

COMMITTEE DATE: 11/10/2017

APPLICATION No. **16/02934/MJR** APPLICATION DATE: 09/12/2016

ED: **GRANGETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr C Burrige

LOCATION: WINDSOR BUILDINGS, FERRY ROAD, GRANGETOWN,
CARDIFF, CF11 0JL

PROPOSAL: PROPOSED AFFORDABLE HOUSING DEVELOPMENT
AND ANCILLARY WORKS

RECOMMENDATION 1 : That planning permission be **REFUSED** for the following reasons :

1. The development, by virtue of whole site coverage/siting and design, would realise a poor quality of living environment, outlook, and lack of amenity space provision for future residents, contrary to policies KP5: [GOOD QUALITY AND SUSTAINABLE DESIGN] and H6: [CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE] of the Cardiff Adopted Local Development Plan 2016
2. The location of the principal entrance to the building would provide an unacceptable privacy relationship with the main living room window in ground floor flat unit 1 contrary to policies KP5: [GOOD QUALITY AND SUSTAINABLE DESIGN] of the Cardiff Adopted Local Development Plan 2016
3. The development by virtue of whole site coverage and design is considered to be prejudicial to the future development of the land to the west, contrary to policies KP5: [GOOD QUALITY AND SUSTAINABLE DESIGN] and H6: [CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE] of the Cardiff Adopted Local Development Plan 2016
4. The development by virtue of the necessity to modify and repeatedly prune the three street lime trees would realise an unacceptably detrimental impact on the verdancy of the streetscape and likely requests to fell the trees from future residents given the proximity of the trees to primary living spaces within the building contrary to policies KP5: [GOOD QUALITY AND SUSTAINABLE DESIGN] and EN8 [TREES, WOODLAND AND HEDGEROWS] of the Cardiff Adopted Local Development Plan 2016

1. **DESCRIPTION OF DEVELOPMENT**

This application seeks to demolish an existing corner retail warehouse building

in Grangetown and to provide flatted residential units in a three storey block. The accommodation is indicated as being for affordable housing, however it is noted that the application is not submitted with an RSL (Housing Association) partner, although it is understood that there may be an RSL interest in principle should the development gain approval.

- 1.2 The application form confirms that the development would comprise 15 no. One bed units and 3 no. Two bed units accessed from a perimeter 'deck access' to the rear (W) of the building positioned adjacent to the side wall of a neighbouring repair garage.
- 1.3 The application is a modification of application 15/00966 for up to 19no. units and ancillary works. Refused by Planning Committee on 11/12/2015 and Dismissed at Appeal on 11/08/2016.
- 1.4 Previous reasons for refusal were :
 1. The development, by virtue of whole site coverage/siting, design, and quantum of accommodation represents an overdevelopment of the site resulting in a poor quality of access, outlook, quality of living environment, amenity space and opportunity for landscaping, contrary to policies 2.20: Good Design, 2.21: Redevelopment to Residential Use; of the Unitary Development Plan Deposit written statement Oct 2003, and policy 11(Design and aesthetic quality) of the Cardiff Adopted Local Plan January 1996.
 2. The development by virtue of whole site coverage and design is considered to be prejudicial to the future development of the land to the west, and to be likely to have a detrimental impact on the business interest of the existing auto repair garage operation contrary to policies 2.20: Good Design, 2.21: Redevelopment to Residential Use; of the Unitary Development Plan Deposit written statement Oct 2003.
- 1.5 The current submission is also supported by:
 - Design and Access Statement;
 - Flood Consequences Assessment;
 - Noise Impact Assessment;
 - Planning Statement ;
 - Transport Review ;
 - Tree Protection Plan ;
 - Tree Survey, and
 - Pre-application consultation report [PAC] report

2. **DESCRIPTION OF THE SITE**

The site is located on the corner of Ferry Road and South Clive Street and comprises a long rectangular furniture sales warehouse. The building has a ridged roof which parallels South Clive Street, and which is of mixed single

storey and two storey height with the lower section to the middle.

- 2.2 The corner of the building to Ferry Road is elevated to provide a wrap around gable presentation to the Junction. The southern end of the site exhibits a raised central ridge.
- 2.3 The northern boundary of the warehouse is formed by Ferry Road - which currently provides pedestrian access into the warehouse. The eastern boundary is formed by Clive Street which contains a large roller shutter door to its southern end in the elevated section; The western boundary of the site is formed by a directly abutting car repair garage and the southern boundary formed by a lean-to structure associated with the car repair garage.
- 2.4 The South Clive Street/Ferry Road junction is a busy traffic junction used by many vehicles accessing the nearby Ferry Road retail park.
- 2.5 Surrounding development is essentially residential of varying age and character, but generally traditional inter-war two storey family houses, Victorian Terraced dwellings and newer build three and four storey flatted developments.

3. **SITE HISTORY**

15/00966 Windsor Buildings, Ferry Road, Grangetown, Cardiff Full Planning Permission for affordable housing development of up to 19no. units and ancillary works Refused 11/12/2015. Dismissed at Appeal 11/08/2016

06/00172/C Units 1 & 2 Windsor Buildings, Ferry Road, Grangetown, Cardiff Outline Application For Residential Apartments (25 No: 1 And 2 Bedroom Apartments) Withdrawn May 2006

05/02776/C Unit 2 Windsor Buildings, Ferry Road, Grangetown, Cardiff Outline Application For Residential Apartments (16 No. 1 Bedroom) Withdrawn Jan 2006

05/02061/C Windsor Buildings, South Clive Street, Grangetown, Cardiff A1, Retail Warehouse Certificate of Lawfulness Issued Dec 2005

05/00349/C Windsor Buildings, South Clive Street, Grangetown, Cardiff Demolish Existing Retail Warehouse And Build 12 2 Bedroom Flats With 12 Parking Spaces Planning Permission Refused May 2005

05/00151/C Windsor Buildings, South Clive Street, Grangetown, Cardiff A1, Retail Warehouse Certificate of Lawfulness Not Issued May 2005

4. **POLICY FRAMEWORK**

Planning Policy Wales

WG Technical Advice Notes

TAN 1: Joint Housing Land Availability Studies (2015)
TAN 2: Planning And Affordable Housing (2006)
TAN 11: Noise (1997)
TAN 12: Design (2016)
TAN 15: Development and Flood Risk (2004)
TAN 18 Transport 2007

Welsh Office Circular

11:99 Environmental Impact Assessment
16/94 Planning out Crime

Cardiff Local Development Plan 2006-2026 (Adopted January 2016)

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
KP7: PLANNING OBLIGATIONS
KP8: SUSTAINABLE TRANSPORT
KP15: CLIMATE CHANGE
H1: NON-STRATEGIC HOUSING SITES
H3: AFFORDABLE HOUSING
H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE
EC3: ALTERNATIVE USE OF EMPLOYMENT LAND AND PREMISES
EN8: TREES, WOODLANDS AND HEDGEROWS
EN10: WATER SENSITIVE DESIGN
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
EN14: FLOOD RISK
T1: WALKING AND CYCLING
W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

Supplementary Planning Guidance to Adopted LDP

Waste Collection & Storage Facilities Oct 2016
Residential Design Guide Jan 2017
Planning Obligations Jan 2017

Other Material Considerations

Inspector's decision on previous proposal

Supplementary Planning Guidance to former Local Plan which is material in so far as it is the most recently approved guidance and is compliant with National Guidance and Policies.

Access, Circulation and Parking Standards Jan 2010
Infill Sites Design Guide April 2011
Trees and Development Mar 07

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Contaminated Land**

In reviewing available records and the application for the proposed development, the site has been identified as commercial/industrial with uses including part of the site of the former 'Windsor Works', warehouse and retail. 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 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 the following 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:

Ground gas protection; Contaminated land measures – assessment; Contaminated land measures – remediation & verification plan; Contaminated land measures - remediation & verification; Contaminated land measures – unforeseen contamination; Imported aggregates; Use of site won materials and Advisory notification R4 contamination and unstable land advisory notice.

5.2 **Housing**

The planning application has been submitted by a Mr C Burridge for a 100% affordable housing (social rented) scheme.

Based on this planning application submission it does not currently contain a secure mechanism to ensure that the affordable housing remains as affordable housing on first and subsequent occupations, particularly as a Registered Social Landlord (RSL) would not be party to the s106 agreement.

In addition we are not aware that any of our partner RSLs are fully committed or in current dialogue with the owner to purchase the site and/or units.

On that basis, if the application is to go forward as a 100% affordable housing

scheme then the following need to apply:

- All social rented units will be required to meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).
- The planning permission needs to be a restricted use to a 100% affordable housing scheme.

We would use legal contract/agreement to cover: the provision of affordable housing on site including numbers, site mix and layout; The precise terms of the legal contract/agreement would be drafted by Legal Services.

5.3 Trees

The submitted Tree Constraints Plan depicts nominal, circular Root Protection Areas for the x3 Council, highway limes. A polygonal depiction is likely to be a more accurate reflection of the distribution of roots, but subject to clarification concerning any proposed works within the highway verge/footway, e.g. re-surfacing, service installation, and subject to implementation of the tree protection measures as submitted for the full course of development (including demolition and landscaping), unacceptable harm should not result to the trees directly as a result of development. However, I am concerned that the development pays insufficient regard to the future growth potential of the highway trees, which is considerable. The current elevation allows for significant growth over the roof of the warehouse, and given the current non-residential function, any nuisance resulting from this growth is minimal. Under the proposed development, the above ground growing space will be constrained, resulting in the trees developing offset growth over South Clive Street, and necessitating regular and unsuitable pruning (crown-lifting and lateral branch reduction). Furthermore, being limes, during spring, summer and autumn, honeydew is likely to rain down from these trees as a consequence of aphids feeding on the leaves. Honeydew can coat surfaces with a sticky veneer, necessitating regular cleaning if discoloration as a result of 'sooty moulds' colonising the honeydew is to be avoided. An additional consequence of the proposed development is likely to be increased wind tunnel effects, as wind passes between the three storey flats and the trees – this increases the risks of branch failures, particularly for trees that have been forced to grow offset. Limes are long-lived, and potentially very tall trees, with moderately spreading crowns, and the development should be designed to respect this, not to compromise the future growth potential of important highway trees.

New soft landscaping as part of the development is extremely sparse, with no space allocated for a new tree or trees for example. As such, the development misses the opportunity for de-sealing and mitigating the predicted effects of climate change. However, should the development be recommended for approval, a condition should be applied required submission of full landscaping details comprising a scaled planting plan, plant schedule, topsoil and subsoil specification, planting methodology and aftercare methodology.

5.4 Pollution Control Noise and Air

Air Quality

Examining the Design and Access Statement as well as the associated Transport Review I am satisfied that the development will not have a severe impact on surrounding highway network. I am therefore content that little risk is placed upon future residents and nearby residents in terms of traffic derived emissions.

Dust emissions

Due to the close proximity of residential dwellings to the proposed development. In accordance with IAQM "Guidance on the assessment of dust from demolition and construction" Chapter 6, Step 1, Box 1 highlights certain screening criteria which needs to be considered and if a development qualifies for an assessment. The document states "An assessment will normally be required where there is: a 'human receptor' within: - 350 m of the boundary of the site; or- 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance(s)." It is apparent that there are residential dwellings located in close proximity to the proposed site (<50m), therefore satisfying the 'human receptor' criteria stipulated in the cited guidance and the need for a detailed assessment to be produced.

I would ask for the following condition to be implemented;

Unless otherwise agreed with 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.

5.5 Waste

The bin storage area indicated within current site plans has been noted.

These 18 flats will require the following allocation of bin capacity.

Dry Recyclables:	2 x 1100 litre bulk bins
Food waste:	1 x 240 litre bin

General waste: 2 x 1100 litre bulk bins

The site plan indicates that this amount of receptacles can be accommodated in the allocated space, however we are concerned that residents of units 2, 3 and 4 will have further than 30 metres to walk in order to dispose of their waste. As documented in chapter 6 of the Waste Collection and Storage Facilities Supplementary Planning Guidance 2016 it is stated that the bin store must no more than 30 metres from the dwelling. We would advise either an access door be provided between the rear corridor and the parking area or provide gates from the front of properties.

We notice that a collection point has been indicated on the plans and this is acceptable.

Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990 and can be purchased directly from the Council. Please contact the Waste Management's commercial department for further information on 02920 717504.

Refuse storage, once implemented, must be retained for future use

Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

5.6 Parks

Design Comments

The footway to South Clive Street contains three Lime Trees, (with a fourth slightly beyond) adjacent to the existing and proposed development, and may be affected both during construction and once the building is in place.

Currently these are located adjacent to the single storey section with pitched roof, so there is little impact on the warehouse and room for significant extra growth. But with the building proposed to be 3 storeys, and the trees with substantial growth remaining there will inevitably be significant shading of the new apartments, and the need to regularly prune the trees. On the original scheme refused at appeal there were a number of open balconies which would have been affected heavily by tree growth. From the current drawings it appears as if the building is more enclosed although the design hasn't changed substantially. However it is inevitable that frequent pruning will be required that will affect the trees. In addition I have concerns that the lime trees will produce honeydew which will create a sticky residue on the windows. However given the type, ultimate size and proximity of the trees to the building some degree of conflict is inevitable and all that can be done is to manage this.

Should the application proceed the only option is to carry out more regular tree pruning.

- 5.7 On the previous application discussions which took place between the applicant and developer confirmed that the Council's Parks department would require an additional maintenance sum to cover the costs of additional tree pruning over a 20 year period.
- 5.8 A separate sum was also agreed for some additional tree planting to offset the adverse impact on these trees. This would take place in the Marl rather than within the streetscape where there are many services. I have the costing for both of these sums agreed under the previous application but will send separately.
- 5.9 In terms of protection if the scheme was to proceed I would recommend use of tree protection boxes similar to the type shown below. In terms of root protection this would need to be assessed as part of a S278 highway scheme if repaving is to take place.

5.10 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; EN8 Trees Woodlands and Hedgerows), supported by policies set out in the 2008 Supplementary Planning Guidance 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 25.74. This generates an open space requirement of 0.056 ha of on-site open space based on the criteria set for Affordable Housing accommodation.

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality. Based on the above assessment the contribution payable will be **£ 21,341**. I enclose a copy of the calculation

5.11 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 demand on local public open spaces and therefore increased intensity of use or demand for more facilities. This would result in a need for increased maintenance, more rapid upgrading and often expansion of existing facilities on existing or new sites. This is regardless of the financial model for the development.

For affordable houses/apartments it is recognised, based on the Cardiff Housing Allocation Scheme 2015 document that one bed properties will be for adults only and no children will be allowed to reside there. Therefore the calculation has been adjusted accordingly to remove the element relating to provision of children's play for these properties.

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 confirm use of the contribution, and this will be confirmed at S106 stage. The nearest area of open space is The Marl and it is likely that the money will be used for improvements to this open space, but this is subject to Member approval.

Based on the 2009 Cardiff Council Open Space Survey there is a deficiency in open space provision of 3.96 hectares in the Butetown Ward, in which the development is situated

(Measured by the Fields in Trust recommended standard of 2.43 hectares per 1000 population). The quality and facilities of existing open spaces also require improvement, with additional capacity to take into account the increased residential population resulting from the development.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **Natural Resources Wales**

Raise no Objection to the development given a slab level of 7.35m AOD.

NRW suggest that the site will flood to a level of approximately 600mm in a 1 in a thousand year extreme flooding event and that the velocities of flow would be likely to be 0.36(m/s) for such an event (in excess of the maximum velocity of floodwaters cited in the TAN). This combination of depth and velocity is advised to represent a Hazard Rating of 'Danger to Most'; but that the applicant has recognised this position by virtue of the submission of a flood consequences assessment and demonstrated that the consequences can be managed by means of the incorporation of flood defences into the design of the scheme, undertaking to sign up to the NRW's early flood warning scheme and by confirming a safe evacuation route to future residents.

NRW advise that it is for the Local Planning Authority to consider whether the risks and consequences of flooding can be managed in accordance with TAN 15.

6.2 **Welsh Water**

Request drainage conditions be applied to any approval, in respect of a comprehensive drainage scheme for foul, surface and land drainage run off and that the potential for the site to drain via SUDS be explored.

6.3 South Wales Police

South Wales Police have no objection to application but suggest that the Design and Access Statement inadequately addresses community safety and crime prevention issues.

In view of this South Wales Police would recommend the following,

1 Undercroft parking area is securely gated (roller shutter) with access control facilities that restricts the area to residents only. Reason *to prevent crime and anti-social behaviour.*

2 Undercroft parking area is adequately lit to allow for consistent level of lighting Reason *to increase surveillance and personal safety.*

3 Bike storage is enclosed in secure area and fitted with access control Reason *to prevent theft and damage.*

4 All ground floor and accessible windows PAS 24:2012 compliant Reason *to prevent burglary.*

5 All apartment main entrance doors shall comply with PAS24 :2012 Reason *to prevent burglary.*

6 Main communal entrance doors to apartments should have audio visual access control features Reason *to prevent unauthorised entry.*

7 All service meters should be externally readable either to front elevation or in undercroft area Reason *to prevent distraction type crime.*

8 Rear area needs to have secure perimeter with 2.1 m min walling/ fencing due to vulnerability of rear balcony access design Reason *to prevent burglary.*

9 Rear balconies will need to be well lit Reason *for personal safety*

South Wales Police would strongly recommend that the development is built to Secured by Design (SBD) standards which can cut crime risk by 75%. South Wales Police would be happy to work with developers to achieve this

7. REPRESENTATIONS

7.1 The Freeholder of the Autocare Service Centre

Has written to object to the proposals. In summary his objections relate to what he perceives are unrelated precedents cited within the applicant's design and access statements; the incongruous development arrangement (by virtue of necessary single aspect and decked access); lack of amenity space provision; aesthetic; incompatibility with neighbouring garage use and likely future complaints directed at a legitimate business; impact on his business; sterilisation of the development potential of his land; and the lost opportunity for comprehensive development, which he emphasises he is supportive of but in

respect of which he has not been able to agree acceptable terms.

7.2 **Owner of 2 Ferry Road**

Objects on grounds of :

The height of the building

The height would give no privacy in our gardens to myself and my neighbours. The houses in ferry road opposite my house are three stories high but we can draw the blinds etc to get some privacy, in the back garden you can't have any privacy with a three story building overlooking you. If this was a two storey building then the residence could have some privacy

The Main Sewage Drains

Drains around the junction of Ferry Road, Clive Street and South Clive Street have many times over the past few years tend to back up a course a vile smell. There is also the problem with the drain water drains backing up at the same junction. These problems I believe have been brushed under the carpet by the department responsible for them over the years. I believe that a major modification of the sewer and drains is needed before any more houses are built.

Before this development is approved, could you answer the following?

The Site Access would most probably put in South Clive Street which would causes for all the residents with vehicles blocking the road

Area of building Site-

This development would need a site twice as big as the proposed building which would include a laydown area and room for the various plants for maundering. If you look at the same type of buildings which have been built on Watkins Way backing on the Penarth flyover, you can see the amount of space needed to build this proposed development. In my opinion this development will almost block off the top of South Clive Street for at least 6-8 months causing all sorts of inconveniences not just to the residents of South Clive Street but the residents of Channel View which the traffic will be diverted through.

7.3 **11 Clive Street**

I am an owner and occupier of a home near to the property of this planning application, and have previously objected to it on several grounds (see letters 5/6/15 and 14/11/15).

It appears that no material changes to this application have been made, and I am starting to find the repeated submission of the same plans vexatious to say the least.

The proposed plans remain objected to on the following grounds:

* Proposed Southern/ Eastern aspects of the building not in keeping with the style or scale of the Residential area containing the majority of near neighbours.

* The third storey of the development raises the profile of the Southern three quarters of the building considerably, and will overlook near neighbours.

* Such an overlook and difference in style and scale affects the presentation of South Clive Street, and could be expected to devalue neighbouring and adjacent properties.

* Given the number of single dwelling units, and absolute minimum of parking allowed, it seems likely that an inevitable overspill would then fall to parking on overcrowded areas for near neighbours.

I have previously noted from the planning history that the clear preference for this site would be a combined redevelopment of both the sites of the furniture warehouse and the garage. I suggest that not only is this still true, but that any future submitted plans should actually have taken into account the previous objections to these plans, and made changes accordingly.

I therefore submit that these plans be refused, and that further submissions of these same identical (or near identical) plans be prevented.

8. **ANALYSIS**

8.1 **Overview**

The application is noted to constitute the applicant's response to a previous refusal of planning permission, and Inspector's decision to dismiss an appeal for a very similar proposal, which are both material to the determination of this application.

The Local Planning Authority's previous decision and the subsequent Inspectors decision are appended as an annexe to this report.

The application is accompanied by a planning statement which clarifies the alterations to the proposal as a consequence of the above.

In summary these relate to:

- A modification of access arrangements including the repositioning of entrance to Ferry Road and South Clive Street;
- The introduction of Winter Gardens (enclosed patio/balcony spaces with large windows – as opposed to open balconies).
- Introduction of finned privacy screen to rear walkways to mitigate access to the adjacent garage roof and provide better privacy.

- Increased proportion of the fenestration
- Introduction of a raised planter area to the front of bedrooms fronting the public footway (to provide greater privacy and soft landscaping).
- Redistribution of internal spaces
- Cut back of roof to balconies at 2nd floor

These matters will be addressed within the analysis.

8.2 Environmental Impact Assessment

The works are not a Schedule 2 development for the purposes of assessment under the Environmental Impact Assessment Regulations and are not considered to have such significant environmental effects as to warrant the submission of an Environmental Statement to allow the Local Planning Authority to understand and consider the likely environmental impacts of the proposal and determine the planning application.

8.3 Land Use

The site is located in the settlement boundary as defined by the LDP proposals map. The site has no specific designation or allocation but falls within a predominantly residential area. The existing commercial premises are afforded no policy protection in land use terms.

The proposal should therefore be assessed against Policy H6: Change of Use or Redevelopment to Residential Use. This policy provides a framework for the assessment of change of use, conversion or redevelopment of redundant previously developed land and premises for residential purposes within settlement boundaries.

Assessed against this policy framework, given the location of the application site in a predominantly residential area and that the application premises are afforded no policy protection, the application raises no land use policy concerns.

8.4 Design

Layout/Coverage

The development proposes whole site coverage on the same near rectangular footprint as the existing building. The accommodation is provided over three storeys. 15 flats would be one bedroomed and 3 flats (one on each floor nearest the Ferry Road extreme of the complex) would be two bedroomed. [18 units – 21 bedrooms - 40 persons maximum]. A parking garage for 5 cars would be located to the southern extreme of the building and accessed from South Clive Street. This area would also accommodate refuse bins and cycle store.

8.5 Landscaping

Landscaping is limited to the incorporation of 5 planting areas into the building at ground floor. This is an improvement on the previous scheme however still disappointing in that this is a new build scheme.

The planning officer is concerned that the new arrangement would not legibly convey any responsibility for the planted areas to any ground floor flat unit, and although the upkeep of the planters might be taken on board by future residents, it is considered more likely that the planters would need to be maintained as part of a management agreement.

The arrangement is considered poor in comparison to a truly defensible garden space, but is probably not objectionable on planning grounds.

8.6 Access / Parking

In response to the Planning Inspector's commentary on the previous design, the principal access to all flats has been moved the north of the building via an undercroft entrance fronting South Clive Street. This is considered an improvement on the former arrangement which provided access to Ferry Road in close proximity to the entrance to the adjacent Motor Garage.

The Ground floor flats are now accessed solely from the base level of the deck access now clarified to be illuminated and ventilated by void areas forming light wells between the Auto repair garage and the deck access.

A secondary access would also be available to tenants of first and second floors via an enclosed staircase to the southern extreme of the building onto South Clive Street.

This would realise a semi-enclosed balcony terrace at first floor which becomes enclosed at both ends by virtue of the staircase enclosure and higher level wall of the repair garage buildings to the southern end of the site; and an open balcony to second floor level, with both upper level decks fronting the roofscape of the adjacent repair garage. In response to the Inspectors comments regarding the need to mitigate the potential for residents or unauthorised parties to be able to cross from the deck access to the roof of the adjacent garage, the applicant has proposed a slatted timber screen, also promoted to preserve privacy between the two sites.

The principle of such a screen is acknowledged to be an acceptable solution to the issue of security within the Inspector's decision; however the design of the finned screen is considered to be visually very heavy, and to result in a very claustrophobic / cage like experience for residents of the new building. It is accepted however, that in isolation, a screen of alternative design might provide for an alternative solution to security of the garage; but would be unlikely to acceptably overcome the issue of overlooking of the adjoining garage and therefore to be prejudicial to its future development, as considered below

Although the Local Planning Authority acknowledge the Inspector's opinion that the deck access arrangement to the first and second floors of the building would be broadly similar to those of a number of recently constructed developments in the wider locality, the design concept is still considered poor, and only necessary because of the design decision to provide for whole site coverage to maximise the development potential of the site.

- 8.7 Parking space for 5 vehicles is shown on the submitted drawings. This would be compliant with the Council's parking standards for affordable housing which would accept a minimum of 0.25 parking spaces per unit (4.5 spaces total) and a maximum of 1 space per unit (18 spaces). This is acceptable in the given location which is considered a sustainable location in terms of proximity to goods and services, public transport and opportunity for access to sustainable transport modes.

No objection is raised to the access point for the garage which is considered sufficiently far from the junction not to be frustrated by vehicle queuing or to unduly adversely affect the free flow of traffic.

Plans indicate the provision of cycle stands within the undercroft garage area. This is considered appropriate and in accord with cycle parking standards

- 8.8 Aesthetic

In terms of building presentation, the southern elevation of the building would provide an unfenestred off centre gable end detail toward No. 2 South Clive Street with a ridge height of some 8.5m and a further central ridge of 9.5m some 2m further to the north. This roof presentation would be further separated from the neighbour at 2 South Clive Street by the existing extension to the autocare centre building which returns to the rear of the site and has a monopitch roof of some 5.5m in height which abuts the current warehouse boundary. This allows for a tiering mechanism and a distance of approximately 7.75m between the new flatted development and the side elevation of 2 South Clive Street which is a two storey hipped roof house. This is considered acceptable as a means of grading/breaking up the southern presentation of the development to the height of the immediate residential neighbour.

- 8.9 The South eastern corner of the eastern elevation to South Clive Street would present a secondary entrance door to GF level serving a stair core to the southern end of the building; the entrance door to the proposed undercroft parking area and associated window openings with roller shutter security further to the north (in a not dissimilar position to the existing warehouse vehicle access), and thereafter a rhythm of 5 bays presenting paired, large glazed 'wintergarden' windows and paired open balconies. Balconies to the upper floor units would have increased light receipt by virtue of a cut back roof incline for the length of the balconies.

The development is shown finished in brown facing brick, buff render and grey standing seam roofing with grey painted aluminium windows.

Overall the aesthetic of the development is not objected to, and as the area is not a conservation area or area where the character of a predominant building form is desired to be preserved, the use of balconied elevations, brickwork and coloured render presentations and sloped metal roof within the materials palette is considered acceptable from an aesthetic perspective.

8.10 Amenity

There are a number of issues related to the proposed design which are considered less than satisfactory and to provide an undesirable living environment for proposed residents.

At ground floor, the means of access to the ground floor apartments remains to be considered to be very oppressive, formed by the eastern wall of the adjacent repair garage, the access is essentially a passageway periodically illuminated by intermittent light wells formed by cut backs in the proposed upper floor decks.

The rear outlook from kitchen windows on the ground floor would therefore be into a semi internalised space, naturally lit from above by intermittent limited natural daylight,

The principal outlook from the Ground floor apartments, being the outlook onto south Clive Street would now be enclosed by the glazed winter gardens positioned at the back of footway.

In the former proposals these spaces were shown as undercroft patio areas, and although this arrangement provides for better security than the former scheme, still in the opinion of the planning officer, would make the principal living space of the ground floor quite dark, as they would effectively be reliant on borrowed light from the street having to pass through two sets of windows, and the adjacent bedrooms similarly overshadowed by balcony infills above.

The impact of the arrangement is mitigated against at upper levels in the building by a reduction in the roof projection of the building at second floor, however neither ground or first floor residents would enjoy this benefit.

8.11 The planning officer is also concerned that the window to the main living/dining area to the northern ground floor flat is set back only a short distance from the principal pedestrian entrance to the building. Which would have adverse privacy implications.

8.12 The first floor accommodation, being accessed from a walkway similar in character to an American Motel model, is also considered compromised by the proximity of the boundary of the autocare repair centre. The section and elevation drawings confirm that the elevation of that building would come to approximately half the height of the screen enclosure of the boardwalk access in respect of units 6 to 9 in the mid section of the building; at a distance of only a metre; and which in respect of the higher level of the garage to the southern

end of the site would obscure the entire western aspect of units 10 and 11.

- 8.13 The applicant's solution to issues of unauthorised access to the roofscape of the adjoining garage, and to the proposal being prejudicial to the future development of that site, is a combination of vertical standing seam enclosures to the outer extent of the walkway projections to the full height of the roof eaves of the building and a screen of slatted design to the inner extent of the walkway deck.

It is accepted that this arrangement would provide appropriate security to the garage establishment, and would partially obscure views of the adjoining land if viewed internally at anything other than a perpendicular angle. However the planning officer has concerns that the louvered fin arrangement would feel oppressive from the decked area and the intermittent enclosure of the outer edge of the deck projections, and presumably their returns with a standing seam cladding would similarly be very oppressive and claustrophobic/cage like in combination.

This arrangement is repeated in a similar manner at the second floor level.

- 8.14 **Amenity Space**

The development provides for very little amenity area except for the commercial boardwalk access areas, the five small planting areas at ground floor, and limited balcony or enclosed 'winter garden' areas. The planning officer considers that this remains a lost opportunity, and sees no reason why a new build flatted development should not provide for outdoor amenity space in accordance with the Council's Residential Design Guide SPG (suggested at 205m² communal area and with balcony areas in excess of 5m²).

- 8.15 **Design In summary**

The concept of a decked access immediately adjacent to the motor repair garage is considered very poor, especially at ground floor level.

The provision of a screen to mitigate the potential for access to the adjacent rooftop is considered to further negatively detract from the living environment of potential occupants of the new building.

Overall the resulting single aspect to the majority of flats, limited outlook, and depth of shadowed space for the majority of residents is not considered desirable and to provide a substandard living environment contrary to policy KP5 of the LDP.

- 8.16 **Housing / Affordable Housing**

The comments of the Housing Manager are noted.

The applicant has advised that interest has been shown in acquiring the scheme as an affordable housing development by Taff Housing Association, but that they will not declare an interest until the site has the benefit of planning

permission.

Further to the last appeal, it is accepted that although an RSL partner would be preferable, that this cannot be insisted upon, and that provided that a legal undertaking can be secured and enforced, to ensure that the units would be made affordable in perpetuity, then there is no reason why an affordable development cannot be brought forward by a private developer.

Although not considered ideal, opposition to the proposal on grounds that the current scheme does not propose a mechanism to guarantee the provision of affordable accommodation at this stage would not appear sustainable.

8.17 Air, Noise and Light Pollution

The observations of the Pollution Control Officer are noted and it would appear reasonable, given that residential development already exists on the western side of the garage, that noise levels from the adjacent use and from road traffic noise generally would be capable of appropriate suppression through sound insulation and provision of acoustic glazing/ventilation.

It is not considered likely that the development would be unduly affected by light pollution from adjacent premises, or from adjacent traffic light installations, which although in close proximity to the site boundary, are shielded in terms of the direction of illumination.

Dust suppression at the time of development construction could be secured by planning condition if the development were considered acceptable in all other respects.

8.18 Provision for Open Space

The development does not provide for any Public Open Space, and as such would be considered against the Supplementary Planning Guidance relating to open space provision and in respect of the appropriateness of requiring an alternative payment in lieu for the creation of new, or enhancement of existing open space in the locality.

The Parks manager has confirmed that based on the current formulae in the Council's SPG the 18 units of accommodation proposed would result in the need for a payment of £ 21,341 for off-site provision and maintenance of open space to offset the on-site deficit and that if the development were recommended favourably that the specific usage of this figure would be apportioned according to CIL restrictions for any member approved specific project.

8.19 Contaminated and Unstable Land

The comments of the Contaminated land Officer are noted. The site is considered likely to contain contaminants, but unlikely to contain any contaminants or ground gases which cannot be effectively mitigated against.

8.20 Flood Risk

The FCA submitted accepts the risk of flooding which is estimated at 600mm in a 1 in 1000 year extreme flood event and proposed to be managed by means of incorporating flood resisting features within the design (e.g. high level electrical installations); subscription to the early warning system provided by NRW to advise of a potential flooding event, and the provision of an advisory escape route for residents in the event of such a situation.

Subject to adherence to the above, this is considered acceptable.

8.21 Waste Management Facilities

The undercroft garage and servicing area would appear to have sufficient space for bin storage and the adjacent highway to be wide enough for presentation of bins on collection days

8.22 Other Matters

Equalities

Section 149 Equality Act 2010 requires that due regard be given to any actual or potential differential impact of the development on the needs of those with protected characteristics.

The scheme includes for Ground Floor accessible accommodation

As such although the development is considered unacceptable for the reasons stated it is not believed to propose any undue differential impact to those with protected characteristics.

8.23 Street Trees.

The footway to South Clive Street contains three Lime Trees, and the scheme is effectively reliant on those for landscape setting. The tree canopies of these trees unfortunately coincide with the position of the proposed winter garden windows of a number of flats. This would require future management in terms of cutting back and restricting any future canopy spread and would also compromise the outlook from those units positioned behind the trees.

The Parks officer has confirmed that if found acceptable in all other respects, that the Parks department would require an additional maintenance sum of circa £ 3000 to cover the costs of tree pruning over a 20 year period.

The cost of planting a suitable additional tree in the Marl is estimated at around £3500.

This is noted, however the Planning Officer maintains a view that given the position of the street trees, even with managed canopies, that they would still

be very close to the winter garden windows with resultant poor outlook and potential future requests to fell.

8.24 Comprehensive development

The applicant has provided a sketch layout to indicate that the proposed building would allow for the development of the adjacent garage site in the manner of two perpendicular projections to the proposed building. This has been submitted in an attempt to prove that the current proposal would not sterilise the development potential of the adjacent site if approved.

However that proposal is not before planning committee to determine; and should not be pre-determined,

It also does not persuade the planning officer of the acceptability of the proposed development simply because it might allow for the theoretical development of the adjacent site.

The planning officer therefore remains of a view that there is a strong likelihood that the approval of the current proposal would prejudice the potential for the future development of adjacent land; and for the development potential of a better quality of development of the sites if combined.

8.25 Other matters raised by objectors

The height of the building at three storeys with elevated presentation to the corner junction is considered acceptable in the given context.

The development meets minimum privacy distances in terms of potential overlooking as set out in the Council's SPG.

Welsh Water have raised no objection to the proposal and if considered acceptable in all other respects, a comprehensive drainage survey and sustainable drainage system could be required by condition.

The proposed vehicle access position is not dissimilar to that existing for the retail warehouse. The arrangement would appear satisfactory for the 5 car proposed given the relative distance to the road junction.

Traffic flow during any construction period is considered able to be managed by means of construction management condition.

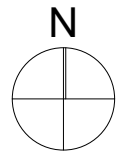
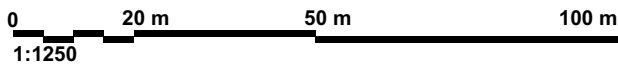
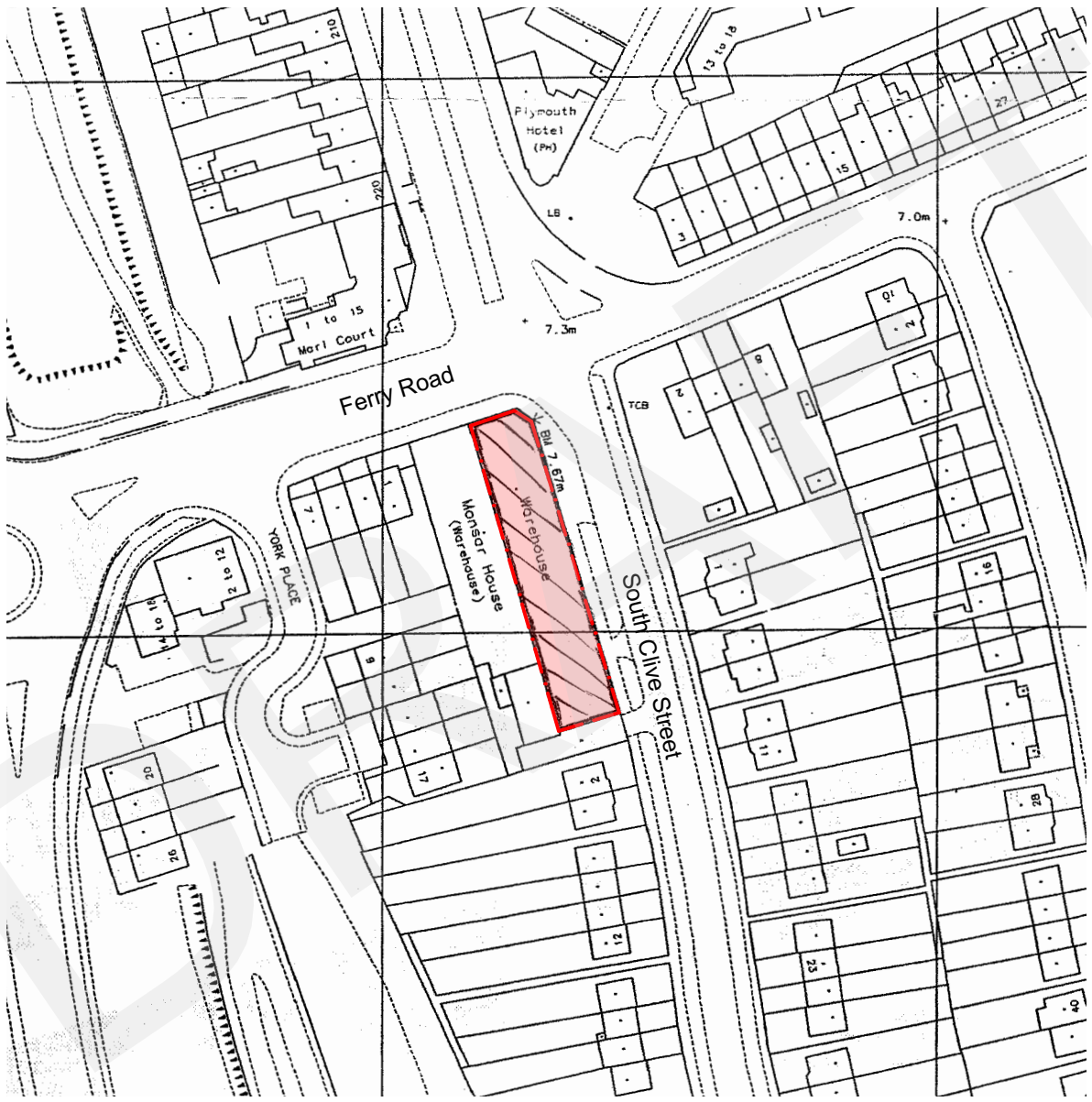
There would seem no apparent reason why the development would de-value neighbouring residences, but such matters would not be considered environmental or amenity considerations and are not planning matters.

In respect of potential overspill parking into overcrowded streets, the development is policy compliant in respect of car parking for affordable housing and there are no apparent special circumstances that would appear to warrant any departure from the standards indicate in the Council's SPG.

8.26 **Summary**

The Refusal of Planning Permission is recommended on the basis of the poor quality of accommodation proposed and impact on the residential amenity of future occupiers; and on the grounds that the development would be prejudicial to the development potential of the adjacent site.

A second recommendation is also considered appropriate to advise the applicant that the Local Planning Authority remain of the opinion that the site would likely yield a better quality of development is developed comprehensively with adjoining land.



1:1250 @ A4

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Job Title
Windsor Buildings

Drawing Title
Location Plan

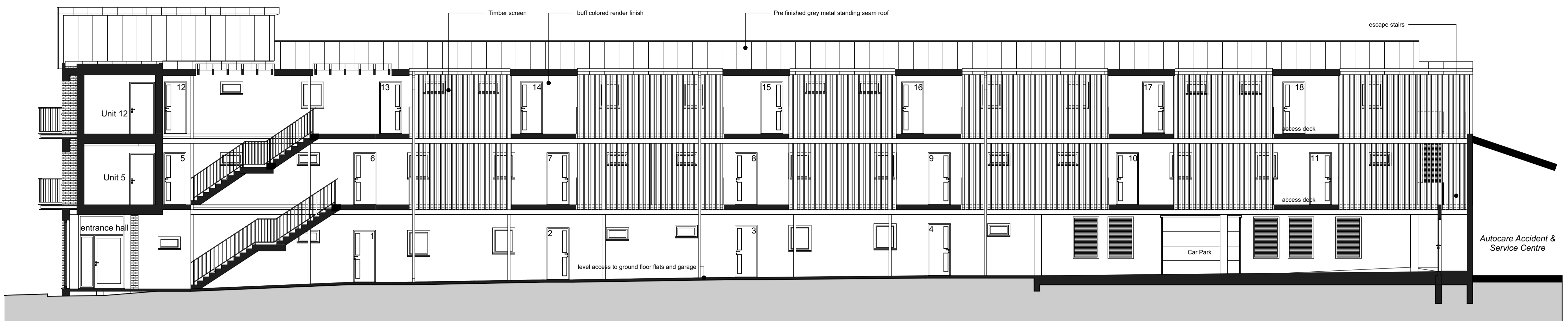
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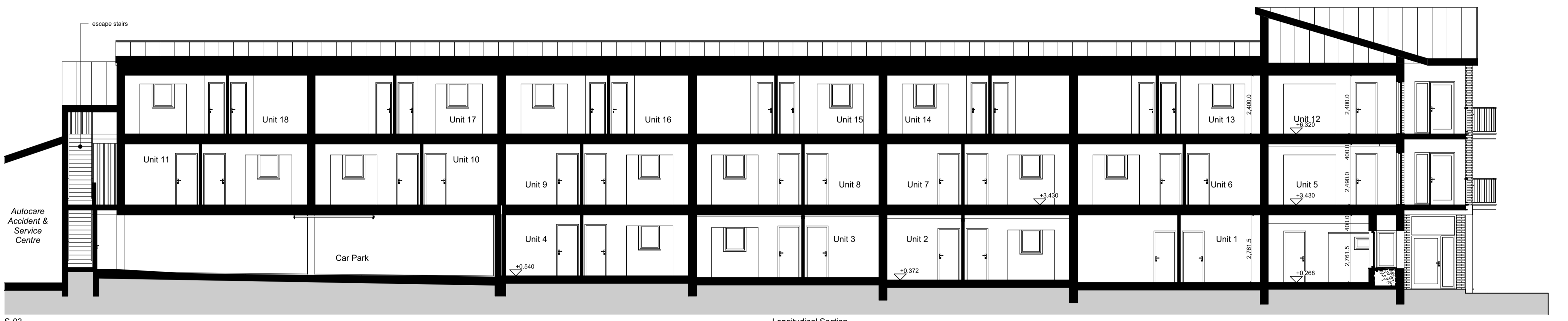
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Client
Roath Property Co Ltd

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S-04 Longitudinal Section 1:100



S-03 Longitudinal Section 1:100



E-02 East Elevation 1:100

1:100 @ A1

Revisions

P1 Redrawn for revised planning application
JRM 10-11-16

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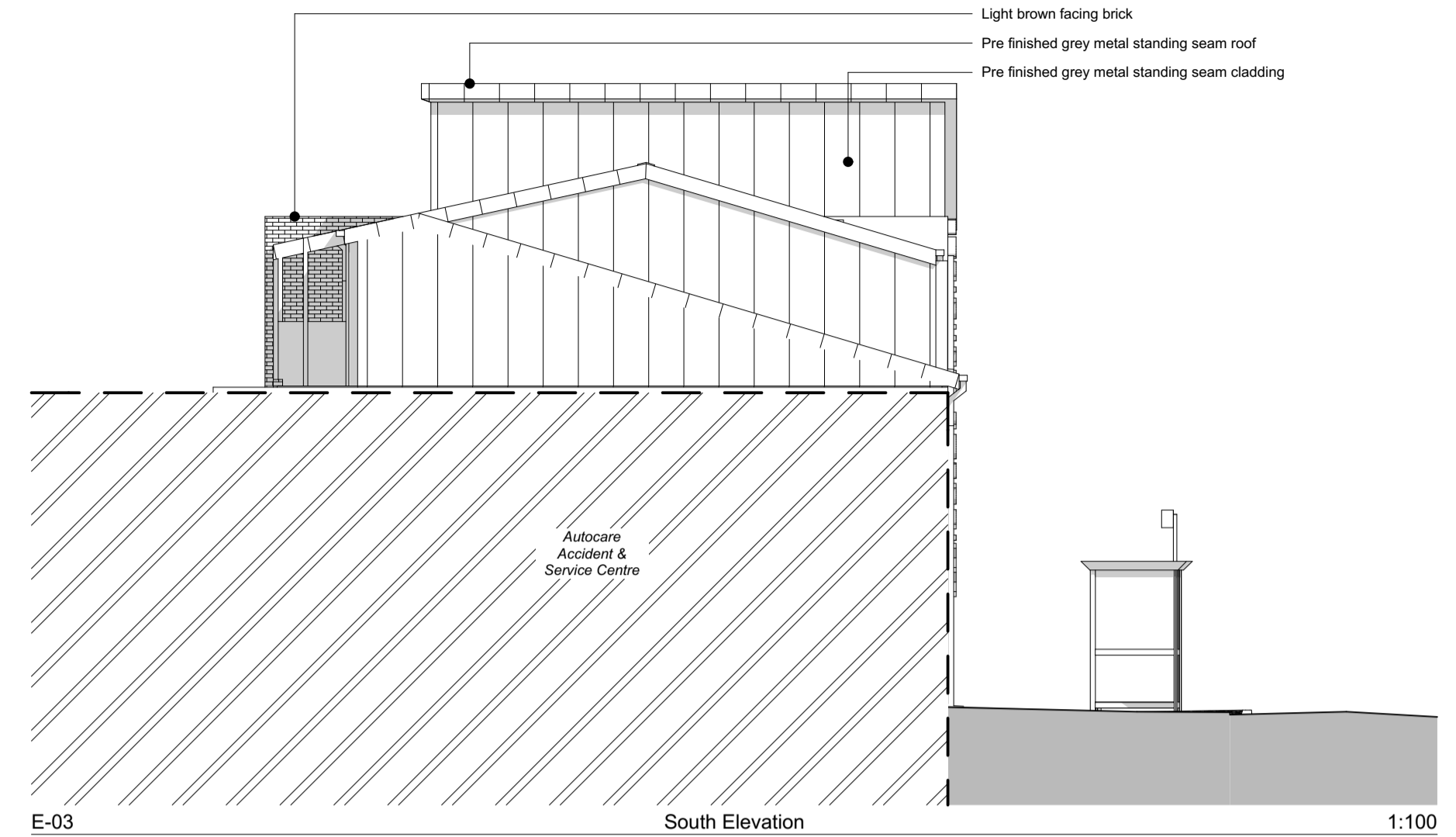
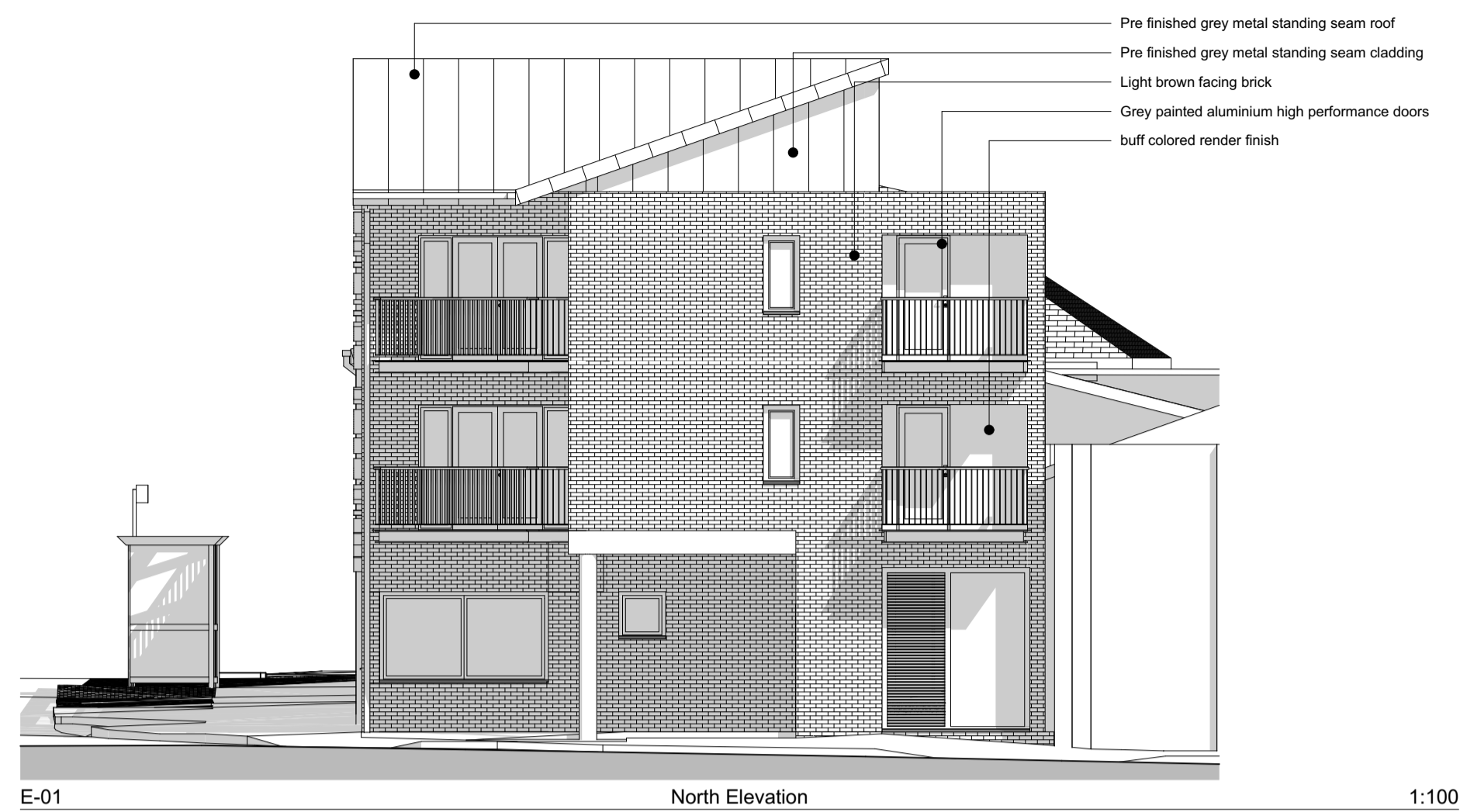
Client
Roath Property Co Ltd
Job Title
Windsor Buildings

Drawing Title
Elevations and Sections

Date 10/11/2016 Drawn by:
JRM
Drawing No Revision

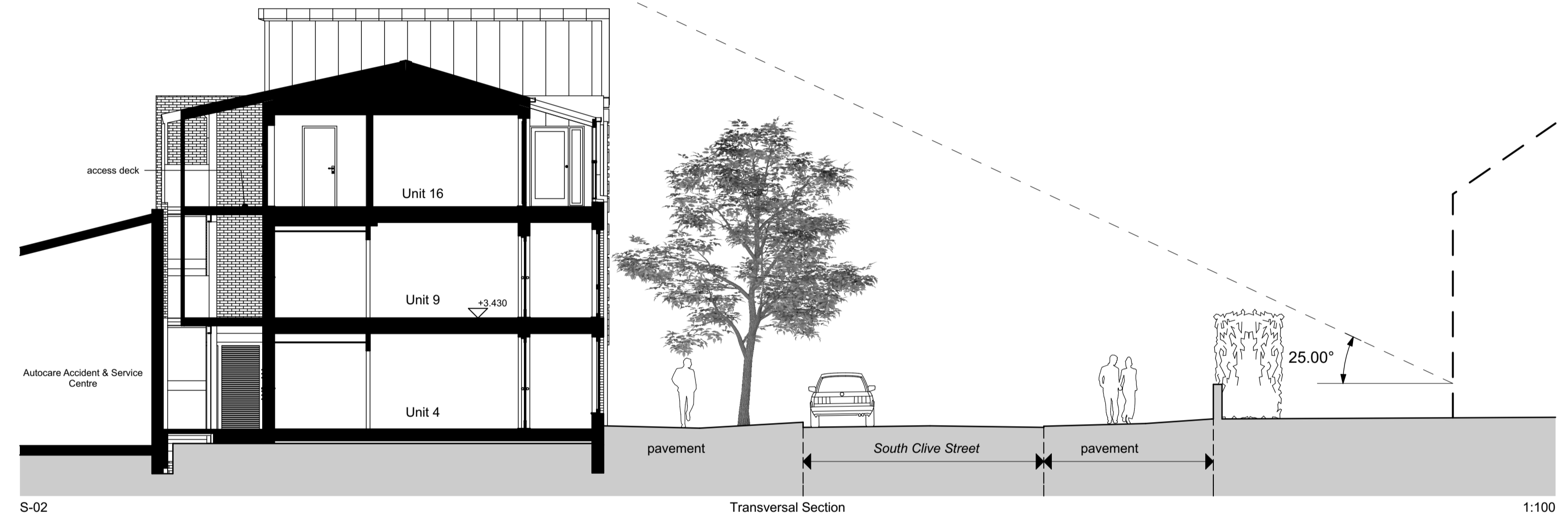
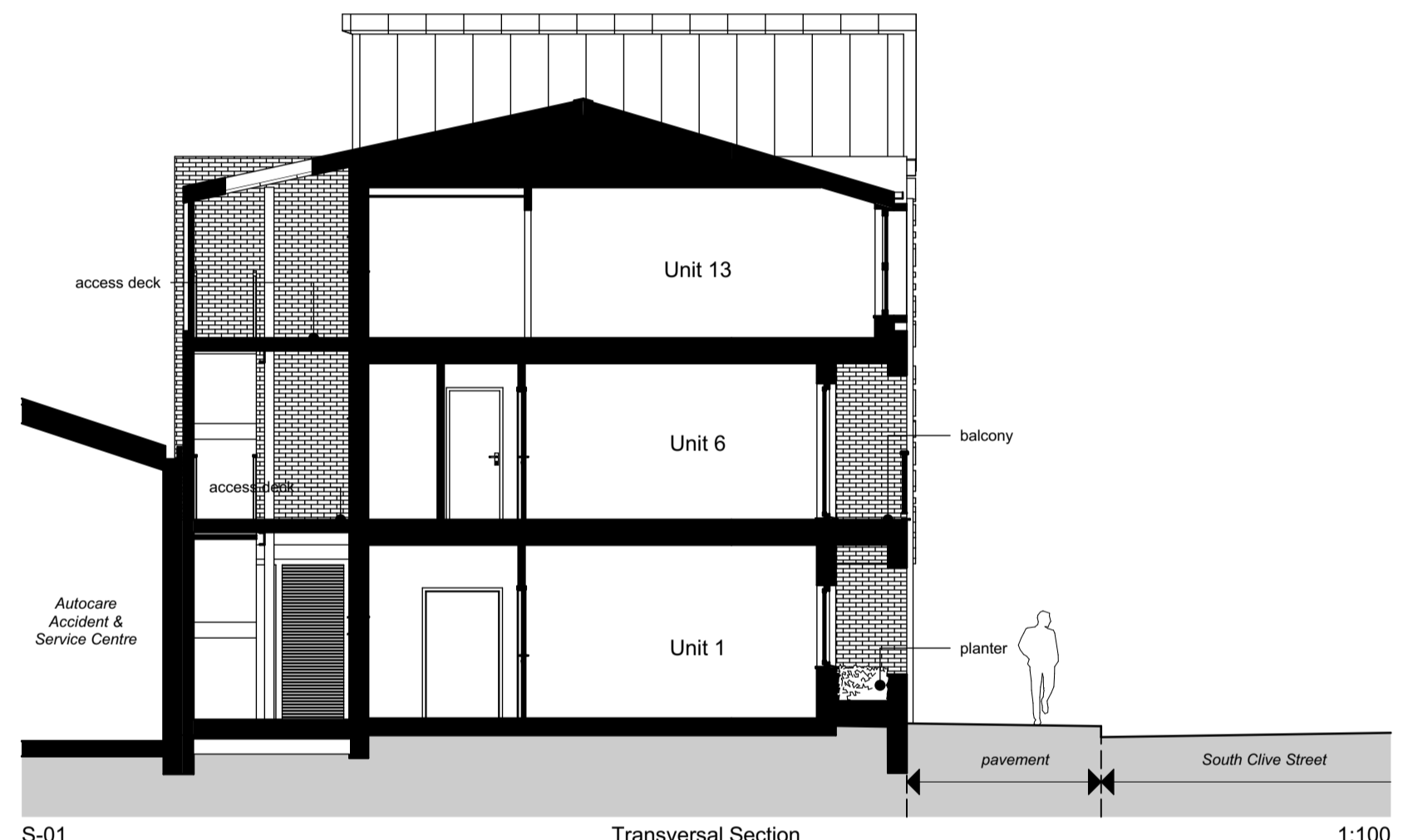
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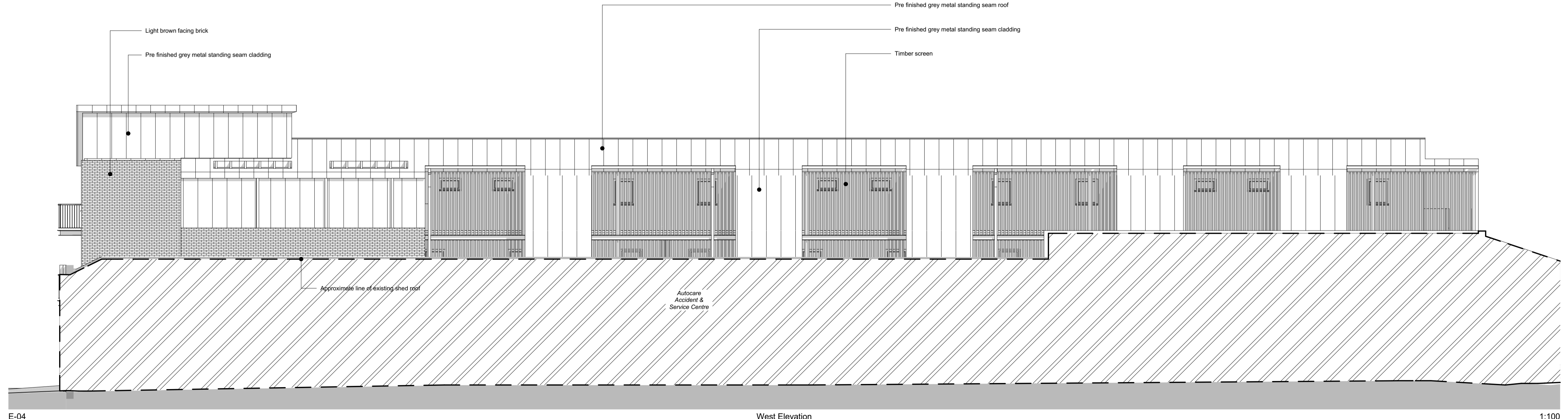
E-01 North Elevation

1:100 E-03 South Elevation 1:100



S-01 Transversal Section 1:100

S-02 Transversal Section 1:100



E-04 West Elevation

1:100 @ A1

Revisions

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C195/AL(0)8 P

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