

COMMITTEE DATE: 12/04/2017

APPLICATION No. **17/00166/MNR** APPLICATION DATE: 26/01/2017

ED: **PENYLAN**

APP: TYPE: Full Planning Permission

APPLICANT: DR HARJ SINGHRAO

LOCATION: 126 CARISBROOKE WAY, PENYLAN, CARDIFF, CF23 9HX

PROPOSAL: CHANGE OF USE OF PART GROUND FLOOR INTO A DENTAL PRACTICE WITH EXTERNAL ALTERATIONS AND CONSTRUCTION OF AN OUTBUILDING TO BE USED AS A STORE AND AN OUTDOOR SWIMMING POOL

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:

- 201 - Proposed Plans and Elevations
- 202 - Proposed Plans and Elevations
- 203 - Proposed Plans and Elevations
- 204 - 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. The materials to be used in the construction of the external surfaces of the outbuilding and the external alterations to the dwelling house hereby permitted shall match those used on the existing building.

Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

4. Prior to beneficial use, a refuse storage area shall be provided within the curtilage of the site to accommodate general waste, recycling and food waste for the residential property and a separate area for the commercial waste produced by the Dental Surgery. The refuse storage areas shall thereafter be retained.

Reason: To secure an orderly form of development and to protect the amenities of the area.

5. The property shall be used as an mixed use D1(Dentist)/C3 (residential use) as specified in the application and for no other purpose (including

any other purpose in Use Class D1/C3 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: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Use Class D1 could prejudice the amenities of the area

6. D3D Maintenance of Parking Within Site
7. Members of the public attending the dental practice shall only be admitted to or allowed to remain on the premises between the hours of 09:00 and 18:00 Monday to Friday.
Reason: To ensure the amenity of occupiers of other premises in the vicinity are protected.
8. Unless otherwise agreed by the Local Planning Authority, the dental surgery hereby approved shall only be operated by the applicant (Dr Harj Singhrao) or those residing at 126 Carisbrooke Way and shall not be sold or let separately. The use as a dental surgery shall remain ancillary to the residential dwelling.
Reason: It is considered that consent may reasonably be granted due to the particular circumstances of the applicant.
9. Only one dental surgeon shall operate at the premise at any one time.
Reason: To ensure the amenities of occupiers of other premises are protected.

RECOMMENDATION 2: That the applicant be 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 3 : 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 4 : The agent/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 47) 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 to commercial services department on **029 20717500**.

RECOMMENDATION 5 : The granting of planning permission does not remove the need to comply with the statutory nuisance provisions of the Environmental Protection Act 1990. The rating level of the noise emitted from fixed plant and equipment on the site should not exceed the existing background noise level at the nearest sensitive premises, when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to change the use of part of the detached dwelling house into a dental surgery and the erection of a detached store and outdoor swimming pool.
- 1.2 The works entails the conversion of a ground floor bedroom (bed 3) and the garage to a dental surgery containing a clinic, waiting room, store and toilet.
- 1.3 The outbuilding is to be 5m long, 5m wide and 2.7m high with a flat roof
- 1.4 The swimming pool is approximately 8m long, 2.5m wide sited to the rear of the site

2. **DESCRIPTION OF SITE**

- 2.1 The application site is a detached two-storey dwelling fronting onto Carisbrooke Way.
- 2.2 Surrounding the site are existing two-storey dwellings (detached and semi-detached properties), with Cyncoed Road sited to the West of the site.

3. **SITE HISTORY**

- 3.1 N/A

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 W2 (Provision for Waste Management Facilities in Development)

Policy H4 (Change of Use of Land of Residential Land or Properties)

Policy C1 (Community Facilities)

Policy T5 (Managing Transport Impacts)

Policy EN13 (Air, Noise and Light Pollution)

- 4.3 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)
- 4.4 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)
- 4.5 Technical Advice Note 12: Design
- 4.6 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 comments received at the time of writing this report
- 5.3 The Operational Manager, Waste Management – Advise that two refuse storage areas are required to separate waste from mixed use developments

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 N/A

7. **REPRESENTATIONS**

- 7.1 Neighbours have been consulted, letters and e-mails have been received from the occupiers of 110, 112 and 124 Carisbrooke Way + Mr & Mrs Palfrey (address unknown), objecting for the following summarised reasons;

- i) Highway Safety issues
- ii) Off-street parking provision for proposal is unsatisfactory
- iii) Proposed dentist use not in keeping with area
- iv) Materials and size of outhouse is considered to be incongruous

- 7.2 Cllrs Bill Kelloway & Joe Boyle object for the following summarised reasons;

- i) Carisbrooke Way is a fairly narrow carriageway which does not easily permit the two way passage of vehicles if parking on the highway takes place. The western end of Carisbrooke Way, in the vicinity of the application site, is increasingly subject to obstruction due to the parking of vehicles associated with the nearby campus at Cardiff Metropolitan University. Notwithstanding the fact that 126, Carisbrooke Way is near a bus-stop, the provision for off-road parking at the premises in the application details is likely to be insufficient to meet the demand from staff, visitors and patients at the dental surgery and would, therefore, be likely to contribute to increased parking and congestion on Carisbrooke

Way.

- ii) The proposed conversion of part of the ground floor to a dental clinic will result in the loss of the existing garage and, therefore, the loss of an off road parking space at this property.
- iii) The proposed change of use, from residential to dental surgery, will introduce an inappropriate business use into a street which currently consists entirely of residential properties. Such a change of use is likely to be detrimental to the amenity of residents occupying the nearby houses.

7.3 Jenny Rathbone AM, objects for the following reasons;

- i) Carisbrooke Way is a street of private houses, and allowing change of use to a business would change the exclusively residential character of Carisbrooke Way. Business use in the area is already accommodated by the shops in Clarendon Road, designed with parking facilities.
- ii) The proposal will have a negative impact on the local parking and traffic flow in Carisbrooke Way, which is already used as a traffic cut through. Along with increased traffic, the insufficient off-road parking in the proposals would mean customers parking on a narrow section of Carisbrooke Road. Additionally there is a bus stop directly outside the proposed development site, and situating a business there would interfere with that facility

8. **ANALYSIS**

8.1 The main planning issues relate to:

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

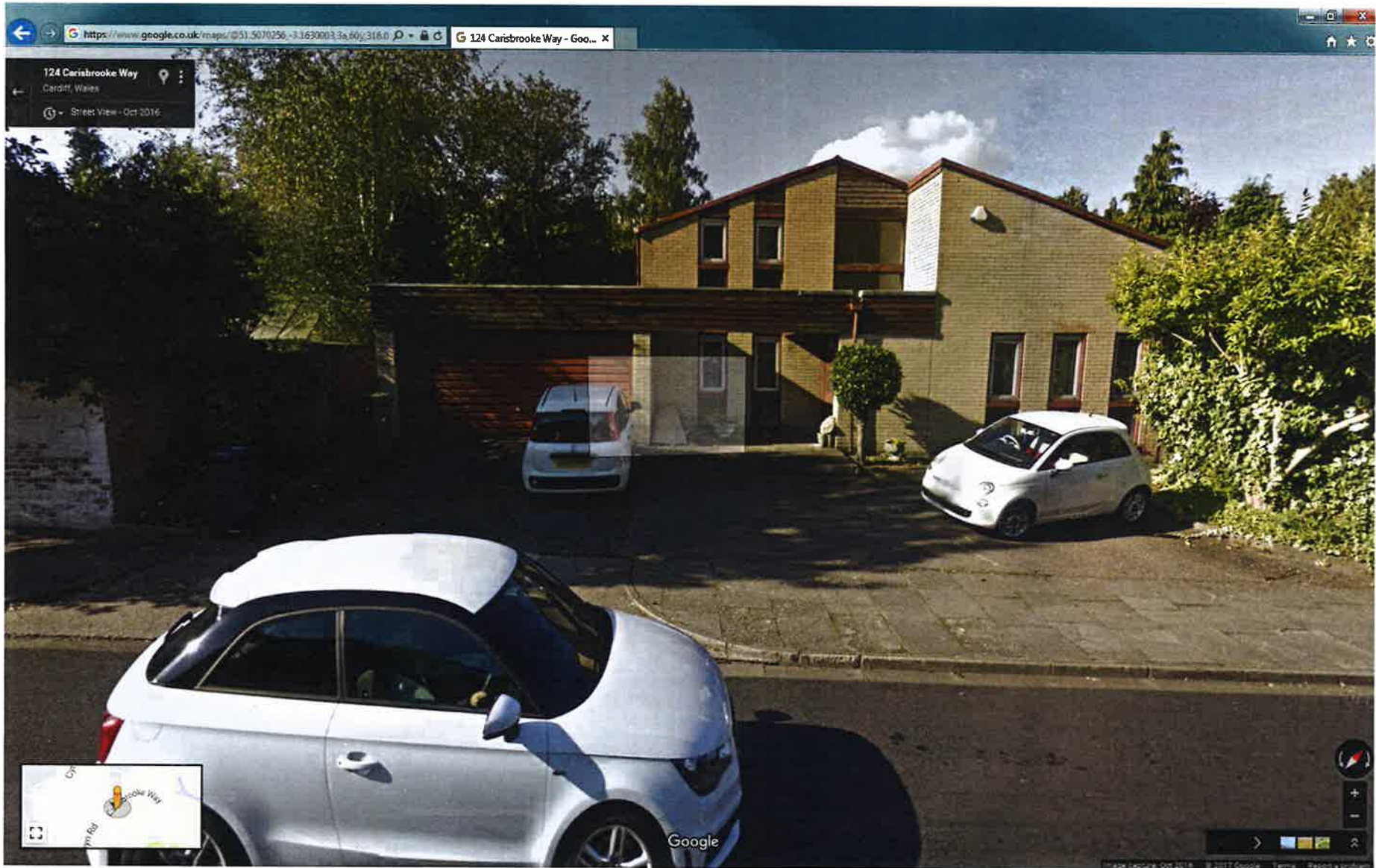
8.2 The application site falls within the settlement boundary as defined by the LDP proposals map and has no specific designation or allocation. The application premises are located in a residential area. The proposal should therefore be assessed against Policy H4: Change of Use of Residential Land or Properties. Policy H4 allows for the conversion or redevelopment of residential properties to other uses where the proposal is for a community use necessary within a residential area. Paragraph 5.16 acknowledges that there is a range of community uses that are appropriate, in principle, within residential areas, including dentists. It is also noted that the change of use involves only part of the ground floor, the garage and 1 bedroom and majority of the property will remain in residential use.

Also of relevance is Policy C1: Community Facilities which encourages new and improved community facilities where they are readily accessible to the local community by public transport, walking and cycling; where it would not prejudice the amenity of residential occupiers; detract from the character and appearance of a property or the locality and would not lead to unacceptable

parking/traffic problems.

The surrounding area is residential in nature. Given this context and assessed against the above policy framework, the change of use of part of the ground floor from residential to a dental surgery raises no land use policy concerns.

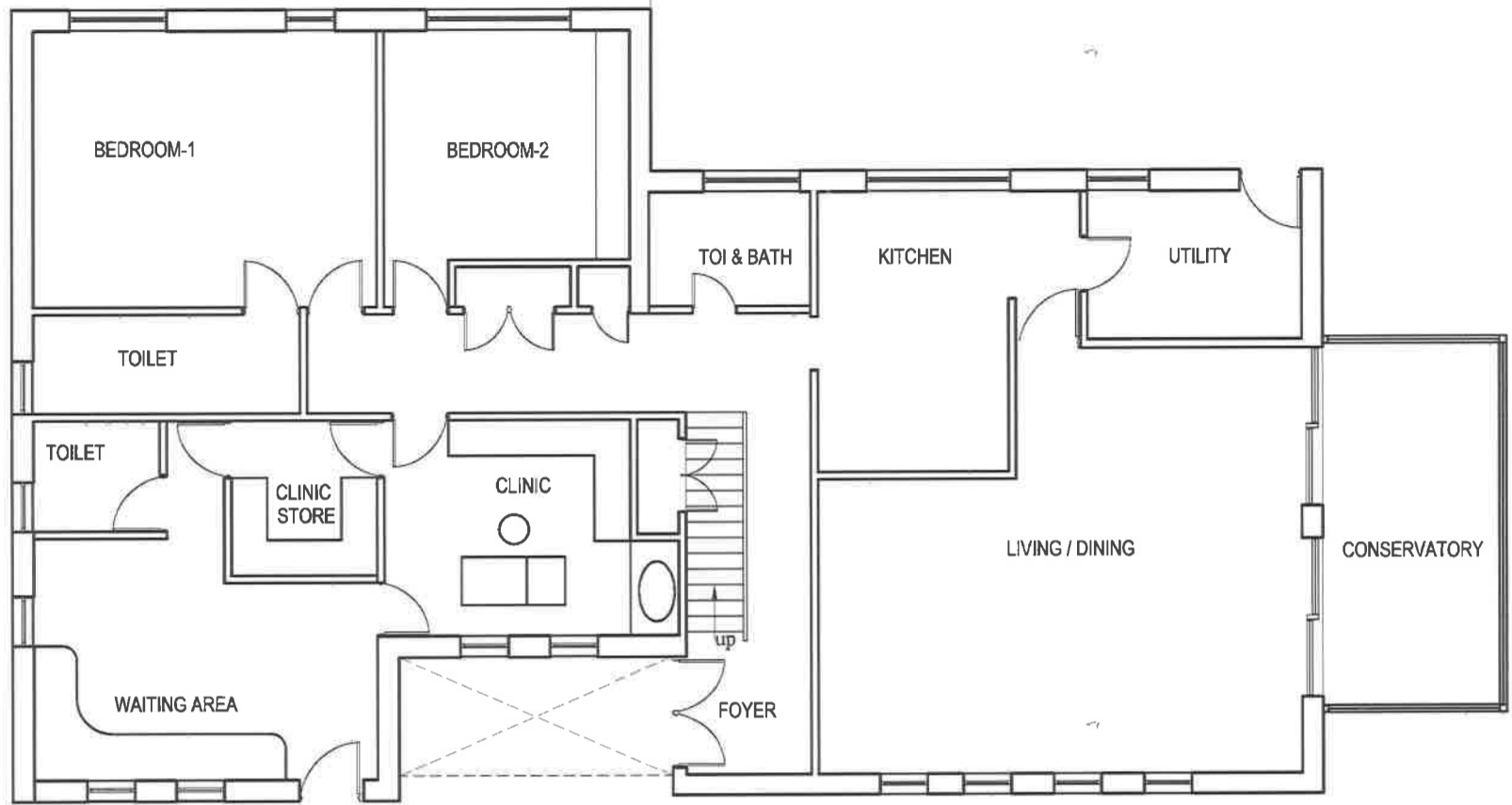
- 8.3 It is considered that due to the circumstances of the case in that the applicant proposes to use part of his own property as a dental surgery, it would be considered prudent to ensure that permission is personal to the applicant and is restricted to one dental surgeon only as this would reduce vehicle movements journeys and limit the impact on the amenities of the occupants of the dwelling-house and other adjoining properties (see conditions 8 and 9).
- 8.4 The proposal entails altering the frontage of the dwelling house with the removal of the garage door and replacing it with two windows and a new doorway. The external alterations are modest and considered to be acceptable and the alterations would be permitted development.
- 8.5 The proposed outbuilding and swimming pool is considered acceptable in regards to its scale and design and will provide a subservient addition to the dwelling and will not prejudice the general character of the area. It is noted that the swimming pool itself would be permitted development.
- 8.6 It is not considered that the proposal would prejudice the privacy and amenities of adjoining neighbours. The property is detached and the proposed dental surgery is modest in size (one consulting room) and it is considered necessary to ensure that the proposed dental surgeries opening hours are restricted to protect the amenity of adjoining neighbours (see condition 7).
- 8.7 The Operational Manager (Transportation) has no objection to the proposal. The site is near to an existing bus stop and thus would encourage other modes of transport. The submitted plans show the provision of four off-street parking spaces within the curtilage of the site, which is considered sufficient for the proposed use of the property as a dental surgery and residential dwelling.
- 8.8 In regards to comments made by neighbours which are not covered above, the following should be noted:
- i + ii) See para 5.5
 - iii) See para 5.2
 - iv) See para 5.3
- 8.9 Having regard to the policy context above, the proposal on balance is considered to be acceptable and planning permission is recommended subject to conditions.



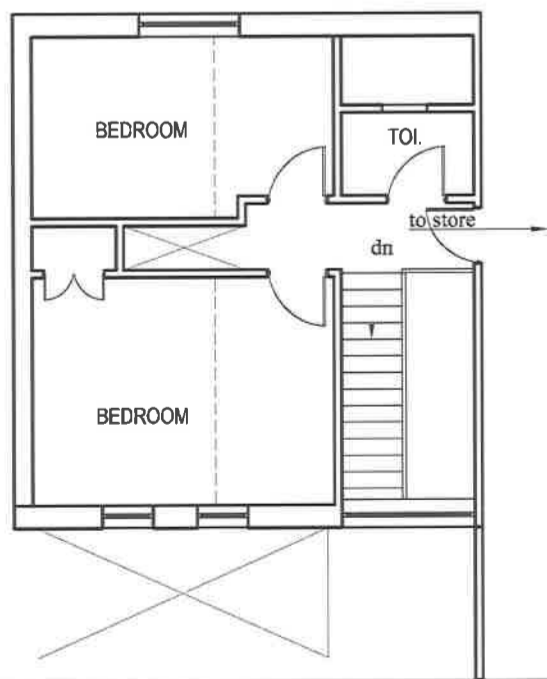
SCANNED
- 3 FEB 2017

SIDE ELEVATION A

SIDE ELEVATION B



PROPOSED GROUND FLOOR PLAN

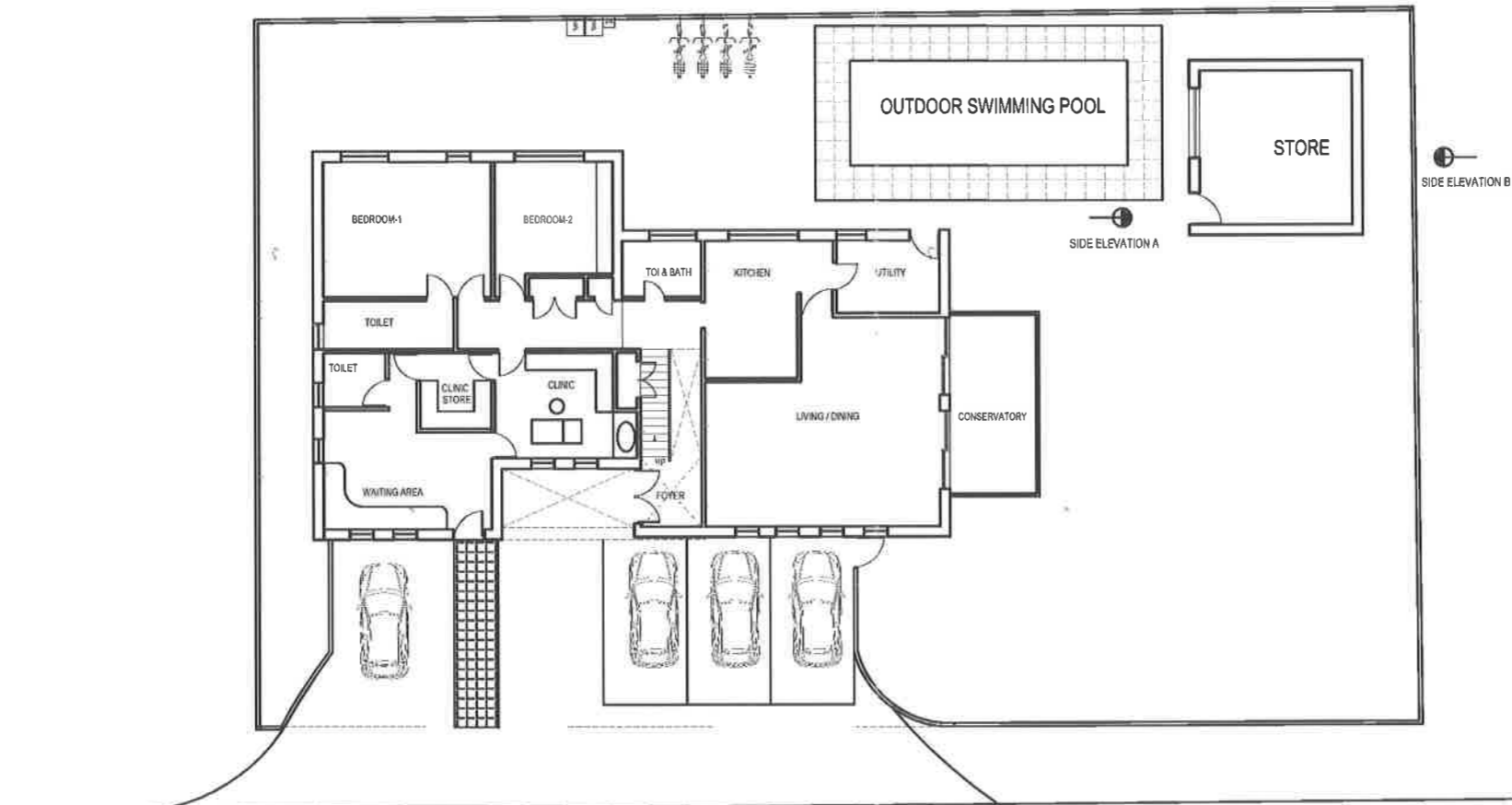


PROPOSED FIRST FLOOR PLAN

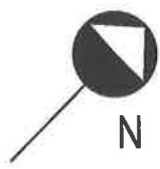
17 / 00166

<small>This drawing is copyright © SK Design. Customers to check all dimensions on site and to report any discrepancies directly to the BS.</small>	
Date:	JAN 2017
Project:	126 CARISBROOKE WAY, CARDIFF
Client:	
Description:	PROPOSED PLANS AND ELEVATIONS
Job No:	Scale: 1:100 ON A3
Dwg No:	Drawn By: KG
201	





17 / 00136



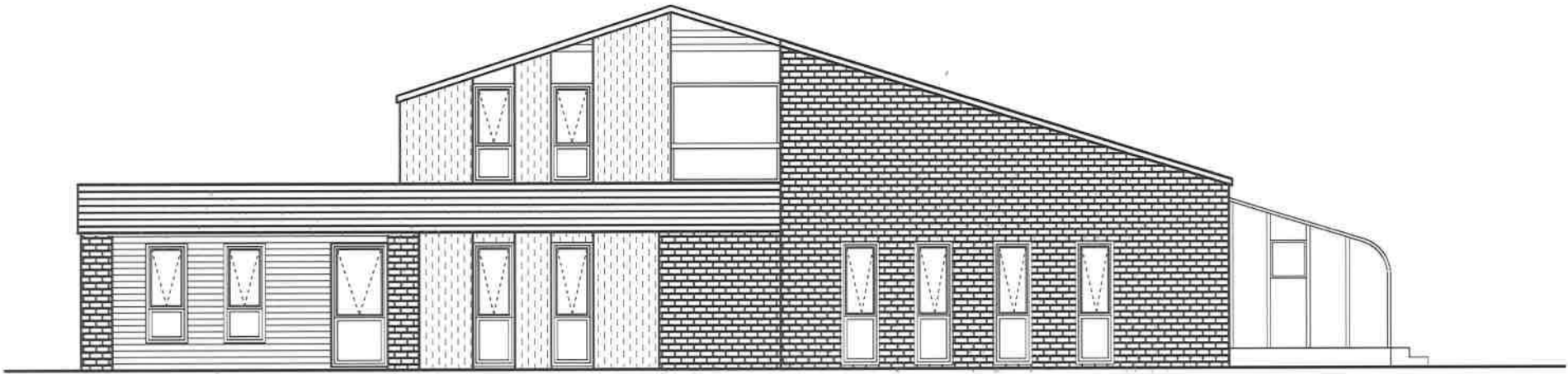
CARISBROOKE WAY

PROPOSED SITE PLAN

15/01/2017
SCANNED

<small>This drawing is copyright © SK Designs Ltd. All dimensions are in millimeters unless otherwise stated. It is to be used for the purpose intended only.</small> Date: JAN 2017			 SK DESIGNS <small>Mk. Channon Way, 1 Chalkwell, Cardiff, CF24 0BA Tel: 029 20 361 850 Fax: 029 20 361 850 Email: info@skdesigns.co.uk</small>
Project: 126 CARISBROOKE WAY, CARDIFF			
Client:			
Description: PROPOSED PLANS AND ELEVATIONS	Job No: 204	Scale: 1:200 ON A3	
		Drawn By: KG	

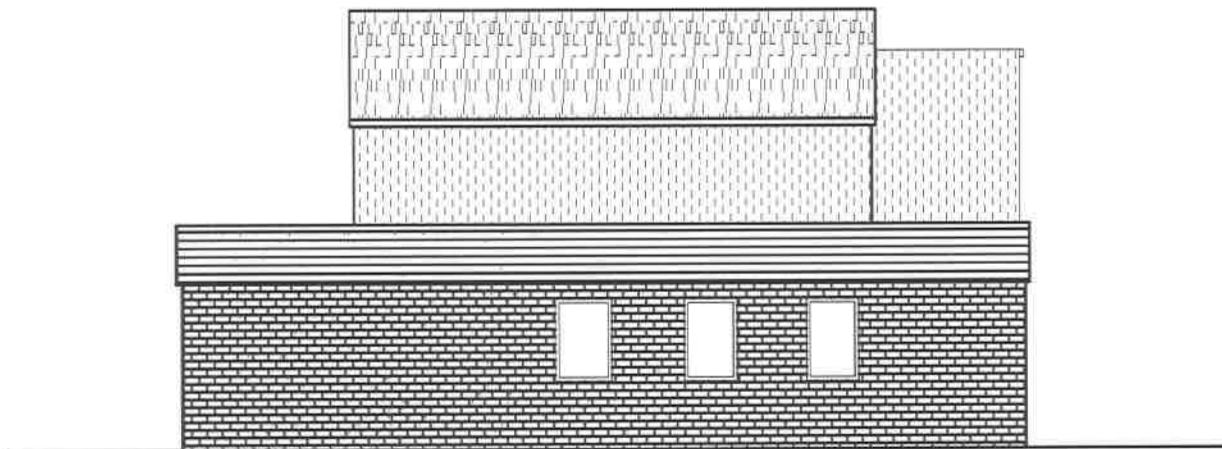
SCANNED
- 3 FEB 2017



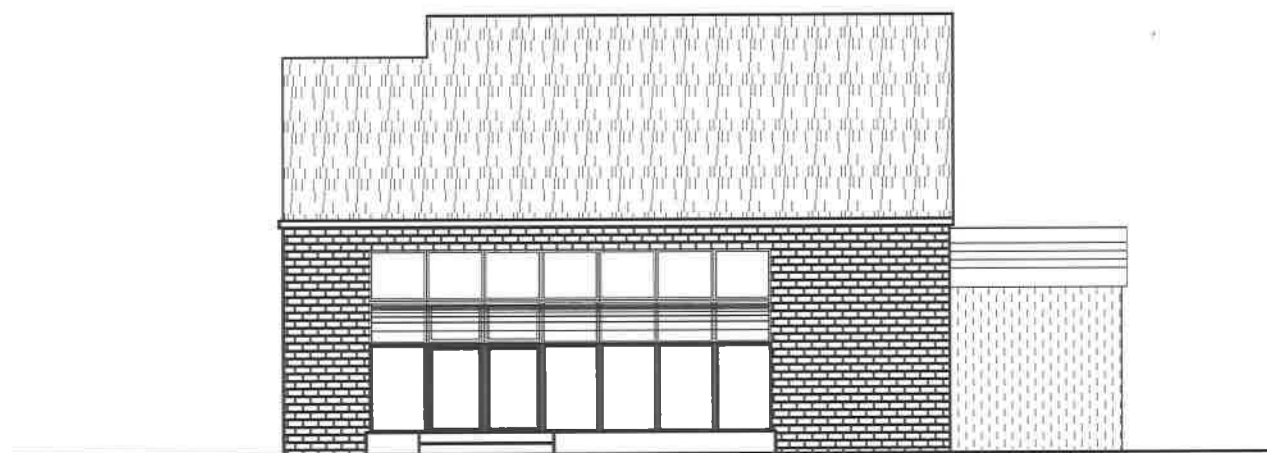
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION A



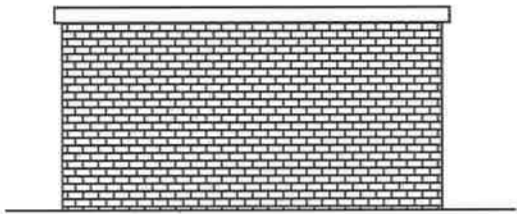
PROPOSED SIDE ELEVATION B

17 / 00166

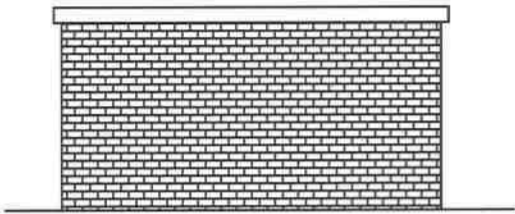
<small>© This drawing is copyright. Do not scale. Customers should always refer to the original drawing for any discrepancies. Please refer to the title block.</small>		
Date: JAN 2017		
Project: 126 CARISBROOKE WAY, CARDIFF		
Client:		
Description: PROPOSED PLANS AND ELEVATIONS	Job No: 202	Scale: 1:100 ON A3
	Drawn By: KLD	



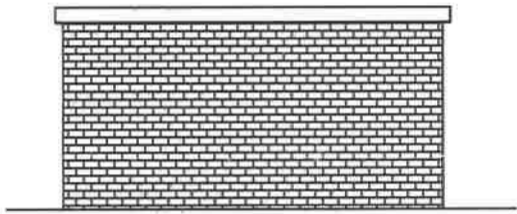
SCANNED
~ 3 FEB 2017



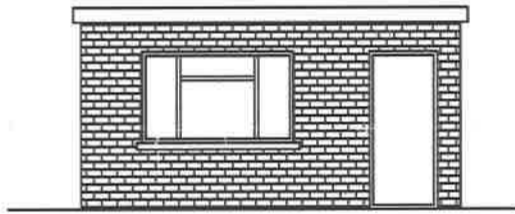
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION B



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION A

ELEVATIONS OF A STORE

17 / 00166

© This drawing is copyright. Do not scan. Contractor to check all dimensions on site and to report any discrepancies directly to the DCS.

Date: JAN 2017

Project: 126 CARISBROOKE WAY, CARDIFF

Client:

Description: PROPOSED PLANS AND ELEVATIONS	Job No: 203	Scale: 1:100 ON A3	Drawn By: KG
--	----------------	--------------------------	-----------------

SK DESIGNS

SK DESIGNS
126 Carisbrooke Way, Cardiff, CF11 1JH
Tel: 029 20 761 955
Fax: 029 20 761 955
Email: info@skdesigns.org.uk