

## LOCAL MEMBER OBJECTION & PETITION

COMMITTEE DATE: 08/11/2017

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

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Love Investments Ltd

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

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

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

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

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

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

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

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

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

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

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

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

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

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

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

## 2. **DESCRIPTION OF SITE**

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

## 3. **SITE HISTORY**

- 3.1 None

## 4. **POLICY FRAMEWORK**

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

Policy KP5 (Good Quality and Sustainable Design)

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

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

Policy EN9 (Conservation of the Historic Environment)

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

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

## 5. **INTERNAL CONSULTEE RESPONSES**

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

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 None

## 7. **REPRESENTATIONS**

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

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

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

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

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

## 8. **ANALYSIS**

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

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

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

8.10 **Other Legal Considerations**

*Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the

need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

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

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

#### 8.11 **Conclusion**

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

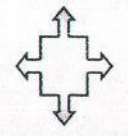




THE SITE.

17/01547

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



REVISIONS	DATE	REVISIONS	DATE

**DEVELOPMENT AT**  
**9 HEOL FAIR**  
**CARDIFF**

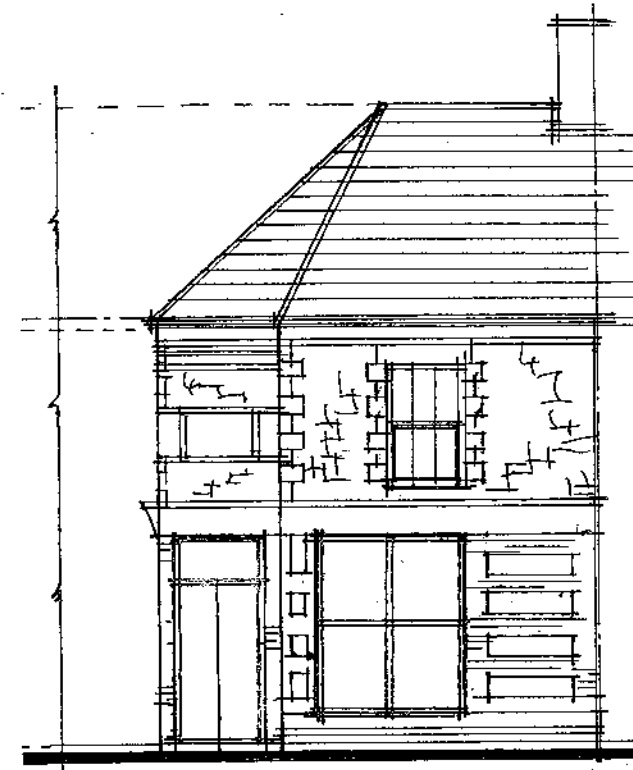
DATE JUNE 2017 PLAN NO. BBA0/8

**SITE PLAN PROPOSED 1:500 at A3**

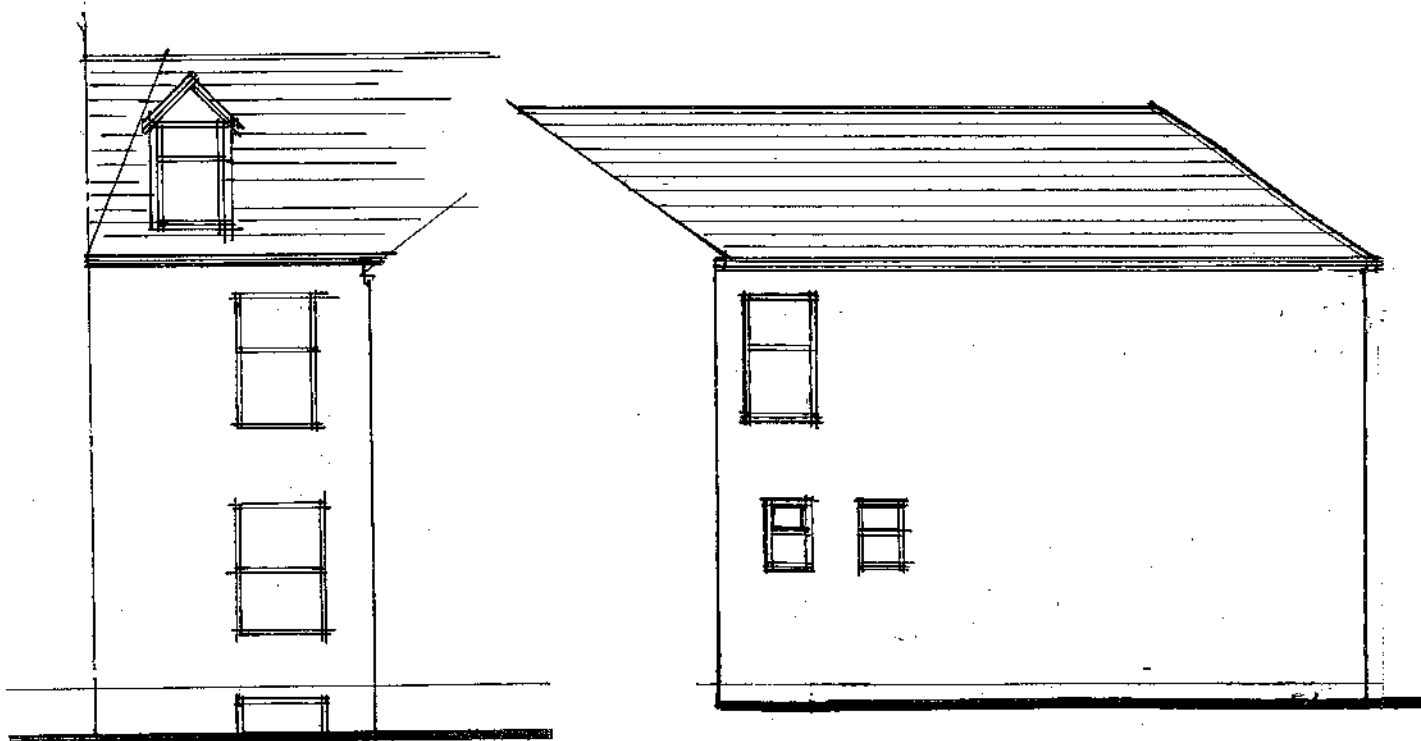




SIDE



FRONT

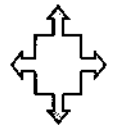


REAR

REAR/SIDE

17/01547

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

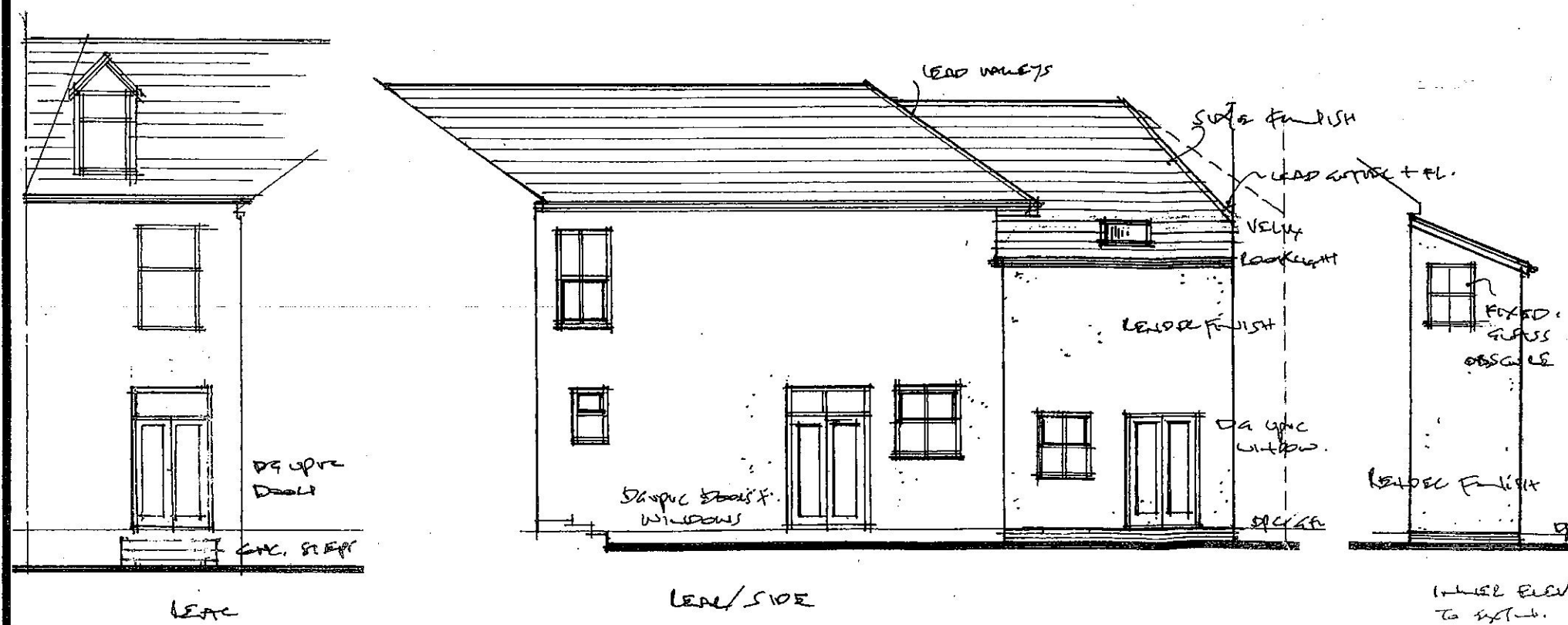
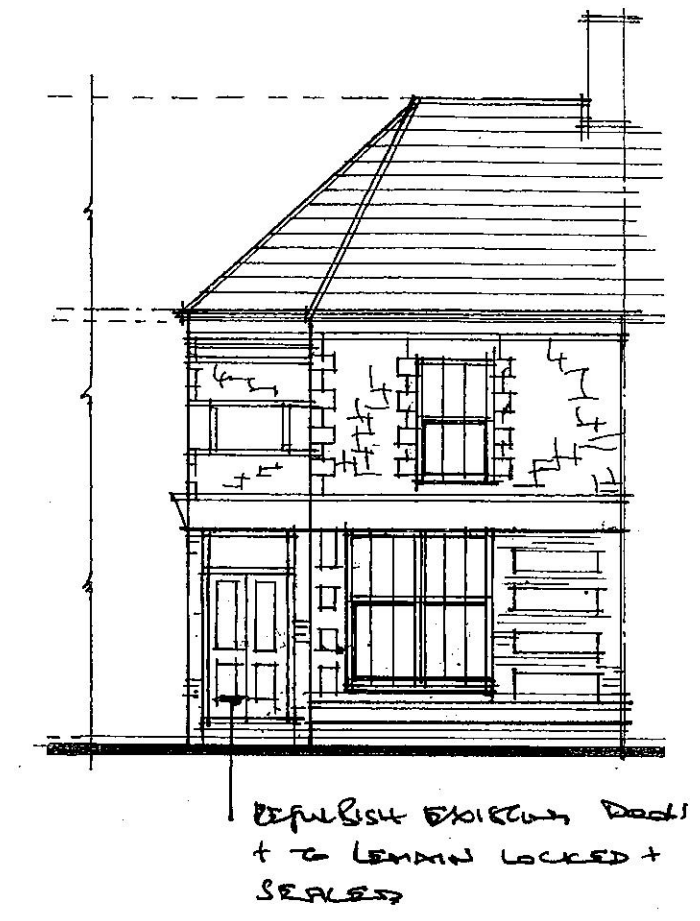
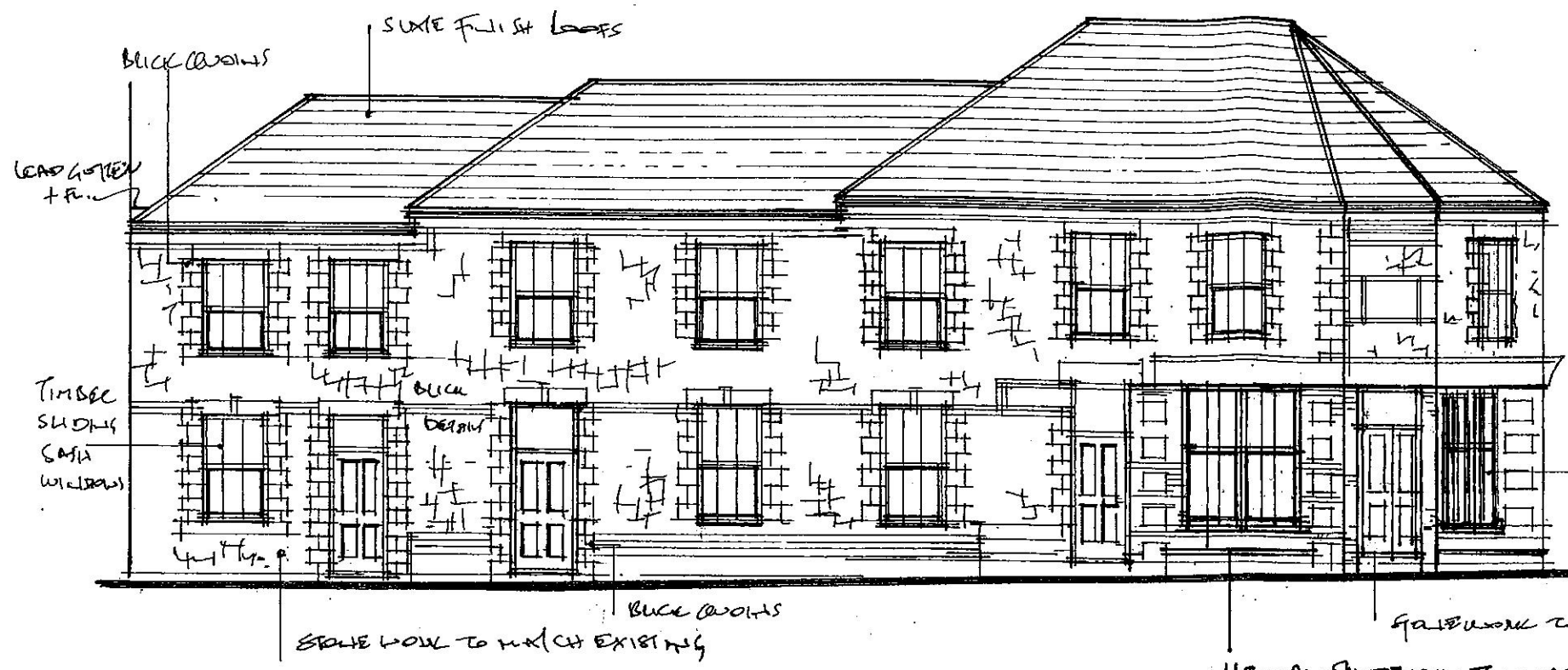


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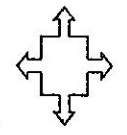
**DEVELOPMENT AT**  
**9 HEOL FAIR**  
**CARDIFF**

DATE JUNE 2017 PLAN NO. BBA01/9

FRONT & SIDE ELEVATIONS EXISTING 1:100 at A3



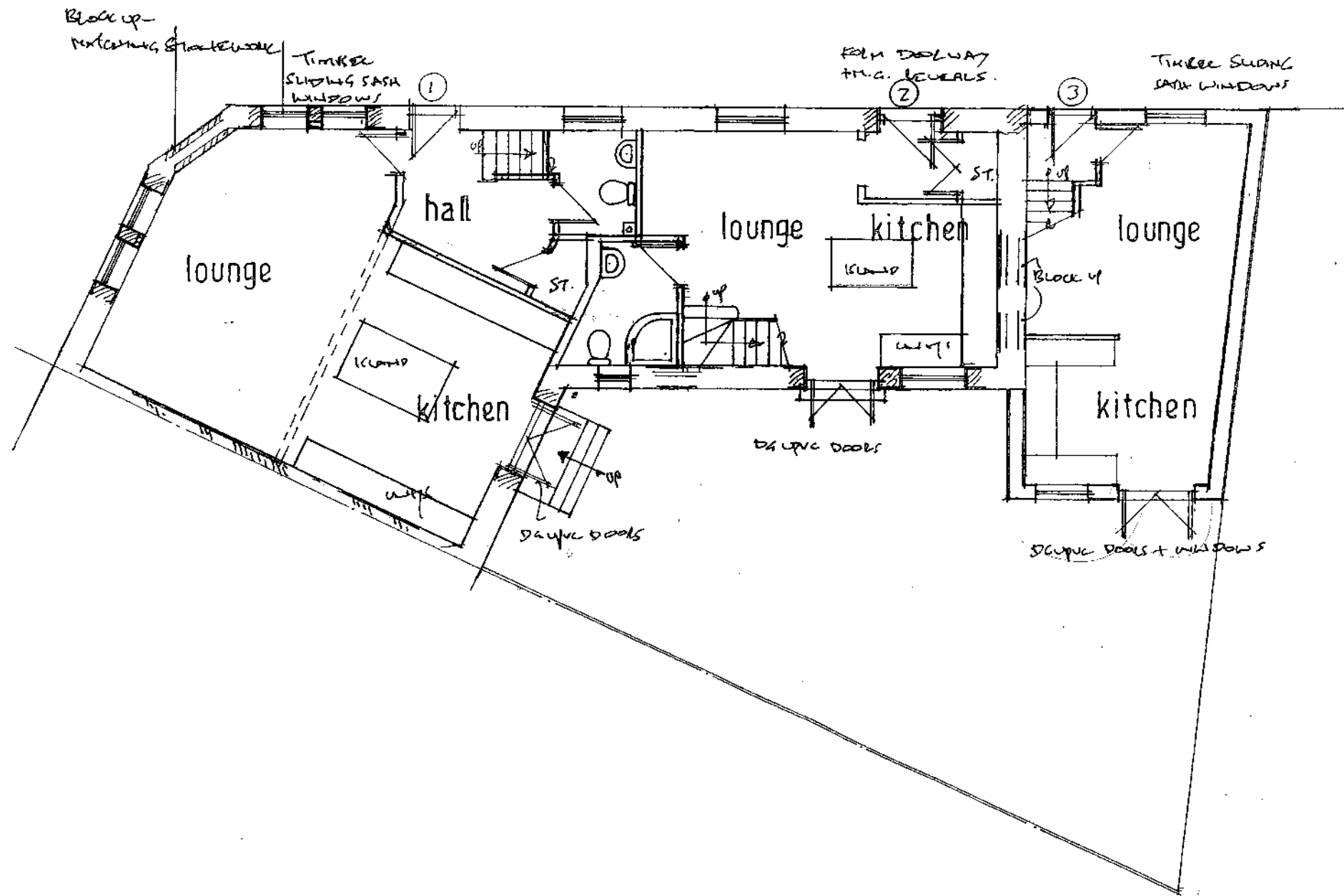
**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365



REVISIONS	DATE	REVISIONS	DATE
<b>DEVELOPMENT AT</b> <b>9 HEOL FAIR</b> <b>CARDIFF</b>			

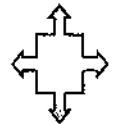
FRONT & SIDE ELEVATIONS PROPOSED 1:100 at A3

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



17 / 01547

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

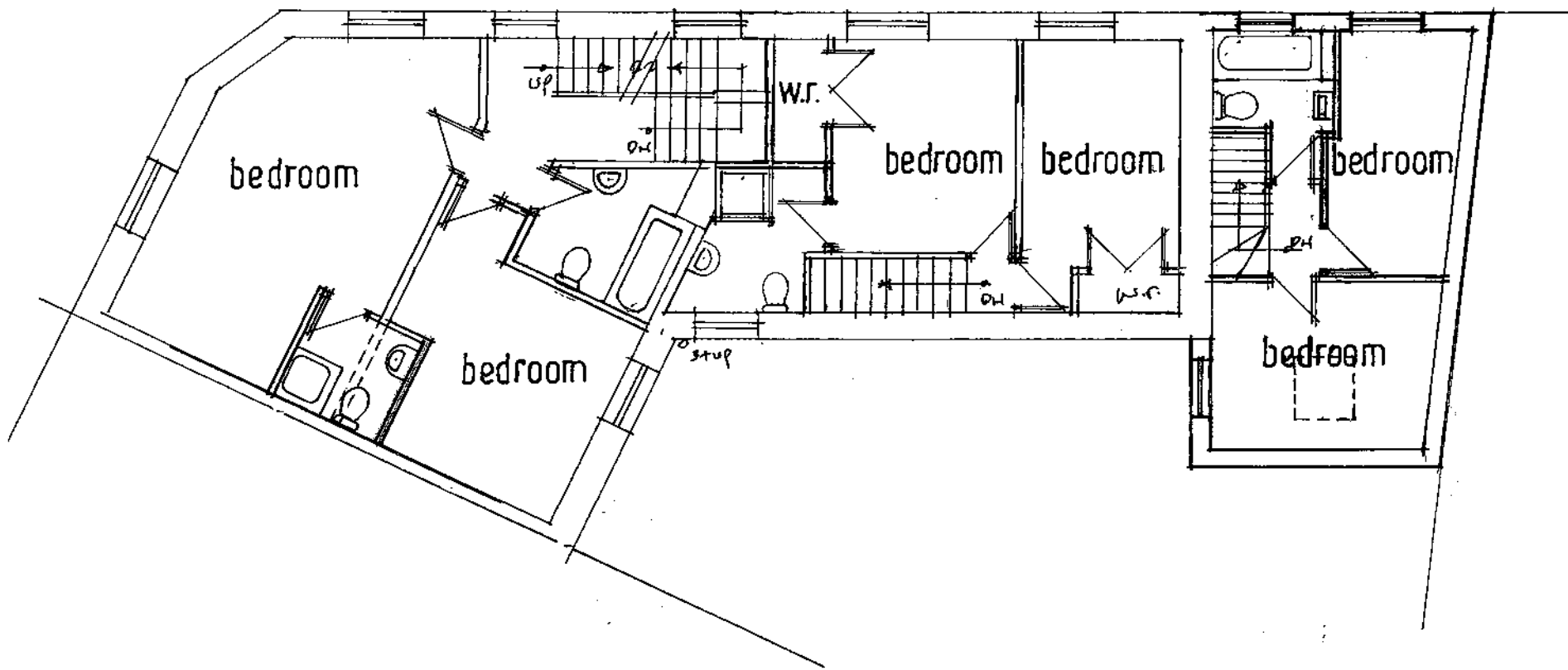


REVISIONS	DATE	REVISIONS	DATE

**DEVELOPMENT AT**  
**9 HEOL FAIR**  
**CARDIFF**

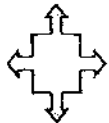
DATE JUNE 2017 PLAN NO. BBA0/5

GROUND FLOOR PROPOSED 1:100 at A3



17 / 01547

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

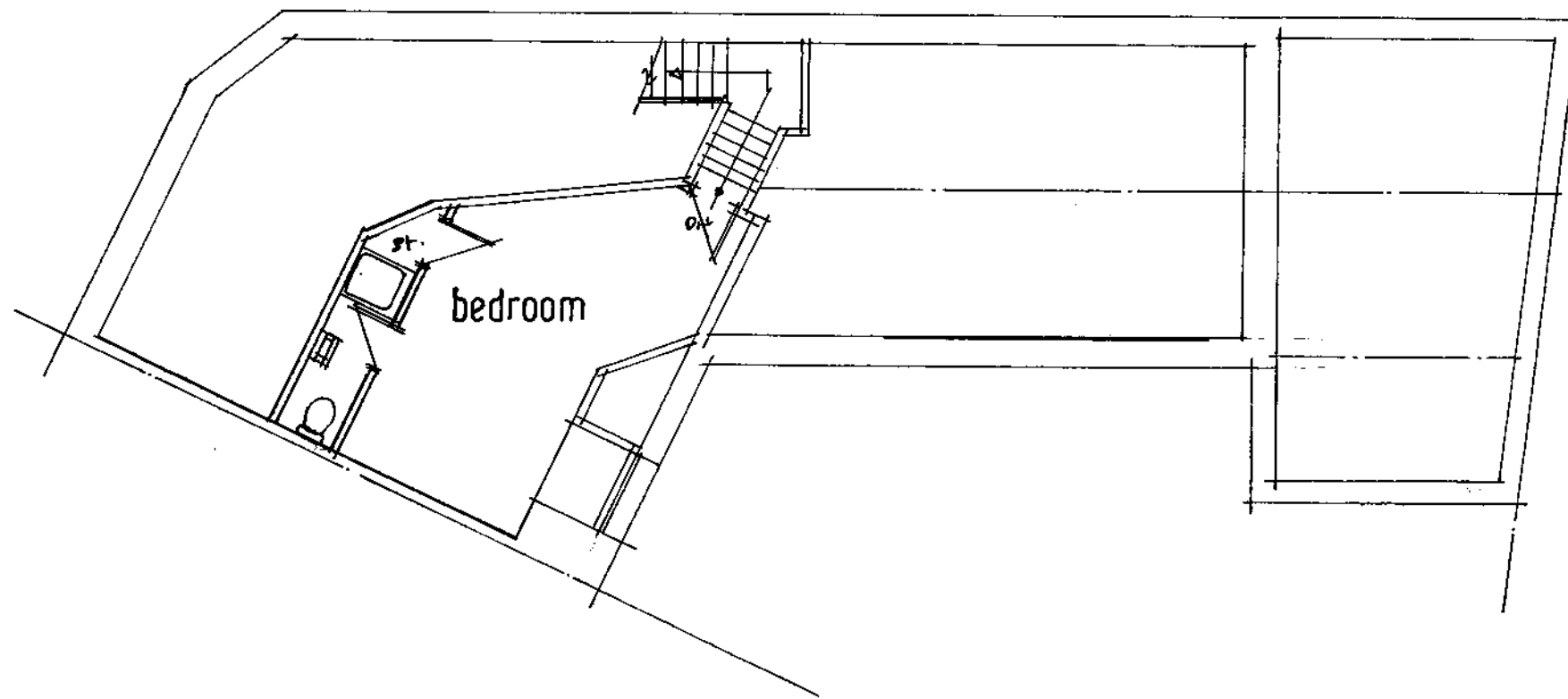


REVISIONS	DATE	REVISIONS	DATE
<i>a. beds @ lobby</i>			

**DEVELOPMENT AT**  
**9 HEOL FAIR**  
**CARDIFF**

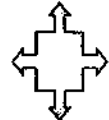
DATE JUNE 2017 PLAN NO. BBA0/6/4

FIRST FLOOR PROPOSED 1:100 at A3



17 / 01547

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



REVISIONS	DATE	REVISIONS	DATE

**DEVELOPMENT AT**  
**9 HEOL FAIR**  
**CARDIFF**

DATE JUNE 2017 PLAN NO. BBA0/7

SECOND FLOOR PROPOSED 1:100 at A3