comments:

Design Comments

The development is located some distance from existing public open space, the nearest being Craiglee Drive Open Space. Two small open spaces (Tharsis Close and Adamscroft) are located the opposite side of the railway line. There may also be some limited public realm nearby as part of the Capital Quarter development.

Therefore I welcome the recreational area proposed for site, which is essential given the location and size of the development. The main recreational area containing a MUGA, table tennis table, table football and fitness area lies under the link road I have no objection to this as a location as it provides a positive use in an otherwise dead space and has been used elsewhere. On the pre-application design there was concern about the proximity of the MUGA to nearby bedrooms, but this has been overcome in the current design.

I'm unsure if the recreational area includes proposals for lighting, which would allow much more extensive use. Given the very shaded nature of the area and inclusion of seating some form of low level lighting during the day may have benefit, although without visiting the site to assess light levels it's difficult to determine whether this is required.

I presume access for essential repair works to the link road structure has been taken into consideration in the design. An inspection and maintenance regime in line with RoSPA guidelines will be required for the MUGA and fitness equipment to ensure these remain in a safe condition.

The presence of two reasonable sized courtyards is also welcome. A sun shade analysis of these two areas to ascertain how much sunlight they receive would have been useful. Given the link road structure on one side, and buildings on the remaining three sides, noise and shading will undoubtedly be an issue with the largest courtyard but again impact on this as a recreational space is difficult to ascertain.

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **711**.

This would generate an open space requirement of **0.91 ha** of on-site open space based on the criteria set for **Student accommodation**, or an off-site contribution of £388,581.

A number of areas of well-equipped recreational space (courtyards and formal recreation area including the green buffer strip beyond the link road) are being provided on site to service the student population, albeit not formally public open space for external users as well. Therefore I have measured these areas based on the drawings submitted at approximately 3332m² or 0.3332 hectares of recreational open space being provided on site. This has been deducted pro rata from the POS requirement, leaving the remaining amount of 0.5768 hectares. This would result in a remaining off-site contribution of **£246,279**. I enclose a copy of the calculation.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

Notes relating to provision for student housing

The calculation for student accommodation applies a lower rate compared to the full amount required for general purpose housing. This takes into account omission of the play provision element which is not applicable and the resident's accessibility to student sports facilities

However students will still regularly use public open spaces and sporting facilities within Parks, and therefore the off-site contribution relates to increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities.

In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.

Consultation would take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage.

- 5.8 The Economic Development Manager has no objection, making the following comments:

Given the location of the site (within protected employment area in LDP) and above 1,000m² we would look for **£16,272** for loss of employment land from the developer in line with recently agreed S106 SPG.

- 5.9 The Council's Trees Officer has no objection, subject to the imposition of conditions relating to the submission and approval of further soft landscape details, and ongoing maintenance.

5.10 The Council's Ecologist has no objection, making the following comments:

I note from the Preliminary Bat Roost Assessment (revised April 2017) submitted in support of this application that no bats were found in the buildings on this site nor was there any bat roost potential in the buildings or trees on the site. I support these conclusions.

I note in their response of 5th June 2017 that NRW have requested a bat survey of the flyover bridge adjacent to this site. Whilst I do not necessarily support this request, if a report into such a survey is submitted then I would be happy to consider it and provide comment if requested.

Bridge structures can support bat roosts, and indeed we have two bridge SINC's – The Leckwith Woods Viaduct and the Cogan Spur Viaduct – both of which support Lesser Horseshoe Bats. However, what these bridges have in common is a box-girder structure with a large central void, and close proximity to bat feeding habitats such as the River Ely and Leckwith Woods. In the case of the bridge adjacent to the present site, there is no such central void nor are there suitable feeding habitats in close proximity. There may be crevices in between the concrete structures which make up the bridge which bats could inhabit, but considering the surrounding environment I would be surprised if a survey reveals any bat roosts.

I do not support the statements in sections 6.2 and 7.1 of the Preliminary Ecological Appraisal (PEA) that the Severn Estuary SAC, SPA and Ramsar site may be indirectly affected by the proposed development. At about 1760 metres away, the foreshore of the Severn Estuary is unlikely to see an increase in recreation caused by this development, beyond that resulting from an already growing city, and there is no scope for direct disturbance to the estuary's wildlife or habitats. Furthermore, issues of increased recreation were considered in the Habitats Regulations Appraisal of the LDP, and found to be unlikely to have a significant effect on the Severn Estuary or any of the other international designations in the region. These conclusions were accepted by NRW, and NRW have not raised concern at the impact of the present scheme upon the Severn Estuary designations.

The PEA did not highlight any other significant nature conservation concerns, but I do support the recommendations R3 to R7 inclusive, as set out in sections 7.2 and 7.3. In relation to the recommendation in R3 to provide nest boxes for '*species such as house sparrow*' I would prefer that nest boxes for priority species in Cardiff such as Swift, Swallow and House Martin are deployed. Generic nest boxes for these species are commercially available and can be incorporated into the structure of the new building at minimal cost. The applicants' ecologist can provide advice on an appropriate level and location of bird nest box provision.

In light of these comments, condition 17 is recommended.

5.11 The Neighbourhood Regeneration Manager (Access) has been consulted and

no comments have been received.

- 5.12 The Housing Strategy Manager advises that as the development is wholly for student accommodation, no affordable housing contribution is required.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water have no objection subject to a potable water and standard drainage details conditions.
- 6.2 Network Rail have no objection. They have provided advice in respect of development impacting on Railway land that has been passed to the agent.
- 6.3 South Wales Police have no objection. Further advice in respect of crime prevention has been provided and has been passed to the agent.
- 6.4 Natural Resources Wales have no objection to the proposals in light of the amended Flood Consequences Assessment submitted. However, they have requested a condition that requires the development to be implemented in accordance with that FCA and having a specified ground floor level (condition 28 above).

7. **REPRESENTATIONS**

- 7.1 Local Members have been consulted and any comments received will be reported to Committee.
- 7.2 Adjacent occupiers were notified and the occupier of an adjacent site (Ashstead Plant Hire Co.) makes the following comments:

“Traffic is already horrendous on east bay close, with all extra cars and residents, will be impossible to park and worried about people parking on my property, so unless there is plans to change road infrastructure, this could be a disaster, also worried about security of kit (7 million pounds of kit)”

- 7.3 The occupier of 4 Hope Terrace, Splott, has emailed comments to Councillor Ed Stubbs, who in turn forwarded them to the Chair of Planning Committee. They comment that:
- The proposed building is out of keeping with the local community (2-3 storey housing);
 - The proposed car and cycle parking is insufficient, there is limited public transport, and there is concern that there will be overspill parking in nearby Splott;
 - While Councillor Thomas hopes this proposal will help regenerate the area, they feel that the students will not use facilities in Splott given the benefits they have on site;
 - Any S106 money should be used “for the benefit of the local community and to integrate students into that community.”
 - With several existing student developments and a reduction in student

- registrations, are there alternatives for any surplus accommodation;
- Will local residents be able to use the on site sports facilities proposed;
- Cllr Thomas notes existing anti-social behaviour in the area and there are concerns that the proposals will exacerbate this;
- While there is a need to regenerate the area, and quality student accommodation would ease the issues of HMO's in Cathays & other areas, the proposal is in the wrong place and too large.

7.4 The application was publicised as a Major development by way of site and press notice. No comments have been received.

8. **ANALYSIS**

8.1 The application site is identified as existing employment land as defined by the LDP Proposal Map. The proposal is located within the EC1.22 Land at East Bay Close which is a locally protected employment site.

8.2 The application site is located on existing employment land as defined by the Adopted Cardiff Local Development Plan proposals map. The application should therefore be assessed against Policy EC1 and Policy EC3. This policy framework aims to protect existing employment sites for 'B' Use Classes to ensure that a range and choice of employment land and premises are available across the city to assist economic competitiveness, encourage entrepreneurship and promote the growth of indigenous business. Policy EC3 identifies a range of criteria against which applications for the alternative use of business and industrial land will be assessed.

The application site is currently used as a temporary car showroom.

From a detailed review of the evidence submitted, there is a need to carefully consider the following criterion of the Policy *EC3: Alternative Use of Employment Land and Premises*

- *There is no need to retain the land or premises for business, industrial or warehousing use, having regard to the demand for such land and premises and the requirement to provide for a range and choice of sites available for such use*
- *There is no realistic prospect of employment use on the site and/or the property is physically unsuitable for employment use, even after adaptation/refurbishment or redevelopment;*

The evidence presented and discussed with colleagues in Economic Development have been carefully considered.

Evidence that there is no need to retain the premises for employment premises, has been presented in relation to detailed long term marketing evidence, expressions of interest and market reasons why the unit is not suitable.

The property has been marketed, available either leasehold or potentially freehold, since 2009.

Despite this long term vacancy it is considered that the site still remains well located for industrial/warehouse use.

- 8.3 The constraints on some existing employment sites may be of such a scale that the provision of any new employment uses on the site may be proven to be unviable at that point in time. Irrespective of this, the County's employment land is a finite resource and once it is lost it is highly unlikely to ever return to that use. In addition, the economics of development can change over time and although the retention of employment uses on the site may not be economically viable at this time, it is not to say that it could not become a viable proposition in the future. As such the loss of the site would still represent a depletion of the County's economic resource in a location that is considered to be acceptable for economic development uses in land use terms.

Where a developer is able to demonstrate that a current employment has no prospects for continued use, or for a mixed use development that retains a significant element of Class B use on site, under the prevailing economic conditions, the Council will give consideration to other uses (subject to other LDP policies) on the condition that the developer provides compensation for the economic harm arising from the loss of the site to non-employment uses.. This compensation should take the form of a financial contribution secured via a Section 106 Agreement

- 8.4 Assessed against the relevant policy framework and taking account of the above considerations, and the advice received from the Economic Development Manager, the application does not raise land use policy concerns.
- 8.5 Whilst it is acknowledged that the proposed building is very large, this is taken in context of the setting, with the elevated highway dominating the western side of the site and the commercial environment to the east. In addition, it is also of note that the topography of the area see the ground level rising when travelling eastward.
- 8.6 In addition to the above, the scale and massing of the proposals when viewed from the raised level of East Tyndall Street to the east is such that it would be viewed against the backdrop of the City Centre. In this case, it is considered that this would not result in any significant harm to the street scene.
- 8.7 It is considered that the architectural treatment performs well in breaking up the mass of the building and creating enough interest and varying views. To the street the scale is reduced, before stepping up towards the railway line, where the scheme has less impact. Elements of the building project forward of the main building facade creating variety and emphasis. The pattern of fenestration establishes a classical disposition of solid and void, and is well composed. Blank elevations are reasonably positioned to reduce impact, and

do not impact on communal spaces.

- 8.8 The materials as indicated are considered to be acceptable in principle, and the submitted illustrations appear to demonstrate that the mix offers a good level of interest. However given the mass of the building, its material finish is considered to be of significant importance and therefore a condition requiring the submission and approval of materials samples is recommended.
- 8.9 The scheme benefits from a range of on site community facilities and a significant element of outdoor amenity space and this is reflected in reduced S106 POS financial contributions.
- 8.9 The wider off-site public realm works that will be brought forward as part of the development proposals to facilitate movement between the application site and the neighbouring Howard Gardens development and the city centre will be required as part of the Section 106 legal agreement.
- 8.10 With regard to the comments made by the adjacent occupier, the proposals have been considered by the Transportation Manager, who has no objection subject to conditions. The comments regarding security area noted. Notwithstanding that there is no evidence that the development will compromise the existing level of security to the adjacent site (it could be held that the intensification of use on the application site would actually increase security through passive surveillance), details of means of enclosure to the development site, external lighting and CCTV facilities are conditioned above.
- 8.11 The buildings to be demolished are not listed (and not locally listed) and the site is not in a conservation area.

9. **OTHER CONSIDERATIONS**

- 9.1 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.2 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 9.3 *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.

10. **PLANNING OBLIGATIONS**

10.1 The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Parks – A contribution of £246,279 is requested towards the maintenance/provision of open space in the vicinity of the site.

Regeneration – A contribution of £394,064.64 is requested towards the provision/maintenance of community facilities in the vicinity of the site.

Transportation – A contribution of £150,000 is requested, towards the improvement of the Tyndall St/Ellen St/Schooner Way junction.

Economic Development – A contribution of £16,272 is requested to offset the loss of existing employment land

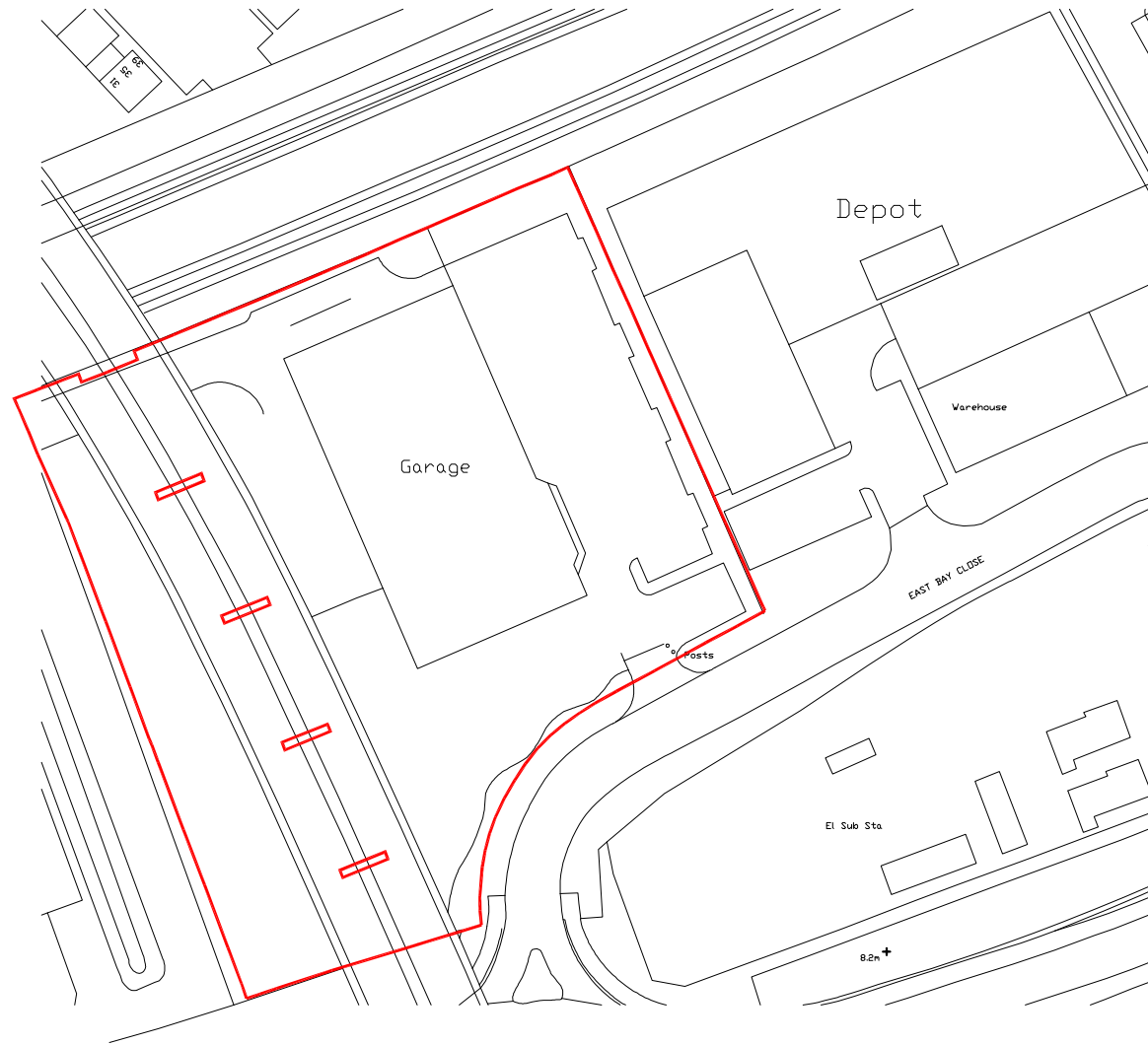
In addition to the above, it is recommended that future occupancy by students only is secured through any legal agreement made.

The agent has confirmed that the above mentioned contributions are acceptable to the applicant.

11. **CONCLUSION**

11.1 The proposals will redevelop a brownfield site and provide a significant quantum of purpose-built student housing in a location that is consistent with other development sites nearby. The quality of the layout and design is considered to enhance the appearance and amenity of the area.

In light of the above, and having regard for adopted planning policy guidance, it is recommended that planning permission be granted, subject to conditions and a Legal Agreement.

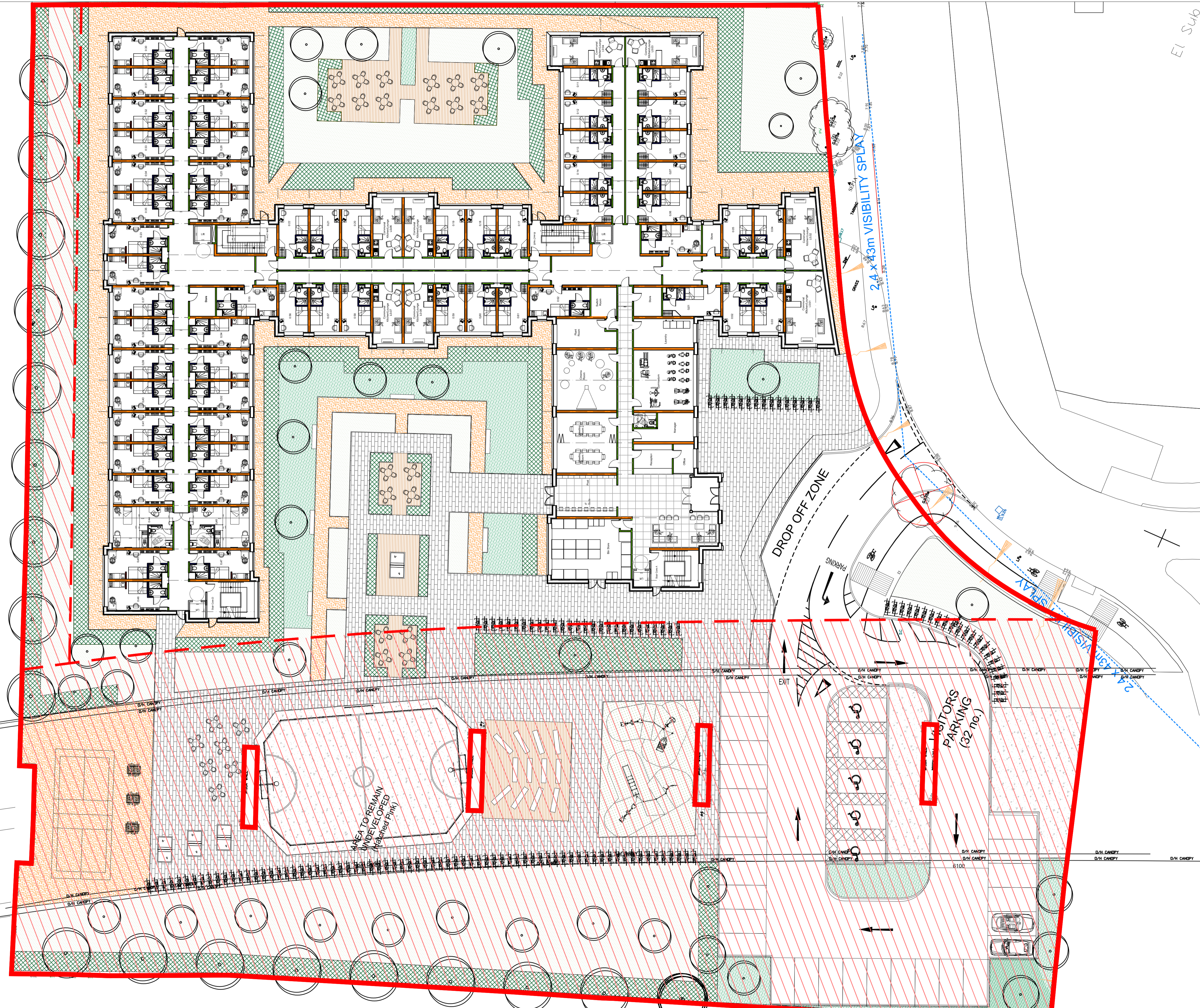


Location Plan Scale 1:1250

All dimensions to be checked on site. Figured dimensions to be read in preference to scaled. KDP accepts no responsibility for any unauthorised amendments to the drawing and does not permit unauthorised copying of the drawing. This drawing is copyright and remains the property of KDP unless otherwise agreed.

Revisions			Ink	Check
Rev	Date	Description		

KDP ARCHITECTS	THE KEITH DAVIDSON PARTNERSHIP <small>CHARTERED ARCHITECTS - PROJECT MANAGEMENT - 3D VISUALISATION</small>		Planning								
	13 Seymour Terrace Seymour Street Liverpool L3 5PE		Client -	Job number 1437							
	Telephone: +44 (0) 151 709 1777 Facsimile: +44 (0) 151 708 9998		Job title Eastbay Close, Cardiff CF104BA	Drawing number LP							
	Email: info@kdparchitects.com Website: www.kdparchitects.com		Drawing title Location Plan	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Scale</td> <td>Drawn</td> <td>Checked</td> <td>Date</td> </tr> <tr> <td>1:1250@ACW</td> <td>ACW</td> <td>SRD</td> <td>22.08.16</td> </tr> </table>	Scale	Drawn	Checked	Date	1:1250@ACW	ACW	SRD
Scale	Drawn	Checked	Date								
1:1250@ACW	ACW	SRD	22.08.16								



El Sub

2.4 x 43m VISIBILITY SPY

DROP OFF ZONE

VISITORS PARKING (32 No.)

AREA TO REMAIN UNDEVELOPED (Hatched Pink)

Proposed Site Plan
Scale 1:200



All dimensions to be checked on site. Figured dimensions to be read in preference to scaled. KDP accepts no responsibility for any unauthorised amendments to the drawing and does not permit unauthorised copying of the drawing. This drawing is copyright and remains the property of KDP unless otherwise agreed.

Rev	Date	Description	Int.	Check
A	21.03.17	SCHEME REVISED	CW	SRD
B	19.04.17	Scheme Revised following comments from LPA	KH	SRD
C	22.04.17	Landscaping Amended	KH	SRD
D	22.04.17	Additional cycle spaces added	KH	SRD
E	24.04.17	Amendments to Car Park	KH	SRD
F	24.04.17	Bin Store Amended	KH	SRD
G	26.04.17	Landscaping amended	KH	SRD
H	05.05.17	Cycle Spaces amended	CW	SRD
I	11.05.17	Landscaping amended	CW	SRD
J	19.09.17	Scheme amended	CW	SRD

Revisions	Revisions	Revisions	Revisions	
Rev	Date	Description	Int.	Check

Revisions	Revisions	Revisions	Revisions	
Rev	Date	Description	Int.	Check

Revisions	Revisions	Revisions	Revisions	
Rev	Date	Description	Int.	Check

Revisions	Revisions	Revisions	Revisions	
Rev	Date	Description	Int.	Check

KDP
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Drawing title
Proposed Site Plan

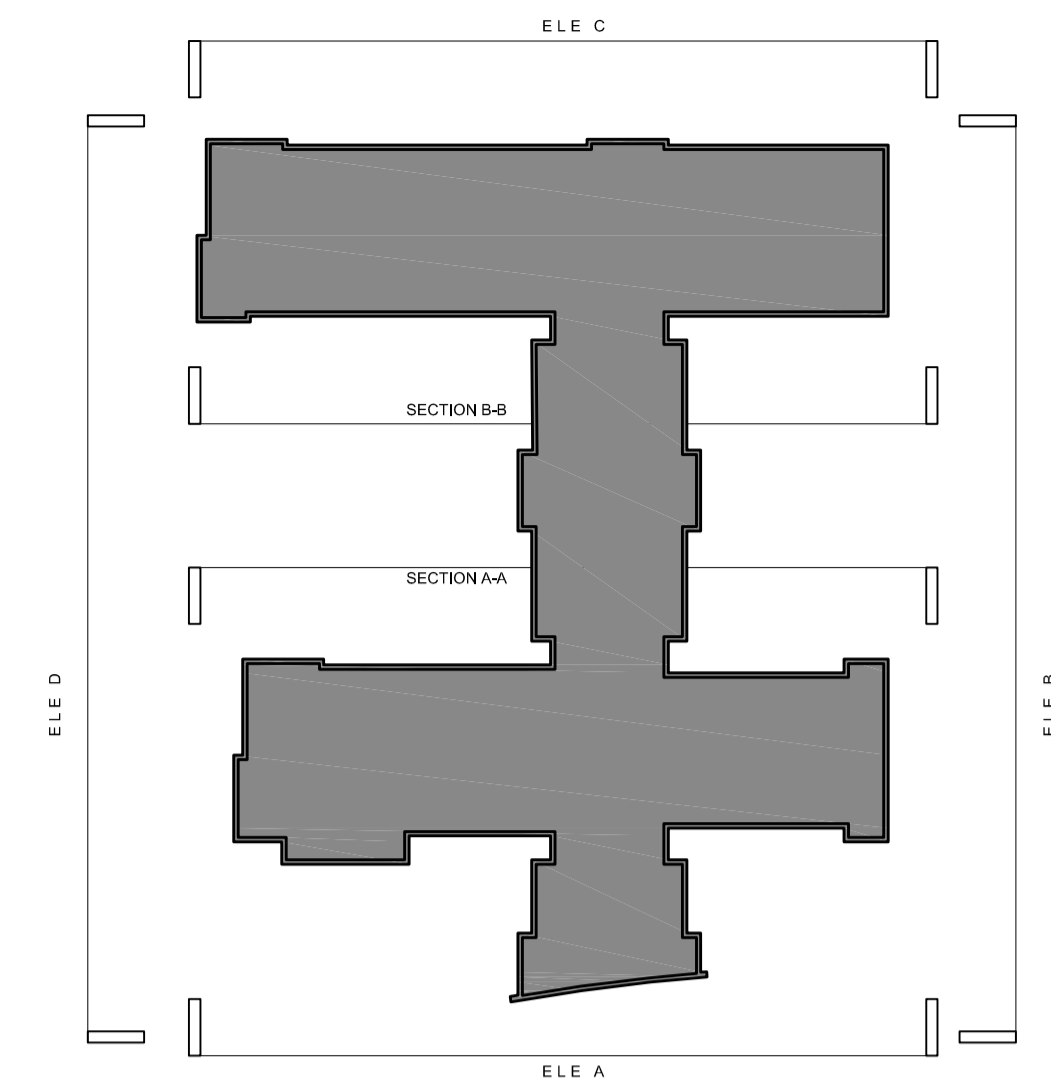
Planning

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Drawing number
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Drawn
CW
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SRD
Date
20.08.16

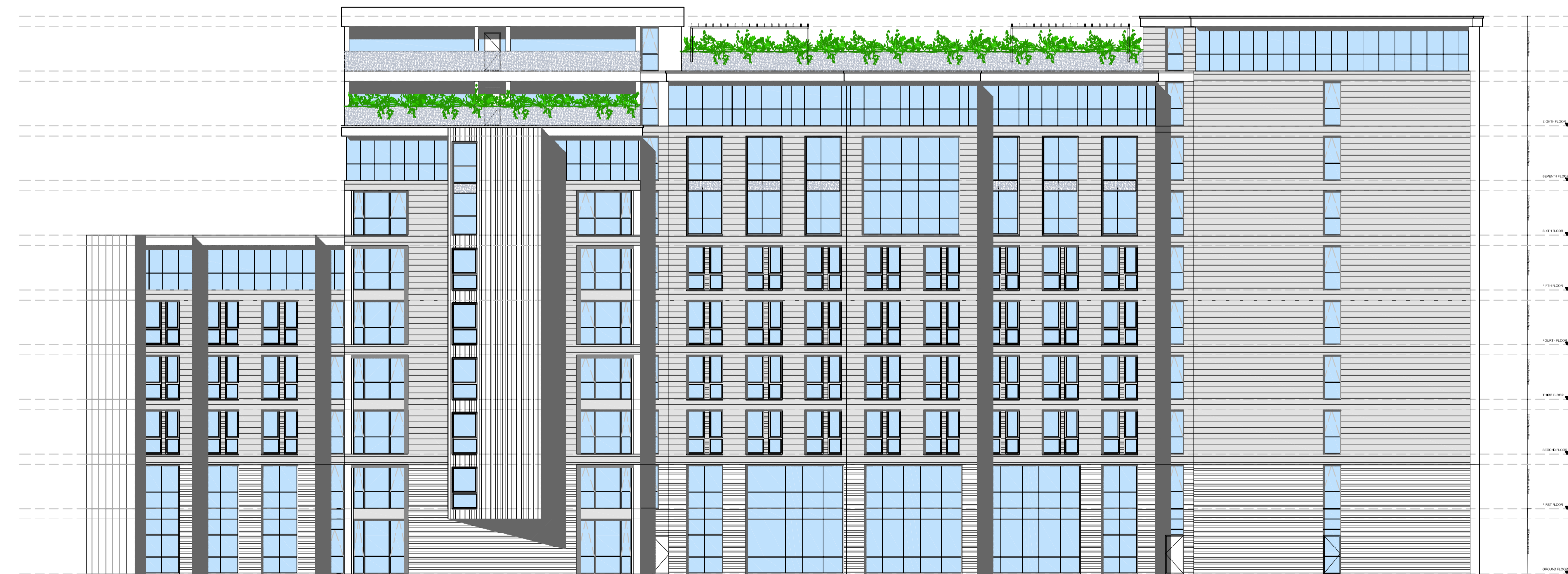
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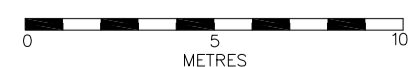
Proposed Front Elevation (ELE A)
Scale 1:200



Key Plan Scale NTS



Proposed Side Elevation (ELE B)
Scale 1:200



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Rev	Date	Description	Init.	Check	Rev	Date	Description	Init.	Check	Rev	Date	Description	Init.	Check	Rev	Date	Description	Init.	Check	
A	06.03.17	SCHEME REVISED	CW	SRD																
B	21.03.17	SCHEME REVISED	CW	SRD																
C	19.04.17	Scheme Revised following comments from LPA	KH	SRD																
D	19.09.17	Scheme amended	CW	SRD																

Revisions				Revisions				Revisions				Revisions								
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Client
Job title
Eastbay Close, Cardiff
CF104BA

Drawing title
Proposed Elevations (1)

Planning

Job number
1437

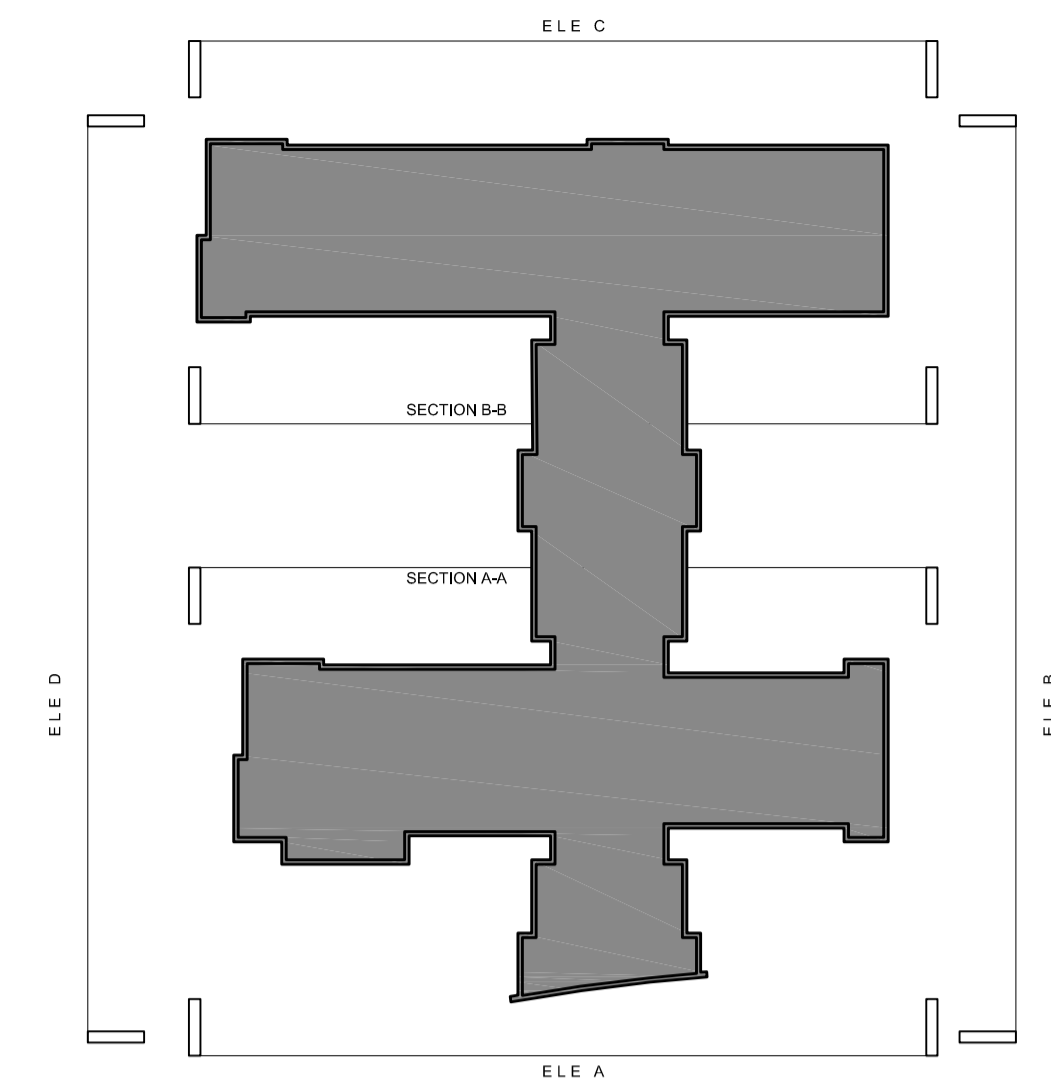
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SRD
Date
20.06.16

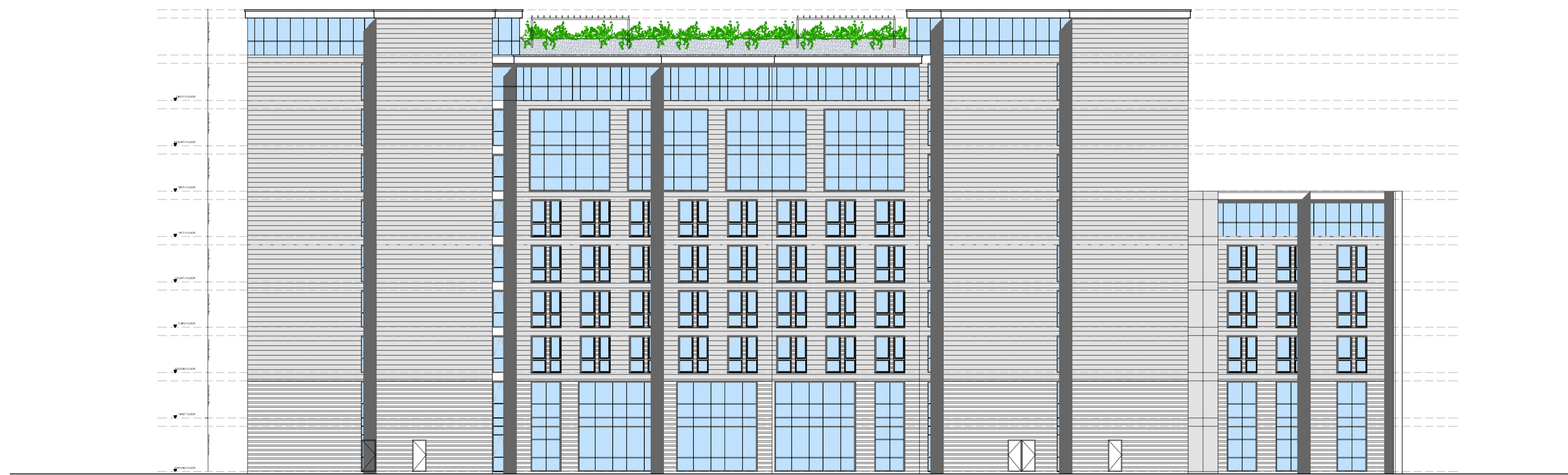
Revision
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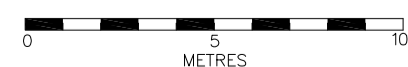
Proposed Rear Elevation (ELE C)
Scale 1:200



Key Plan Scale NTS



Proposed Side Elevation (ELE D)
Scale 1:200



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Revisions				Revisions				Revisions				Revisions				Revisions			
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A	06.03.17	SCHEME REVISED	CW	SRD															
B	21.03.17	SCHEME REVISED	CW	SRD															
C	19.04.17	Scheme Revised following comments from LPA	KH	SRD															
D	26.04.17	Double Door added to Bin Store	KH	SRD															
E	19.09.17	Scheme amended	CW	SRD															

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Eastbay Close, Cardiff
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Drawing title
Proposed Elevations (2)

Planning

Job number
1437

Drawing number

301

Scale	Drawn	Checked	Date
1:200@A1	CW	SRD	20.06.16

Revision
E

COMMITTEE DATE: 8/11/2017

APPLICATION No. **17/1906/MJR**

APPLICATION DATE: 4/8/2017

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: LEOM LLP

LOCATION: Custom House and former York Hotel, Custom House Street, City Centre, Cardiff.

PROPOSAL: REDEVELOPMENT OF THE SITE TO PROVIDE A 248 BED HOTEL (CLASS C1) AND ANCILLARY RESTAURANT (CLASS A3) INCLUDING PARTIAL DEMOLITION OF THE CUSTOM HOUSE, RETENTION AND RESTORATION OF THE CUSTOM HOUSE FAÇADE, DEMOLITION OF THE FORMER YORK HOTEL, AND ASSOCIATED ACCESS, PARKING AND ANCILLARY WORKS.

RECOMMENDATION 1: That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the application plans numbered:
 - Existing location plan A-90-101-C
 - Proposed site plan A-00-001-D
 - Ground floor plan A-00-010-D
 - Mezzanine floor plan A-00-011-D
 - First floor plan A-00-012-D
 - Second floor plan A-00-013-D
 - Third floor plan A-00-014-D
 - Fourth floor plan A-00-015-D
 - Fifth floor plan A-00-016-D
 - Sixth floor plan A-00-017-D
 - Seventh floor plan A-00-018-D
 - Eighth floor plan A-00-019-D
 - Ninth floor plan A-00-020-D
 - Tenth floor plan A-00-021-D
 - Eleventh floor plan A-00-022-D
 - Twelfth floor plan A-00-023-D
 - Thirteenth floor plan A-00-024-D
 - Fourteenth plan A-00-025-D

- Fifteenth floor plan A-00-026-D
- Sixteenth floor plan A-00-027-D
- Seventeenth floor plan A-00-028-D
- Plant room floor plan A-00-029-D
- Roof plan A-00-030-D
- North elevation A-00-200-D
- South elevation A-00-201-D
- East elevation A-00-202-D
- West elevation A-00-203-D
- Section AA A-00-204-D
- Section BB A-00-205-D
- Section CC A-00-206-D
- Section DD A-00-207-D

Reason: For the avoidance of doubt.

3. Any A3 use shall be restricted to café/ restaurant type uses where the primary function is the sale and consumption of food within the premises, and for no other A3 Use Class unless otherwise agreed in writing by the LPA. Reason: To ensure the amenity of future occupiers and occupiers of other premises in the vicinity are protected.
4. *Samples of Materials:* No above ground development shall take place until a representative sample panel of the external cladding has been approved in writing by the LPA. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the building.
5. *Architectural detailing:* No above ground development shall take place until a scheme showing the architectural detailing of the main elevations of the building has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the building.
6. *Ground gas protection:* Prior to the occupation of the development and following completion of the monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required then no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
7. *Contaminated land measures – assessment:* Prior to the construction phase of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local

Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study; an assessment of the potential risks to human health, ground waters and surface waters, adjoining land, property (existing or proposed), and any other receptors identified through investigation, and an appraisal of remedial options, and justification for the preferred remedial option(s). Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.

8. *Contaminated land measures – remediation & verification plan:* Prior to the construction phase of the development, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
9. *Contaminated land measures - remediation & verification:* The approved remediation scheme must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
10. *Contaminated land measures – unforeseen contamination:* In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to

and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.

11. *Imported soil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
12. *Imported aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
13. *Use of site won materials:* Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff LDP.
14. *Drainage scheme:* No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate how the site will be effectively drained and the means of disposal of surface water, and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development. If it is proved that surface water can only communicate with the public sewer then this flow shall only

connect to a public surface water sewer at a rate not exceeding 9 l/s. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

15. *Railway Traffic Noise:* All habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –
 - (i) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons / square metre and not less than 31 litres per second against a back pressure of 30 newtons / square metre, to
 - (ii) a lower rate of between 10 and 17 litres per second against zero back pressure.No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field]. Reason: To ensure that the amenities of future occupiers are protected.
16. F7G Railway Vibration
17. *Restaurant opening hours:* No member of the public shall be admitted to or allowed to remain on the premises of the ground floor restaurant between the hours of 12:00 midnight and 06:00 on any day. Reason: To ensure the amenity of future occupiers and occupiers of other premises in the vicinity are protected.
18. *Plant noise:* The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with the current British Standard 4142. Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
19. *Visitor cycle parking:* Prior to beneficial occupation details showing the provision of visitor cycle parking shall be submitted to and approved in writing by the LPA and implemented in accordance with the approved details. Reason: To ensure that adequate provision is made for the secure parking of cycles.
20. *Travel Plan:* No part of the development hereby permitted shall be occupied until a travel plan to include, but not limited to, the promotion of public

transport and other sustainable alternatives to the private car and the details of an identified Travel Plan coordinator have been submitted to and approved in writing by the Local Planning Authority. Reason: in the interest of highway safety, sustainable transport and to regulate the impact of the development on use of the adjacent highway

21. *Construction Management Plan:* No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required but not limited to, details of site/compound, details of highway/footway closures, site hoardings and access/egress, noise and dust suppression measures, and working hours etc. Construction of the development shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity.
22. *Service layby works:* No above-ground works shall be commenced until the details of a scheme to provide the proposed, extended bus and loading layby has been submitted to and approval in writing by the LPA. The scheme to include the extension of the existing laybys on both sides of the car park access, including re-kerbing and reinstatement/resurfacing in block to match the existing layby to the east; to include surfacing, kerbs, edging, drainage, lighting, lining, signing, street furniture, Traffic Orders and relocation of the bus shelter and public art as required as a consequence of the scheme. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site or at such other time as may be agreed in writing with the LPA. Reason: To provide the proposed loading bay to facilitate safe commodious access to and use of the proposed development.
23. *Waste Strategy:* Details of the strategy for dealing with the storage, recycling and collection of waste shall be submitted to and approved by the Local Planning Authority and the scheme shall be constructed in accordance with the approved details prior to the development being put into beneficial use. Reason: To ensure that the amenities of the area are protected.
24. *Former York Hotel:* No part of the development hereby permitted shall be commenced until an appropriate photographic record of the existing exterior of the former York Hotel, undertaken in accordance with Historic England's 'Understanding Historic Buildings: A Guide to Good Recording Practice' (2016), has been carried out in accordance with a previously submitted Written Scheme of Investigation approved in writing by the LPA. Reason: As the building is an element of the setting of the former Custom House (grade II listed building) and the St Mary Conservation Area, records are required to mitigate the impact arising from its demolition.
25. *Desk Based Wind Assessment :* Within 6 months of commencement a desk based wind assessment, shall be submitted to the Local Planning Authority. Details of any mitigation measures that may be required shall be subject to approval by the Local Planning Authority and implemented in accordance with the approved details prior to occupation.

Reason : To ensure the comfort of pedestrians using adjacent footways.

RECOMMENDATION 2: The highway works condition and any other works to the existing public highway (to be undertaken by the developer) are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 3: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for the development of a 19 storey hotel (Class C1 / 10,462sqm) with 630sqm of ground floor restaurant (Class A3) floor space. The proposal includes the demolition of the former York Hotel (vacant) and the partial demolition of the Custom House building (vacant), with the retention of its 1845 façade to Customhouse Street and St Mary Street.
- 1.2 The hotel is located to the back of the site and cranked on its long elevation and is 61m tall. The main entrance to the hotel and the ground floor restaurant is from Customhouse Street in the location currently occupied by the 1985 extension to the Custom House which will be demolished. The new building will be located approximately 1.2m closer to the OU building and will extend further back into the site than the existing building. The upper levels (1st to 18th floors) cantilever 1.8m over the ground floor on the east elevation.
- 1.3 The original Custom House will accommodate the double height restaurant with kitchen and seating on the ground floor and a plant area on a new mezzanine floor. The York Hotel frontage will be demolished and replaced by a full height glazed curtain wall providing views into the kitchen area of the restaurant.
- 1.4 The palette of building materials is limited to a dark-coloured diagonally-laid and profiled metal cladding, and glazing arranged in a highly regular fenestration pattern comprising skewed windows and mesh ventilation panels integrated into the diagonal cladding.
- 1.5 Car parking is not proposed on the site for guests or staff. Two disabled car parking spaces will be provided.
- 1.6 The following information is submitted:
- Design and Access Statement
 - Planning Statement
 - Pre-application Consultation Report
 - Heritage Statement
 - Economic Impact Statement
 - Transport Statement
 - Travel Plan
 - Bat Survey Report
 - Acoustic Assessment
 - Flood Consequences Assessment and Drainage Strategy
 - Geo-Technical and Geo-Environmental Assessment
 - Demolition and Façade Retention Statement
- 1.7 Amended plans have been received altering the fenestration and the cladding to the rear elevation and the main entrance on Customhouse Street, and a revised public realm design showing on-street servicing from an extended shared layby. The amended plans do not materially alter the footprint, scale or appearance of the development and on this basis it was not considered necessary to notify neighbours and members of the relatively minor changes.

- 1.8 In accordance with the T&CP Environmental Impact Assessment (England and Wales) Regulations 1999 the development was screened to consider whether the scale of the proposal would require the submission of an Environmental Statement (ES) to assess the environmental impact of the development.
- 1.9 An ES is not required for the following reasons:
- a) In relation to size the development proposes a 61m high tower which will form part of a cluster of high rise buildings on the southern edge of the city centre, including buildings of 72m and 75m. Given the building's location and relative height it is not considered that the building will have a significant visual impact on the city's skyline.
 - b) The development is not located within, nor is it close to, an environmentally sensitive location as defined by Schedule 3 of the regulations, and there are no areas around the location which contain important, high quality or scarce resources which could be affected by the development.
 - c) The hotel use is a car-free development (no parking provision is proposed) and will not therefore result in any additional traffic movements or associated noise and emissions, and will not give rise to any unusually complex or potentially hazardous environmental effects.

In conclusion the environmental impact is capable of being considered as part of the normal planning application process and the application does not therefore require the submission of an Environmental Statement.

- 1.10 The proposal benefitted from non-statutory pre-application discussions with the planning department which helped to shape the design approach adopted.
- 1.11 A statutory Pre Application Consultation was carried out by the developer in August 2017. Neighbours, local members and statutory consultees (DCWW, CADW, NRW, and the Council's Highways Department) were consulted in accordance with the legislation. A meeting was held with Cathays Councillors, and the local press was informed. There were no significant issues raised.
- 1.12 The Open University raised concerns over the construction phase and the impact of such a large building so close to their building (daylighting, privacy and shared access), and highways issues arising from the lack of parking and the requirement for servicing. Other responses (6 in total) objected to various aspects of the design of the building and its relation to the listed Custom House.
- 1.13 The scheme was presented to the Design Commission for Wales (DCfW) in July 2017. The general approach to the retention of the listed building and the design of the contrasting tower was supported with the following reservations: coherence of the façade treatment – how it is carried round from the front to the back, the design of the main entrance, and whether the retained façade should return at its eastern end.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located on the corner of St. Mary St. and Customhouse Street immediately to the north of the mainline railway, on the former East Canal Wharf of the Glamorganshire Canal, and comprises the Custom House and the former York Hotel.
- 2.2 The Custom House was built c.1845. In 1975 it was grade II listed for its importance in the commercial history of Cardiff, despite extensive alterations and extension. In 1985 it was effectively internally gutted, altered and extended to the east along Customhouse Street, and a metal mansard roof extension was added.
- 2.3 The building is finished in painted stucco render with some bathstone dressings, with rusticated ground floor/pilasters, and roman arch headed window apertures with segmental/marginal glazing bars to double glazed timber windows. The building has been completely altered internally and currently has a now somewhat dated 1980s modern hipped Mansard roof. The building is listed as much for its importance in the commercial history of Cardiff as for its remaining architectural merit.
- 2.4 The York Public House (proposed to be demolished) is adjoined to the rear and western side elevation of the Custom House and is bounded by the main central railway line to its rear (S) elevation. The building is not listed and has been vacant for a number of years and is boarded and reported to have come to the end of its useful life, and to be derelict/structurally unsound.
- 2.5 The public realm surrounding the site is now looking dated with a somewhat random mix of paving materials, planters, benches, sculptural public art and cycle stands and barriers.
- 2.6 The Custom House is separated from the adjacent Open University building to the east (10.5m at the closest point) by the access road shared with the OU building. Customhouse Street now acts principally as a bus layby and bus only access in a westerly direction and with limited traffic flows travelling east.
- 2.7 The site is located in the Central Business Area and the Cardiff Central Enterprise Zone (LDP Policy KP2A), immediately to the south of the city centre commercial hub and north of the Callaghan Square commercial office area, in a highly sustainable location close to public transport and city centre facilities. The Central Train and Bus Stations are c. 200m to the west, Queen Street Station is approximately 900m to the east.
- 2.8 The area has a diverse built environment which is very mixed in character, both in terms of uses and in terms of building ages, styles and heights. Uses include offices, commercial, retail, hotels, leisure and residential.
- 2.9 The site is close to a number of tall and significant buildings which stretch along the fringes of the railway line on the southern and eastern boundaries of the city centre. The cluster of tall buildings is a significant feature of the city and its skyline. The buildings include the 21 storey Radisson Blu Hotel to the east of the site (75m high) and the Altolusso apartments (c. 72m). Consent has recently been granted

for a 42 storey student housing tower about 50m to the east on Customhouse Street.

- 2.10 To the west on the other side of St. Mary Street is the 13 storey Clayton Hotel. To the south on the other side of the railway is the 7 storey Eversheds office building fronting Callaghan Square. To the north of the site is the red brick Marriott Hotel multi-storey car park (4 storeys).
- 2.11 The architecture of the immediate area around the site is of varying quality. The materials of the more significant taller buildings are a mix of brick, white render (beginning to degrade and discolour), and medium or low quality metal cladding. The massing, form and detailing of these larger buildings is often very bulky, of a similar height, and generally unexceptional.
- 2.12 The nearest conservation area is St. Mary Street Conservation Area located 60m to the NW. The closest listed building to the site is the grade II listed Golden Cross PH on Customhouse Street about 80m to the east.

3. **PLANNING HISTORY**

- 17/01907/MJR Associated application under consideration for listed building consent for partial demolition, retention of the original northern and western facades, external alterations, refurbishments and extensions to the Custom House to facilitate its redevelopment and re-use as a class C1 hotel and ancillary class A3 food and drink use.
- 17/2382/MNR – See LBC 17/1907/MJR planning history
- 17/2383/MNR - See LBC 17/1907/MJR planning history
- 15/02261/MJR Listed building consent granted in January 2016 for partial demolition (rear), internal works, external alteration and extension and refurbishment of Custom House
- 15/02236/MJR Planning permission granted in September 2016 for demolition of former York Hotel, partial demolition of Custom House, refurbishment, extensions and change of use of existing building for managed student accommodation, communal facilities and 95 sqm a3 retail use.
- 12/978/DCI Planning permission granted in July 2012 to vary condition 2 of planning permission 09/00993/C to allow the temporary use (as a day centre and accommodation for homeless persons) of the building to continue until 30th July 2012.
- 09/993/C Planning permission granted Nov 09 for change of use to a day centre and accommodation for homeless persons.
- 09/2188/C Resolution to grant subject to 106 for partial demolition of Custom House, total demolition of York Hotel, construction of 3-4 storey office accommodation and refurbishment of listed façade.
- 08/1724/C Resolution to grant subject to 106 for demolition of York Hotel and rear areas of Custom House, construction of 3 storey rooftop extension for office use, 2no. A3 restaurant uses at ground floor, and undercroft parking.
- 08/1725/C Planning permission granted April 09 for internal refurbishment/ demolition rear areas/ 3 storey extension.
- 05/2239/C Planning permission granted March 06 for change of use to hotel and ancillary services.

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9 (Nov 2016) Policy 6.5 Development Management and the Historic Environment.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design (2009)
 - TAN 24: The Historic Environment
- 4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-
- KP2(A) Cardiff Central Enterprise Zone and Regional Transport Hub
 - KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP10 Central and Bay Business Areas
 - EC4 Protecting Offices in the Central and Bay Business Areas
 - EC5 Hotel Development
 - EN9 Conservation of the Historic Environment
 - R8 Food and Drink Uses
- 4.4 Supplementary Planning Guidance
- Tall Buildings (2017)
 - Planning Obligations (2017)
 - Waste Collection and Storage Facilities (2016)
- 4.5 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:
- City Centre Strategy (2007)
 - Premises for Eating, Drinking and Entertainment in the City Centre (2000)
 - Access, Circulation and Parking Requirements (2010)
 - St. Mary Street Conservation Area Appraisal (2005)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Land Use Policy and Public Realm:** The site is located within the Central Business Area (CBA) and the Central Enterprise Zone (CEZ) of the adopted Cardiff Local Development Plan 2006-2026 (LDP). As such, the main land use planning policy issues relate to:
- 5.2 *Loss of land for Class B1 (Business) use:* Policy EC4 (Protecting Offices in the Central and Bay Business Areas) of the LDP identifies that to ensure Cardiff continues to attract and retain quality businesses, the city centre must provide a range and choice of office premises for existing and future occupiers. The LDP states that where proposals involve the loss of office accommodation, a series of issues will be considered, including whether and for how long the premises have been vacant and actively marketed for office use.

- 5.3 The Custom House was last used as office accommodation in the 1990s. It has subsequently benefitted from several planning permissions / 'resolutions to grant', however none of these have come to fruition. The site was last occupied as a temporary homeless hostel. Taking into consideration the significant long-term vacancy of the site and associated marketing for Class B1 (Office) use, there is some policy justification to support the proposed change of use in this instance.
- 5.4 *Acceptability of proposed Class C1 (Hotel) use:* The application site is located within the boundary of LDP Policy KP2A (Central Enterprise Zone and Regional Transport Hub), which is allocated for major employment led initiatives, together with other mixed uses in Cardiff City Centre. Policy EC5 (Hotel development) identifies the Central Business Area as an acceptable location for hotel uses, subject to there being no need to preserve the site for its existing use and subject to considerations of scale, location, design, amenity and transportation.
- 5.5 *Acceptability of proposed A3 (Food and Drink) use:* Policy R8 (Food and Drink Uses) of the LDP identifies the Central Business Area as an appropriate location for food and drink uses, subject to amenity considerations. The proposed Class A3 floorspace, as a restaurant, is considered complementary to the primary use of the site as a hotel and has the potential to contribute to the vitality of the wider Custom House Street area.
- 5.6 Taking into consideration the sites location within the High Street / St Mary Street Area, which has been highlighted as a problem area in terms of alcohol-related incidents of anti-social behaviour and disorder, a condition would be sought that restricts the use of the premises to a restaurant / café / coffee shop and for no other purpose within the A3 use class.
- 5.7 *Public Realm Enhancements:* This is a large scale proposal, where the increase in floor space and intensification of use will place increased pressure on the surrounding pedestrian environment, particularly due to the nature of the proposal as a hotel where movements will take place across a longer period of time, including late at night.
- 5.8 Planning Policy Wales, paragraph 3.4.3 states that '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'.
- 5.9 As this proposal is for a hotel, where movements to and from the building will predominantly take place on foot, the public realm in the immediate vicinity of the site should be considered in this context. Cardiff Local Development Plan Policy KP6 (New Infrastructure) seeks that new developments will make appropriate provision for, or contribute towards, necessary infrastructure required as a consequence of proposed development, including public realm improvements.
- 5.10 There is a large public space immediately outside the site at the junction of Custom House Street and St Mary Street, which, mainly due to the long-term

vacancy of the Custom House and York Hotel buildings, has been largely underused since it was laid out between 15-20 years ago. Should the application be considered acceptable in all other respects, it is requested that a scheme of public realm / highway improvements be provided by the applicant to ensure that key routes around the site are suitably enhanced and that the public space is upgraded to a standard commensurate with the area surrounding the neighbouring Clayton Hotel.

- 5.11 The public realm works as identified on drawing 17/01906/MJR – *Custom House and York Hotel: Proposed public realm works (September 2017)* should include:
- Resurfacing the footway outside the York Hotel with 200x100 Silver-grey block paving to match the material used along Custom House Street and to provide a consistent treatment around the boundary of the site.
 - The removal of guard railings around the Custom House Street, St Mary Street and Mill Lane junctions to improve and increase pedestrian movement space on the routes leading to and from the site.
 - Revisiting the layout of existing street furniture within the public space at Custom House Street and proposing a revised layout, (that includes higher quality paving materials), which creates a more attractive pedestrian environment.
 - Replacement of existing street trees (if required). Any works required by highways to improve cycling routes to and from the site.
 - With regard to the paving around the site, although the materials are of a reasonable quality, there is an opportunity to significantly improve the appearance of the public realm by steam cleaning (or suitable alternative) the footways to restore them to their original appearance (see Clayton Hotel).
- 5.12 It would be preferable for the developer to undertake the public realm works as part of their development, as opposed to requiring a financial contribution to meet the cost of the works. This could be secured by means of Section 106 Agreement.
- 5.13 **Transportation:** The Officer confirms that the submission has been assessed and is considered to be acceptable in principle subject to the following comments, conditions and S106 matters.
- 5.14 Comments: The adopted Access, Circulation and Parking Standards SPG confirms there is no minimum requirement for on-site car parking for staff or visitors for hotel/A3 use in the Central Area. Secure staff and visitor cycle parking should be provided at a ratio of 1 space per 5 employees plus 1 space per 40 sq/m of public floor space.
- 5.15 The existing use benefits from 11 car parking spaces to the side/rear of the building accessed from a shared entrance on Customhouse Street, via a left in/right out barrier control system. The majority of the area currently used for parking will be built over, with a proposed retention/provision 2 number accessible disabled parking spaces. Access to and use of the adjacent Unison car park to the east of the site will be unaffected by the proposed development.
- 5.16 There is extensive private, paid car parking available within a short walk of the site; with 500 spaces in the John Lewis car park and 2,500 spaces in St. David's car

park, approximately 200m and 500m respectively northwest of the site. As with other hotels, both locally and elsewhere in Cardiff, clients of the proposed hotel and A3 development will therefore have access to ample public car parking.

- 5.17 The site is well located in relation to cycling facilities, with Customhouse Street, Bute Terrace, Bute Street, Hayes Bridge Road, St. Mary Street junctions having advanced cycle stop lines. The southern footway of Customhouse Street also has shared and segregated cycle use/lanes, connecting to cycle facilities on Hope Street to the east, which in turn connects to off road cycle lanes running south/north to/from Cardiff Bay, the Barrage and the Taff Trail.
- 5.18 Customhouse Street also benefits from a number of bus stops, with shelters and bus boarder kerbs, immediately north of the site, with a combined provision of some 47 services per day Monday to Friday and 37 services on a Saturday; Sunday is currently less well served, however this situation will improve in time as demand for Sunday services increases in-line with emerging developments in the city.
- 5.19 The site is also within a short, circa 350m, walk of Cardiff Central Station and the proposed Transport Interchange/bus station on the site of the former Marland House/NCP car park north of Saunders Road.
- 5.20 Being mindful of the central, very sustainable location of the site and nature of the proposed use the Officer is satisfied that the development is both acceptable and compliant with adopted parking policy as submitted, with two onsite disabled car parking spaces and the provision of staff/visitor cycle parking as required by condition.
- 5.21 With reference to location and wider development considerations, it is noted that the site is in a City Centre location adjacent to wide pedestrian footways and controlled crossings, providing direct pedestrian access to major shopping, entertainment and leisure destinations to the north. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to use of a private car; as noted above having very good access to bus based public transport services and Cardiff's cycle network. The site is therefore considered to be extremely sustainably located in transport terms and entirely appropriate for the proposed form and scale of development.
- 5.22 With regards to servicing, the supporting Transport Statement advises that the proposed hotel and A3 ground floor use will attract circa 15 service visits per week in the form of linen, food and drinks deliveries, and refuse collections. The servicing analysis advises that the visits range from 20 to 45 minutes depending on the specific operation. However I feel this is probably overly pessimistic and would expect operations to be managed in such a way as to minimise the visit durations.
- 5.23 To accommodate the identified servicing requirements and following discussion on possible options, it is proposed to extend the existing bus stop layby immediately to the north on Customhouse Street and incorporate a service layby to the western end. The creation of the extended layby will require works to the public highway, which will need to be subject to Section 278 of the Highways Act 1980, the

implications of which are shown in principle on MHA drawing A-00-002 rev D and Vectos drawing W162624/SK/05 rev D.

- 5.24 There is also ongoing construction of a student accommodation tower by Watkin Jones at the eastern end of Customhouse Street, as a consequence of which a temporary push button crossing has recently been installed within the area of the proposed layby extension discussed in the above paragraph. While the temporary nature of the new crossing will not impact on the identified servicing proposals in the long term, there may be a short period while the temporary crossing is still in place and the hotel servicing provision is required. Depending on timing and delivery of the ongoing developments, it may be necessary to temporarily accommodate servicing for the hotel elsewhere on Customhouse Street or an adjacent street/area.
- 5.25 A suitably worded condition is therefore sought to secure agreement of the details and delivery of the proposed service layby, while allowing flexibility to ensure that the timing of delivery does not unnecessarily restrict occupation of the development in the event a temporary servicing solution is required. I am also satisfied that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of the identified servicing requirements.
- 5.26 A condition is also sought to manage construction, bearing in mind the restricted nature of the site, the use of Customhouse Street by public transport, pedestrians and cyclists, and the nearby ongoing development to the east of the site.
- 5.27 The Officer has not sought a separate S106 contribution or extended highway works condition as colleagues have identified public realm improvements to the footways to the front and side of the site, on Customhouse Street and St. Mary Street, which will be subject to condition/S106 and completed via a Highways Act 1980 Section 278 Agreement.
- 5.28 It should also be noted that a separate licence will be required for the provision of tables & chairs on the footway, should they be proposed in association with the A3 use of the ground floor. All costs associated with securing any licence, permission or agreement required to facilitate the development or its subsequent operation must be met by the developer/operator as appropriate to the licence/activity.
- 5.29 Conditions: Standard Cycle Parking condition C3S; travel Plan condition; construction management plan condition; service Layby works condition.
- 5.30 Section 106: A separate S106 contribution is not sought in relation to the proposed development, all costs and requirements associated with the conditioned service layby works and public realm works will be met by the developer through the associated Section 278 Highways Agreement(s).
- 5.31 **Highways (Drainage):** No comments have been received.
- 5.32 **Pollution Control (Contaminated Land):** General indications from the SI report are that there is no significant chemical contamination, but asbestos containing materials are present in existing site structures and within the soils. Further assessment is required to determine the extent of the asbestos contamination and

confirm that no significant chemical contamination exists on parts of the site that are currently inaccessible. Some of this work will need to be undertaken post-demolition, requiring an amended contamination assessment condition. Following this, remediation requirements, if appropriate, can be fully determined.

- 5.33 The assessment indicates that ground gas assessments are ongoing. Consequently an amended ground gas condition is required.
- 5.34 Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.
- 5.35 **Pollution Control (Noise & Air):** The Pollution Control Officer requested additional information relating to the contents of the acoustic report, the proposed ventilation scheme, the vibration assessment and scheme, sound insulation works, opening hours of A3 use, and kitchen ventilation. The acoustic consultant's response has been sent to PC (Noise & Air). Their consultation response will be reported to committee as a late representation.
- 5.36 **Waste Management:** Confirms that the refuse storage arrangements shown in the site plans are acceptable. For a development of this size and nature a detailed waste strategy should be produced detailing anticipated volumes of waste, recycling strategy, and collection arrangements.
- 5.37 **Trees:** The Trees Officer provided detailed comments which were forwarded to the agent and discussed with their landscape and tree consultant. As a result of the discussions the Tree Officer is happy with the amended plan and looks forward to full details to discharge the landscaping condition.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Welsh Water:** No objection subject to a condition requiring submission of a drainage scheme that includes for attenuation of the surface water flows in the event that it is demonstrated that surface water can only discharge to the public sewer. The DCWW response has been forwarded to the applicant.
- 6.2 **GGAT:** The proposal will require archaeological mitigation. Conditions are requested requiring an appropriate photographic survey of the existing buildings on the site, and an appropriate programme of historic building recording and analysis of Custom House.
- 6.3 **South Wales Police:** No objection. The applicant has indicated that they wish to work with SWP to achieve 'Secured by Design' standards.
- 6.4 **Natural Resources Wales:** No objection to the application. The submitted bat survey report concludes that bats were not using the site. Controlled waters at this site are not of the highest environmental sensitivity. The NRW response has been forwarded to the applicant.

- 6.5 **Network Rail:** No objection subject to standard Network Rail comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. These have been forwarded to the applicant.
- 6.6 **CADW:** CADW's statutory role in the planning process is to provide the local planning authority with an assessment of the likely impact that the proposal will have on scheduled monuments and registered historic parks and gardens. CADW do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.
- 6.7 Having carefully considered the information provided with this planning application, CADW consider that the proposed development will have an impact on the setting of the scheduled monument Cardiff Castle and Roman Fort (GM171). However in determining the scale of this impact it is necessary to consider the changes that have already occurred in this significant view. The construction of Callaghan Square and other developments in close proximity to the application area have already produced buildings of a similar height in this view and it is noted that consent has also been given to a 42 storey building close by (15/2820). As such the addition of another building of 20 storeys into this view will cause no more than a very slight impact on the setting of scheduled monument GM171.

7. **REPRESENTATIONS**

- 7.1 The proposals were advertised as a major application in the press and on site, and neighbours and Local Members were consulted.
- 7.2 A representation has been received from Cardiff Civic Society objecting on the following grounds:
- Overbearing design without any architectural merit
 - Dwarfs Victorian listed façade making its retention meaningless
 - Destroys character of neighbourhood
 - Contravenes Tall Buildings SPG – unsympathetic to surroundings; does not enhance city skyline; not an elegant building

8. **ASSESSMENT**

- 8.1 Matters to be assessed are proposed land use, siting, scale and design of hotel, impact of development on listed Custom House building and its setting, impact on setting of St Marys Street Conservation Area, impact on neighbours, and design of public realm.

Land Use

- 8.2 The application site is located in the Central Business Area (CBA) and the Central Enterprise Zone (CEZ) of the adopted Cardiff Local Development Plan which is allocated for major employment led initiatives, together with other mixed uses in Cardiff City Centre. Policy EC5 (Hotel development) identifies the Central Business Area as an acceptable location for hotel uses, subject to there being no need to preserve the site for its existing use. Policy EC4 (Protecting Offices in the Central and Bay Business Areas) of the LDP applies.

8.3 The Custom House was last used as office accommodation in the 1990s. It has subsequently benefitted from several planning permissions, including change of use to a hotel, however none of these have come to fruition. The site was last occupied as a temporary homeless hostel. Taking into consideration the significant long-term vacancy of the site and associated marketing for Class B1 (Office) use, there is some policy justification to support the proposed change of use in this instance.

Design

8.4 LDP design policy KP5 requires tall buildings to be highly accessible for pedestrians and public transport, and located within an existing or proposed cluster of tall buildings.

8.5 The 2017 Tall Buildings SPG states that tall buildings will be assessed having regard to locational criteria, specifically that they will only be acceptable where they:

- Are located within easy walking distance of public transport hubs;
- Create a positive feature in the city skyline;
- Add to legibility of city and wider townscape;
- Terminate or enclose important vistas;
- Have a minimal visual impact on sensitive historic environments (including conservation areas and their setting).

8.6 In terms of location the building is within easy walking distance of railway stations, the bus station, and the city centre shops and facilities, and is well served by buses with stops adjacent to the site.

8.7 The location of the tower at the bottom end of St. Marys Street forms part of a cluster of tall buildings alongside the railway line on the southern edge of the city centre, and aids legibility to the wider townscape by terminating vistas south from the St Marys Street Conservation Area, and west from Customhouse Street.

8.8 The impact on the listed Custom House and on its setting, and on the setting of the conservation area is discussed below.

8.9 The SPG also states that tall buildings will be assessed having particular regard to their design, specifically:

- Form and silhouette of the building;
- Quality and appearance;
- Impact and interface at street level;
- Sustainable design

8.10 Unlike previous proposals for development on this site, which have gone down the route of relatively modest 2 to 3 storey roof extensions, the requirement for 248 hotel bedrooms necessitates a tall building.

- 8.11 As discussed above the principle of a tall building in this location is acceptable, and the key issue is the quality of the design and its impact on the listed Custom House.
- 8.12 In relation to form and silhouette the siting of the hotel to the rear of the site, adjacent to the railway line, and the cranking of the building, minimises its impact on the listed façade by reducing the footprint of the tower and setting it back about 8m from the prominent NW corner of the Custom House. The crank also performs an important function by breaking up the massing of the tower in views from the north, and resulting in a tower with a distinct form and character.
- 8.13 The architectural detailing of the facades reveals a clear understanding of proportions and materials. It is designed as a flat face without window reveals and sills, and relies on the interplay of the integrated glazing and profiled metal cladding panels to provide variety, interest and colour to the facades.
- 8.14 The strong rationale here is that the simplicity of the main façade works to contrast and highlight the listed building. The hotel is essentially a backdrop to the listed façade in views from the north and west.
- 8.15 The result lends the building a coherence and simplicity of façade lacking in many of the other tall buildings in Cardiff. The limited palette of materials of dark coloured anodised aluminium cladding panels (flat and profiled), and glass and perforated panels, is high quality and durable, and appropriate for the building's prominence and setting.
- 8.16 Conditions are attached requiring submission of sample materials and architectural details of the façade, and a sample panel of the façade to be erected on site to control quality and appearance.

Impact on the listed Custom House and on the setting

- 8.17 By setting the building back and cranking it away from the most prominent north western corner the building will form a dramatic and contemporary backdrop to the classical detailing and light stone and stucco, whilst ensuring that its character as a significant corner building is reinforced.
- 8.18 The proposed replacement glazed façade to the south west in place of the former York Hotel will reinforce the character of the listed building, being a neutral foil to the richer character of the Custom House. While the loss of the characterful façade of the York Hotel is regrettable, the building is not a designated heritage asset and the principle of replacement has been established within other recent permissions.
- 8.19 In all views, the hotel above will be set sufficiently far back that the listed building will continue to be understood as a building in its own right, as opposed to a more harmful façade-only retention where historic masonry is merely grafted on to a much larger building behind, robbing it of much of its character. It is considered that the close range views of the building would be improved compared to the existing mansard or the glazed rooftop extension approved in early 2016.

- 8.20 The hotel entrance is intentionally 'freestanding' allowing the main façade to extend to the ground and frame the Custom House, and the entrance is expressed differently to give prominence and provide contrast with the Custom House.
- 8.21 The proposals restore prominence to the listed Custom House and provide a high quality addition to the streetscape which enhances the street views.
- 8.22 The closest listed buildings are the Grade II listed Golden Cross PH approx. 80m to the east of the site, and a number of listed buildings located in the southern end of the conservation area. In both case the proposals have no impact on the settings by virtue of separation distances and intervening development.

Impact on the setting of the St Marys Street Conservation Area

- 8.23 While the building would add significant scale to the townscape adjoining the conservation area, its position would represent a contemporary contrast to the highly decorative nineteenth century 3-6 storey commercial scale which characterises the lower end of St Mary Street. It is considered that, while a highly subjective matter, this contrast could be viewed as serving to reinforce the character of the protected area. The proposed building would not affect key views within or into the area. Numerous listed buildings form an integral part of the southern end of the conservation area, particularly 62, 63 and 64 St Mary Street. However, given the distances involved and the nature of the intervening highway layout and built form, the proposal is not considered to affect the way in which they are experienced.
- 8.24 As such, the proposals are considered to preserve the setting of the St Mary Street Conservation Area, in accordance with policies KP17 and EN9 of the LDP. The scheme is also considered to be consistent with the statutory requirement to give special regard to the desirability of preserving listed buildings, or their settings, or the features of special architectural or historic interest that they possess.

Impact on amenity of neighbours

- 8.25 The closest neighbour is the OU office building immediately to the east of the site. The proposals site the building 3m closer to the western elevation. Given that the elevation is blank except for 3 small windows (one per floor) serving what appears to be the circulation core of the building (the main office windows are on the north and south elevations of the building) the siting and footprint of the proposed hotel will not have a significant adverse impact on the levels of privacy or daylighting enjoyed by the office building.
- 8.26 The closest Marriott Hotel rooms are c.75m away, the closest Clayton Hotel rooms are c.50m away, and the rear elevation of the Callaghan Square offices are c.35m away, separated by the railway lines. Given these separation distances there are no overlooking or daylighting concerns.

Public realm, landscaping and public art

- 8.27 The prominent but poorly designed and chaotic area of public realm to the front of Custom House contains a large piece of public art, benches and street trees, and bus stop. The proposed works comprise resurfacing of the area to the front of Custom House, including a better defined higher quality paved area with relocated public art and benches, new street trees, relocation of the bus stop to the east to

improve the relationship with the public art and new area of public realm, and extension of the layby to accommodate buses and servicing for the hotel. Footways around the site will also be improved.

- 8.28 The provision of active hotel and restaurant uses at ground floor, and enhancement of the associated public realm, significantly improves the appearance and functionality for pedestrians/ cyclists at this key junction.

Wind Microclimate:

- 8.29 No wind assessment has been provided. Given the location of the tower set back from the footway it is not considered that wind conditions at pavement level will be significantly worse. Notwithstanding this a condition is added requiring a desk-based wind assessment to be carried out prior to the commencement of above ground development.

Traffic & Transportation:

- 8.30 There are no parking spaces provided on site and none required for a city centre hotel in a highly sustainable location. The impact on traffic movements on the highway is acceptable. Highway improvements (including extended layby for servicing) have been agreed with the applicant and are subject to a highway works condition and a 106 agreement.

Consultation responses

- 8.31 GGAT response: A condition requiring a photographic record of the exterior of the former York Hotel is attached.

Representations

- 8.32 The Cardiff Civic Society's grounds for objection are addressed in the assessment above.

Section 106 planning obligations

The public realm improvements to the front of Custom House form an integral part of the proposals and will be delivered through the 106 legal agreement as they are not within the application red line. The broad scope and extent of the works has been agreed up front in the form of an indicative public realm scheme. See the Council's indicative public realm works drawing '*Plan 1: Public Realm Enhancement Scheme for Application 17/1906/MJR, Custom House and former York Hotel*'.

- 8.33 The legal agreement will require the submission of a detailed scheme for the public realm within a time period post implementation to be agreed, and completion of the scheme prior to beneficial occupation (or other period to be agreed). Delivery of the agreed scheme will be the responsibility of the applicant and be delivered as part of the contract works, unless otherwise agreed in writing by the LPA.
- 8.34 Please note the land in question is not adopted highway but is adopted and maintained by PFI.

Other Matters

- 8.35 *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

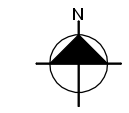
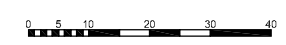
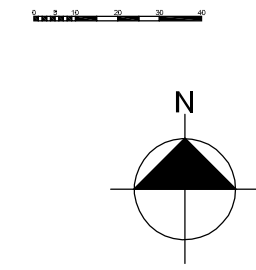
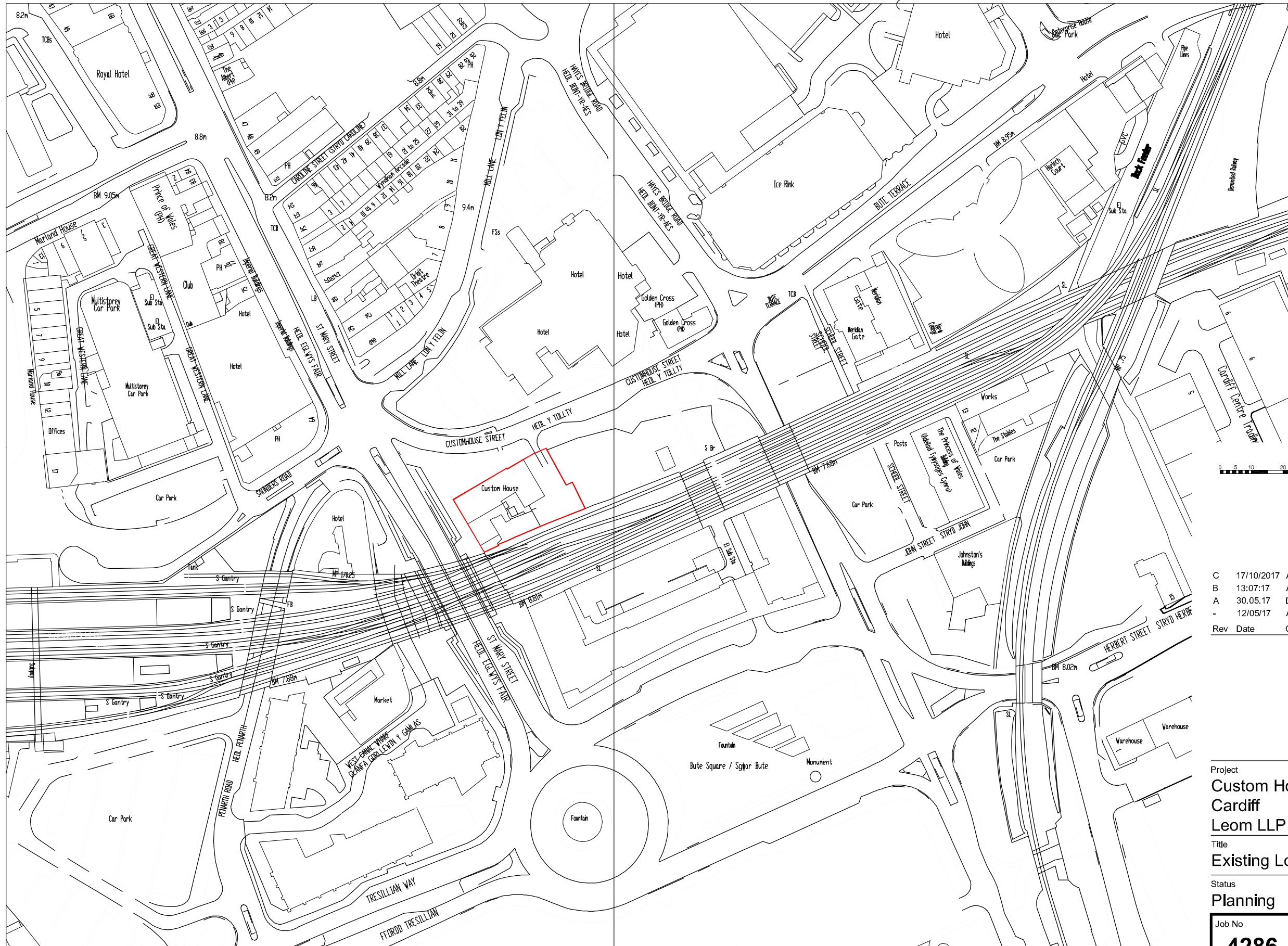
regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

- 8.36 *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.
- 8.37 *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.

9. **CONCLUSION**

- 9.1 The proposals bring back into beneficial and sustainable use the Grade II listed Custom House and provide a significant quantum of high quality hotel accommodation and a public restaurant in a prominent city centre location. The building’s location, silhouette and form enhance the bottom end of St Marys Street and do not adversely impact on the Custom House or its setting, or on the setting of the St Marys Street Conservation Area.
- 9.2 The granting of planning permission is recommended subject to conditions and the signing of a Section 106 legal agreement to secure improvement works to the public realm in front of the Custom House, and highway improvement works to Customhouse Street and St. Marys Street footways, as follows:
- Resurfacing the footway outside the York Hotel with 200x100 Silver-grey block paving to match the material used along Custom House Street and to provide a consistent treatment around the boundary of the site.
 - The removal of guard railings around the Custom House Street, St Mary Street and Mill Lane junctions to improve and increase pedestrian movement space on the routes leading to and from the site.
 - Revisiting the layout of existing street furniture within the public space at Custom House Street and proposing a revised layout (that includes higher quality paving materials) to create a more attractive pedestrian environment.
 - Replacement of existing street trees (if required).
 - Works required by highways to improve cycling routes to and from the site.
 - Improving the appearance of the footways around the site by steam cleaning (or suitable alternative) to restore them to their original appearance (see Clayton Hotel).

See the Council's indicative public realm works drawing '*Plan 1: Public Realm Enhancement Scheme for Application 17/1906/MJR, Custom House and former York Hotel*'.



Rev	Date	Check	Description
C	17/10/2017	AGW	Minor Amendments Submission
B	13/07/17	AGW	Planning Issue
A	30.05.17	DL	PAC Issue
-	12/05/17	AGW	FIRST ISSUE

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Project
Custom House
Cardiff
Leom LLP

Title
Existing Location Plan

Status
Planning

Scale at A3
1:1250

Job No	Zone	Sheet No	Rev
4286		A-90-101	C

ISO 14001 : 2004 ISO 9001 : 2000 RIBA Chartered Practice
 Please consider the environment before printing this document.
 Refer to dimensions where provided - do not scale from this drawing



- SITE NOTES**
- Red Lines indicates Assumed Site Boundary
 - Blue Lines indicates proposed site works
 - Restricted Area for Maintenance (Open Access)
 - Shared Access with the Open University
 - Network Rail (1m/10th Restriction)



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Holder Mathias architects

Premier Inn
 Custom House Street
 Leam LLP

Proposed Ground Floor Site Plan

Planning	1:100
4286	A-00-002 D

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

COMMITTEE DATE: 8/11/2017

APPLICATION No. **17/1907/MJR**

APPLICATION DATE: 4/8/2017

ED: **CATHAYS**

APP: TYPE: Listed Building Consent

APPLICANT: LEOM LLP

LOCATION: CUSTOM HOUSE AND FORMER YORK HOTEL, CUSTOM HOUSE STREET, CITY CENTRE, CARDIFF.

PROPOSAL: PARTIAL DEMOLITION, RETENTION OF THE ORIGINAL NORTHERN AND WESTERN FACADES, EXTERNAL ALTERATIONS, REFURBISHMENT AND EXTENSIONS TO THE CUSTOM HOUSE TO FACILITATE ITS REDEVELOPMENT AND RE-USE AS A CLASS C1 (HOTEL) AND ANCILLARY CLASS A3 (FOOD AND DRINK) USE.

RECOMMENDATION 1: That, subject to CADW not wishing to call in the application for determination by the Welsh Ministers, Listed Building Consent be **GRANTED** subject to the following conditions:

1. CO2: Statutory Time Limit - Listed Building
2. The consent relates to the application plans numbered:
 - Existing location plan A-90-101-C
 - Proposed site plan A-00-001-D
 - Ground floor plan A-00-010-D
 - Mezzanine floor plan A-00-011-D
 - First floor plan A-00-012-D
 - Second floor plan A-00-013-D
 - Third floor plan A-00-014-D
 - Fourth floor plan A-00-015-D
 - Fifth floor plan A-00-016-D
 - Sixth floor plan A-00-017-D
 - Seventh floor plan A-00-018-D
 - Eighth floor plan A-00-019-D
 - Ninth floor plan A-00-020-D
 - Tenth floor plan A-00-021-D
 - Eleventh floor plan A-00-022-D
 - Twelfth floor plan A-00-023-D
 - Thirteenth floor plan A-00-024-D
 - Fourteenth plan A-00-025-D
 - Fifteenth floor plan A-00-026-D
 - Sixteenth floor plan A-00-027-D
 - Seventeenth floor plan A-00-028-D

- Plant room floor plan A-00-029-D
- Roof plan A-00-030-D
- North elevation A-00-200-D
- South elevation A-00-201-D
- East elevation A-00-202-D
- West elevation A-00-203-D
- Section AA A-00-204-D
- Section BB A-00-205-D
- Section CC A-00-206-D
- Section DD A-00-207-D

Existing building and demolition

- Existing basement and ground floor plan A-90-200-C
- Existing first floor plan A-90-201-C
- Existing second floor plan A-90-202-C
- Existing north and west elevations A-90-105-C
- Existing south and east elevations A-90-106-C
- Existing sections A-90-107-C
- Basement and ground floor demolition plan A-90-210-C
- First floor demolition plan A-90-211-C
- Second floor demolition plan A-90-212-C

Reason: For the avoidance of doubt.

3. No demolition works to the eastern extension shall commence until an appropriate programme of historic building recording and analysis of the eastern extension to the former Custom House, undertaken in accordance with Historic England's 'Understanding Historic Buildings: A Guide to Good Recording Practice' (2016), has been secured and implemented in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact arising from the demolition of this part of the listed building.

4. No part of the development hereby permitted shall be commenced until full details of the measures to be taken to protect those parts/features of the building to be retained, including the proposed means of support, shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure the retained facades are protected.

5. No above ground development shall take place until a scheme showing the architectural detailing of the new windows and doors within the retained façade, to a max scale of 1:10, has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the retained facades.

6. No above ground development shall take place until a method statement for the reuse of masonry (window and surround, door and surround, cornices

and ground floor rustication) to form the returned corner of the eastern elevation has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the retained facades.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for the development of a 19 storey hotel (Class C1 / 10,462sqm), with 630sqm of ground floor restaurant (Class A3) floorspace. The proposal includes the demolition of the former York Hotel (vacant) and the partial demolition of the Custom House building (vacant), with the retention of its 1845 façade to Custom House Street and St Mary Street.
- 1.2 The hotel rises to a height of 61m above pavement level and is located to the back of the site and cranked on its long elevation. The main entrance to the hotel and the ground floor restaurant is from Customhouse Street in the location currently occupied by the 1985 extension to the Custom House which will be demolished.
- 1.3 The original Custom House will accommodate the double height restaurant with kitchen and seating on the ground floor and a plant area on a new mezzanine floor. The York Hotel frontage will be demolished and replaced by a full height glazed curtain wall providing views into the kitchen area of the restaurant.
- 1.4 The palette of building materials for the hotel is limited to a dark-coloured diagonally-laid and profiled metal cladding, and glazing arranged in a highly regular fenestration pattern comprising skewed windows and mesh ventilation panels integrated into the diagonal cladding.
- 1.5 The following information is submitted:
 - Design and Access Statement
 - Planning Statement
 - Heritage Statement
 - Demolition and Façade Retention Statement
- 1.6 Amended plans have been received altering the fenestration and the cladding to the rear elevation and the main entrance on Customhouse Street, and a revised public realm design showing on-street servicing from an extended shared layby. The amended plans do not materially alter the footprint, scale or appearance of the development and on this basis it was not considered necessary to notify neighbours and members of the relatively minor changes.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located on the corner of St. Mary St. and Customhouse Street immediately to the north of the mainline railway, on the former East Canal Wharf of the Glamorganshire Canal, and comprises the Custom House and the former York Hotel.

- 2.2 The Custom House was built c.1845. In 1975 it was grade II listed for its importance in the commercial history of Cardiff, despite extensive alterations and extension. In 1985 it was effectively internally gutted, altered and extended to the east along Customhouse Street, and a metal mansard roof extension was added.
- 2.3 The building is finished in painted stucco render with some bathstone dressings, with rusticated ground floor / pilasters, and roman arch headed window apertures with segmental/marginal glazing bars to double glazed timber windows. The building has been completely altered internally and currently has a now somewhat dated 1980s modern hipped Mansard roof. The building is listed as much for its importance in the commercial history of Cardiff as for its remaining architectural merit.
- 2.4 The York Public House (proposed to be demolished) is adjoined to the rear and western side elevation of the Custom House and is bounded by the main central railway line to its rear (S) elevation. The building is not listed and has been vacant for a number of years and is boarded and reported to have come to the end of its useful life, and to be derelict/structurally unsound.
- 2.5 The public realm surrounding the site is now looking dated with a mix of paving materials, planters, benches, sculptural public art and cycle stands and barriers.

3. **PLANNING HISTORY**

- 17/01906/MJR Associated application under consideration for planning permission for redevelopment of the site to provide a 248 bed hotel (class C1) and ancillary restaurant (class A3) including partial demolition of the Custom House, retention and restoration of the Custom House façade, demolition of the former York Hotel, and associated access, parking and ancillary works.
- 17/2382/MNR – Prior approval application for demolition of York Hotel under consideration.
- 17/2383/MNR – Listed Building Consent application for works to Custom House as a result of the demolition of The York Hotel under consideration.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales (PPW) Ed. 9 Nov 2016:

- Ch. 6.5 Development Management & the Historic Environment.

4.2 The following Technical Advice Notes (TANs) are relevant:

- TAN 24: Historic Environment

4.3 Cardiff Local Development Plan 2006-2026:

- KP17 Built Heritage;
- EN9 (Conservation of the Historic Environment)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Conservation: Removal of eastern extension: The building is Grade II listed, being originally added in May 1975 and reviewed in 1999. The reason for listing was *for*

importance in commercial history of Cardiff, despite extensive alterations and extension'.

- 5.2 The submitted Heritage Impact Statement (HIS) concludes that the loss of the '1865' extended element of the northern elevation would result in a degree of harm to the significance of the building, due to a loss of fabric and the removal of evidence of this phase of the building's development. However, subsequent research (including photographs, maps, archive planning documents and the original 1975 list description) has shown this element of the frontage to have in fact been added in c.1985 when the building was remodelled.
- 5.3 As such, although the extended façade is well-detailed and continues window and cornice detailing, in bringing the building into a beneficial and sustainable use and removing those elements harmful to its aesthetic value (east elevation, rear modifications and mansard), it is considered that the overall scheme will result in a minimal loss of significance, with the original c.1845 building revealed and reinforced in terms of its significance both within the townscape and in terms of use as a publicly accessible building, enhancing its communal value.
- 5.4 It remains unclear if the window detailing and cornice used to construct the extension in the mid-1980s was reused from the rear elevation that was removed at the time. As such, the re-use of fabric from this elevation to complete the return to the east elevation is considered necessary in order to further minimise the loss of evidential and aesthetic value (further details required by condition), whereas the condition for historic building recording and analysis to be submitted and publicly archived will further mitigate in terms of any loss of understanding or evidential value.
- 5.5 Roof alterations: The loss of the 1980s mansard roof is considered to be beneficial to the character and appearance of the listed building, as a flat roof is more sympathetic to the original classical shallow pitch than the current mansard. This will render the attic pediment/dormer as obsolete in terms of function, as there will be no accommodation behind the lunette. This will be retained as an opening without a window. It is not considered necessary to reinstate the original shallow pitched roof in this location, particularly as there is no corresponding pediment on the southern elevation; this apparently having been removed when the mansard was constructed. On balance, the replacement of a mansard with flat roof over much of the footprint of the listed building is considered to be beneficial to the aesthetic value of the building.
- 5.6 Internal alterations: As noted within the HIS, nothing remains of the original interior, being replaced in its entirety in the 1980s. While some loss of understanding will be incurred through the removal of floor plates within their approximate original positions, this is considered to result in minimal harm to the building's significance and is sufficiently justified within para 4.20 of the HIS.
- 5.7 The proposals are supported by detailed demolition plans to show how the façade will be protected during the development. Plans are less specific regarding the approach to be taken to support the façade in the long term or with regard to increasing thermal efficiency in a manner compatible with the solid wall

construction. Full details are therefore requested by condition or should be submitted as a further Listed Building Consent application.

- 5.8 Form of hotel building above and setting: Pre-application discussions on the proposal noted that a tall building could be accommodated on the site, but that it must be designed with significant care in terms of placement form and materials. In setting the building back and cranking it away from the most prominent north western corner, in longer views the building will form a dramatic and contemporary backdrop to the classical detailing and light stone and stucco, whilst ensuring that its character as a significant corner building is reinforced. The proposed replacement glazed façade to the south west in place of the former York Hotel will reinforce the character of the listed building, being a neutral foil to the richer character of the Custom House. While the loss of the characterful façade of the York Hotel is regrettable, the building is not a designated heritage asset and the principle of replacement has been established within other recent permissions.
- 5.9 The applicant's HIS concludes that the contrast in scale, mass and height between the taller element and the retained frontage would be harmful to an appreciation of the scale and civic qualities of the retained listed building. However it is considered that the relatively low aesthetic value of the building in its current condition and modified appearance together with the low evidential value in terms of remaining historic fabric make this an exceptional case.
- 5.10 In all views, the hotel above will be set sufficiently far back that the listed building will continue to be understood as a building in its own right, as opposed to a more harmful façade-only retention where historic masonry is merely grafted on to a much larger building behind, robbing it of much of its character (as at the nearby former non-listed former New College building, which is enveloped by the c.2005 Altolusso residential tower). It is considered that the close range views of the building would be improved compared to the existing mansard or the glazed rooftop extension approved in early 2016.
- 5.11 Recommended conditions:
- Recording: *No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis of the eastern extension to the former Custom House, undertaken in accordance with Historic England's 'Understanding Historic Buildings: A Guide to Good Recording Practice' (2016), has been secured and implemented in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the local planning authority. Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact arising from the demolition of this part of the listed building.*
 - Full details of the façade support system and any improvements for thermal efficiency.
 - Detailed drawings for new windows and doors within the retained façade, to a max scale of 1:10.
 - Architectural detailing – including method statement for the reuse of masonry (window and surround, door and surround, cornices and ground floor rustication) to form the returned corner of the eastern elevation.

6. **REPRESENTATIONS**

- 6.1 The application was advertised on site and in the press as affecting the setting of a listed building. Neighbours and local members were notified.

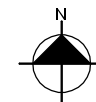
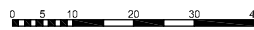
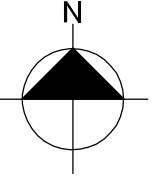
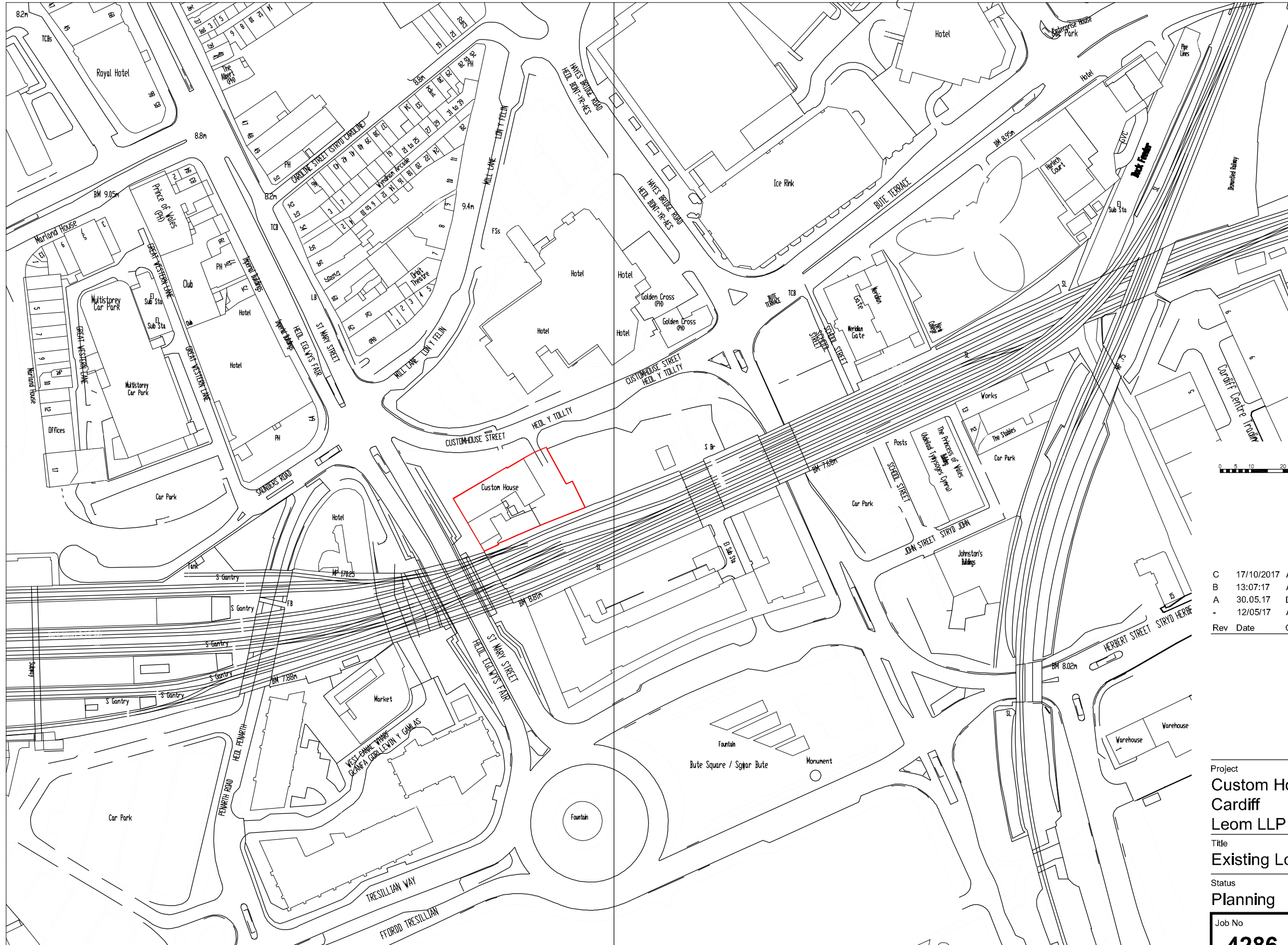
7. **ASSESSMENT**

Impact on the listed Custom House and on the setting

- 7.1 By setting the building back and cranking it away from the most prominent north western corner the building will form a dramatic and contemporary backdrop to the classical detailing and light stone and stucco, whilst ensuring that its character as a significant corner building is reinforced.
- 7.2 The proposed replacement glazed façade to the south west in place of the former York Hotel will reinforce the character of the listed building, being a neutral foil to the richer character of the Custom House. While the loss of the characterful façade of the York Hotel is regrettable, the building is not a designated heritage asset and the principle of replacement has been established within other recent permissions.
- 7.3 In all views, the hotel above will be set sufficiently far back that the listed building will continue to be understood as a building in its own right, as opposed to a more harmful façade-only retention where historic masonry is merely grafted on to a much larger building behind, robbing it of much of its character. It is considered that the close range views of the building would be improved compared to the existing mansard or the glazed rooftop extension approved in early 2016.
- 7.4 The hotel entrance is intentionally designed to appear 'freestanding', allowing the main façade to extend to the ground and frame the Custom House, and the entrance is expressed differently to give prominence and provide contrast with the Custom House.
- 7.5 The proposals restore prominence to the listed Custom House and provide a high quality addition to the streetscape which enhances the street views.

8. **CONCLUSION**

- 8.1 The proposals bring back into beneficial community use the Grade II listed Custom House and do not adversely impact on the listed building or its setting. It is therefore recommended that listed building consent be granted subject to conditions and referral to CADW for approval.



Rev	Date	Check	Description
C	17/10/2017	AGW	Minor Amendments Submission
B	13/07/17	AGW	Planning Issue
A	30.05.17	DL	PAC Issue
-	12/05/17	AGW	FIRST ISSUE

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4286	A-00-002 D

10/11/2014 10:00 AM
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 10/11/2014 10:00 AM



COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/01850/MJR** APPLICATION DATE: 04/08/2017

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Board of Trustees of the Museum of Military Medicine
 LOCATION: LAND OFF HEMINGWAY ROAD, ATLANTIC WHARF
 PROPOSAL: CONSTRUCTION OF A MUSEUM, WHICH INCLUDES A CAFE, EXHIBITION ROOMS, COLLECTION STORES AND OFFICE SPACE AT LAND OFF HEMINGWAY ROAD, CARDIFF BAY

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 following approved plans:

16659 TP(00)001 Rev 4 – Amended Site Location Plan,
 16659 TP(00)002 Rev 2 – Site Plan – Existing
 16659 TP(00)003 Rev 4 – Site Plan – Proposal
 16659 TP(10)100 Rev 4 – Ground Floor Plan
 16659 TP(10)101 Rev 4 – First Floor Plan
 16659 TP(10)102 Rev 4 – Second Floor Plan
 16659 TP(10)103 Rev 4 – Third Floor Plan
 16659 TP(10)104 Rev 4 – Roof Plan
 16659 TP(11)100 Rev 2 – Elevations
 16659 TP(12)100 Rev 2 - Sections
 16659 TP(10)200 Rev 2 – 3D Views
 16659 TP(10)400 Rev 1 – Shadow Study
 Design and Access Statement (Rev 2 - 16659)

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.

3. Notwithstanding the submitted details, no development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - A landscaping implementation programme.
 - Scaled planting plans prepared by a qualified landscape architect.

- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology (minimum 5 years) prepared by a qualified landscape architect.

Details shall be consistent with the Concept Plan submitted as part of the Landscape Statement (August 2017)

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with policies KP5 and EN8 of the adopted Cardiff Local Development Plan (2006-2026)

4. Any newly planted trees, plants or hedgerows which, within a period of 5 years from the completion of the development, die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 3, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

5. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to

ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

6. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)

- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation. * A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

- 7. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

- 8. The remediation scheme approved by condition 7 (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation

scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

10. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

11. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
12. No member of the public shall be admitted to or allowed to remain on the premises between the hours of 18:00hrs and 08:00hrs on any day.
Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
13. Arrival, departure, loading or unloading of delivery vehicles may only take place between the hours of 08:00hrs and 18:00hrs Monday – Saturday.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
14. Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).
15. If at any time the use of the premises is to involve the preparation and cooking of hot food, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with policy EN13 of the Cardiff Local Development Plan (2006-2026).

16. The development shall be constructed in accordance with a scheme of architectural detailing which shall have been submitted to and approved in writing by the local planning authority. The development shall not be brought into beneficial use until the approved scheme is implemented in full.

Reason: To ensure a satisfactory finished appearance to the development in accordance with Policy KP5 of the adopted Local Development Plan (2006-2026).

17. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the development in accordance with Policy KP5 of the adopted Local Development Plan (2006-2026).

18. Prior to beneficial occupation, details of any gates, or other means to restrict access to the passageway running north-south between the external plant room and offices proposed on the ground floor eastern side of the building, shall be submitted to and approved in writing by the Local Planning Authority in writing and shall thereafter be installed and retained.

Reason: In the interests of public safety and security in accordance with Policy KP5 & C3 of the adopted Local Development Plan (2006-2026).

19. Prior to the commencement of the development, the applicant shall relocate the public artwork located on the site to a location which shall have been previously agreed in writing by the local planning authority.

Reason: In the interest of visual amenity in accordance with Policy KP5 of the adopted Local Development Plan (2006-2026).

20. No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, as required, details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

21. Prior to the beneficial occupation of the development hereby approved, details showing the provision of staff and visitor cycle parking spaces shall be submitted to and approved in writing by the local planning authority. The submitted details shall include a minimum of 7 visitor

stands. The approved details shall be implemented and thereafter maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with Policy T5 of the adopted Cardiff Local Development Plan (2006-2026).

22. No part of the development hereby permitted shall be commenced until a scheme of public highway / footway works to Hemingway Road and Lloyd George Avenue adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the resurfacing/reinstatement of the footway and cycleway as may be required as a consequence of the implementation of the development and shall include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. For the avoidance of doubt no layby shall be introduced along Hemingway Road. The approved scheme shall be implemented prior to the beneficial use of the development hereby approved.

Reason: To reinstate the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T1 of the adopted Cardiff Local Development Plan (2006-2026).

23. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy KP17 & EN9 of the adopted Cardiff Local Development Plan (2006-2026).

RECOMMENDATION 2: That the applicant be advised that prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

RECOMMENDATION 3: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the

responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 5: The applicant is encouraged to liaise with South Wales Police and to seek accreditation under the Secured by Design scheme.

RECOMMENDATION 6: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must

also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 7: Details submitted in discharge of condition 17 (finishing materials) shall include the means by which the glazing materials proposed would mitigate against the impact of glare.

RECOMMENDATION 8: The footprint of the proposed building sits on land that forms part of the adopted public highway, maintained under PFI agreement. Prior to the commencement of any works that will result in building on, removal of or otherwise permanently affect the ability of public to use the highway, the developer must have Stopped-up the affected area by way of an order made under Section 247 of the Town and Country Planning Act 1990.

RECOMMENDATION 9 : The public realm highways works and any other works to the existing or proposed adopted public highway are to be subject to agreement under Section 278 of the Highways Act 1980 between the developer and Council.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 Full planning permission is sought for the construction of a museum (Class D1 – 2352sqm) ancillary shop (Class A1 – 209sqm) and food / drink café area (Class A3 – 217sqm) at the junction of Hemingway Road and Lloyd George Avenue.
- 1.2 The site is located within the Bay Business Area (BBA) of the adopted Cardiff Local Development Plan 2006-2026 (LDP).
- 1.3 The building would measure approximately 69m in length, 23m in width and 19m in height. The building would be composed of two distinct elements, a transparent flat roofed box to its western end and partially fretted Corten skin finished building with sawtooth roof design along the rest of its length.
- 1.4 The application boundary has been amended to include the access road at the rear of the building to enable it to be serviced.
- 1.5 The application has been subject to the statutory 28-day pre-application consultation (PAC) which has informed the PAC Report.

2. DESCRIPTION OF SITE

- 2.1 The application site is a level area of land measuring 0.22 hectares in size. The site is located on a prominent corner location between Lloyd George Avenue and Hemingway Road and forms an area of informal hard landscaped open space. The site currently contains a small number of trees, shrub planting, benches and some public art.
- 2.2 The site is bound to the north by Hemingway Road, a 4 storey residential development (Forio House) and the grounds of County Hall, to the east by the 5 storey Travelodge Hotel, to the south by the Red Dragon Centre building and to the west, beyond Lloyd George Avenue, by the Grade II listed, former Cardiff Bay Railway Station.
- 2.3 The site is not located within a conservation area but is located on the opposite side of the street to the Grade II* Listed Cardiff Bay Railway Station Building. The site is also located within flooding Zone B as identified on Natural Resources Wales – Development Advice Map.
- 2.4 The land forms part of the adopted highway which is managed by a private finance agreement (PFI).
- 2.5 A large sewer runs diagonally through the site.

3. SITE HISTORY

- 3.1 No relevant history.

4. POLICY FRAMEWORK

- 4.1 National Policy

Planning Policy Wales (Edition 9) November 2016

- 4.2 Technical Advice Notes

Tan 11: Noise (1997)

Tan 12: Design (March 2016)

Tan 23: Economic Development (February 2014)

Tan 18: Transport (March 2007)

- 4.3 Cardiff Local Development Plan 2006 – 2026 (Adopted January 2016)

KP5: Good Quality and Sustainable Design

KP6: New Infrastructure

KP7: Planning Obligations

KP8: Sustainable Transport

KP10: Central and Bay Business Areas

KP15: Climate Change

EN3: Landscape Protection
EN8: Trees, woodlands and Hedgerows
EN10: Water Sensitive Design
EN12: Renewable Energy and Low Carbon Technologies
EN13: Air, Noise, Light Pollution and Land Contamination
EN14: Flood Risk
T1: Walking and Cycling
T5: Managing Transport Impacts
T6: Impact on Transport Networks and Services
R8: Food and Drink Uses
C3: Community Safety/Creating Safe Environments
W2: Provision for Waste Management Facilities in Development

4.4 Supplementary Planning Guidance adopted to the Cardiff Local Development Plan (SPG's)

Waste Collection and Storage Facilities (October 2016)

4.5 Supplementary Planning Guidance adopted to the *City of Cardiff Local Plan (1996)*

Access, Circulation and Parking (January 2010)

Trees and Development (March 2007)

SPGs approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice contained within the SPGs is pertinent to the assessment of the proposal and remains consistent with the aims of both LDP Policies and guidance in Planning Policy Wales and are afforded significant weight.

5. INTERNAL CONSULTEE RESPONSES

5.1 Transportation

Transportation raise no in principle objection to the proposed museum and inclusive café facility subject to conditions.

The museum would be accessed by pedestrians via an entrance to the west of the building fronting Lloyd George Avenue (and Cardiff Bay railway station). The site is well served by public transport (rail and bus). There are existing cycle lanes outside the proposed entrance on Lloyd George Avenue.

No parking is proposed, as the site is located within 300m of an existing public car park at the Red Dragon centre. There are existing on-street parking bays (P&D) opposite the Travelodge on Hemingway Road and on Schooner Way (opposite the proposed museum).

An integral / internal serving point would be incorporated within the building. This would be accessed from the rear of the building (south side) and be

accessed via the Red Dragon centre car park. Vehicle tracking provided indicates that the site can be accessed by articulated delivery vehicles, rigid delivery vehicles and refuse vehicles.

Plan 16659 TP(10)100 Rev 4 shows a layby to the north of the proposed museum on Hemingway Road. This is not shown on any of the other plans being presented as part of the proposal. The layby is not considered to be part of the design layout, as this could encourage inappropriate parking and waiting activity.

5.2 **Tree Officer**

It will be necessary to remove x15 Norway maple trees to implement development, comprising x13 of 'B' (moderate quality and value) categorisation and x2 of 'A' (high quality and value categorisation). The retained T11 (off-site) may be harmed by new hard landscaping. It is expected that 'A' and 'B' category trees are retained as part of development unless overriding design considerations necessitate their removal and their loss is fully mitigated. Assuming there is an overriding design consideration, then then a landscaping condition should be added to any subsequent grant of consent with details comprising the following elements: -

- Scaled planting plan.
- Plant schedule.
- Topsoil and subsoil specification.
- Tree pit section and plan views.
- Planting methodology.
- Minimum 5 year aftercare methodology.

5.3 **Conservation Team**

The proposed development would be located approximately 50m away from the Grade II* Cardiff Bay Station Building. Taking this into account together with the scale, massing and finish of the proposed building, it is not considered that it would have an unacceptable impact upon the setting of the listed station building. It should also be noted that planning permission (ref: 17/00224/MJR) was recently granted for a large extension to the eastern elevation of the station building. If constructed, this will largely screen the listed element of this building from the site of the application under consideration here thereby further reducing any potential impact upon the setting of the listed building.

5.4 **Ecology**

No comments received

5.5 **Shared Services - Pollution Control (Contaminated Land)**

The application site currently forms a paved area of public open space. Available records indicate the site includes part of the former (infilled) Bute West Dock, a timber yard, and a former tank location; historically railway

sidings and a sawmill were situated in close proximity to the site. Activities associated with these uses may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

Additional landfill sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.

Should there be any materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services requests the inclusion of conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

5.6 Shared Services - Pollution Control (Noise and Air)

Pollution Control – Noise and Air raise no objection to the proposal subject to conditions.

5.7 Waste Management

Waste Management have been consulted and consider the bin store shown acceptable.

5.8 Highways (Drainage)

No comments received

6. EXTERNAL CONSULTEE RESPONSES

6.1 Welsh Assembly Government

No comments received

6.2 Glamorgan Gwent Archaeological Trust (GGAT)

Glamorgan Gwent Archaeological Trust have reviewed the detailed information submitted as part of the planning application and can confirm that **the proposal has an archaeological restraint.**

GGAT have consulted the regional Historic Environment Record and note that there are no designated sites within the proposed development area.

However, the application is located on the line of the Glamorganshire Canal, specifically a review of the historic Ordnance Survey mapping indicates it is located on the site of Bute West Dock and associated infrastructure. Previous archaeological work on canals in the vicinity, such as at Callaghan Square, has indicated they can survive with very high levels of preservation.

Although no above ground remains of such structures survive, it is possible that below ground remains persist and will be encountered during any ground intrusion works. Therefore we recommend a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of an archaeological watching brief during ground disturbance works, these include geotechnical and preparatory works, landscaping and any other groundworks, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

6.3 Natural Resources Wales

Natural Resources Wales have no objection to the proposed development in its current form.

6.4 Welsh Water / Dwr Cymru

Welsh Water request that conditions and an advisory note be included within any grant of planning consent to ensure that the proposal would be of no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

We have reviewed the information submitted as part of this application, however note the absence of a drainage strategy to demonstrate how the site will be effectively drained.

The site is crossed by a number of assets with the approximate position being marked on the attached Statutory Public Sewer Record. Of particular interest is the 1350mm public surface water sewer and can confirm that we have been in dialogue with the applicant to address this and to ensure sufficient access is maintained. Drawing number 16659 TP(12)100 and Rev 4 and 16659 TP(10)100 Rev 4 show the first and second floor layout plans in which a void has been created within the building to allow for machinery to access the sewer to ensure we are able to fulfil our obligations.

With regard to the foul flows we recommend that these drain to the 150mm

public foul sewer between manhole reference ST19741913 and ST19741914 located in Lloyd George Avenue.

We acknowledge that the application form indicates that a sustainable drainage system will be used to dispose of surface water, in the absence of specific details we recommend that this is investigated further and information provided in the form of a strategy. Should any public sewer connection be required the strategy should consider all alternative options and reasons why they have been discounted. If it is demonstrated that surface water can only be disposed of via a public sewer then these flows shall be attenuated on site and restricted to greenfield runoff rate.

Therefore, if you are minded to grant planning permission we request that conditions and advisory notes are included within any consent.

6.5 South Wales Police – Architectural Liaison Officer

South Wales Police have no objection in principle but make the following recommendations:

- 1 Scheme of work conducted with regard to lighting levels.
- 2 Scheme of work conducted with regard to installation of CCTV.
- 3 A scheme of work conducted with regard to vehicle mitigation measures.
- 4 Laminated glazing to be used in construction.
- 5 Details of security measures such as alarms and access control to be discussed with South Wales Police Design out Crime Officer.

South Wales Police are happy to work with developers to achieve above and would recommend that developers build to Secured by Design standards more information can be found on www.securedbydesign.com . Please can this respond be shared with developer.

6.6 Design Commission for Wales (DCfW)

No comments received

7. REPRESENTATIONS

- 7.1 The application proposal was advertised by way of press and site notice. Letters were also sent to nearby properties in close proximity to the application site.
- 7.2 One letter has been received in opposition to the proposal from a resident of Forio House, directly opposite the application site on the following grounds;

- Disruption in the building phase should the scheme be developed;
- Potential blocking out of light once built & views directly into flats,
- An adverse effect on their property value
- Increased traffic directly outside of their flat, both vehicular & pedestrian.
- The Bay has plenty of potential sites without cramming a huge building into a small space, thus negatively impacting the environment & open space.
- The Museum should locate in an alternative, more suitable site, such as the Dr Who site, thus maintaining the open spaces on Hemingway Road & not impacting on existing residents & housing.

7.3 One letter of support has been received to the proposal on the behalf of the British Airways pension Fund (BAPF) who own the Travelodge Hotel and Red Dragon Centre.

7.4 British Airways pension Fund (BAPF) fully support the principle of the proposal and consider that the site represents an ideal location for the museum which will complete the Hemingway Road frontage and create a new piazza on the corner of Hemingway Road and Lloyd George Avenue. They are also supportive of the design concept in creating a new focal building on this prominent corner.

7.5 BAPF request that, given that proposals for the museum will utilise areas which are used by the Travelodge Hotel, delivery and servicing arrangements are considered carefully as part of the proposals to ensure that there are no subsequent operational difficulties.

8. ANALYSIS

8.1 Land Use

8.2 The application site is located with the Central and Bay Business Area where leisure uses are considered appropriate.

8.3 The proposal is for the construction of a museum (Class D1 – 2352sqm) at Hemingway Road, with ancillary shop (Class A1 – 209sqm) and food / drink (Class A3 – 217sqm) floorspace. The site is located within the Bay Business Area (BBA) of the adopted Cardiff Local Development Plan 2006-2026 (LDP).

8.4 LDP Policy KP10 (Central and Bay Business Areas) identifies the Bay Business Area as a focus for government, tourism and leisure uses and states that future development should continue to enhance the waterfront as an attractive and diverse mixed-use location. It goes on to recognise that new and improved leisure, recreation and tourist facilities are important for the future development of Cardiff and that by improving the quality and range of such uses, the area can be made a more attractive place in which to live, work and visit.

8.5 Taking into consideration the nature of the Class D1 use as a museum, the

hours of operation from 9.00am-5.00pm and that inclusion of ancillary Class A3 floorspace, which can cater towards extended trips to the bay, the proposal is considered acceptable in land use policy terms.

8.6 **Economy**

8.7 LDP Policy KP10 (Central and Bay Business Areas) identifies the Bay Business Area as a focus for government, tourism and leisure uses and states that future development should continue to enhance the waterfront as an attractive and diverse mixed-use location.

8.8 The application site currently forms an underutilised area of open space and therefore the redevelopment of the site will bring about a betterment to the area, in terms of tourism / leisure / employment opportunities, in line with LDP Policy KP10.

8.9 **Trees**

8.10 While the proposed development would necessitate the removal of 15 trees, it is considered that the positive benefits that the proposed development would bring to the area in terms of its increased tourism and associated economic benefits would outweigh the loss of the trees on the site in this instance subject to appropriate compensatory planting.

8.11 A landscaping condition is proposed to ensure that appropriate compensatory planting is provided.

8.12 **Design**

8.13 The proposed building would be located on an area of open space on the corner of Lloyd George Avenue and Hemingway Road. The building would be sited such that it would follow the building line created by the properties along Lloyd George Avenue. Forio House being the closest block of flats. The building would sit forward of the closest point of the curved rear elevation of the Red Dragon Centre as a result but level with it at its maximum projection.

8.14 Amended plans have been received which set the building back from Hemingway Road by an additional metre. The building would therefore be set approximately 2.5m back from the front elevation of the adjacent Travelodge Hotel to the east and 4.4m from Hemingway Road. This increased set back would allow for the retention of cycle infrastructure whilst maintaining an appropriate width of continuous pedestrian footway. There is no distinct building line along Hemingway road and therefore this set back is considered acceptable.

8.15 The proposed building would measure approximately 69m in length, 23m in width and 19m in height. The building would be oblong in shape with a part flat and part sawtooth like roof design. The height of the building would be broadly consistent with that of the adjacent Travelodge Hotel and Residential block of flats. The building is therefore considered to be of an appropriate scale and

massing relative to that of the surrounding built form. The proposal would address the street well along both its Lloyd George Avenue and Hemingway Road frontages and would deliver a high quality architectural building on this prominent site.

- 8.16 The submitted Design and Access Statement describes the proposed building *'a composition of boxes with variant degree of opacity. The content of each box determining the degree of opacity.'* The gallery spaces of the proposed building are to be enclosed in a corten skin with rooflights serving these space to allow natural daylight to enter. The public elements of the proposed building will be contained within a large transparent box. This space will include the entrance foyer, circulation space and a café.
- 8.17 The transparent box element of the building will be located towards its western end and will therefore address Lloyd George Avenue. Part of the glazing will however stretch beyond the box at ground and second floor levels adjacent to corridors/ramps located along the northern elevation of the building. The larger element of the building will be finished in a Corten skin and have a sawtooth roof profile.
- 8.18 While the potential issue of glare could result from the localised use of glass within the translucent box element of the proposed building, it is not considered that this would lead to any more significant issues than if the equivalent level of glazing was proposed in a more traditional fenestration.
- 8.19 The comments of the South Wales Police have been noted and passed on to the applicant for consideration.
- 8.20 It is noted that a passageway is proposed running north-south between the external plant room and offices proposed on the ground floor eastern side of the building. In order to prevent this covered area being used for anti-social activities, it is considered pertinent to condition that it be gated in the interests of public safety and security.
- 8.21 Numerous renewable energy and low carbon technologies are proposed thought the building with the aspiration that it would meet BREEAM 'Very Good' level as a minimum.
- 8.22 **Conservation / The Historic Environment**
- 8.23 The comments of the conservation team are noted.
- 8.24 **Residential Amenity**
- 8.25 The proposed building would be located approximately 21m from the nearest residential properties within Forio House. Given the separation distances involved and taking into account the existing use of the site, it is not considered that the proposed development would generate an unacceptable increase in the potential for overlooking upon these neighbouring residences.

8.26 The submitted Shadows Study Plan (Drawing Ref: 16659 TP(10)400 Rev 1) demonstrates that the proposed building would cast a shadow over the neighbouring block of flats, Forio House. It is however clear from this plan that any overshadowing would be limited to certain times of the day at differing point of the year when a degree of overshadowing might be expected. Given the separation distances involved and in light of the shadow study plan, it is not considered that the proposed building would have an unreasonable or therefore unacceptable overshadowing impact upon the neighbouring block of flats.

8.27 The scale of the proposed building, combined with the separation distances involved, is such that the proposal would neither have an overbearing nor unneighbourly impact upon the neighbouring residential properties.

8.28 **Noise**

8.29 The proposed development could potentially generate increased activity in the immediate area of the site as people come and go. However the location of the application site within Cardiff Bay and adjacent to 2 busy roads, coupled with the opening times proposed is such that it is not considered that there would be an unreasonable noise nuisance generated as a result of the proposal. It must also be noted that pollution control have been consulted and do not object on noise grounds.

8.30 **Flood Risk**

8.31 The application site is located within flooding Zone B as identified on Natural Resources Wales' - Development Advice Map. A Flood Consequences Assessment has not however been submitted as part of the application.

8.32 While the risk of tidal and fluvial flooding and the consequences of an extreme flooding event has not been fully assessed at this time, the application proposal is not considered to be for a vulnerable use such as residential. Taking this into account, that a staged tidal and fluvial warning system is in operation for the area and the positioning of the proposed building adjacent to primary highways with direct linkages to areas above flooring risk, that in the unlikely event of an extreme flood occurring the risks to human health and property can be appropriately managed.

8.33 The application site is located within an area of low flood risk and the proposal is for a low vulnerability development. NRW have not raised concerns over the proposal in relation to flood risk it. It is considered that the proposal complies with LDP Policy EN14 and Tan 15 (Flood Risk).

8.34 **The Natural Environment**

8.35 A bat report was not submitted as part of the application, however it is the opinion of the County Ecologist that bats would not be present on site.

8.36 **Waste Management**

8.37 The waste storage area indicated on the submitted drawings appears adequate. Waste have raised no objection to the proposed scheme.

8.38 **Transport**

8.39 The site, being located across the road from Cardiff Bay Railway Station, enables easy access to the city centre, to Cardiff Central Station and the rail network beyond and is therefore sustainably located. The site is also adjacent to principal bus routes; cycle routes, and easily accessible on foot from the city centre. The site is also located in close proximity to other leisure uses, hotels, shops and restaurants and local shops and therefore the proposal would have a mutually beneficial relationship with these nearby uses.

8.40 The development is therefore considered to be in a sustainable location where 0 car parking provision is acceptable and to be encouraged. It should however be noted that numerous dedicated car parks and on street pay and display parking bays are located within a short distance of the proposed development.

8.41 The development is also noted to include for cycle parking provision which can be secured by condition.

8.42 Tracking diagrams have been provided which demonstrate that refuse vehicles and articulated Lorries can manoeuvre into the vector unit of the proposed building. The development would neither restrict service vehicles serving the Red Dragon Centre. It is noted that the a letter received on the behalf of the British Airways Pension Fund (BAPF) who own the adjacent Red Dragon Centre have requested that, given that proposals for the museum will utilise the areas which are used by the Travelodge Hotel, delivery and servicing arrangements are considered carefully as part of the proposals to ensure that there are no subsequent operational difficulties.

8.43 No objection has been received to the proposal on highways grounds.

8.44 **Other issues raised by objectors**

Disruption in the building phase should the scheme be developed:

8.45 A construction management plan can be required by condition which will seek to highlight and minimise any immediate impacts of construction activities on existing neighbours, maintenance of the highway and any environmental implications of development.

Potential blocking out of light once built & views directly into flats

8.46 The proximity of the proposed building to the neighbouring residential properties is such that it is not considered that the development would generate any unacceptable overlooking upon neighbouring residential

properties.

- 8.47 A shadow Study has been undertaken and submitted which demonstrates that the proposed building would not unacceptably block light from or overshadow the neighbouring residential properties.

Adverse effects on property values

- 8.48 Property values are not a material planning consideration.

Increased traffic directly outside of their flat, both vehicular & pedestrian.

- 8.49 The application site is located in a highly sustainable location with good pedestrian, bicycle, train, bus and road links. Given its sustainable location, it is considered that visitors arriving and departing the proposed building would use a variety of differing means of travel. As such, the demand in which the proposal would create in terms of increased traffic generated would be considered acceptable. The highway infrastructure surrounding the site also has sufficient capacity to accommodate this increased demand.

The Bay has plenty of potential sites without cramming a huge building into a small space, thus negatively impacting the environment & open space.

- 8.50 Local Planning Authorities must determine planning applications on their individual merits and cannot specify where proposals should be located. The impact of the proposed development has been assessed within section 8 of this report.

The Museum should locate in an alternative, more suitable site, such as the Dr Who site, thus maintaining the open spaces on Hemingway Road & not impacting on existing residents & housing.

- 8.51 Local Planning Authorities must determine planning applications on their individual merits and cannot specify where proposals should be located.

Delivery and servicing arrangements

- 8.52 Deliveries and servicing for the proposed building will be undertaken from its rear and will utilise the existing access road associated with the Red Dragon Centre and Travelodge Hotel. Tracking diagrams have been included within the appendices of the Design and Access Statement (DAS) which clearly illustrate that an articulated vehicle can access the Vactor Unit Shaft of the building and that sufficient room is available for a refuse vehicle to manoeuvre. It should also be noted that highways have no objection to the application proposal.

- 8.53 **Pre Application Consultation PAC**

- 8.54 A PAC report has been submitted alongside the planning application. A single letter of public representation was received to the PAC on the basis of the

following;

- Disruption during construction
- Blocking out of light
- Overlooking issues
- Property values
- Increased Traffic

8.55 In addition to the PAC, a consultation event was held in a local college to which 34 people attended. Details of this have been included in the PAC report. 20 responses were received to this with 19 of these in support and 1 in neutral response.

9. OTHER CONSIDERATIONS

9.1 Crime and Disorder Act 1998

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

9.2 Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

9.3 Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.

9.4 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to

seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

9.5 *Flood and Water Management Act 2010*

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.

10. RECOMMENDATION

10.1 The proposed building is an acceptable and appropriate development for the site and would bring about a positive economic, tourism and cultural benefit to the area.

10.2 It is recommended that Planning Permission be granted.



2	Planning Application	28.07.2017	HHL
1	Pre-Planning Submission	08.05.2017	HHL/AK
Revision	Description	Date	Drawn



Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
Site Plan - Existing

Scale
1 : 500 @ A1

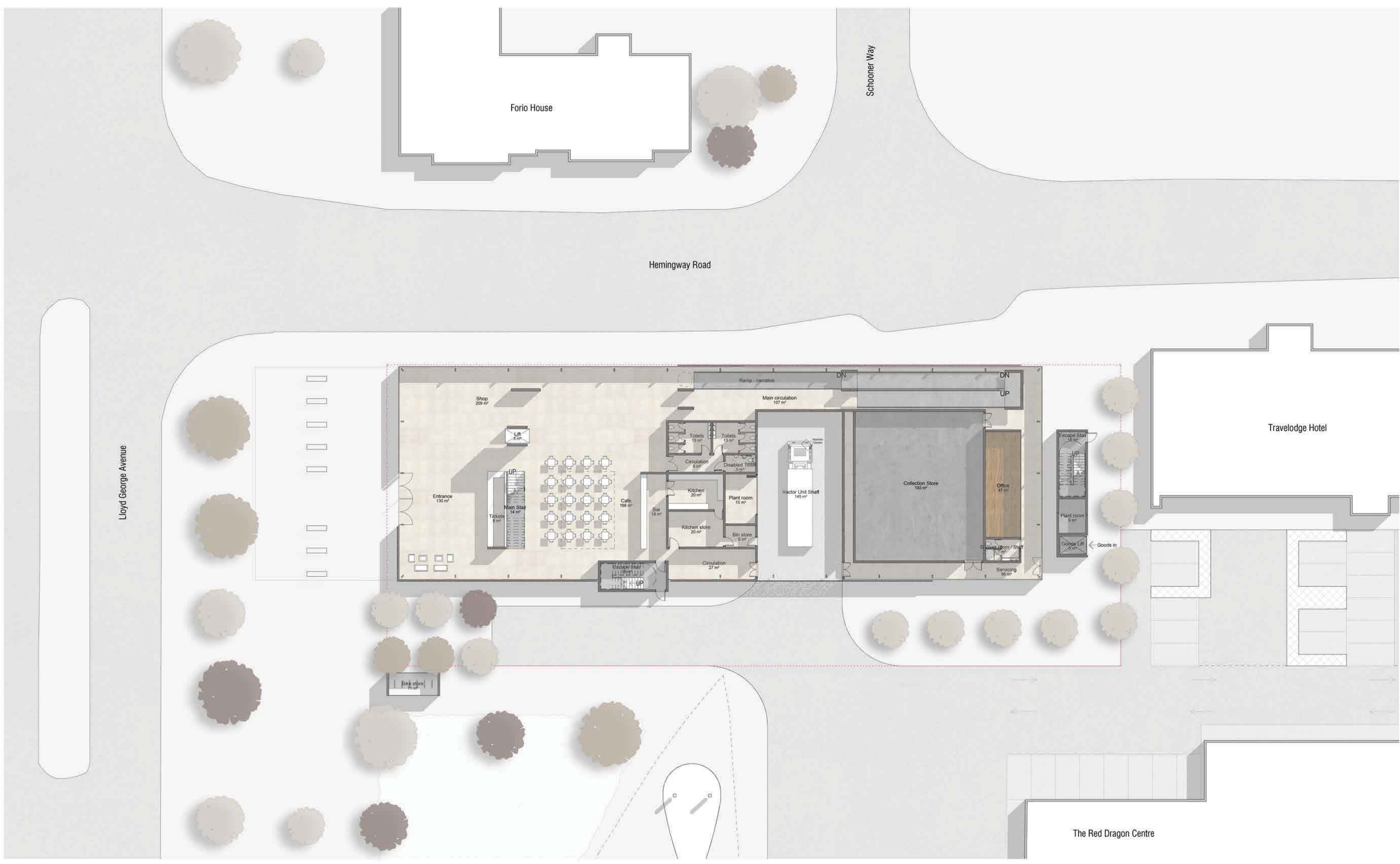
Drawing Number
16659

Drawing No
TP(00)002

Status
Planning

Rev
2

1 Site Plan - Existing (TP)
 TP(00)002 1 : 500



1 Ground Floor (TP)
 TP(10)100 1 : 200

2	Planning Application	28.07.2017	HHL
1	Pre-Planning Submission	08.06.2017	HHL/AK
Revision	Description	Date	Drawn



Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
Ground Floor Plan

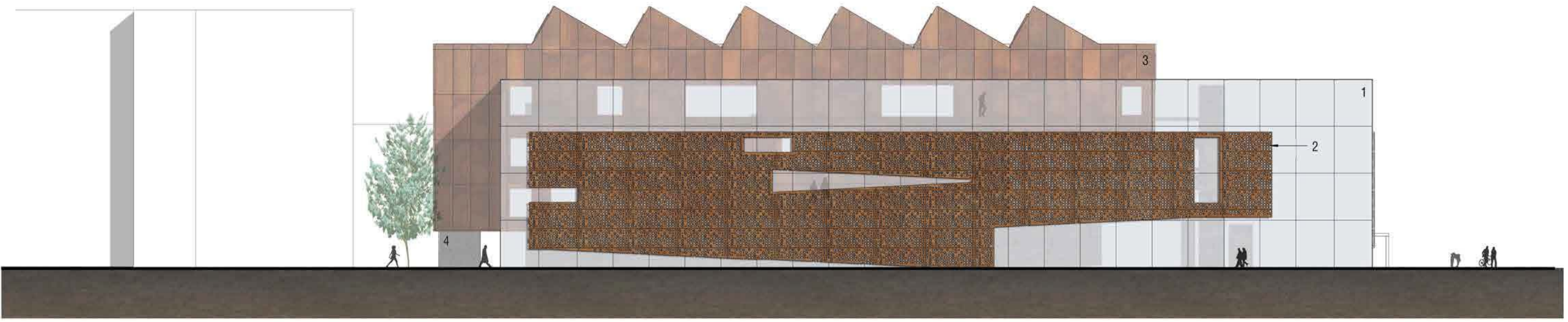
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Drawing Number
16659

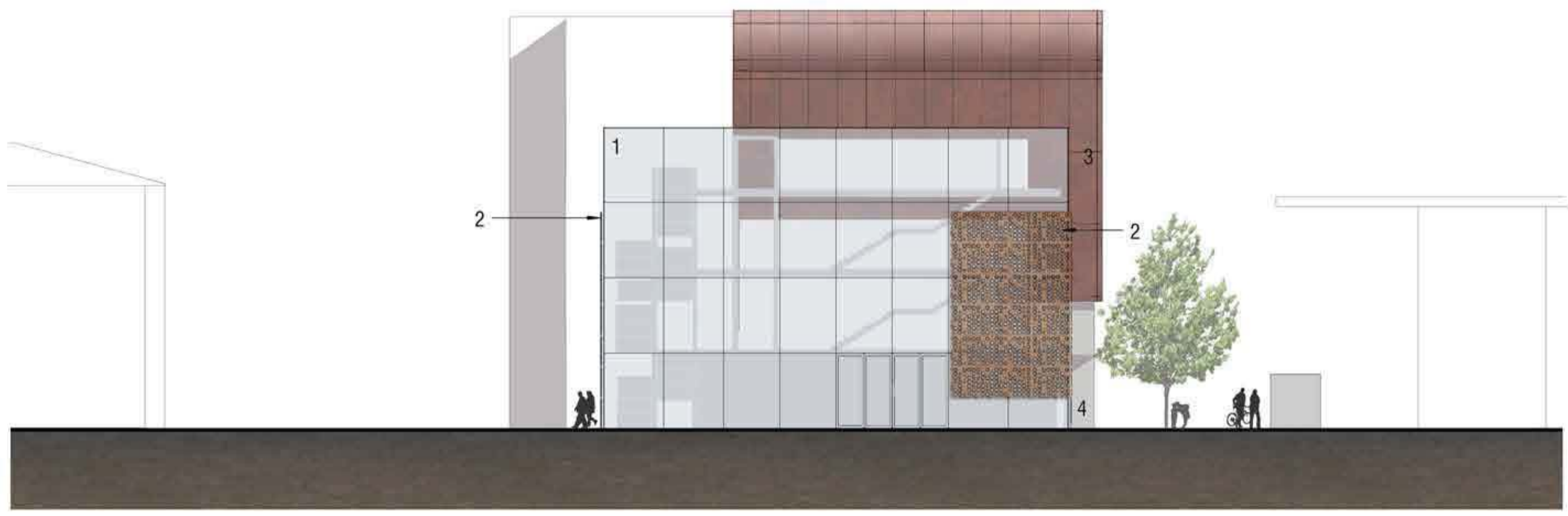
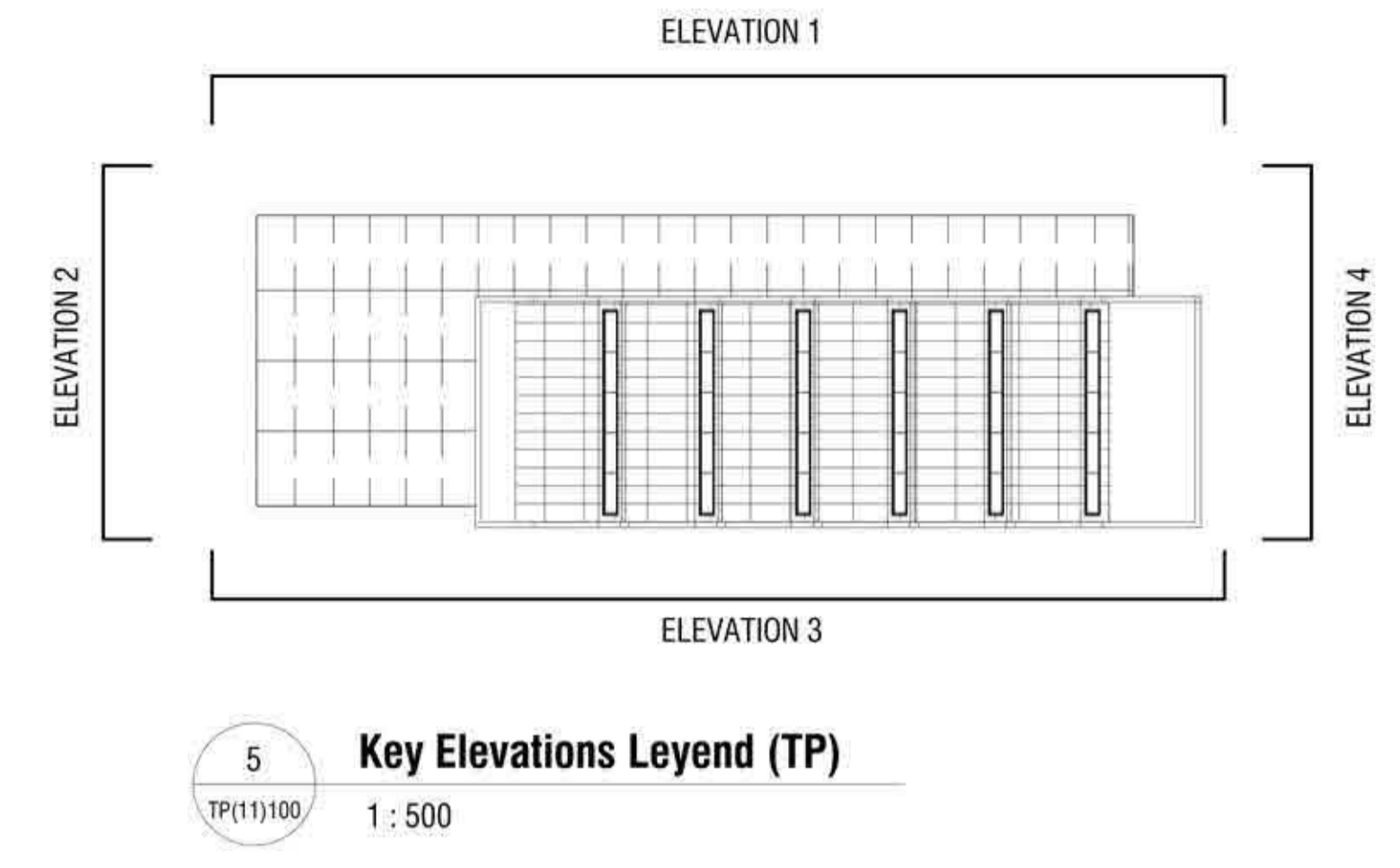
Drawing No
TP(10)100

Status
Planning

Rev
2



1 Elevation 1 - Northwest (TP)
 TP(11)100 1 : 200



2 Elevation 2 - Southwest (TP)
 TP(11)100 1 : 200



4 Elevation 4 - Northeast (TP)
 TP(11)100 1 : 200

- MATERIALS LEGEND**
- 1. Curtain walling facade
 - 2. Perforated copper panels
 - 3. Corten panels
 - 4. Bare polished concrete
 - 5. Polycarbonate panels



3 Elevation 3 - Southeast (TP)
 TP(11)100 1 : 200

Revision	Description	Date	Drawn
2	Planning Application	28.07.2017	HR/L
1	Pre-Planning Submission	08.05.2017	HR/L/AK

SCOTT BROWNRIGG

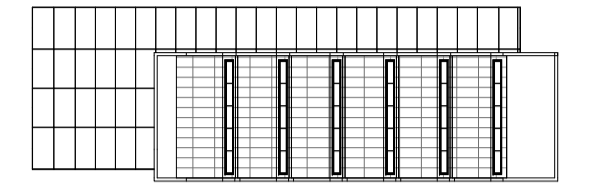
Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
Elevations

Scale
As indicated @ A1

Drawing Number	Drawing No	Status	Rev
16659	TP(11)100	Planning	2



Artistic Impression only. NTS. Not to be interpreted as a verified view. Materials, finishes and their visual appearance may be altered during final design and construction.

1	Planning Application	28.07.2017	HH-L
Revision	Description	Date	Drawn

SCOTT BROWNRIGG

Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
**Visualisation 1 - Northwest
façade**

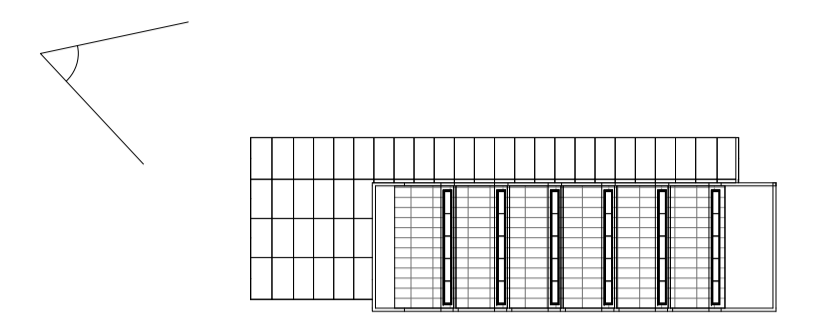
Scale
1 : 1000 @ A1

Drawing Number
16659

Drawing No
TP(10)300

Status
Planning

Rev
1



Artistic Impression only. NTS. Not to be interpreted as a verified view. Materials, finishes and their visual appearance may be altered during final design and construction.

1	Planning Application	28.07.2017	HL
Revision	Description	Date	Drawn

SCOTT BROWNRIGG

Client's Name
Board of Trustees

Job Title
The Museum of Military Medicine

Drawing Title
Visualisation 2 - Northwest & Southwest façades

Scale
1 : 1000 @ A1

Drawing Number
16659

Drawing No
TP(10)301

Status
Planning

Rev
1

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

COMMITTEE DATE: 08/11/2017

APPLICATION No. **17/00111/MJR** APPLICATION DATE: 19/01/2017

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Draycott Construction Ltd

LOCATION: 199-209 CITY ROAD, ROATH, CARDIFF, CF24 3JD

PROPOSAL: CONSTRUCTION OF A NEW 5 TO 8 STOREY (PLUS ROOFTOP PLANT ROOM) DEVELOPMENT OF STUDENT RESIDENTIAL ACCOMMODATION: COMPRISING 146 STUDIO ROOMS AND ASSOCIATED AMENITY SPACES; A PRIVATE INTERNAL LANDSCAPED COURTYARD AND TWO SMALL GROUND FLOOR COMMERCIAL UNITS (CLASS A1 OR A2 OR A3)

BACKGROUND

1. Application reference 17/00111MJR was resolved to grant planning permission, at the Planning Committee of 16 August 2017, subject to the applicant entering into a planning obligation.

ISSUES

2. The obligations requested in the heads of terms of the Committee Report included:
 - £10,000 towards traffic orders
 - £45,000 towards the provision of a pedestrian/zebra crossing on City Road
 - Restriction of the term-time use of the premises for student accommodation.
3. Following the meeting of the Committee, the applicant has requested that the obligations are secured under a Unilateral Undertaking, with the exception of the student occupation restriction, which could be controlled by an appropriately worded condition to the planning permission.

RECOMMENDATION

4. To add a new condition (26):

During term-time, the development (with the exception of the ground floor A1/A3 uses) shall not be used or occupied for any purpose other than as Student Accommodation (where the term "student" shall mean a student as defined in the Council Tax (Discount Disregards) Order 1992 (or any statutory amendment or re-enactment thereof for the time being in force)).

Reason: For the avoidance of doubt and to ensure the development hereby permitted is for the occupation of students and for no other residential use.

The following appendices are attached:

1. Report to Planning Committee 16 August 2017 Ref 17/00111MJR

APPENDIX 1

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 16/08/2017

APPLICATION No. **17/00111/MJR** APPLICATION DATE: 19/01/2017

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Draycott Construction Ltd

LOCATION: 199-209 CITY ROAD, ROATH, CARDIFF, CF24 3JD

PROPOSAL: CONSTRUCTION OF A NEW 5 TO 8 STOREY (PLUS ROOFTOP PLANT ROOM) DEVELOPMENT OF STUDENT RESIDENTIAL ACCOMMODATION: COMPRISING 146 STUDIO ROOMS AND ASSOCIATED AMENITY SPACES; A PRIVATE INTERNAL LANDSCAPED COURTYARD AND TWO SMALL GROUND FLOOR COMMERCIAL UNITS (CLASS A1 OR A2 OR A3)

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraphs 9.1 and 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. *Approved Plans:*
The development shall be carried out in accordance with the following approved plans and supporting documents:

Plans

- A_00_001_LEVEL 00_GROUND FLOOR PLAN_REV E
- A_00_002_LEVEL 01_FIRST FLOOR PLAN_REV E
- A_00_003_LEVEL 02_SECOND FLOOR PLAN_REV E
- A_00_004_LEVEL 03_THIRD FLOOR PLAN_REV E
- A_00_005_LEVEL 04_FOURTH FLOOR PLAN_REV E
- A_00_006_LEVEL 05_FIFTH FLOOR PLAN_REV E
- A_00_007_LEVEL 06_SIXTH FLOOR PLAN_REV E
- A_00_008_LEVEL 07_SEVENTH FLOOR PLAN_REV E
- A_00_011_ROOF PLAN_REV D
- A_00_014_PROPOSED ELEVATIONS (N)_REV D
- A_00_015_PROPOSED ELEVATIONS (E)_REV D

- A_00_016_PROPOSED ELEVATIONS (S)_REV D
- A_00_017_PROPOSED ELEVATIONS (W)_REV D
- A_00_019_PROPOSED SECTION B-B (COURTYARD ELEVATION)_REV D
- A_00_020_PROPOSED SECTION C-C (COURTYARD ELEVATION)_REV D
- A_00_021_PROPOSED SECTION D-D (COURTYARD ELEVATION)_REV D
- A_00_022_PROPOSED SECTION E-E (COURTYARD ELEVATION)_REV D
- A_90_101_EXISTING LOCATION PLAN
- A_90_102_PROPOSED LOCATION PLAN_REV D
- A_90_104_PROPOSED SITE PLAN_REV D
- A_90_106_EXISTING ELEVATIONS [S_W]
- A_90_107_PROPOSED ELEVATIONS (N_E)_REV D
- A_90_108_PROPOSED ELEVATIONS (S_W)_REV D

Supporting Documents

- Noise Assessment (Acoustics & Noise Ltd: March, 2016)
- Transport Assessment (Asbri Transport: January , 2016)
- Pre-application Report (PAC) (Asbri Planning: January 2017)
- Geotechnical and Geo-environmental Report (Terra firma: Oct 2015)
- Planning Statement (Asbri Planning: June 2017)
- Design and Access Statement (HMA)

Reason: For the avoidance of doubt

3. *Road Traffic Noise:*

Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from :

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private

open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

4. *Sound Insulation:*

A scheme of sound insulation works to the floor/ceiling and party wall structure between the proposed residential units and the commercial units shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation. Please note sound insulation requirements between that of a commercial unit and residential will need to be greater than that of the minimum standard of Part E building regulations.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026).

5. *Landscaping Plan:*

No development shall be undertaken until a detailed landscaping plan has been submitted to and approved in writing with the Local Planning Authority. The submitted landscaping plan shall include, but not limited to, the following: scaled planning plan, plant schedule, tree pit sections and plan views, top soil specification, planting methodology and 5 year aftercare methodology.

Reason: To ensure an acceptable form of development in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).

6. *Drainage:*

No development shall take place until a scheme for the drainage of the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with EN10 of the adopted Cardiff Local Development Plan (2006-2026).

7. *Refuse Strategy:*

Prior to commencement of the development details of a refuse strategy shall be submitted to and approved in writing with the Local Planning Authority. The strategy shall include, but not limited to, details of how and where the refuse collection would be presented for its collection and who is providing the refuse service. The approved strategy shall be implemented on site and thereafter retained.

Reason: To ensure acceptable refuse provision for the development in

accordance with Policy W2 of the adopted Cardiff Local Development Plan (2006-2026).

8. *Samples of Materials:*
Samples of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5 of the adopted Cardiff Local Development Plan (2006-2026).
9. *Cycle Storage:*
Prior to commencement of development details of the proposed cycle storage shall be submitted and approved in writing. The detail shall ensure that the proposed cycle provision is safe, secure and sheltered with the number of cycle spaces to accord with the Council's adopted parking standards as outlined in the council approved Access, Circulation and Parking Standards SPG (2010).
Reason: To ensure acceptable cycle provision for the development in accordance with Policy T1 of the adopted Cardiff Local Development Plan (2006-2026).
10. *Construction Management Plan:* Prior to commencement of development a Construction Management Plan shall be submitted and approved in writing with the Local Planning Authority. The Construction Management Plan shall include, but not limited to ,details of site hoardings, site access and wheel washing facilities, a strategy for the delivery of plant and material, construction staff parking. The approved strategy shall be implemented during the construction of the development.
Reason: To ensure the development does not interfere with the free flow of traffic in accordance with Policy T6 of the adopted Cardiff Local Development Plan (2006-2026).
11. *Combined Travel Plan:*
A combined Travel/Residential Management Plan shall be submitted to the LPA for approval. Such a Plan shall include, but not be limited to: the promotion of public transport and other means of travel to the private car as a condition of tenancy/occupation.
Reason: in the interests of highway safety and the control of car parking within the surrounding area in accordance with Policy T6 of the adopted Cardiff Local Development Plan (2006-2026).
12. *Servicing Management Plan:*
No part of the development hereby permitted shall be commenced until a plan for the management of delivery and servicing associated with the building has been submitted to and approved by the Local Planning Authority; the plan to include as required but not limited to the management of day to day access, deliveries and servicing, details of

the maximum vehicle size(s), times and days of permitted access, control and management of noise. Management of the delivery and servicing associated with the development shall be carried strictly in accordance with the plan so approved.

Reason: In the interests of highway safety and public amenity in accordance with Policy T6 of the adopted Cardiff Local Development Plan (2006-2026).

13. *Public Realm Reinstatement Works:*

No part of the development hereby permitted shall be commenced until a scheme of public realm reinstatement/improvement works to the City Road footway and the side, and rear lanes adjacent to the site has been submitted to and approval in writing by the LPA. The scheme shall include the removal, re-kerbing and reinstatement as footway of the existing vehicle dropped kerb to the front of the site on City Road; the reinstatement/resurfacing as required of the remainder of the footway abutting the site; and the resurfacing of the side and rear lane to the south and west of the site, to include as required surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented.

Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Policy T6 of the adopted Local Development Plan (2006-2026)

14. *Contaminated Land Assessment:*

Prior to the commencement of the construction of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:

- human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

** A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.*

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

15. *Remediation Scheme and Verification Plan:* Post demolition and prior to the commencement of the construction of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land

Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

16. *Remediation and Verification:*

The remediation scheme approved by condition 15 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan

17. *Unforeseen Contamination:*

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the

discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

18. *Imported Soil:*

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

19. *Imported Aggregates:*

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

20. *Use of Site Won Materials:*

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced in

accordance with policy EN13 of the Cardiff Local Development Plan.

21. *Security Measures:*

Notwithstanding the approved plans, details of any relevant security measures for future residents, including (but not limited to) CCTV, secured door entry, internal and external communal lighting, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented as approved prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason. In the interests of the safety and security of future residents. in accordance with Policy C3 of the adopted Cardiff Local Development Plan (2006-2026)

22. *Hours of Operation:*

No customers shall be admitted to or allowed to remain on the ground floor Commercial units hereby approved outside the hours of 07:30 to 22:00 on any day.

Reason. To protect the amenities of future residential occupiers and other occupiers in the vicinity of the site in accordance with Policy R4 of the adopted Cardiff Local Development Plan (2006-2026).

23. *No Takeaway Sales:*

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) no sale of hot food for consumption off the premises shall take place from the premises.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

24. *Specified Use:*

In so far as relates to any Class A3 (Food & Drink) use of the ground floor commercial units hereby approved, the premises shall be used as a coffee shop/café/restaurant and no other purpose (including as a bar or other vertical drinking establishment) within Use Class A3 (Food & Drink) of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason. The use of the premises as a bar or drinking establishment may prejudice the amenities of the area and may increase instances of crime and disorder.

25. *Future Kitchen Extraction:*

If at any time the use of the ground floor commercial premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a deodorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the

commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected site in accordance with Policy R4 of the adopted Cardiff Local Development Plan (2006-2026).

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the

information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4: That the applicant be advised that the highway works specified above will be the subject of an agreement under Section 278 of the Highways Act 1980.

RECOMMENDATION 5: That, the developer shall notify the local planning authority of the commencement of development and shall display a site notice and plan on, or near the site to accord with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full planning permission is sought for new student development (146, 30 m² studios) with two ground floor commercial units (class A1/A2/A3). The original proposal (225 beds) has been significantly reduced in terms of both height and mass. The blocks (as amended) would range from four to eight storey in height fronting onto City Road, with the upper storeys being set back the main City Road frontage.
- 1.2 The development also provides for internal refuse and cycle storage. A private internal courtyard/amenity space is provided to the rear of the development.
- 1.3 The elevation fronting onto City Road is proposed as a combination of predominantly brickwork with aluminium sheet cladding as the background material. The ground floor including the main entrance and the commercial units being comprised of predominantly glass elevations.
- 1.4 The plans have been amended on two occasions (16th March and 13 July 2017)

2. **DESCRIPTION OF SITE**

- 2.1 The application site is located at the northern end of City Road, on the west side, immediately adjacent to the Gaiety building (to the south), and directly opposite the junction with Glenroy Street. Just to the north of the site, again on the west side of City Road, is the Park Conservative Club and Co-operative Pharmacy buildings, which in conjunction with the Gaiety building, represent the largest buildings in the immediate area. The application site is also on the corner of a narrow access lane (between the site and the Gaiety building) that leads from City Road to another lane that runs parallel to City Road and provides access to garages and similar storage structures associated with properties on both City Road and Richmond Road.
- 2.2 All of the original properties on the site, numbers 199-209 City Road, were demolished during the early part of 2017. The site is now fully cleared, hoarded-off and vacant.

3. **SITE HISTORY**

- 3.1 01/02164/W: Change of use to taxi booking office- Refused
- 3.2 15/02500/MJR: Proposed demolition of existing buildings on 199-203 City Road and construction of 29 no. self-contained units, 9 No. open market units and 20 No. Student accommodation units including ground floor retail accommodation along City Road with associated external works – resolved to approve subject to the signing of an S106 agreement (S106 currently not signed).
- 3.3 16/00445/MNR – Prior approval for demolition of existing 3 storey pitched roof properties – Prior approval granted.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016).
- 4.2 Technical Advice Notes (TANs):
 - 11 Noise
 - 12 Design
 - 16 Sport, Recreation and Open Space
 - 18 Transport
 - 21 Waste
- 4.3 Cardiff Local Development Plan (January 2016):
 - KP1 Level of Growth
 - KP5 Good Quality and Sustainable Design
 - KP6 New Infrastructure
 - KP7 Planning Obligations
 - KP8 Sustainable Transport
 - KP12 Waste
 - EN13 Air, Noise, Light Pollution and Land Contamination
 - T1 Walking and Cycling
 - T2 Strategic Rapid Transit and Bus Corridor Enhancement
 - T5 Managing Transport Impacts
 - T6 Impact on Transport Networks and Services
 - T7 Strategic Transportation Infrastructure
 - C1 Community Facilities
 - C3 Community Safety/Creating Safe Environments
 - C5 Provision for Open Space, Outdoor Recreation, Children’s Play and Sport
 - W2 Provision for Waste Management Facilities in Development
- 4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Access, Circulation and Parking Standards (January 2010)
Trees and Development (March 2007)
Open Space (March 2008)
Cardiff Liveable Design Guide (May 2015)

4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)
Planning Obligations (January 2017)
Tall Buildings (January 2017)
Residential Design Guide (January 2017)
Location Waste Management Facilities (January 2017)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 **The Operational Manager, Transportation:** The development is considered to be acceptable in principle subject to the following matters. The adopted Access, Circulation and Parking Standards SPG confirms that up to one car parking space per 25 beds may be provided for operational use and that there is no requirement for on-site resident car parking for the sui generis use of student accommodation. In addition, established practice is that one cycle parking space should be provided per two beds for the proposed type of development. Being mindful of the central, sustainable location of the site and that of the proposed use, I am satisfied that the proposed development is compliant with adopted parking policy as submitted, with zero on-site car parking, and the provision of resident/visitor cycle parking as required by condition. It is also expected that active travel and demand for cycle parking will be monitored as part of the conditioned Travel Plan and enhanced as may be required.

With reference to location and wider development considerations, it is noted that the site is in a central location within an extensively served, pedestrian dominated, district centre with direct access to employment, leisure, shopping and wider university facilities. The site is also within an area where walking, cycling and public transport offer viable daily alternatives to use of a private car; having very good access to bus based public transport services, high quality footways and Cardiff's cycle network. The site is therefore considered to be sustainably located in transport terms and entirely appropriate for the proposed form of development.

It is however noted that the introduction of 146 residents who will be reliant on walking and cycling for daily journeys will put additional pedestrian traffic onto adjacent footways and crossings in the vicinity of the site. Conditions and a S106 contribution are therefore sought to secure reinstatement/improvements to adjacent footways and the provision of a controlled pedestrian crossing (ZEBRA) in the vicinity of the site.

I am also satisfied, subject to agreement of the conditioned Traffic Management Plans, that there is sufficient capacity on the adjacent public highway to accommodate the arrival and departure of students at the start and

end term, and daily servicing requirements of the proposed retail elements of the scheme. The Traffic Management plan will also assist with the control of student car parking within the site and surrounding area.

It should also be noted that a separate licence will be required for the provision of tables & chairs on the footway, should they be proposed in association with any A3 use of the ground floor units. All costs associated with securing any licence, permission or agreement required to facilitate the development or its use must be met by the developer/operator as appropriate to the licence/activity.

A combined transportation contribution of £55,000 is sought to provide:

- A ZEBRA crossing on City Road south of the site at the location of the former island crossing (£45,000);
- The investigation and implementation of new and amended TROs in the vicinity of the site. Including, but not limited to, implementation of the City Road phase of the 20mph area speed limits, and parking and loading TRO amendments as required as a consequence of the development (£10,000);

5.2 **The Operational Manager, Environment (Contaminated Land):** No objection subject to conditions to control and assess contamination of the land

5.3 **The Council's Tree Officer:** No objection subject to a landscaping condition being imposed.

5.4 **The Operational Manager, Waste Management** states that for a development of this size and nature, an in depth waste strategy should be produced detailing anticipated volumes of waste and the segregation of materials for recycling (suggested recycling includes cardboard, paper, glass, food, plastics as a minimum). It should also predict the number of collections required so that we can ensure the refuse storage space is large enough to accommodate all waste between collections, it may be necessary to implement a compactor to minimise the number of collections of materials such as cardboard.

A method statement detailing how waste is to be transferred to the ground floor (service lifts must be large enough to accommodate bins being used, plus one person) should also be provided.

The developer is advised, as bulk containers are required for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided, to ensure safe handling of bulk bins to the collection vehicle.

Commercial Development

By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

- 5.5 **The Operational Manager, Environment (Noise & Air)** No objection, subject to a condition requiring all habitable rooms to meet a certain noise level and require details of any fume extraction that may be used on the ground floor flat.
- 5.6 **The Operational Manager, Regeneration (Community Facilities)** The Council's approved Planning Obligations SPG states that 'Growth in population arising from new development generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through the provision of new facilities and extension to, or upgrading of existing facilities. If no onsite provision is proposed, a financial contribution would be sought on residential developments containing 25 or more units.
- 5.7 **The Operational Manager, Drainage:** No comments received
- 5.8 **The Operational Manager, Parks and Sport:** These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 146. This generates a maximum open space requirement of 0.187 ha of on-site open space based on the criteria set for Student accommodation, or an off-site contribution of £79,793.

- 5.9 **The Housing Development (Enabling) Team** state that as the proposed development is solely for student accommodation, our current policy does not allow us to seek/require an affordable housing contribution, provided the residential element is restricted to such use, and for no other purpose.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 Dwr Cymru Welsh Water: No objection subject to a drainage condition that seeks to separate foul and surface water. We have no further comments to make on the amended details submitted
- 6.2 The South Wales Police Crime Prevention Design Advisor: No objection. The comments of the South Wales Police regarding Secured by Design have been passed to the applicant.

7. **REPRESENTATIONS**

- 7.1 As a Major Development, a press notice was published and site notices have been placed outside the development site on City Road and on Richmond Road. Neighbouring properties have been consulted by letter, and local Ward Councillors consulted. The applicant has also undertaken a pre-application public consultation (PAC) which is now a statutory requirement for all major development proposals.
- 7.2 Local Ward Members McGarry, Lent and De'Ath object to the amended (March 2017) plans and have made the following comments: *"We have looked at the amended plans and cannot see how the objections of local residents and businesses have been addressed: The buildings will still overshadow the backs of houses in Richmond Road and the design is totally out of keeping with the Victorian buildings next to the development, including the Park Conservative Club. So, please add our objections, as local councillors, to this application."* No further comments have been received to the latest (July 2017) amended plans.
- 7.3 A total of 9 no. objections were received from neighbours from the initial (January) consultation. A further 3 no. objections were submitted from the (March) amended plans consultation, and a further 1 no. (one) objection was received from the second amended plans consultation in July 2017. The subject of the objections received are summarised below:
- *The height, massing and scale of the proposal*
 - *The impact on the adjacent cinema building and its potential for redevelopment*
 - *The use of render is inappropriate in terms of appearance and maintenance*
 - *The development fails to accord with the Tall Buildings SPG*
 - *Noise and disturbance from drunk students*
 - *Overlooking of neighbouring properties*
 - *Overshadowing/loss of light*
 - *Impact on drainage and water supply*
 - *Traffic generation and lack of on-street parking*
 - *Lack of transparent public consultation*
 - *Comments regarding inconsistencies in the issue of licenses for takeaways*
 - *Unclear what the use of the proposed building would be*
 - *Issues of litter and waste management*
 - *Congestion and disturbance during construction including noise and dust*
 - *Increase in crime and anti-social behaviour*
- 7.4 A petition of 27 signatures was received on 13 February 2017 objecting to the proposal on the following grounds:
- *The height of the buildings proposed at four, six and nine storeys being twice the heights of neighbouring occupiers, resulting in the loss of light and overshadowing*

- *The increase in traffic worsening congestion and parking in the area*
- *The impact on the amenity and privacy of neighbouring occupiers from overlooking*
- *Lack of regard to the character and context of the built environment by virtue of the design and scale of the proposal*

7.5 A total of 3 no. statements of support were submitted from the initial (January) consultation. The statements of support are summarised below:

- *Economic uplift to the area for local businesses*
- *Visual improvement from former buildings on the site*
- *Gaiety Building is not listed, and should be demolished*
- *Support for high density student development*
- *Potential for properties in Cathays and Roath to return to family homes*
- *Enduring vandalism, arson and anti-social behaviour from years of dereliction*

8. **ANALYSIS**

8.1. The application has been considered on its merits having regard to all material planning factors. The following issues are relevant to the consideration of the proposal and are addressed below.

8.2. Land Use Policy Considerations: The application site is located within the City Road District Centre as defined by the adopted LDP Proposals Map. The application should therefore be assessed against Policy R4: District Centres.

8.3. Policy R4 aims to promote and protect the shopping role of district centres and favours retail, office, leisure and community facilities within District Centres. Criterion (iv) permits proposals for uses other than Class A1 at ground floor level if they would not cause unacceptable harm to the predominant shopping role and character of the centre, the vitality, attractiveness and viability of a specific frontage or group of frontages. Paragraph 5.273 recognises that the provision of residential accommodation at upper floors within centres can support their vitality, attractiveness and viability.

8.4. The proposal provides for 2 commercial units at ground floor level. The provision of retail at ground floor level will maintain an active frontage and the provision of student accommodation in the centre would increase footfall and positively benefit the centre's vitality and viability.

8.5. Assessed against this policy framework, the proposal would positively contribute to the aims of Policy R4 and as such the proposal raises no land use concerns

8.6. Design and Amenity Considerations: This scheme sits along the existing building line. It is noted that the earlier plans, by creating an enhanced/larger public realm along city road, provided a better relationship to the proposed taller element and the street frontage, and provided the potential for landscaping/trees as well as the creation of a new public space along City

Road. However, by setting the building back and by virtue of its depth and height, resulted in an overbearing development to the rear of properties along Richmond Road; inappropriate in scale, height and massing at this location. The current plans have reduced the height of the building proposed from 10 to 8 storeys (max) with reduced height across the main City Road frontage creating a more appropriate relationship with adjacent buildings.

Whilst it is accepted that the scale of the development is greater than those existing buildings along this northern section of city road, it is accepted that the size of the plot, the further potential for development of the former Gaiety Cinema site immediately to the south, and the location opposite the junction of Glenroy Street, all give credence to the potential for a taller building at this location.

It is further noted that the site and adjacent (Gaiety) site are currently vacant within an area which has suffered from dereliction and consequential anti-social behaviour for a number of years.

The scale of development to the rear lane is acceptable, being 3 storey wings equivalent in scale to existing buildings., Setting back the taller elements of the main frontage to within acceptable separation distances, and limiting the scale of the wings to three storeys, addresses the concerns neighbouring residents Richmond Road in terms of overlooking and overshadowing.

The creation of additional distance (setting the building back from the existing side lane) and the introduction of angled windows allows for an acceptable aspect from those units, without compromising future development of the adjacent site.

The materials proposed (as amended) being predominantly brick with metal cladding and glazing are considered to be an improvement in quality from the original submission and more in keeping with the street scene and adjacent premises along City Road. A condition is recommended to ensure that samples of these materials are submitted to, and approved by the Local Planning Authority, before commencement of any development.

The proposal provides for an internal private courtyard/amenity space for residents which is considered to be a positive contribution to the development, and provides for a better aspect to the inward-facing windows/rooms. This is strengthened by the proposal (as amended) which removes the need for vehicular/service access along the side and rear lanes. The aspect will allow the penetration of natural daylight to encourage the use of the space and improve the amenity of those units that overlook the space. A condition to define the detailed landscaping/design of the space has been recommended to ensure that the space is well designed and has the potential to accommodate planting appropriate for the location/ground conditions.

For the above reasons, and mindful of other recent/consented developments along City Road, the proposal (as amended) is, on balance, considered acceptable from a design and amenity perspective.

8.7. Access, parking and circulation considerations: The Operational Manager (Transportation) has considered the application (as amended) and raises no objection to the proposed development, (see paragraph 5.1), subject to conditions and the applicant entering into a S106 agreement to secure a contribution towards necessary highway improvements.

8.8. Comments received by neighbours/objectors: Paragraphs 7.2 to 7.4 summarise the objections received following public consultation. Those areas not already considered in this report are listed and addressed below

The impact on the adjacent cinema building: Contrary to some of the views expressed through the consultation, the former Gaiety Cinema is not a statutory Listed Building. Whilst the tallest element of the development is immediately adjacent, the building is currently vacant and derelict and has attracted anti-social behaviour and vandalism for a number of years. By bringing back into new and beneficial use the adjacent site, it is hoped that a new development/appropriate use for the Gaiety site is more likely to be forthcoming.

Noise and disturbance from drunk students: This is not a material planning consideration for the purposes of considering this application

Impact on drainage and water supply: Comments have been received from Dwr Cymru Welsh Water and the Council Highways (Drainage) Section. No objections have been received, subject to a condition.

Lack of transparent public consultation: The proposal has been the subject of a statutory 28-day Pre-Application Consultation (PAC) and the associated report was submitted as part of the application. The application has been advertised as a major development and adjacent neighbours have been notified of the proposed development by letter and on the Council website. Furthermore, site notices have been positioned at appropriate locations adjacent to the site. Following the receipt of amended plans, further 14-day public consultations, along with neighbour letters and site notices have been issued.

Licenses for takeaways: This is not a matter for the Local Planning Authority.

8.9. *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.

8.10. *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

- 8.11. *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.

9. **SECTION 106 AGREEMENT**

- 9.1 A contribution of £55,000 is sought to secure the following essential highway infrastructure:

- The investigation and implementation of new and amended TRO's in the vicinity of the site. Including, but not limited to, implementation of the City Road phase of the 20mph area speed limits, and parking and loading TRO amendments as required as a consequence of the development (£10,000)
- A ZEBRA crossing on City Road south of the site at the location of the former island crossing (£45,000)

- 9.2 In addition to the above, the S106 agreement will specify that the residential use of the premises is for student accommodation, and for no other purpose.

- 9.3 The applicant has confirmed their acceptance of the above terms.

10. **CONCLUSION**

- 10.1 For the above reasons, and as amended, the application is recommended for approval, subject to conditions and S106 agreement.

Applications decided by Delegated Powers between 02/10/2017 and 31/10/2017

Total Count of Applications: 180

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02049/MNR	22/08/2017	Vale of Glamorgan Council	DEVELOPMENT OF SPEC COMMERCIAL UNITS AT SWAN GARAGE, PENARTH ROAD, CARDIFF	CAR SHOWROOM MARRIOT HOUSE, PENARTH ROAD, CARDIFF	45	True	Raise No Objection	06/10/2017

ADAM

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02200/DCH	11/09/2017	Bickle	REAR DORMER SET BACK 300MM FROM ORIGINAL MAIN HOUSE REAR WALL AND VELUX ROOF LIGHT TO FRONT NOT EXCEEDING 150MM ABOVE ROOF PLANE	31 RICHARDS TERRACE, ROATH, CARDIFF, CF24 1RW	39	True	Permission be granted	20/10/2017

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/01901/MJR	07/08/2017	Mace Developments (Cardiff) Ltd	VARIATION OF CONDITION 2 (APPROVED PLANS) OF 16/01808/MJR	WEST WING, CARDIFF ROYAL INFIRMARY, NEWPORT ROAD LANE, ADAMSDOWN, CARDIFF, CF24 0SZ	67	False	Permission be granted	13/10/2017

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
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17/02085/MNR	29/08/2017	Glover	CHANGE OF CLASS USE FROM C3C (DWELLING HOUSE) TO C4 HOUSE IN MULTIPLE OCCUPATION [3-6 UNRELATED PEOPLE] AND FIRST FLOOR EXTENSION PROVIDING AN ADDITIONAL BEDROOM AND BATHROOM	29 RUBY STREET, ADAMSDOWN, CARDIFF, CF24 1LP	49	True	Permission be granted	17/10/2017
17/01950/MNR	09/08/2017	Baker	DEMOLISH AN EXISTING SINGLE STOREY OFFICE/WORKSHOP AND CONSTRUCT A SINGLE 3 BEDROOM DWELLING INCLUDING CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL	LAND ADJACENT TO 2, BOOKER STREET, ROATH	56	True	Planning Permission be refused	04/10/2017

BUTE

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
16/01291/MJR	06/06/2016	Morganstone Ltd	DISCHARGE OF CONDITIONS 16 (NOISE), 17 (GAS PROTECTION), 24 (JAPANESE KNOT-WEED) AND 26 (ARCHAEOLOGY) OF PLANNING PERMISSION NUMBER 15/02597/MJR	LAND OFF SCHOONER WAY, ATLANTIC WHARF	490	False	Full Discharge of Condition	09/10/2017
16/02554/MJR	25/10/2016	CARDIFF BAY ESTATES LTD	PROPOSED CONVERSION, ROOF ALTERATIONS AND EXTENSION OF PROPERTY TO FORM 13 SELF CONTAINED APARTMENTS	MARINE HOUSE, 21-23 MOUNT STUART SQUARE, BUTETOWN, CARDIFF, CF10 5DP	367	False	Permission be granted	27/10/2017

<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
A/17/00153/MNR	21/08/2017	Mizzi Foods Limited	ERECTION OF TWO FASCIA SIGNS, WINDOW GRAPHICS AND 4X POSTERS AT THE ENTRANCE DOORWAY	UNIT 3, AQUILA HOUSE, PIERHEAD STREET, CARDIFF BAY, CARDIFF, CF10 4PH	56	True	Permission be granted	16/10/2017

A/17/00151/MNR	16/08/2017	Food Programme Delivery Orchid Group	2 X INTERNALLY ILLUMINATED PROJECTORS 2 X INTERNALLY ILLUMINATED LOGOS 2 X NON-ILLUMINATED ACRYLIC LETTERS	CO-OP, AQUILA HOUSE, PIERHEAD STREET, CARDIFF BAY, CARDIFF, CF10 4PH	50	True	Permission be granted	05/10/2017
17/01979/MNR	14/08/2017	Igloo Regeneration (General Partner) Ltd	RETAIN EXISTING STOCKPILE AND REALIGNED FOOTPATH FOR A TEMPORARY PERIOD OF THREE YEARS	PORTH TEIGR, CARGO ROAD, BUTETOWN, CARDIFF	77	False	Permission be granted	30/10/2017
A/17/00166/MNR	26/09/2017	Whitbread Group	SIGNAGE ASSOCIATED WITH PREMIER INN HOTEL	PREMIER INN HOTEL, CORNER OF BUTE PLACE AND PIERHEAD STREET, CARDIFF BAY	31	True	Permission be granted	27/10/2017

CAER

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17/02145/DCH	05/09/2017	Skene	TWO STOREY REAR EXTENSION	22 MEIRWEN DRIVE, CAERAU, CARDIFF, CF5 4ND	45	True	Permission be granted	20/10/2017
17/02215/DCH	13/09/2017	Francombe	SINGLE STOREY SIDE AND REAR KITCHEN, UTILITY ROOM AND SUN LOUNGE EXTENSION	25 DEW CRESCENT, CAERAU, CARDIFF, CF5 5PB	28	True	Permission be granted	11/10/2017

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17/02122/MNR	01/09/2017	Sampson	CONSTRUCTION OF A 3 BED DETACHED DWELLING WITH ON.SITE PARKING	LAND ADJACENT TO 96 HEOL-YR-ODYN, CAERAU, CARDIFF	56	True	Planning Permission be refused	27/10/2017

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17/02091/DCH	29/08/2017	Godfrey	SINGLE STOREY SIDE EXTENSION	37 BARTLEY WILSON WAY, CANTON, CARDIFF, CF11 8EN	55	True	Permission be granted	23/10/2017
17/01699/DCH	21/08/2017	Lynn	SINGLE STOREY REAR EXTENSION TO CREATE OPEN PLAN KITCHEN / LIVING / DINING. LOFT CONVERSION TO BENEFIT FROM REAR FACING ROOF LIGHTS TO CREATE HABITABLE BEDROOM	23 KENSINGTON AVENUE, CANTON, CARDIFF, CF5 1BU	57	False	Permission be granted	17/10/2017
17/02013/DCH	17/08/2017	Kerai	PROPOSED DOUBLE STOREY SIDE EXTENSION WITH A SINGLE STOREY LEAN-TO EXTENSION AND ROOF DORMER	42 PENCISELY RISE, CANTON, CARDIFF, CF5 1DY	53	True	Permission be granted	09/10/2017
17/01827/DCH	01/08/2017	Milad	PROPOSED TWO STOREY SIDE EXTENSION	24 DUNRAVEN ROAD, CANTON, CARDIFF, CF11 8AN	65	False	Permission be granted	05/10/2017
17/01918/DCH	14/08/2017	chambers	REAR SINGLE STOREY EXTENSION AND ADDITION OF ROOF LIGHTS TO THE REAR	28 GLAMORGAN STREET, CANTON, CARDIFF, CF5 1QS	52	True	Permission be granted	05/10/2017
17/02223/DCH	12/09/2017	Gwyer-Roberts	PROPOSED SINGLE STOREY SIDE EXTENSION AND INTERNAL ALTERATIONS	6-8 PENCISELY RISE, CANTON, CARDIFF, CF5 1DX	30	True	Permission be granted	12/10/2017
17/02081/DCH	25/08/2017	Mason	REAR GROUND FLOOR KITCHEN / DINING / SNUG EXTENSION AND LOFT CONVERSION	41 FAIRFIELD AVENUE, CANTON, CARDIFF, CF5 1BR	40	True	Permission be granted	04/10/2017

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16/01412/MNR	08/06/2016	Mcquade	2 STOREY FLOOR REAR EXTENSION,GROUND FLOOR SIDE EXTENSION REAR DORMER AND CONVERSION TO FOUR FLATS	1 FAIRFIELD AVENUE, CANTON, CARDIFF, CF5 1BR	483	False	Permission be granted	04/10/2017

17/01937/MNR	08/08/2017	Bell	DISCHARGE OF CONDITIONS 3 (ACOUSTIC REPORT), 5 (CYCLE PARKING), 6 (FINISHING MATERIALS), 7 (BOUNDARIES), 9 (CONSTRUCTION MANAGEMENT SCHEME) AND 10 (DUST EMISSIONS) OF 15/00152/MNR	REAR OF 542 COWBRIDGE ROAD EAST, CANTON, CARDIFF, CF5 1BN	71	False	Full Discharge of Condition	18/10/2017
17/02119/MNR	01/09/2017	Schwenk	CHANGE OF USE TO D2 FOR CHILDRENS ROLE PLAY CENTRE	58A CLIVE ROAD, CANTON, CARDIFF, CF5 1HG	39	True	Permission be granted	10/10/2017

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17/02108/DCH	30/08/2017	Yhap	FIRST FLOOR REAR EXTENSION	15 LETTY STREET, CATHAYS, CARDIFF, CF24 4EJ	56	True	Planning Permission be refused	25/10/2017
17/02078/DCH	30/08/2017	Holt	TWO STOREY REAR EXTENSION TO PROVIDE FIRST FLOOR EN-SUITE, RELOCATION OF KITCHEN SIDE ENTRANCE DOORWAY AND INTERNAL ALTERATIONS	2 QUEEN ANNE SQUARE, CATHAYS PARK, CARDIFF, CF10 3ED	54	True	Permission be granted	23/10/2017
17/02043/DCH	23/08/2017	Patel	SINGLE STOREY REAR & FIRST FLOOR REAR EXTENSIONS.	22 MAY STREET, CATHAYS, CARDIFF, CF24 4EW	43	True	Permission be granted	05/10/2017

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17/02373/MJR	04/10/2017	Charwood Group	FRONT BOUNDARY WALL TO BE CONSTRUCTED FROM BLUE/BLACK BRICK WITH MATCHING PIERS TO INCLUDE RECONSTITUTED STONE CAPPING. ALSO RE-ARRANGEMENT OF PLANTERS, PLANTING, STEPS AND RAMP WITHIN FRONT GARDEN AREA PLUS INCLUSION OF A MEMORIAL STONE	23-24 PARK PLACE, CATHAYS PARK, CARDIFF, CF10 3BA	7	True	Planning Permission be refused	11/10/2017
17/02123/MJR	04/09/2017	TH UK & Ireland Ltd	VARIATION OF CONDITION 2 OF 17/01171/MJR TO EXTEND OPENING HOURS SO THAT NO MEMBER OF THE PUBLIC SHALL BE ADMITTED TO OR ALLOWED TO REMAIN ON THE PREMISES BETWEEN THE HOURS OF 00:00 (MIDNIGHT) AND 06:00 ON ANY DAY	32 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2BY	38	True	Permission be granted	12/10/2017
17/02212/MJR	15/09/2017	Sanguine Hospitality LTD	AMENDMENTS TO 11/01877/DCI - PREVIOUSLY APPROVED ELEVATIONS, THESE CHANGES INCLUDE; - SIXTH FLOOR TERRACE AND GLAZING REDUCED TO THE QUEENS STREET ELEVATION - WINDOW FRAME COLOR REVISED TO MATCH EXISTING THROUGHOUT - CHANGE TO LINK BRIDGE MATERIALS (REFER TO PREVIOUSLY SUBMITTED SAMPLE OF INSULATED PANEL), NOTE, LINK BRIDGE IS NOT VISIBLE TO THE PUBLIC REALM, PLEASE NOTIFY IF A SITE VISIT IS NEEDED. - COLOR OF ANNEX WINDOWS IS NOW TO MATCH EXISTING WITH ADDITIONAL MULLIONS. - LOUVERED SCREENS ADDED TO THE NORTH WEST ELEVATION TO REDUCE IMPACT OF ROOFTOP PLANT. - CLADDING TO EXTERNAL FIRE ESCAPE STAIR OMITTED TO MATCH PREVIOUS STAIR	DOMINIONS HOUSE, DOMINIONS ARCADE, CITY CENTRE	28	True	Permission be granted	13/10/2017

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17/02102/MNR	01/09/2017	HSBC Corporate Real Estate	REPLACEMENT OF EXISTING AIR CONDITIONING UNITS	HSBC, 56 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2PX	52	True	Permission be granted	23/10/2017
17/02127/MNR	01/09/2017	Boalch	OUTLINE PLANNING APPLICATION FOR THE CONSTRUCTION OF 2NO1 BED SEMI DETACHED STUDENT FLATS WITH LANDSCAPING RESERVED	REAR OF 24-26 CRWYS ROAD, CATHAYS, CARDIFF, CF24 4NL	47	True	Planning Permission be refused	18/10/2017
17/01548/MNR	24/07/2017	AL MANAR CENTRE	FIRST FLOOR REAR EXTENSION	AL-MANAR ISLAMIC & CULTURAL CENTRE, 2-4 GLYNRHONDDA STREET, CATHAYS, CARDIFF, CF24 4AN	74	False	Planning Permission be refused	06/10/2017
17/01940/MNR	08/08/2017	Cardiff University	CONSTRUCTION OF NEW CYCLE PATH	LAND OPPOSITE 15-49 BLACKWEIR TERRACE, BLACKWEIR	58	False	Permission be granted	05/10/2017
17/01927/MNR	08/08/2017	thompson	MEMORIAL BENCH	CARDIFF UNIVERSITY REDWOOD BUILDING, KING EDWARD VII AVENUE, CATHAYS PARK, CARDIFF, CF10 3NB	57	False	Permission be granted	04/10/2017
17/01711/MNR	11/07/2017	Knight	CHANGE OF USE OF UPPER FLOORS TO RESTAURANT/BAR/CABARET AND ADULT ENTERTAINMENT VENUE	49 WESTGATE STREET AND 90 ST MARY STREET, CITY CENTRE, CARDIFF, CF10 1DW	84	False	Permission be granted	03/10/2017
A/17/00147/MNR	14/08/2017	Atlas Tyres Services Ltd	SIGNAGE	ALTAS TYRE SERVICE REAR OF 19, SALISBURY ROAD, CATHAYS, CARDIFF, CF24 4AJ	56	True	Split decision (part app./part ref.)	09/10/2017
A/17/00159/MNR	05/09/2017	Infocus Public Networks Ltd	SINGLE SIDED LED ILLUMINATED SEQUENTIAL DISPLAY AFFIXED TO THE FRAME OF THE PAYPHONE KIOSK	OUTSIDE W H SMITH, 83-85 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2NX	55	True	Permission be granted	30/10/2017
17/02103/MNR	29/08/2017	HSBC Corporate Real Estate	REPLACEMENT OF ALL AIR CONDITIONING EQUIPMENT INCLUDING DUCTS AND PIPE WORK	HSBC, 56 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2PX	63	False	Permission be granted	31/10/2017

A/17/00164/MNR 21/09/2017	Thomas Cook Group Plc	NEW FASCIA SIGN ABOVE THE ENTRANCE OF THE STORE INSIDE THE ARCADE	THOMAS COOK RETAIL LTD, 26 ST DAVID'S DEWISANT, GRAND ARCADE, CITY CENTRE, CARDIFF, CF10 2ER	26	True	Permission be granted	17/10/2017
A/17/00165/MNR 22/09/2017	STONEGATE PUB COMPANY	1 SET OF INTERNALLY ILLUMINATED FASCIA TEXT 2 INTERNALLY ILLUMINATED PROJECTION SIGNS	YATES, GREYFRIARS ROAD, CITY CENTRE, CARDIFF, CF10 3AD	25	True	Permission be granted	17/10/2017
17/02284/MNR 22/09/2017	Shoebridge	TO FIT A NEW SHOPFRONT AND ROLLERSHUTTER	23 CATHEDRAL WALK, CITY CENTRE, CARDIFF, CF10 2DS	25	True	Permission be granted	17/10/2017
A/17/00167/MNR 22/09/2017	Virgin Holidays	FASCIA SIGN AND TEMPORARY HOARDING GRAPHIC FOR 8 WEEKS	23 CATHEDRAL WALK, CITY CENTRE, CARDIFF, CF10 2DS	25	True	Permission be granted	17/10/2017
A/17/00169/MNR 25/09/2017	Hawkshead Outdoor Ltd	ILLUMINATED FASCIA SIGN	15 QUEEN STREET, CITY CENTRE	22	True	Permission be granted	17/10/2017
17/02251/MNR 26/09/2017	Lovisa	REPLACEMENT OF THE SHOPFRONT	18 CATHEDRAL WALK, CITY CENTRE, CARDIFF, CF10 2DS	24	True	Permission be granted	20/10/2017
A/17/00162/MNR 26/09/2017	Lovisa	'LOVISA' ILLUMINATED LOGO SIGN MOUNTED ABOVE THE ENTRANCE TO THE SHOP FRONT ILLUMINATED LIGHT-BOX TO LHS OF THE SHOP FRONT BEHIND THE SHOP FRONT GLAZING	18 CATHEDRAL WALK, CITY CENTRE, CARDIFF, CF10 2DS	24	True	Permission be granted	20/10/2017
A/17/00161/MNR 13/09/2017	Costa Ltd	1X PROJECTING SIGN	CARDIFF UNIVERSITY, 49 PARK PLACE, CATHAYS PARK, CARDIFF, CF10 3AT	28	True	Permission be granted	11/10/2017
17/02083/MNR 01/09/2017	CF Cardiff Ltd	PROPOSED INSTALLATION OF NEW SHOP FRONT WITH AIR CONDITIONING UNITS ON THE REAR ELEVATION	95 ST MARY STREET, CITY CENTRE, CARDIFF, CF10 1DX	35	True	Permission be granted	06/10/2017
A/17/00173/MNR 03/10/2017	Stonegate	NEW SIGNAGE	10 ST JOHN STREET, CITY CENTRE, CARDIFF, CF10 1GL	24	True	Permission be granted	27/10/2017
A/17/00174/MNR 06/10/2017	Qaisar	NEW SIGNS	VACANT UNIT, TY ADMIRAL, DAVID STREET, CITY CENTRE, CARDIFF, CF10 2EH	21	True	Permission be granted	27/10/2017

17/02344/MNR	04/10/2017		DECORATION OF EXISTING BUILDING AND SHOPFRONT, NEW ENTRANCE DOOR AND REPAIRS TO FLAT ROOF	KFC, 127 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2BJ	27	True	Permission be granted	31/10/2017
A/17/00170/MNR	04/10/2017		NEW INTERNALLY ILLUMINATED KFC LETTERS AND NEW INTERNALLY ILLUMINATED PROJECTING SIGN	KFC, 127 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2BJ	27	True	Permission be granted	31/10/2017

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17/01013/MJR	08/05/2017	BDW Homes	DISCHARGE OF CONDITIONS 11 (PHASING PLAN), 13 (PUBLIC ART STRATEGY), 14 (ARBORICULTURAL STRATEGY), 15 (SOIL RESOURCE SURVEY), 16 GREEN INFRASTRUCTURE MANAGEMENT STRATEGY), 18 (FOUL WATER DISPOSAL), 19 (SURFACE WATER DRAINAGE), 20 (CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN), 21 (HIGHWAY LANDSCAPING), 25 (ACOUSTIC REPORT) AND 27 ENERGY STRATEGY) OF 16/00106/MJR	GOITRE FACH FARM, LLANTRISANT ROAD, ST FAGANS, CARDIFF, CF5 6JD	176	False	Partial Discharge of Condition (s)	31/10/2017
15/02708/MJR	06/11/2015	Persimmon Homes	DISCHARGE OF CONDITIONS OF 4, 13 AND 21 OF 10/02114/DCO APPROVED ON APPEAL UNDER REFERENCE APP/Z6815/A/11/2157448/WF	LAND OFF MICHAELSTON ROAD, MICHAELSTON ROAD, ST FAGANS, CARDIFF, CF5 6DW	703	False	Split decision (part app./part ref.)	09/10/2017
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17/01961/MNR	16/08/2017	Herbert	CHANGE OF USE FROM OPEN LAND TO A GARDEN	1-4 THE GROVE, CARDIFF ROAD, CREIGIAU, CARDIFF, CF15 9NL	54	True	Permission be granted	09/10/2017

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17/02056/DCH	25/08/2017	Salmon	FORMATION OF DORMER WINDOW, ENCLOSURE OF STAIRCASE AND INSERTION OF 2 NO VELUX ROOFLIGHTS	16A SHERBORNE AVENUE, CYNCOED, CARDIFF, CF23 6SJ	42	True	Permission be granted	06/10/2017
17/01993/DCH	15/08/2017	Abbas	RETENTION OF GROUND FLOOR REAR EXTENSION	18 LAKESIDE DRIVE, LAKESIDE, CARDIFF, CF23 6DD	57	False	Permission be granted	11/10/2017
17/01944/DCH	08/08/2017	Church	PROPOSED FIRST FLOOR EXTENSION TO SIDE OF EXISTING DWELLING	81 GWERN RHUDDI ROAD, CYNCOED, CARDIFF, CF23 6PS	56	True	Permission be granted	03/10/2017
17/02046/DCH	22/08/2017	Ahmed	2 STOREY EXTENSION FORMING GRANNY ANNEXE	69 BEATTY AVENUE, ROATH PARK, CARDIFF, CF23 5QS	62	False	Planning Permission be refused	23/10/2017
17/02371/DCH	03/10/2017	THOMAS	ALTERATIONS TO 17/02017/DCH - REMOVAL OF CHIMNEY AND AMEND THE REAR ELEVATION	28 BLACK OAK ROAD, CYNCOED, CARDIFF, CF23 6QT	8	True	Permission be granted	11/10/2017
17/02259/DCH	18/09/2017	Simon	ALTERATIONS TO DESIGN IN RESPECT OF STAIR HOUSING AND DORMERS PREVIOUSLY APPROVED UNDER 16/02487/DCH	19 SHERBORNE AVENUE, CYNCOED, CARDIFF, CF23 6SJ	22	True	Permission be granted	10/10/2017

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17/01997/MNR	16/08/2017	Khan	CONVERSION TO 2 FLATS AND GROUND FLOOR REAR EXTENSION	124 LAKE ROAD EAST, LAKESIDE, CARDIFF, CF23 5NQ	54	True	Permission be granted	09/10/2017

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17/01858/MNR	31/07/2017	Mahoney	CONSTRUCTION OF TWO BEDROOM HOUSE TO SIDE OF EXISTING PROPERTY	18 SWALLOWHURST CLOSE, ELY, CARDIFF, CF5 4TF	84	False	Permission be granted	23/10/2017
17/01777/MNR	08/08/2017	Bamboo Dental	CHANGE OF USE TO EXISTING RESIDENTIAL PROPERTY (USE CLASS C3) FOR OFFICES (USE CLASS B1) TO BE USED BY EXISTING STAFF AT NO 28 & INCORPORATION OF ADDITIONAL PARKING TO REAR	30 COWBRIDGE ROAD WEST, ELY, CARDIFF, CF5 5BS	72	False	Permission be granted	19/10/2017
17/02151/MNR	05/09/2017	CAREY JONES	PROPOSED CHANGE OF USE OF UNIT 2 TO CLASS A1 (SHOPS)	UNIT 2, CROWN HOUSE, 364-372 COWBRIDGE ROAD WEST, ELY, CARDIFF, CF5 5BY	55	True	Permission be granted	30/10/2017
17/02448/MNR	12/10/2017	Dhaliwal	ALTERATIONS TO CREATE NEW DOORWAY IN FRONT ELEVATION AND INCREASE ROOF HEIGHT OF REAR GARAGE PREVIOUSLY APPROVED UNDER 17/01157/MNR	351 GRAND AVENUE, ELY, CARDIFF, CF5 4RD	19	True	Permission be granted	31/10/2017

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17/02042/DCH	04/09/2017	Walsh	PROPOSED SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION	12 FERN PLACE, FAIRWATER, CARDIFF, CF5 3HG	44	True	Permission be granted	18/10/2017
17/02246/DCH	18/09/2017	Palfrey	TWO STOREY SIDE EXTENSION TO EXISTING DWELLING	37 WROUGHTON PLACE, FAIRWATER, CARDIFF, CF5 4AB	36	True	Permission be granted	24/10/2017

17/02173/DCH	08/09/2017	Abel	REAR EXTENSION, RE-MODEL AND LOFT CONVERSION WITH GARDEN STORE/WORKSHOP	11 FAIRWOOD ROAD, FAIRWATER, CARDIFF, CF5 3QF	33	True	Permission be granted	11/10/2017
<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
16/00388/MNR	19/02/2016	Fairwater Fish Bar	DISCHARGE OF CONDITION 4 (FUME EXTRACTION) AND 7 (EXTERNAL FINISHING MATERIALS) OF PLANNING APPLICATION 10/02218/DCO	FAIRWATER FISH BAR, 58 PLAS MAWR ROAD, FAIRWATER, CARDIFF, CF5 3JX	598	False	Split decision (part app./part ref.)	09/10/2017
17/02034/MNR	08/09/2017	MR Homes	SINGLE STOREY EXTENSION TO OFFICE UNIT (A2)	173 PWLLMELIN ROAD, FAIRWATER, CARDIFF, CF5 3QB	33	True	Permission be granted	11/10/2017
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<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02155/DCH	06/09/2017	Llewellyn	SINGLE STOREY REAR EXTENSION	47 COMPTON STREET, GRANGETOWN, CARDIFF, CF11 6TJ	42	True	Permission be granted	18/10/2017
<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/01980/MNR	14/08/2017	DS Properties (Pontypridd) Ltd	INSTALLATION OF ADDITIONAL WINDOW AND RETENTION OF VARIOUS EXISTING DOOR AND WINDOW OPENINGS	TRAMSHED, PENDYRIS STREET, GRANGETOWN, CARDIFF, CF11 6QP	72	False	Permission be granted	25/10/2017

17/01981/MNR	14/08/2017	DS Properties (Pontypridd) Ltd	INSTALLATION OF ADDITIONAL WINDOW AND RETENTION OF VARIOUS EXISTING DOOR AND WINDOW OPENINGS	TRAMSHED, PENDYRIS STREET, GRANGETOWN, CARDIFF, CF11 6QP	72	False	Permission be granted	25/10/2017
A/17/00156/MNR	22/08/2017	T J Morris Ltd	FASCIA SIGNS	UNIT H, CARDIFF BAY RETAIL PARK, FERRY ROAD, GRANGETOWN, CARDIFF, CF11 0JR	56	True	Permission be granted	17/10/2017
17/01352/MNR	12/06/2017	Fish	CHANGE OF USE GROUND FLOOR FROM RETAIL TO RESTAURANT & TAKE AWAY AND NEW FLUE TO REAR	136 CLARE ROAD, GRANGETOWN, CARDIFF, CF11 6RW	120	False	Permission be granted	10/10/2017
17/01978/MNR	14/08/2017	Pendagon Plc	EXTENSION TO EXISTING MOTOR DEALERSHIP TO FORM NEW VEHICLE SHOWROOM WITHIN FORMER EXISTING VEHICLE CANOPY & REFURBISHMENT OF BUILDING TO SUIT NEW VEHICLE BRAND	232 PENARTH ROAD, LECKWITH, CARDIFF, CF11 8LR	52	True	Permission be granted	05/10/2017
17/00005/MNR	03/01/2017	Lepore	CONVERSION OF EXISTING HOUSE IN MULTI OCCUPANCY INTO FOUR SELF CONTAINED FLATS	42 CLIVE STREET, GRANGETOWN, CARDIFF, CF11 7JB	301	False	Permission be granted	31/10/2017
A/17/00160/MNR	07/09/2017	Cardiff County Council	REPLACEMENT ALUMINIUM FASCIA SIGNAGE TO COMMERCIAL PREMISES	158-160, 176 AND 178 CLARE ROAD, GRANGETOWN, CARDIFF, CF11 6RX	34	True	Permission be granted	11/10/2017
17/02164/MNR	07/09/2017	Cardiff County Council	REPLACEMENT SHOP FRONTS TO 158-160, 175, 176 & 178 CLARE ROAD WITH NEW POLYESTER POWDER COATED ALUMINIUM SHOP FRONTS, SECURED BY DESIGN DOORS AND PERFORATED LATH ROLLER SHUTTERS.	158-160, 175, 176 AND 178 CLARE ROAD, GRANGETOWN, CARDIFF, CF11 6RX	34	True	Permission be granted	11/10/2017
A/17/00171/MNR	03/10/2017	Renault Retail Group	INSTALLATION OF THE NEW RENAULT BRAND SIGNAGE	RENAULT CARDIFF, 295-297 PENARTH ROAD, LECKWITH, CARDIFF, CF11 8UU	28	True	Permission be granted	31/10/2017

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<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/01752/DCH	24/07/2017	Steel	DEMOLITION OF EXISTING CONSERVATORY AND REAR EXTENSION AND CONSTRUCTION OF REAR SINGLE STOREY EXTENSION, REAR AND SIDE TWO STOREY EXTENSION, HIP TO GABLE ROOF EXTENSION, FRONT AND REAR DORMERS AND ALTERATIONS	115 KING GEORGE V DRIVE NORTH, HEATH, CARDIFF, CF14 4EJ	99	False	Permission be granted	31/10/2017
17/01911/DCH	10/08/2017	THOMPSON	SINGLE STOREY REAR EXTENSION	103 HEATHWAY, HEATH, CARDIFF, CF14 4JS	71	False	Permission be granted	20/10/2017
17/02205/DCH	12/09/2017	Williams	PROPOSED SINGLE STOREY SIDE EXTENSION & NEW WINDOWS	139 KING GEORGE V DRIVE NORTH, HEATH, CARDIFF, CF14 4EL	30	True	Permission be granted	12/10/2017

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17/01825/MNR	26/07/2017	HORTON	NEW 3 BED DWELLING	4 HEATH PARK LANE, CAERPHILLY ROAD, BIRCHGROVE, CARDIFF, CF14 4AL	72	False	Permission be granted	06/10/2017
17/02116/MNR	04/09/2017	St Isan Road Surgery	TWO STOREY SIDE EXTENSION IN MASONRY CONSTRUCTION UNDER A PITCHED HIPPED ROOF	ST ISAN ROAD SURGERY, 46 ST ISAN ROAD, HEATH, CARDIFF, CF14 4UU	56	True	Permission be granted	30/10/2017
17/02112/MNR	12/09/2017	Jones	CHANGE OF USE FROM C2 TO C4 (6 BED HOUSE IN MULTIPLE OCCUPATION)	360 NORTH ROAD, BIRCHGROVE, CARDIFF, CF14 3BP	49	True	Permission be granted	31/10/2017

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17/02002/DCH	16/08/2017	PHG CAPITAL LTD	PROPOSED REMOVAL OF EXISTING PORCH. PROPOSED SINGLE STOREY REAR EXTENSION, 1ST FLOOR EXTENSION OVER GARAGE, 2 STOREY LINK EXTENSION AND EXTERNAL ALTERATIONS	5 GEFN MABLY ROAD, LISVANE, CARDIFF, CF14 0SP	63	False	Permission be granted	18/10/2017

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17/01139/MNR	23/05/2017	Patel & Jones	DEMOLITION AND REPLACEMENT OF THE EXISTING BUNGALOW TOGETHER WITH THE CONVERSION OF THE STABLE AND BARN BUILDINGS AND ASSOCIATED WORKS	PANTEG FARM, GRAIG ROAD, LISVANE, CARDIFF, CF14 0UF	147	False	Permission be granted	17/10/2017

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17/02154/DCH	06/09/2017	Fish	ERECT A CONSERVATORY TO THE REAR ELEVATION	4 CAMELOT WAY, THORNHILL, CARDIFF, CF14 9AN	41	True	Permission be granted	17/10/2017
17/01834/DCH	27/07/2017	Coliandris	TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION	71 OAKRIDGE, THORNHILL, CARDIFF, CF14 9BU	70	False	Permission be granted	05/10/2017
17/02054/DCH	24/08/2017	Scott	HIP TO GABLE LOFT CONVERSION WITH PROPOSED BOX DORMER TO REAR ROOF PLANE TO CREATE ADDITIONAL BEDROOM AND EN-SUITE	11 TY GLAS ROAD, LLANISHEN, CARDIFF, CF14 5EB	47	True	Permission be granted	10/10/2017

17/02252/DCH	15/09/2017	Pritchard	SINGLE STOREY SITTING ROOM EXTENSION TO REAR OF DWELLING	14 TINTAGEL CLOSE, THORNHILL, CARDIFF, CF14 9AS	46	True	Permission be granted	31/10/2017
17/02229/DCH	18/09/2017	Form	SINGLE STOREY SIDE EXTENSION	6 GARRICK DRIVE, THORNHILL, CARDIFF, CF14 9BG	24	True	Permission be granted	12/10/2017
17/02392/DCH	05/10/2017	Miss A Mitchell	ALTERATIONS TO 12/01152/DCH - REPLACE GLAZED ROOF WITH A MONO PITCHED TILED ROOF	8 CLOS YR ALARCH, THORNHILL, CARDIFF, CF14 9JD	26	True	Permission be granted	31/10/2017

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17/02004/MNR	16/08/2017	S.A. Brain & Company Ltd.	VARIATION OF CONDITION 6 OF 17/00264/MNR TO BE REVISED TO READ AS FOLLOWS: "ANY NOISE EMITTED FROM ANY FIXED PLANT EQUIPMENT SHALL ACHIEVE A MAXIMUM RATING LEVEL OF BACKGROUND +5DB DURING THE DAYTIME (0700-2300HRS) AND BACKGROUND +3DB NIGHT-TIME (2300-0700HRS) WHEN MEASURED AND CORRECTED IN ACCORDANCE WITH BS 4142: 2014 (OR ANY BRITISH STANDARD AMENDING OR SUPERSEDING THAT STANDARD."	THE PENDRAGON, EXCALIBUR DRIVE, LLANISHEN, CARDIFF, CF14 9BB	50	True	Planning Permission be refused	05/10/2017

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17/02086/DCH	28/08/2017	Nicholson	SINGLE STOREY EXTENSION TO EXISTING BUILDING, AT THE REAR INTO THE BACK GARDEN	39 MATHEW WALK, DANESCOURT, CARDIFF, CF5 2QW	44	True	Permission be granted	11/10/2017

17/02038/DCH	25/08/2017	Ojla	DEVELOPMENT AND REFURBISHMENT INCLUDING SINGLE STOREY EXTENSION	71 ST MICHAEL'S ROAD, LLANDAFF, CARDIFF, CF5 2AN	47	True	Permission be granted	11/10/2017
17/02039/DCH	21/08/2017	Hurley	DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF GROUND FLOOR EXTENSION TO REAR AND SIDE OF DETACHED HOUSE	WHITE GATES, 28 LLANTRISANT ROAD, LLANDAFF, CARDIFF, CF5 2PX	51	True	Permission be granted	11/10/2017
17/02254/DCH	18/09/2017	LEWIS	TO CHANGE EXTERNAL FINISH FROM CEDRAL CLADDING TO RENDER PREVIOUSLY APPROVED UNDER 17/00240/DCH	6 CATHEDRAL CLOSE, LLANDAFF, CARDIFF, CF5 2ED	24	True	Permission be granted	12/10/2017
17/02339/DCH	29/09/2017	ALLEN	SINGLE STOREY SIDE AND REAR EXTENSION	14 INSOLE GROVE EAST, LLANDAFF, CARDIFF, CF5 2HP	28	True	Permission be granted	27/10/2017

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17/02076/MNR	30/08/2017	Williams & Mathias	DEMOLITION OF EXISTING BUNGALOW CONSTRUCTION OF NEW HOUSE	MANY TREES, 15 BRUTON PLACE, LLANDAFF, CARDIFF, CF5 2ER	44	True	Planning Permission be refused	13/10/2017
17/02077/MNR	30/08/2017	Williams & Mathias	DEMOLITION OF EXISTING BUNGALOW IN PREPARATION FOR BUILDING A NEW HOUSE	MANY TREES, 15 BRUTON PLACE, LLANDAFF, CARDIFF, CF5 2ER	44	True	Planning Permission be refused	13/10/2017

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17/02232/DCH	13/09/2017	CHRISTOPHER	SINGLE STOREY REAR EXTENSION	18 STATION ROAD, LLANDAFF NORTH, CARDIFF, CF14 2FF	29	True	Permission be granted	12/10/2017
17/02260/DCH	18/09/2017	bourne	CONSERVATORY ADDITION TO REAR ELEVATION	8 BONCATH ROAD, GABALFA, CARDIFF, CF14 2PG	35	True	Permission be granted	23/10/2017

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17/02484/MNR	16/10/2017	Annandale	REMOVAL OF CONDITIONS 10, 11 AND 12 RELATING TO THE CODE FOR SUSTAINABLE HOME WHICH NO LONGER APPLY DUE TO A CHANGE IN LEGISLATION - PREVIOUSLY APPROVED UNDER 12/01357/DCO	46 EVANSFIELD ROAD, LLANDAFF NORTH, CARDIFF, CF14 2FA	11	True	Permission be granted	27/10/2017

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16/02912/MNR	07/12/2016	Myers	DEMOLITION OF AN EXISTING SINGLE STOREY GARAGE AND CONSTRUCTION OF A SINGLE STOREY HOUSE WITH ASSOCIATED PARKING	ALVINGTON, MAPLEWOOD AVENUE, LLANDAFF NORTH, CARDIFF, CF14 2LZ	310	False	Planning Permission be refused	13/10/2017
17/02045/MNR	22/08/2017	Health Plus Pharmacy	CHANGE OF USE OF UPPER FLOOR INTO SELF CONTAINED FLAT WITH LOFT CONVERSION INCLUDING REAR DORMER AND SINGLE STOREY REAR EXTENSION TO GROUND FLOOR CHEMIST AND EXTERNAL ALTERATIONS.	LLANDAFF NORTH PHARMACY, 93 STATION ROAD, LLANDAFF NORTH, CARDIFF, CF14 2FD	56	True	Permission be granted	17/10/2017

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17/01959/DCH	11/08/2017	De Meo	VEHICLE CROSSOVER AND DRIVE TO CREATE TWO CAR PARKING SPACES	214 RIDGEWAY ROAD, LLANRUMNEY, CARDIFF, CF3 4AG	59	False	Permission be granted	09/10/2017

17/02024/DCH	23/08/2017	Evans	GROUND FLOOR SIDE/REAR EXTENSION FOR GRANNY FLAT	14 LANGPORT AVENUE, LLANRUMNEY, CARDIFF, CF3 5TL	43	True	Permission be granted	05/10/2017
<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
A/17/00148/MNR	15/08/2017	TUI UK	FASCIA SIGN AND PROJECTING SIGN	THOMSON'S TRAVEL AGENTS, 771 NEWPORT ROAD, LLANRUMNEY, CARDIFF, CF3 4AJ	51	True	Permission be granted	05/10/2017
17/01481/MNR	30/06/2017	Postans	ERECTION OF PROPOSED DETACHED DEVELOPMENT TO FORM TWO FLATS	LAND ADJACENT TO 46, ARLINGTON CRESCENT, LLANRUMNEY	110	False	Permission be granted	18/10/2017
17/02198/MNR	11/09/2017	City of Cardiff Council	CHANGE OF USE FROM D1 TO D1/D2 TO ALLOW USE AS A COMMUNITY FACILITY AND A BOXING CLUB	JOHN REYNOLDS CENTRE, SHAW CLOSE, LLANRUMNEY, CARDIFF, CF3 5NX	38	True	Permission be granted	19/10/2017

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17/02169/DCH	07/09/2017	Almutawa	SINGLE STOREY REAR AND FRONT EXTENSIONS AND FIRST FLOOR SIDE EXTENSION WITH PITCHED ROOF OVER GARAGE AND EXTENSIONS	1 ROBIN CLOSE, PENTWYN, CARDIFF, CF23 7HN	48	True	Permission be granted	25/10/2017
17/02207/DCH	12/09/2017	Coombs	CONVERSION TO GARAGE INTO HABITABLE ROOM	42 WYNCLIFFE GARDENS, PENTWYN, CARDIFF, CF23 7FA	49	True	Permission be granted	31/10/2017

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17/02047/MNR	06/09/2017	Stylegrange Ltd	CHANGE OF USE OF UNIT 7 FROM A3 TO A1	PENTWYN RETAIL PARK, PENTWYN ROAD, PENTWYN	26	True	Permission be granted	02/10/2017

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17/02009/DCH	18/08/2017	Roberts	PROPOSED SINGLE STOREY GROUND FLOOR EXTENSION AND LOFT CONVERSION TO EXISTING DWELLING	2 GREENLAWNS, PENYLAN, CARDIFF, CF23 6AW	48	True	Permission be granted	05/10/2017
17/01991/DCH	18/08/2017	Farrell	EXTENSION TO SIDE OF PROPERTY TO GROUND AND FIRST FLOOR WITH DORMER EXTENSION	13 ROUNDWOOD CLOSE, PENYLAN, CARDIFF, CF23 9HH	54	True	Permission be granted	11/10/2017
17/01814/DCH	24/07/2017	Davies	TWO REAR DORMERS. ONE FRONT DORMER	66 LAKE ROAD EAST, PENYLAN, CARDIFF, CF23 5NN	98	False	Permission be granted	30/10/2017
17/01701/DCH	10/07/2017	Messer-Price	RETENTION OF DECKING TO REAR GARDEN	152 KIMBERLEY ROAD, PENYLAN, CARDIFF, CF23 5AF	112	False	Planning Permission be refused	30/10/2017
17/02180/DCH	08/09/2017	Hurn	DEMOLITION OF SINGLE GARAGE, DOUBLE GARAGE, OUTBUILDING AND REAR BOUNDARY WALL	24 LAKE ROAD EAST, PENYLAN, CARDIFF, CF23 5NN	53	True	Permission be granted	31/10/2017
17/02126/DCH	01/09/2017	Callard	SINGLE STOREY REAR EXTENSION	108 LLANEDEYRN ROAD, PENYLAN, CARDIFF, CF23 9DZ	34	True	Permission be granted	05/10/2017

17/02105/DCH	30/08/2017	Moorcraft	SINGLE STOREY SIDE & REAR EXTENSION (INCLUDING THE CONVERSION OF AN EXISTING GARAGE TO FORM PART OF THE HABITABLE SPACE) PLUS LOFT CONVERSION WITH 'HIP TO GABLE' EXTENSION AND REAR DORMER	50 WATERLOO ROAD, PENYLAN, CARDIFF, CF23 9BH	37	True	Permission be granted	06/10/2017
17/02170/DCH	11/09/2017	RICHARDS	SINGLE STOREY REAR EXTENSION AND REMODELLING OF GROUND FLOOR TO FORM MULTI FUNCTIONAL SPACE.	23 WINCHESTER AVENUE, PENYLAN, CARDIFF, CF23 9BT	32	True	Permission be granted	13/10/2017
17/02231/DCH	13/09/2017	Phillips	SINGLE STOREY REAR EXTENSION TO PROVIDE SUN ROOM, AND SUSPENDED PATIO	84 KIMBERLEY ROAD, PENYLAN, CARDIFF, CF23 5DN	29	True	Permission be granted	12/10/2017

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17/01902/MNR	11/08/2017	Wentwood Properties	CHANGE OF USE FROM 8 ROOM HMO TO 4 APARTMENTS (C3) AND GROUND FLOOR REAR EXTENSION	41 COLCHESTER AVENUE, PENYLAN, CARDIFF, CF23 9BN	59	False	Permission be granted	09/10/2017
17/01951/MNR	09/08/2017	Sarhan Investments	CONVERSION OF GROUND FLOOR TO COFFEE SHOP/CAFE	9 CLARENDON ROAD, PENYLAN, CARDIFF, CF23 9JD	58	False	Permission be granted	06/10/2017
17/02243/MNR	15/09/2017	J N R Properties	FIRST FLOOR REAR EXTENSION, REAR DORMER AND CONVERSION OF FLAT TO EXTEND DENTAL PRACTICE WITH ADDITIONAL SURGERY	321 NEWPORT ROAD, ROATH, CARDIFF, CF24 1RL	33	True	Permission be granted	18/10/2017

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17/02074/DCH	24/08/2017	Ingram	GROUND FLOOR REAR INFILL EXTENSION, HIP TO GABLE AND REAR DORMER ROOF EXTENSIONS	17 PRINCES AVENUE, ROATH, CARDIFF, CF24 3SN	47	True	Permission be granted	10/10/2017
17/01789/DCH	31/08/2017	EDWARDS	REPLACEMENT OF EXISTING WINDOWS WITH NEW DOUBLE GLAZED PVC FRAME, COLOUR WHITE	30-32 OAKFIELD STREET, ROATH, CARDIFF, CF24 3RE	55	True	Permission be granted	25/10/2017

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17/02292/MJR	19/09/2017	WRW Construction Limited	REMOVAL OF PLANT ROOM ON BLOCK B PREVIOUSLY APPROVED UNDER 16/00774/MJR	21-27 CITY ROAD, ROATH, CARDIFF, CF24 3BJ	38	True	Permission be granted	27/10/2017
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17/02186/MNR	11/09/2017	Seraph Property Management	CHANGE OF USE FROM 5 BED FLAT TO OFFICES	248A CITY ROAD, ROATH, CARDIFF, CF24 3JJ	42	True	Permission be granted	23/10/2017
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17/01534/MNR	29/06/2017	Blundell	CONVERSION OF DWELLINGHOUSE TO CONVERT BASEMENT TO SELF CONTAINED FLAT	8 WORDSWORTH AVENUE, ROATH, CARDIFF, CF24 3FQ	116	False	Permission be granted	23/10/2017
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17/02147/MNR	05/09/2017	Durlston Properties	CONVERSION OF GROUND FLOOR FRONT RESTAURANT AND FIVE BEDROOM FLAT INTO THREE SELF CONTAINED FLATS WITH SINGLE STOREY REAR EXTENSION AND TAKE DOWN REAR OUT BUILDINGS.	97 DONALD STREET, ROATH, CARDIFF, CF24 4TL	42	True	Permission be granted	17/10/2017
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17/01972/MNR	16/08/2017	Humphreys	CHANGE OF USE OF EXISTING BUILDING FROM USE CLASS B1 (BUSINESS) TO USE CLASS D1 (NON-RESIDENTIAL INSTITUTIONS)	CARDIFF SIXTH FORM COLLEGE UNIT 1, TRINITY COURT, 21-27 NEWPORT ROAD, ROATH, CARDIFF, CF24 0AA	76	False	Permission be granted	31/10/2017
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17/02082/MNR	29/08/2017	Maya Capital	ALTERATIONS TO EXISTING LANDSCAPING AND CAR PARKING WITH NEW SURFACE FINISHES AND BOUNDARY TREATMENTS.	GROUND FLOOR, EASTGATE HOUSE, 35-43 NEWPORT ROAD, ROATH, CARDIFF, CF24 0AB	34	True	Permission be granted	02/10/2017
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<u>Application Number</u>	<u>Registered</u>	<u>Applicant Name</u>	<u>Proposal</u>	<u>Location</u>	<u>Days taken to decision</u>	<u>8 Week target Achieved?</u>	<u>Decision</u>	<u>Decision Date</u>
17/02026/DCH	18/08/2017	Clayton	REAR GROUND FLOOR EXTENSIONS 4000MM OR LESS DEPTH FROM ORIGINAL MAIN HOUSE AND ANNEX WALLS(THE PROPOSED NEW FOOT PRINT WILL OCCUPY LESS THAN 50%OF THE GARDEN AREA)	12 ALLT Y WENNOL, PONTPRENNAU, CARDIFF, CF23 8AS	48	True	Permission be granted	05/10/2017

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17/02150/MJR	08/09/2017	Charles Church Homes	DISCHARGE OF CONDITION 12 (ECOLOGICAL ENHANCEMENTS BAT BOXES) OF 13/00578/DCO	LAND EAST OF CHURCH ROAD AND NORTH AND SOUTH OF, BRIDGE ROAD, OLD ST MELLONS	48	True	Full Discharge of Condition	26/10/2017

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17/01915/MNR	04/08/2017	ALDI Stores Ltd	REMOVAL OF CONDITION 3 AND VARIATION OF CONDITION 2 OF PLANNING PERMISSION 17/00826/MNR TO ALLOW FOR THE INSTALLATION OF FIXED PLANT EQUIPMENT AND NEW ACOUSTIC FENCE ENCLOSURE.	ALDI FOODSTORE LTD, DARTINGTON DRIVE, PONTPRENNAU, CARDIFF, CF23 8SQ	88	False	Permission be granted	31/10/2017

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17/02446/MJR	16/10/2017	Redrow Homes	SUBSTITUTE PLOT 8 SINGLE GARAGE FOR A WIDER SINGLE GARAGE PREVIOUSLY APPROVED UNDER 15/02126/MJR	LAND NORTH OF HEOL GOCH, PENTYRCH, CARDIFF	15	True	Permission be granted	31/10/2017

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17/01794/MNR	28/07/2017	Construction Management Services	CONSTRUCTION OF A DETACHED HOUSE AND THE ALTERATION TO THE EXISTING DWELLING TOGETHER WITH EXTERNAL WORKS	GREEN TREES, MAIN ROAD, GWAELOD-Y-GARTH, CARDIFF, CF15 9HJ	84	False	Permission be granted	20/10/2017
17/01956/MNR	10/08/2017	Hart	PROPOSED 2 BEDROOM SINGLE STOREY DWELLING (REVISED - PREVIOUSLY APPROVED UNDER 15/01692/MNR)	LAND ADJACENT TO 1 PENMAES, PENTYRCH	56	True	Permission be granted	05/10/2017
17/01368/MNR	17/07/2017	Tyler	SINGLE STOREY BUNGALOW AND ASSOCIATED WORKS	THE GLADE, SCHOOL LANE, GWAELOD-Y-GARTH, CARDIFF, CF15 9HN	80	False	Permission be granted	05/10/2017

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17/02084/DCH	29/08/2017	Stubbs	CONSTRUCT HABITABLE SPACE IN THE ATTIC BY REPLACING THE EXISTING TRUSSES WITH ATTIC TRUSSES, TO THE SAME PITCH AND BASE DIMENSIONS AS THE EXISTING BUT WITH TWO REAR DORMERS	14 MEADOWFIELD WAY, MORGANSTOWN, CARDIFF, CF15 8FN	52	True	Permission be granted	20/10/2017
17/02134/DCH	04/09/2017	Dorrington	LOFT CONVERSION TO INCLUDE RAISING RIDGE HEIGHT AND REAR FLAT ROOF DORMER. FLAT ROOF EXTENSION TO FRONT ELEVATION. RENDER ENTIRE PROPERTY AND FIX TIMBER CLADDING TO SECTION OF FRONT ELEVATION.	6 TYMYNYDD CLOSE, RADYR, CARDIFF, CF15 8AS	44	True	Permission be granted	18/10/2017

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17/01555/MNR	03/07/2017	Booth	CONSTRUCTION OF TWO DETACHED, FIVE BEDROOM HOUSES AND ASSOCIATED WORKS	LAND ADJOINING UPPER & LOWER BARNES, RADYR FARM, RADYR, CARDIFF CF15 8EL	100	False	Permission be granted	11/10/2017

RHIW

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17/01916/DCH	17/08/2017	McKendrick	EXTENSION AND ALTERATIONS TO ROOF PITCH OF EXISTING DETACHED GARAGE	1 WAUN-Y-GROES ROAD, RHIWBINA, CARDIFF, CF14 4SW	55	True	Permission be granted	11/10/2017
17/01923/DCH	09/08/2017	Poojari	PROPOSED SINGLE/DOUBLE STOREY REAR EXTENSION WITH BALCONY, NEW FRONT PORCH AND ALTERATIONS	35 DAN Y GRAIG, PANTMAWR, CARDIFF, CF14 7HJ	56	True	Permission be granted	04/10/2017
17/02016/DCH	18/08/2017	Bailey	REMOVAL OF DETACHED GARAGE- CONSTRUCTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION	11 TYLA TEG, PANTMAWR, CARDIFF, CF14 7TL	48	True	Permission be granted	05/10/2017

17/01528/DCH	06/07/2017	Atencion Investments Limited	SINGLE STOREY REAR EXTENSION AND FULL RENOVATION INCLUDING NEW UPVC PRODUCTS	8 LON-Y-DERI, RHIWBINA, CARDIFF, CF14 6JN	92	False	Permission be granted	06/10/2017
17/02035/DCH	21/08/2017	King	DEMOLISH EXISTING REAR EXTENSION AND CAR PORTS AND REPLACE WITH TWO-STOREY SIDE EXTENSION AND PART TWO-STOREY, PART SINGLE STOREY REAR EXTENSION. REMODELLING OF EXISTING PORCH AND ALTERATIONS TO FRONT DRIVEWAY AREA.	59 HEOL-Y-NANT, RHIWBINA, CARDIFF, CF14 6BT	56	True	Permission be granted	16/10/2017
17/01762/DCH	21/08/2017	Delfino	PROPOSED INTERNAL ALTERATIONS, FIRST FLOOR ROOF TERRACE AND DORMER ROOF EXTENSION TO REAR.	107 HEOL LLANISHEN FACH, RHIWBINA, CARDIFF, CF14 6RE	56	True	Planning Permission be refused	16/10/2017
17/01457/DCH	21/06/2017	Aubrey	PROPOSED REAR SINGLE STORY EXTENSION	16 PEN-Y-DRE, RHIWBINA, CARDIFF, CF14 6EP	132	False	Permission be granted	31/10/2017
17/02152/DCH	08/09/2017	Jones	SINGLE STOREY FLAT ROOF EXTENSION TO REAR RIGHT HAND SIDE OF MAIN BUILDING AND REAR EXTENSION TO EXISTING GARAGE TO PROVIDE GRANNY ANNEXE	1 MAES YR HAF, PANTMAWR, CARDIFF, CF14 7HG	35	True	Permission be granted	13/10/2017
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17/01767/MNR	21/08/2017	Vaughan	DEMOLITION OF EXISTING DWELLING & CONSTRUCTION OF A NEW 4 BED DWELLING	21 BEULAH ROAD, RHIWBINA, CARDIFF, CF14 6LT	70	False	Permission be granted	30/10/2017
17/02036/MNR	22/08/2017	Britton	RETAIN EXISTING TWO BEDROOM SELF CONTAINED UNIT TO THE SIDE ELEVATION OF EXISTING DWELLING.	389 CAERPHILLY ROAD, RHIWBINA, CARDIFF, CF14 4SH	52	True	Permission be granted	13/10/2017

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17/02142/DCH	05/09/2017	McGuire & Beyer	ALTERATION & EXTENSION WORKS TO REAR OF EXISTING DWELLING FORMING NEW OPEN PLAN KITCHEN AND SUN LOUNGE WITH FIRST FLOOR BEDROOM AND BATHROOM EXTENSION.	46 SEVERN GROVE, PONTCANNA, CARDIFF, CF11 9EN	49	True	Permission be granted	24/10/2017
17/01947/DCH	09/08/2017	Barsi	SINGLE STOREY REAR & SIDE EXTENSION	72 LLANFAIR ROAD, PONTCANNA, CARDIFF, CF11 9QA	83	False	Permission be granted	31/10/2017
17/02156/DCH	06/09/2017	Peters	REPLACE ORIGINAL FRONT ELEVATION SINGLE GLAZE SASH WINDOWS WITH NEW DOUBLE GLAZE SASH WINDOWS IN WOOD. NEW WINDOWS WILL HAVE A VERY SIMILAR APPEARANCE TO THE ORIGINAL WINDOWS	1 PITMAN STREET, RIVERSIDE, CARDIFF, CF11 9DJ	55	True	Permission be granted	31/10/2017

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17/02266/MNR	20/09/2017	Canton Discount Ltd	TAKE DOWN EXISTING WINDOWS AT GROUND LEVEL AND ERECT NEW SHOP FRONT WITH ROLLER SHUTTERS	44 TUDOR STREET, RIVERSIDE, CARDIFF, CF11 6AH	41	True	Permission be granted	31/10/2017
17/00840/MNR	22/05/2017	Cardiff County Council	DEMOLITION OF LLANDAFF FIELDS CHANGING ROOMS	LLANDAFF FIELDS CHANGING ROOMS, CATHEDRAL ROAD, RIVERSIDE	136	False	Prior Approval be granted	05/10/2017
17/02032/MNR	05/09/2017	Prothero	GROUND FLOOR SIDE EXTENSION, DEMOLITION OF outhouse, FIRST FLOOR REAR EXTENSION, REAR DORMER ROOF EXTENSION AND RECONFIGURATION OF TWO ONE BEDROOM FLATS INTO TWO TWO BEDROOM FLATS.	53 WYNDHAM ROAD, RIVERSIDE, CARDIFF, CF11 9EL	34	True	Permission be granted	09/10/2017

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17/02064/DCH	05/09/2017	Tanti	SINGLE STOREY EXTENSION TO REAR OF PROPERTY	26 QUARRY DALE, RUMNEY, CARDIFF, CF3 3BR	36	True	Permission be granted	11/10/2017
17/02263/DCH	19/09/2017	Virik	PROPOSED ALTERATIONS TO CONVERT INTEGRAL GARAGE INTO HABITAT DINING ROOM. REMOVE GARAGE DOOR, BRICK THE FRONT AND ADD A WINDOW. INSULATE AND ENSURE WORK IS MET WITH BUILDING REGULATIONS.	28 CAER CASTELL PLACE, RUMNEY, CARDIFF, CF3 3PW	31	True	Permission be granted	20/10/2017
17/02007/DCH	18/09/2017	Donovan	INCREASED REAR EXTENSION AND NEW EXTENSION TO SIDE	21 TY-MAWR AVENUE, RUMNEY, CARDIFF, CF3 3AF	25	True	Permission be granted	13/10/2017

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17/00154/MNR	31/01/2017	Murphy	DEMOLITION OF A GARAGE AND CONSTRUCTION OF A NEW SINGLE STOREY DWELLING	884 NEWPORT ROAD, RUMNEY, CARDIFF, CF3 4LJ	265	False	Planning Permission be refused	23/10/2017
17/02128/MNR	01/09/2017	Sullivan	CONVERSION OF THREE BEDROOM UPPER FLOOR FLAT INTO TWO SELF CONTAINED FLATS WITH TAKING DOWN REAR GROUND FLOOR OUTBUILDING AND EXTEND GROUND FLOOR RETAIL AREA	822 NEWPORT ROAD, RUMNEY, CARDIFF, CF3 4LH	60	False	Permission be granted	31/10/2017

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17/01960/MJR	10/08/2017	Cardiff Council	REMOVAL OF CONDITION 22 RELATING TO THE SCHEME FOR THE IMPROVEMENT OF EAST TYNDALL STREET OF 16/02911/MJR AS NO LONGER NECESSARY DUE TO FINDINGS OF ADDITIONAL SURVEY WORK	PUBLIC OPEN SPACE AT LEWIS ROAD, SPLOTT, CARDIFF	82	False	Permission be granted	31/10/2017

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17/02239/MNR	19/09/2017	Ph Performance	CHANGE OF USE TO D2 AND ALTERATIONS TO FRONT ELEVATION OF UNIT	UNIT 49, PORTMANMOOR ROAD INDUSTRIAL ESTATE, PORTMANMOOR ROAD, SPLOTT, CARDIFF, CF24 5HB	42	True	Permission be granted	31/10/2017
17/02141/MNR	07/09/2017	MEM Group Plc	EXTERNAL ALTERATIONS INCLUDING NEW FACADE TO WORKSHOPS.	ROYAL COLLEGE OF MUSIC & DRAMA BUILDING 6, DOWLAIS ROAD, SPLOTT, CARDIFF, CF24 5LQ	36	True	Permission be granted	13/10/2017

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17/02187/DCH	13/09/2017	Armitti & Lavelle	2 STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION, DEMOLISH EXISTING GARAGE AND REBUILD EXTENDED GARAGE	117 MERTHYR ROAD, WHITCHURCH, CARDIFF, CF14 1DE	42	True	Permission be granted	25/10/2017

17/01964/DCH	15/08/2017	Waddington	PROPOSED SEWERAGE TREATMENT PLANT WITH INFILTRATION BED.	TON Y BWLCH COTTAGE, RHIWBINA HILL, TONGWYNLAIS, CAERPHILLY, CF83 1NG	56	True	Permission be granted	10/10/2017
17/01932/DCH	24/08/2017	Evans	PROPOSED SINGLE STOREY SIDE EXTENSION	28 ST MARGARET'S ROAD, WHITCHURCH, CARDIFF, CF14 7AB	42	True	Permission be granted	05/10/2017
17/01962/DCH	15/08/2017	Harfield	NON-MATERIAL AMENDMENT ON PLANNING APPLICATION 17/00419/DCH FOR A SKYLIGHT IN THE WEST SIDE ELEVATION IN REPLACE OF A WINDOW AS PER ORIGINAL PLANS. ALSO, ALTERATION OF OPENING OF BATHROOM WINDOW IN REAR ELEVATION.	20 WESTBOURNE ROAD, WHITCHURCH, CARDIFF, CF14 2BS	52	True	Permission be granted	06/10/2017
17/02149/DCH	05/09/2017	Emery	RENEWAL OF 12/01002/DCH FOR 2 STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION	42 ST JOHN'S CRESCENT, WHITCHURCH, CARDIFF, CF14 7AG	56	True	Permission be granted	31/10/2017
17/01722/DCH	22/09/2017	Thomas	PROPOSED TWO STOREY SIDE EXTENSION	1 KELSTON PLACE, WHITCHURCH, CARDIFF, CF14 2AP	21	True	Permission be granted	13/10/2017
17/02543/DCH	23/10/2017	Hales	ALTERATIONS TO 17/01310/DCH BRING FORWARD THE FRONT WALL OF THE PROPOSED EXTENSION BY APPROX 300mm. THIS SETS IT IN LINE WITH THE FRONT WALL OF THE MAIN DWELLING	201 TY-MAWR ROAD, WHITCHURCH, CARDIFF, CF14 2HG	4	True	Permission be granted	27/10/2017
17/01781/DCH	21/09/2017	PALLISTER	PROPOSED HIP TO GABLE AND DORMER ROOF EXTENSIONS, GROUND FLOOR SIDE EXTENSION AND ALTERATIONS	4 ST MARGARET'S ROAD, WHITCHURCH, CARDIFF, CF14 7AA	40	True	Permission be granted	31/10/2017

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17/01717/MJR	17/07/2017	Maggie Keswick Jencks Cancer Caring Centres Trust	PROPOSED DEVELOPMENT OF MAGGIES CANCER CARE CENTRE	VELINDRE HOSPITAL, VELINDRE ROAD, WHITCHURCH, CARDIFF, CF14 2TL	80	False	Permission be granted	05/10/2017
17/00622/MNR	24/03/2017	HJW Estates Ltd	DISCHARGE OF CONDITIONS 3 (APPROVED PLANS), 4 (DRAINAGE), 5 (ROOF LIGHTS), 6 (ROOF LIGHTS) AND 7 (WINDOWS AND DOORS) OF PLANNING PERMISSION 16/02688/MNR	88 MERTHYR ROAD, WHITCHURCH, CARDIFF, CF14 1DJ	192	False	Full Discharge of Condition	02/10/2017

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