

COMMITTEE DATE: 11/10/2017

APPLICATION No. **17/01532/MNR** APPLICATION DATE: 29/06/2017

ED: **RIVERSIDE**

APP: TYPE: Full Planning Permission

APPLICANT: Mr PROTHERO

LOCATION: 49 DESPENSER STREET, RIVERSIDE, CARDIFF, CF11 6AG

PROPOSAL: PROPOSED TWO STOREY REAR EXTENSION AND  
CONVERSION OF PROPERTY TO FORM 5 SELF  
CONTAINED APARTMENTS WITH ON SITE REFUSE AND  
CYCLE STORAGE FACILITIES

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**RECOMMENDATION 1** : That subject to the relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town & Country Planning Act 1990, in respect of matters detailed in para. 5.1 of this report, 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:
  - AL(00)03 – Proposed Floor Plans & Elevations
  - AL(90)02 – Proposed Site Plan & Location Plan
  - AL(90)03 – Flood Evacuation Route

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. Prior to the beneficial use of the development hereby approved the refuse storage area shown on dwg. no. AL(90)03 shall be provided at the rear of the property.

Reason: To ensure there is adequate provision for the storage of waste in the interests of the amenity of the area in accordance with Policies KP5, H5 and W2 of the Cardiff Local Development Plan 2006-2026.

4. Prior to beneficial use development hereby approved undercover and secure cycle storage spaces, not exceeding 2m in height, shall be provided in the location shown on dwg. no. AL(90)03.

Reason: To promote sustainable modes of transport in accordance with Policy T5 of the Cardiff Local Development Plan 2006-2026.

**RECOMMENDATION 2:** Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are

protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP,  
0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845  
1300228

**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 developer is advised that a public sewer crosses the application site and Welsh Water should be contacted prior to the commencement of development.

## **1. DESCRIPTION OF THE SITE**

- 1.1 The application site consists of a large terraced property currently utilised as a single residential dwelling in an area characterised by properties predominantly in residential use in close proximity to the City Centre.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 Planning permission is sought for the provision of an extension and conversion of the property to five flats.

- 2.2 A two storey extension is proposed to the rear of the property which would extend the existing two storey annex by approximately 4.7m at first floor level. A single storey lean to would be provided beyond the first floor extension extending the property by approximately 3.6m at ground floor level. The extension would be finished in materials to match the existing annex.
- 2.3 The five flats would be provided over three floors with two flats on each of the ground and first floor with a single flat at second floor level. Each flat would be provided with accommodation consisting of a kitchen/living area, bathroom and single bedroom and have a minimum area of 30m<sup>2</sup>.
- 2.4 Refuse and Cycle storage facilities would be provided within the rear garden.

### **3. PLANNING HISTORY**

- 3.1 There is no pertinent planning history relating to the application site.

### **4. POLICY FRAMEWORK**

- 4.1 National Planning Policy
- Planning Policy Wales (8<sup>th</sup> Ed, 2015)
  - Technical Advice Note 12: Design (July 2014)
- 4.2 Cardiff Local Development Plan 2006-2026
- Policy KP3(B) (Settlement Boundaries)
  - Policy KP5 (Good Quality and Sustainable Design)
  - Policy H3 (Affordable Housing)
  - Policy H4 (Sub-division or Conversion of Residential Properties)
  - Policy EN7 (Priority Habitats and Species)
  - Policy EN10 (Water Sensitive Design)
  - Policy EN11 (Protection of Water Resources)
  - Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
  - Policy EN14 (Flood Risk)
  - Policy T5 (Managing Transport Impacts)
  - Policy W2 (Provision for Waste Management Facilities in Development)
- 4.3 Supplementary Planning Guidance
- Access, Circulation & Parking Standards (January 2010)
  - Affordable Housing (March 2007)
  - Waste Collection & Storage Facilities (October 2016)

*NB. Some SPGs were 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 KP5/T5/EN8/EN13/W2 and guidance in Planning Policy Wales and are*

*afforded significant weight*

## **5. INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager (Housing Development) advises, in line with Policy H3 of the LDP, that an affordable housing contribution of 20% of the five residential units is required in respect of this brown-field site. Whilst the priority would be to deliver on-site affordable housing given the proposed design of the scheme the practicality of managing and maintaining affordable housing on-site could be unsustainable. Therefore, in lieu of on-site affordable housing a financial contribution of £62,640, calculated in accordance with the formula in the Affordable Housing SPG, should be sought.
- 5.2 The Operational Manager (Traffic and Transportation) raises no objection to the proposal noting that the site is within a sustainable location in close proximity to public transport routes and walking distance of local facilities. The provision of cycle storage facilities would encourage the use of this sustainable mode of transport by future occupants.
- 5.3 The Operational Manager (Waste Management) advises that the proposed facilities for the storage of waste are considered acceptable.
- 5.4 The Operational Manger (Shared Regulatory Services) raises no objection to the proposal, however, requests an advisory note relating to construction site noise.

## **6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water raise no objection to the proposal, an advisory note relating to a public sewer is requested.
- 6.2 South Wales Police advise they have no observations to make in respect of the application and note that the application has given consideration to community safety matters.
- 6.3 Natural Resources Wales advise that whilst the proposal seeks to introduce highly vulnerable development within a flood zone on the basis of the content of the submitted FCA no objection is raised.

## **7. REPRESENTATIONS**

- 7.1 The application was advertised by way of neighbour consultation letters, no representations have been received.

## **8. ANALYSIS**

### **8.1 Introduction**

- 8.1.1 The application site lies within the defined settlement boundary within a predominantly residential area. Accordingly it is considered that the principle of

the proposed development is acceptable subject to the consideration of other material factors.

8.1.2 The principal matters for consideration are:

- the effect of the proposal upon the character of the area;
- the effect of the proposal upon the amenity of the area and neighbouring occupiers;
- the effect of the proposal upon the amenity of future occupiers;
- the proposals Transport Impact;
- affordable housing provision.

## **8.2 Impact Upon the Character of the Area**

8.2.1 Policy KP5 requires that all proposed development is of a high quality and sustainable design which responds *‘to the local character and context of the build and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing, and impact upon the built and natural heritage are all addressed within development proposals’*. Policy H5 details such proposals will be permitted where the cumulative impact of such conversions does not adversely affect the character of an area.

8.2.2 The proposed extension has regard for the local character. The design and scale of the proposal has due regard to the built context and would be finished in materials to match the existing building.

8.2.3 The proposed additional residential units would be characteristic of the area.

8.2.4 Accordingly it is not considered that the proposal would have any detrimental impact upon the character of the area and accords with Policies KP5 and H5.

## **8.3 Amenity of the Area and Neighbouring Occupiers**

8.3.1 Policy KP5 of LDP seeks to ensure that *‘no undue effect on the amenity of neighbouring occupiers’* results from development and Policy H5 supports such conversions where no material harm to the amenity of existing nearby residents by virtue of general disturbance, noise or overlooking occurs.

8.3.2 The proposed extensions would extend less than 2.5m beyond the neighbouring building to the west and be set off the boundary with the neighbouring property to the east. It is considered that the extension in terms of its scale is acceptable and would not have any overbearing impact upon neighbouring occupiers, result in overshadowing given its scale and orientation or be generally un-neighbourly.

8.4.1 The proposed development makes generous use of the land available providing five residential units in place of a single residential use. It is considered that development at such density is appropriate and adequate facilities are provided such that the proposal would not have any detrimental impact upon the amenity of the area.

- 8.4.2 Sufficient space is provided within the curtilage to facilitate the storage of waste such that there would be no impact upon the amenity of the area in this regard.
- 8.4.3 Given the context of the proposal and area it is not considered that the proposal would have any detrimental impact in respect of noise.
- 8.4.4 In regards to privacy current guidance details that a minimum of 21.5m should be retained between habitable room windows and 10.5m between habitable room windows and neighbouring boundaries. However, each application for planning permission must be considered upon its own merits with due regard to local context. A rear first floor window would fall marginally below this recommended guideline, however, given the context of this built up area this is not considered unacceptable. Side facing first floor windows would remain at the same number but would be reconfigured, however, given the existing arrangement there would be no detriment to privacy that could not already exist.
- 8.4.5 Accordingly it is not considered that the proposal would have any undue impact upon the amenity or privacy of neighbouring occupiers and, therefore, accords with the principles of Policy KP5, H5 and W2.

#### **8.4 Amenity of Future Occupiers**

- 8.4.1 Policy H5 supports the conversion of residential properties to flats where the property is of a size to facilitate such a conversion to provide an adequate level of amenity for future occupiers.
- 8.4.2 The proposed level of internal accommodation to be provided for future occupiers is considered to be of a high quality in terms of its size and layout and an outlook would be provided from each unit's living space. A reasonable level of external amenity space is provided, by means of a communal area, given the inner city location.
- 8.4.3 Accordingly it is considered that the proposed development would provide good quality sustainable accommodation for future occupiers in accord with the principles of Policy H5.

#### **8.5 Transport Impact**

- 8.5.1 Policy T5 seeks to ensure that *'all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes.'*
- 8.5.2 The proposal does not include any car parking provision, however, is located in an accessible location being in close proximity to public transport and local facilities. Furthermore, the proposal provides bicycle storage facilities for the proposed residential units that would further promote sustainable modes of transport.
- 8.5.3 It is considered the proposal by virtue of its siting within a sustainable location is

not reliant upon the private car as a mode of transport, therefore, would have minimal impact upon the road network and accords with the principles of Policy T5.

## **8.6 Affordable Housing**

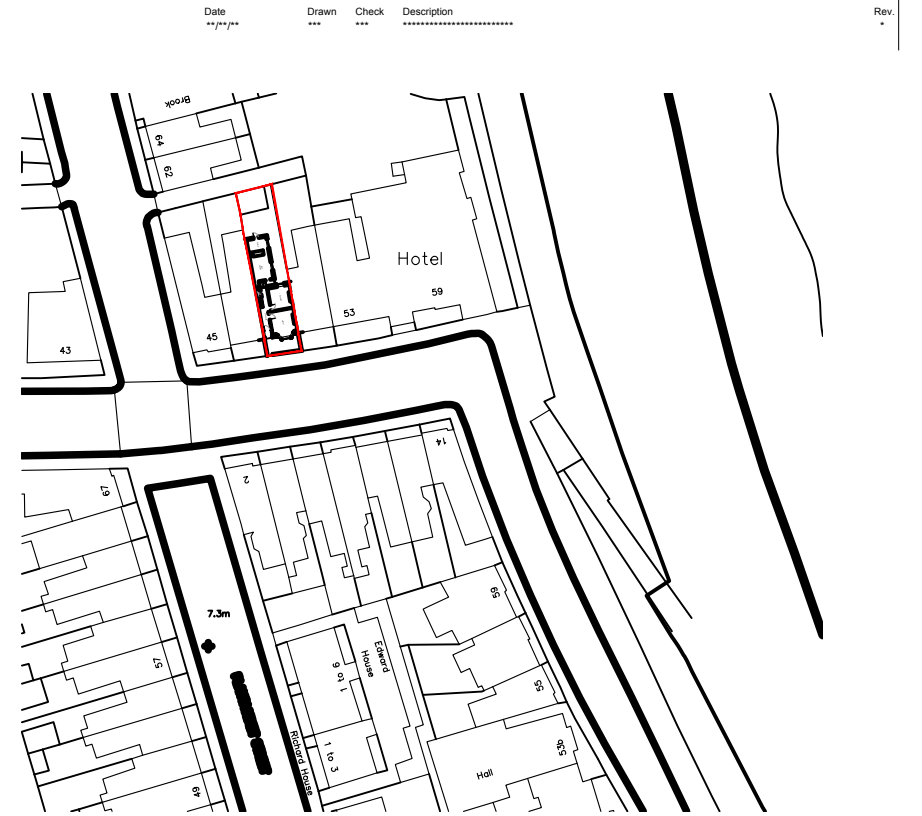
8.6.1 Policy H3 details that where development proposals contain 5 or more dwellings 20% affordable housing, on brownfield sites, will be sought to be delivered on-site in all instances. In this instance, however, for the reasons detailed at para. 5.1 it is considered that in lieu of the provision of on-site affordable housing a financial contribution should be sought.

## **8.7 Conclusion**

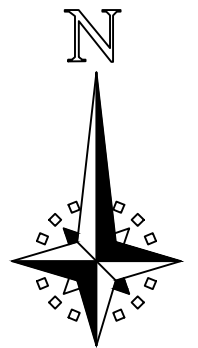
8.7.1 Having regard to the policy context at Sec. 4, the proposal is considered acceptable and it is recommended that, subject to conditions, planning permission be granted following the signing of a legal agreement to secure a financial contribution of £62,640 towards off-site affordable housing.




**SITE PLAN**  
1:250



**LOCATION PLAN**  
1:1250



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Proposed Works @ 49 Despenser Street Cardiff		Job No. 16_083
Title Existing Site Plan & Location Plan		Dwg No. Rev. AL(90)01
Date 05/12/2016	Drawn GWL	Scale 1:250/1250 @ A3
 <b>Architects</b> · Town planners Environmental & Urban design		Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL www.c2architects.co.uk tel: 029 20452100

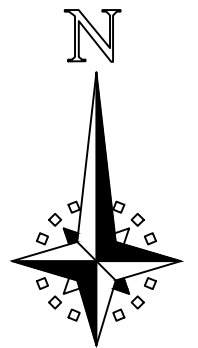





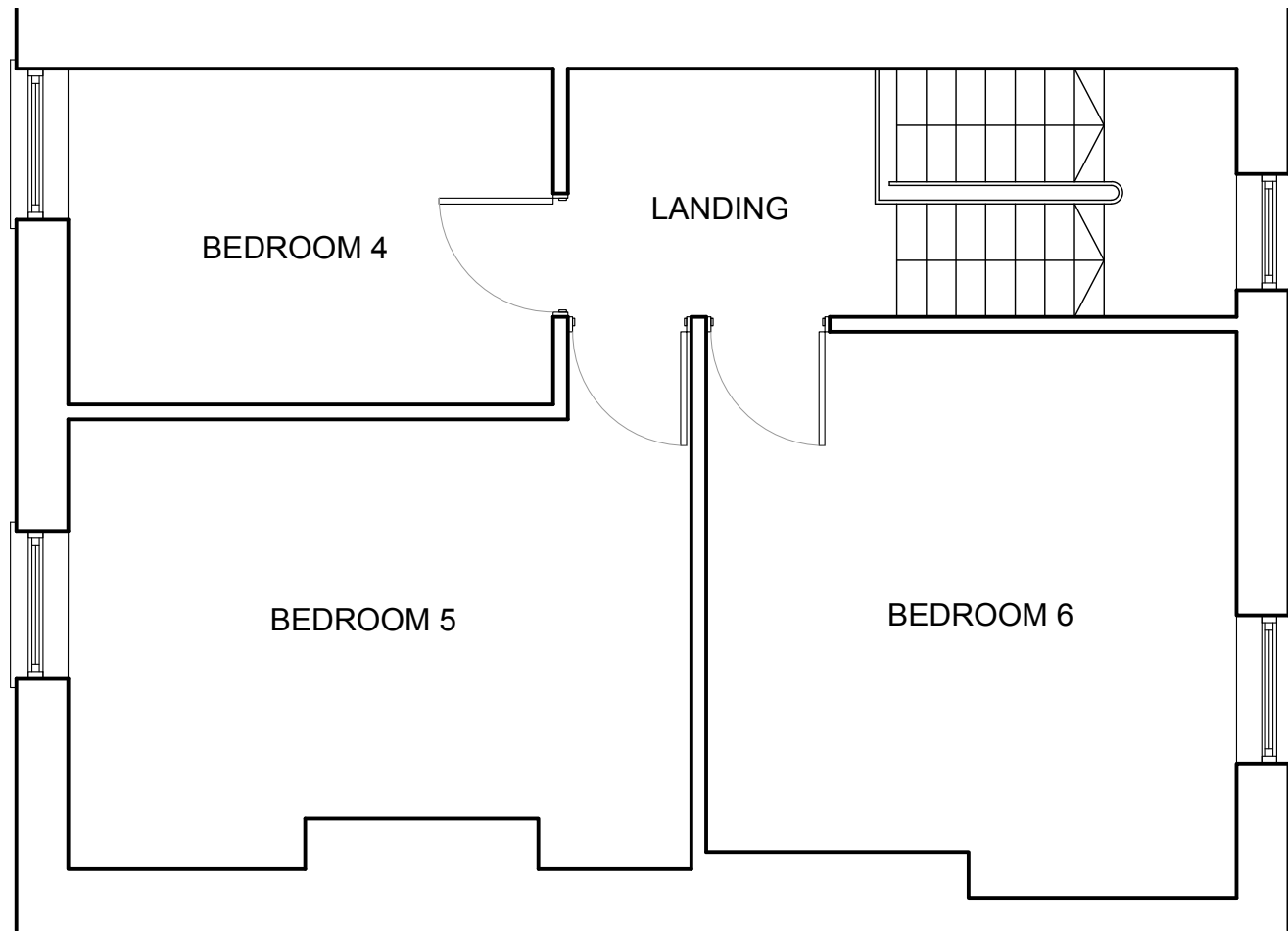
**SITE PLAN**  
1:250



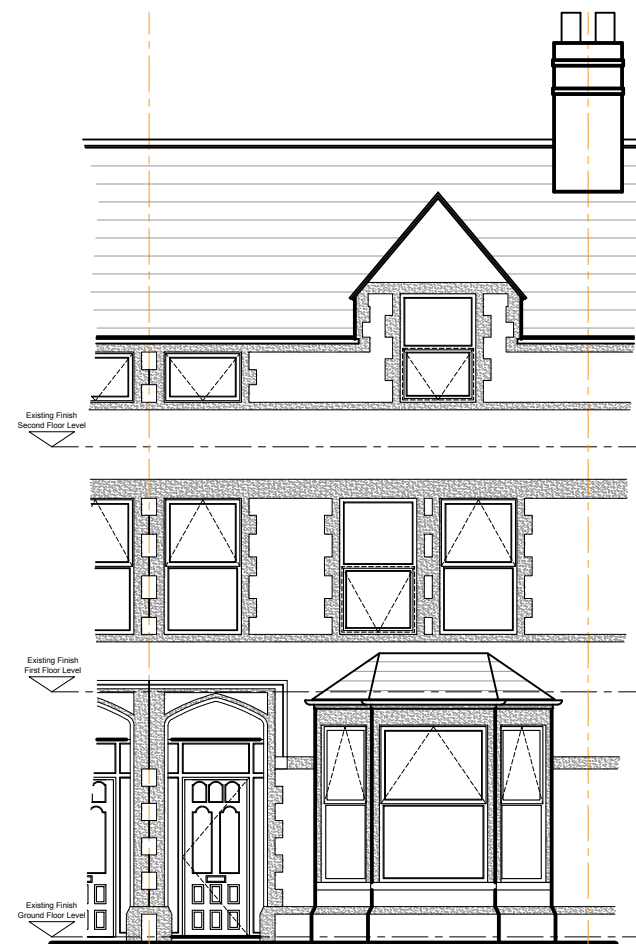
**LOCATION PLAN**  
1:1250



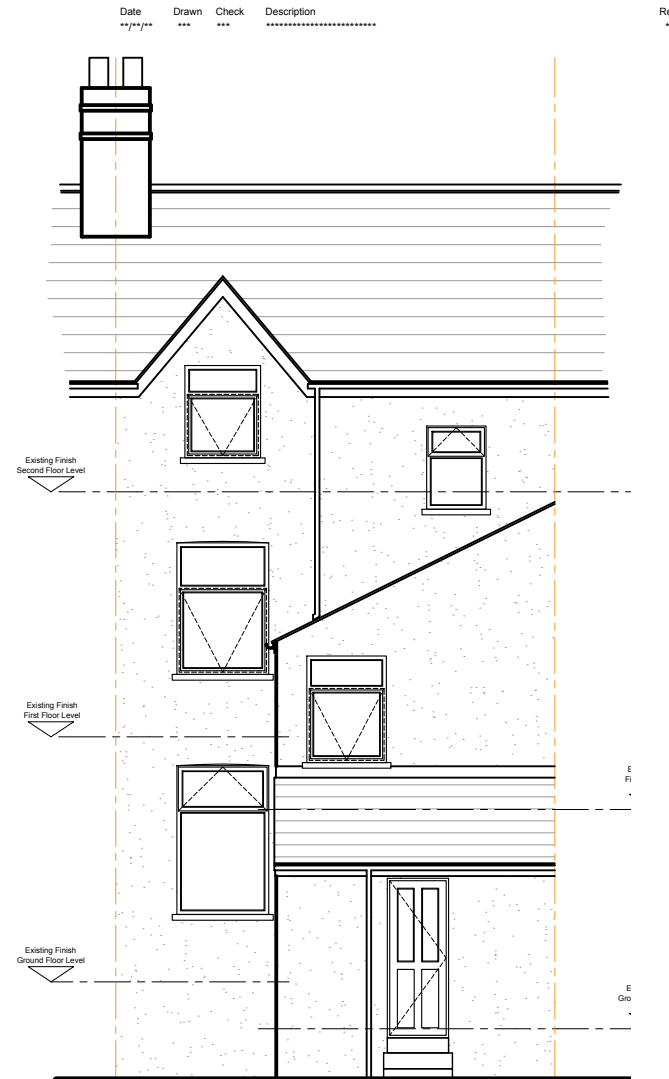
Proposed Works @ 49 Despenser Street Cardiff		Job No. 16_083 Dwg No. Rev. AL(90)02
Title Proposed Site Plan & Location Plan		
Date 05/12/2016	Drawn GWL	Scale 1:250/1250 @ A3
 <b>C<sup>2</sup> Architects</b>		Town planners Environmental & Urban design
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small>		<small>www.c2architects.co.uk tel: 029 20452100</small>



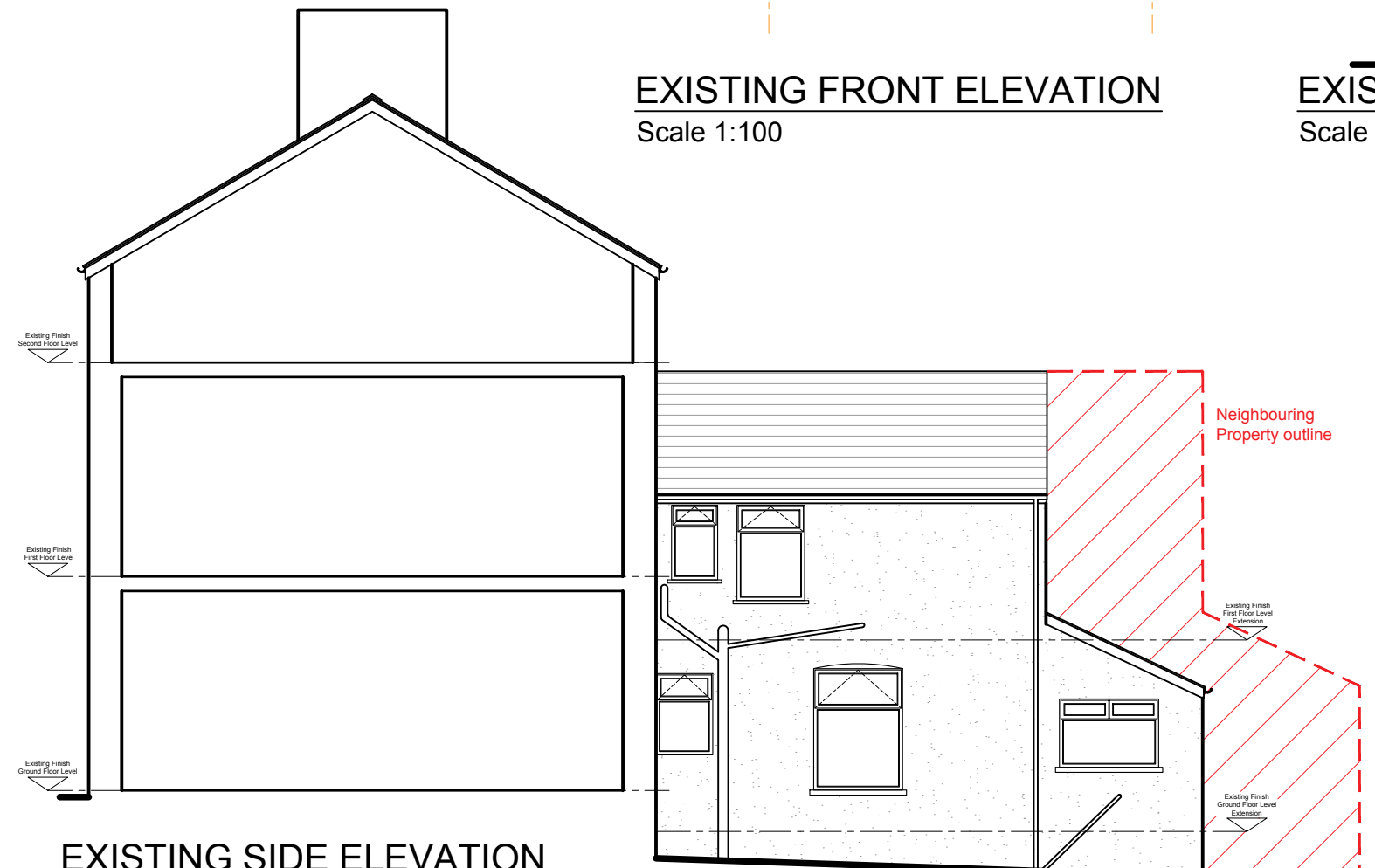
**EXISTING SECOND FLOOR PLAN**  
Scale 1:50



**EXISTING FRONT ELEVATION**  
Scale 1:100



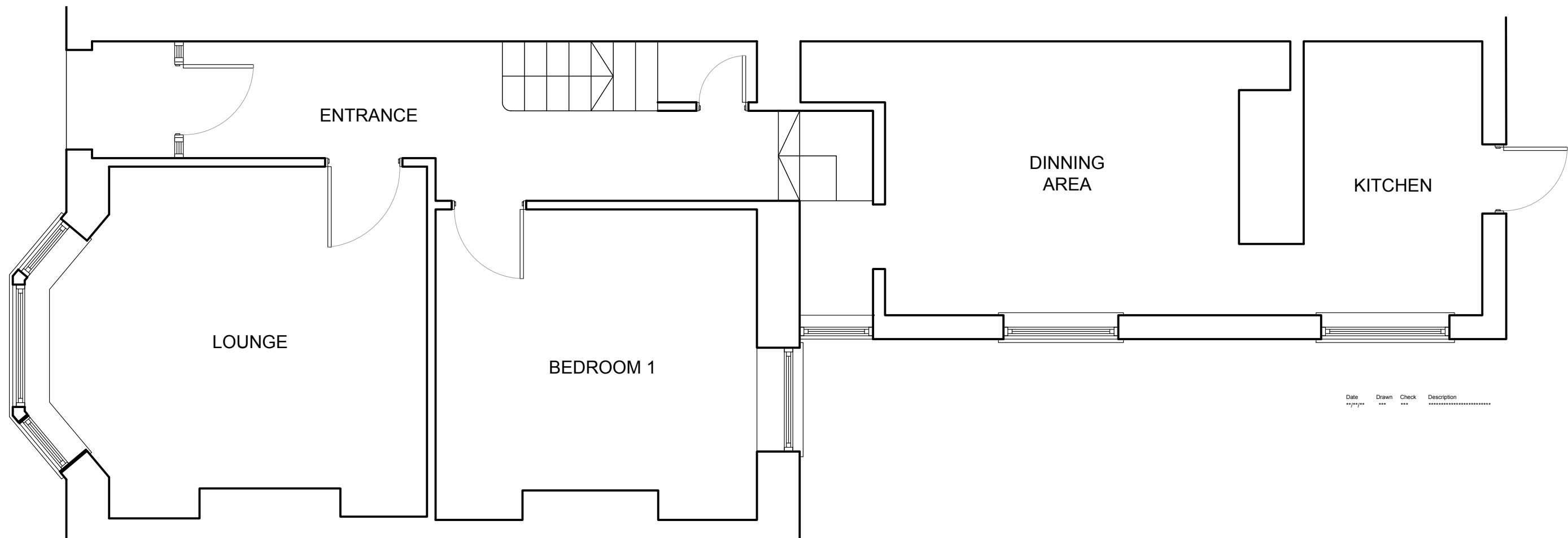
**EXISTING REAR ELEVATION**  
Scale 1:100



**EXISTING SIDE ELEVATION**  
Scale 1:100

Date	Drawn	Check	Description	Rev.
22/11/2016	GWL			

Proposed Works @ 49 Dispenser Street Cardiff		Job No. 16_083	Rev.
Title Existing Floor Plans & Elevations		Dwg No. AL(00)02	
Date 22/11/2016	Drawn GWL	Scale 1:50 / 1:100 @ A3	
 <b>Architects</b> · Town planners <b>Environmental &amp; Urban design</b>		<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small> <small>www.cjarchitects.co.uk tel: 029 20452100</small>	

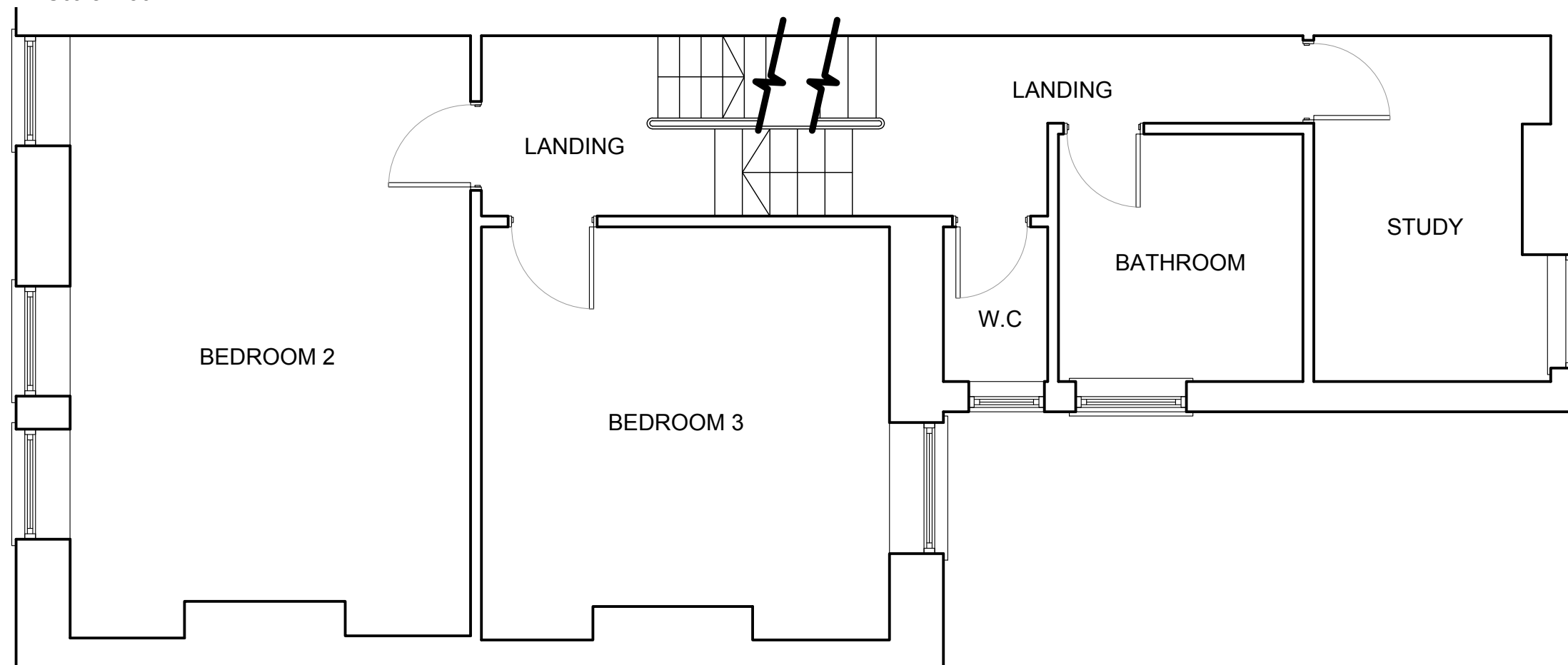


Date	Drawn	Check	Description
22/11/16	GWL		

Rev.


**EXISTING GROUND FLOOR PLAN**

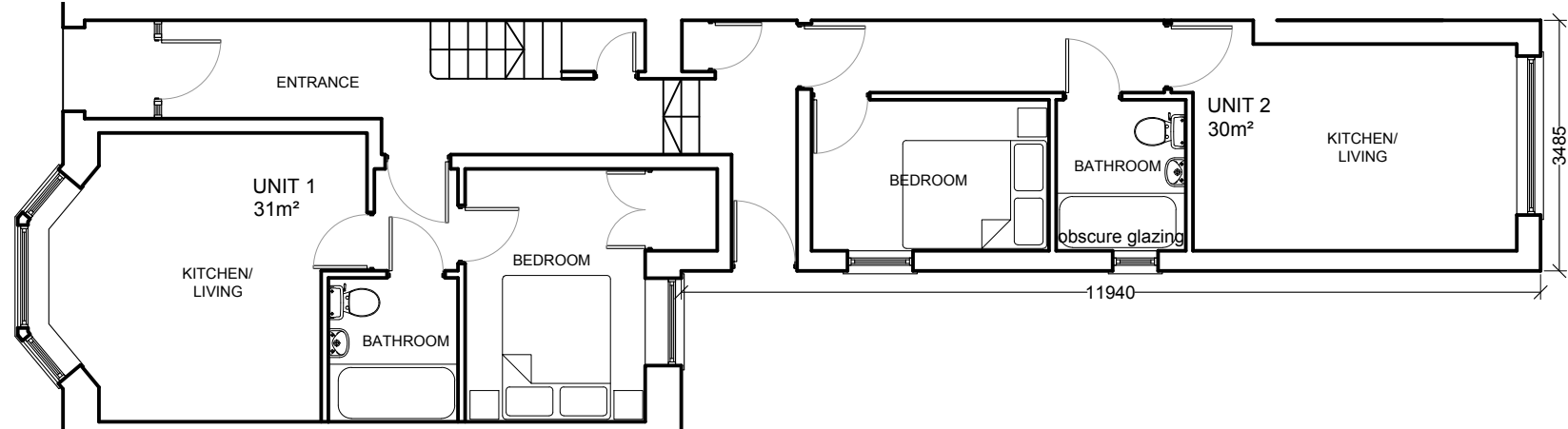
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**EXISTING GROUND FIRST PLAN**

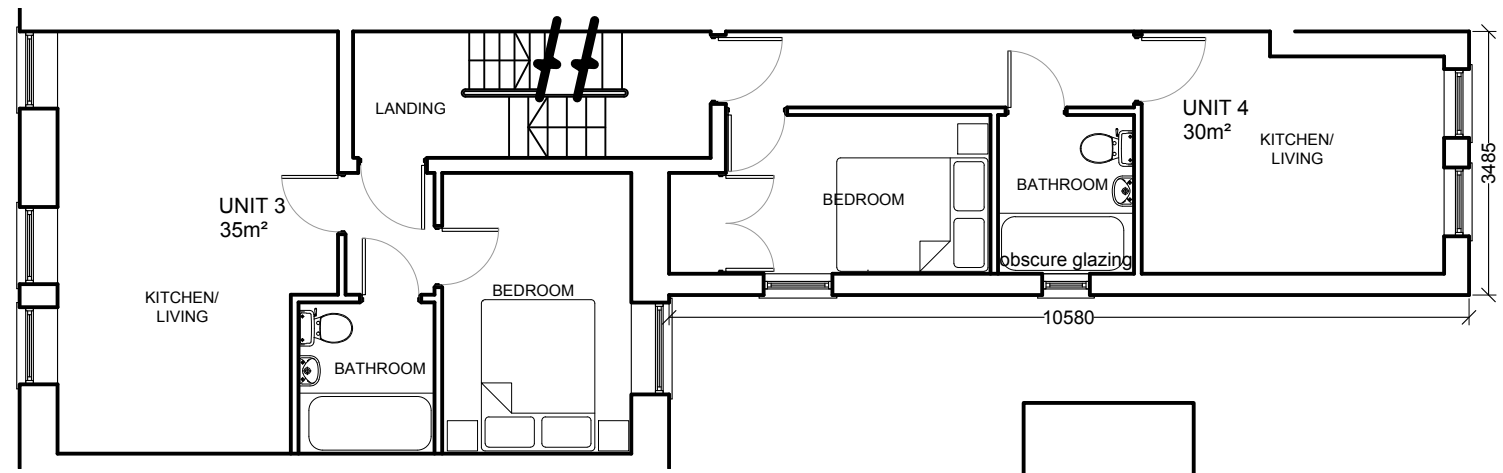
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Proposed Works @ 49 Despenser Street Cardiff		Job No. <b>16_083</b>	Rev.
Existing Floor Plans		Dwg No. AL(00)01	
Date 22/11/2016	Drawn GWL	Scale 1:50 @ A3	
 <b>Architects</b> · Town planners <b>Environmental &amp; Urban design</b>		<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small> <small>www.cjarchitects.co.uk tel: 029 20452100</small>	



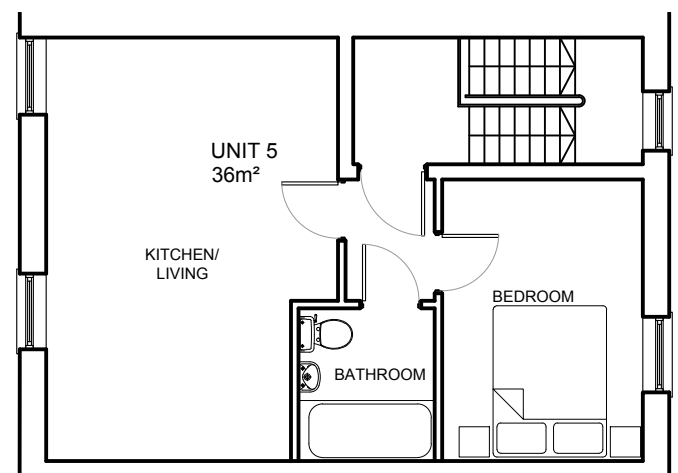
**PROPOSED GROUND FLOOR PLAN**

Scale 1:100



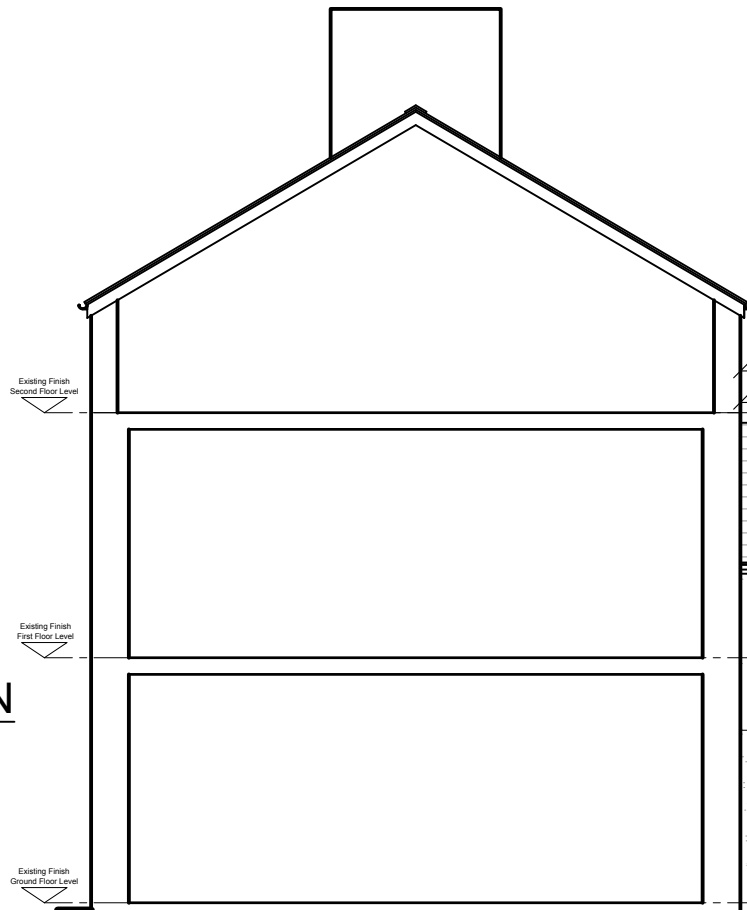
**PROPOSED FIRST FLOOR PLAN**

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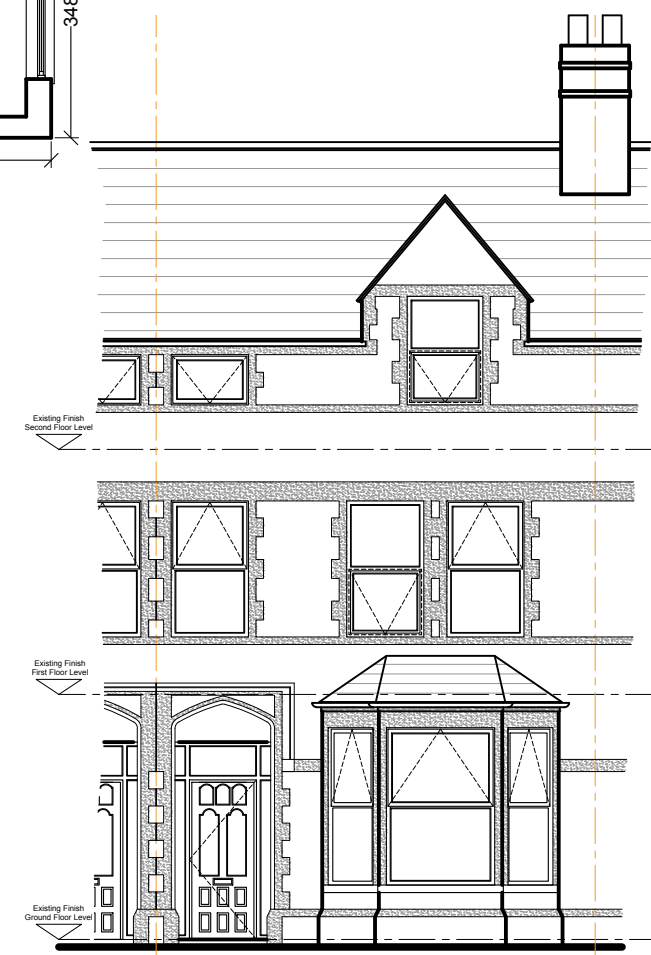
**PROPOSED SECOND FLOOR PLAN**

Scale 1:100



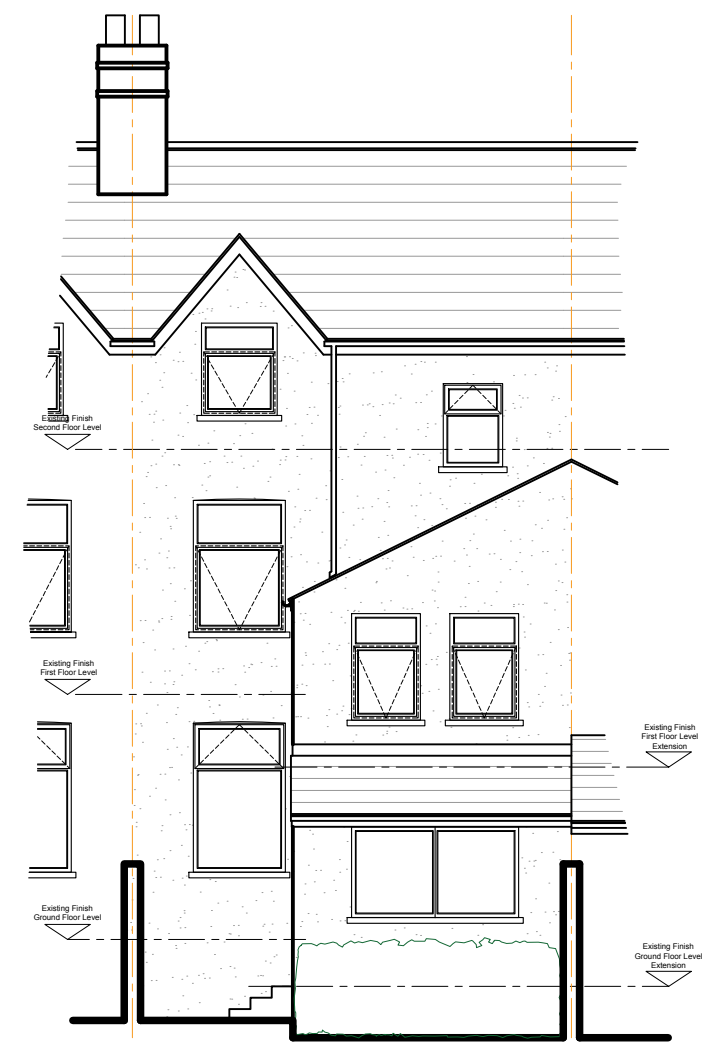
**PROPOSED SIDE ELEVATION**

Scale 1:100



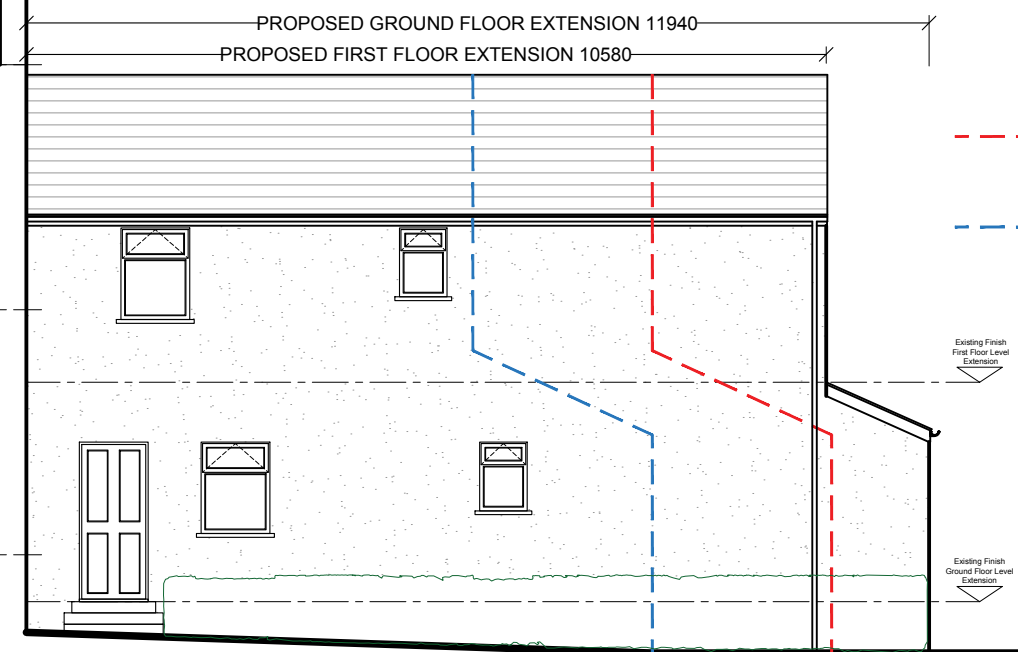
**PROPOSED FRONT ELEVATION**

Scale 1:100



**PROPOSED REAR ELEVATION**

Scale 1:100



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