

AM & MP OBJECTION

COMMITTEE DATE: 08/11/2017

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

ED: **ELY**

APP: TYPE: Full Planning Permission

APPLICANT: NRB Properties Ltd

LOCATION: THE MICHAELSTON, 105 MICHAELSTON ROAD, ELY,
CARDIFF, CF5 4SY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26. Notwithstanding the cycle parking facilities shown on the submitted

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. DESCRIPTION OF PROPOSED DEVELOPMENT

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

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

2. DESCRIPTION OF SITE

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

3. SITE HISTORY

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

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

4. POLICY FRAMEWORK

4.1 *Cardiff Local Development Plan 2006-2021:*

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

4.2 *Supplementary Planning Guidance:*

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

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

Planning Obligations SPG (January 2017)

4.3 *Planning Policy Wales (November 2016):*

4.4 *Technical Advice Notes*

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

Technical Advice Note 11 – Noise (1997):

Technical Advice Note 12 - Design (March 2016).

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

5. INTERNAL CONSULTEE RESPONSES

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

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

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

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

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

5.3 **The Tree Officer,**

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

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

Open Space Provision

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

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

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

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

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

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

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

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

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

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

the environment for the proposed end use.

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

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

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

6. EXTERNAL CONSULTEE RESPONSES

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

SEWERAGE

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

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

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

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

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

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

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

7. REPRESENTATIONS

- 7.1 The application was advertised by site notice and neighbour notification. 127 letters of representation have been received opposing the application. Of the 127 representations, 109 were standardised letters with the remaining 18 letters providing additional comments. The objections received are summarised below;

1. The operators of the existing SPAR shop do not wish to relocate into the proposed retail unit as suggested in the submitted Retail Statement. The retail element of the application proposal, if another SPAR, would provide direct competition to the existing store.
2. The retail market is saturated in the area, current retailers are struggling.
3. Traffic in the area at times is severe and therefore the proposed scheme will further add to existing pressures.
4. The additional numbers of delivery vehicles serving the proposed development would be dangerous, especially given the access to the site would be located directly opposite the entrance to the school, nursery and primary school.
5. The proposed development will generate increased noise within the area, particularly in the morning through deliveries.
6. The development will generated increased litter in the area.
7. The provision of four storey social housing flats would be out of keeping with

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

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

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

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

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

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

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

further and putting retail and residential in place is unrealistic.

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

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

8. ANALYSIS

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

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

- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
- (ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;
- (iii) The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
- (iv) The site is accessible by a choice of means of transport; and
- (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail

development can be shown to limit the range and quality of sites for such use.

The agent has submitted a Planning and Retail Statement that provides an assessment of the proposed development in respect of retail planning policy in relation to the need for the proposal, the sequential approach to site selection and the potential retail impact on the vitality and viability of nearby district/local centres. Given the floorspace equates to 278 sqm, a formal retail impact assessment is not required.

It is considered that the Retail Planning Statement has, on balance, adequately demonstrated that the proposal satisfies the standard retail tests of need, sequential test and impact.

Paragraph 5.282 of the LDP states that in addition to local centres identified on the proposals Map, there are numerous smaller groups of shops and individual 'corner shops' across the county that provide valuable shopping facilities to surrounding communities. The application site adjoins a local parade of shops which would fall under this definition. Furthermore, Planning Policy Wales recognises the important economic and social role of such local shopping facilities to communities.

It is noted that the submitted Retail Statement states that the proposed A1 retail unit would be occupied by SPAR, which would relocate from its existing location in the adjacent parade. The occupiers of the existing SPAR have however confirmed in a letter of representation that it is not their intention to occupy the new store, instead wishing to remain within and continue trading from their existing premises.

Should the existing Spar business move into the new building, it should be noted that its former premises would be vacant and therefore open to a competitor to occupy. Similarly, it should be noted that the existing public house could be converted into an A1 retail unit under permitted development. Whilst the future occupier of the proposed A1 unit remains unknown at this time, this is not a material planning consideration in the determination of this planning application.

The existing spar convenience store provides an important function in meeting the day-to day shopping needs of local residents. Even with the additional A1 unit proposed, it is considered that expenditure would remain localised and will not cause unacceptable harm to the vitality or viability of established Local centres within a mile of the site.

The two additional A3 unit proposed would be assessed against Policy R8: Food and Drink Uses.

Para 5.297 states Local Centres and smaller neighbourhood centres are generally more residential in nature, and do not have the scale or variety of retail and non-retail uses of larger centres. Therefore, A3 proposals may be more difficult to accommodate, and are less likely to be acceptable on amenity

grounds (e.g. potential noise and disturbance, anti-social behaviour and litter associated with this type of development proposal). As a consequence more emphasis will be placed on protecting residential amenity within these centres through restricting closing times and the type of A3 premises.

It is suggested that were permission to be granted a condition should be applied to restrict the separate A3 element to a restaurant or coffee shop type use only (with no hot food takeaway function).

Taking the above factors into consideration the proposal does not raise a land use policy objection.

8.2 Opening and Delivery Hours

Shared Regulatory Services – Pollution Control (Noise and Air) have specified opening times between 7am and 11pm for the proposed A1 unit. The applicants have however requested that the opening time be extended to allow for trading between 6am and 11pm as this earlier opening times reflects that of the existing SPAR. Taking this into consideration it is, on balance, considered that these requested opening hours would be reasonable.

With regard to the delivery hours, Shared Regulatory Services have specified delivery times of between 8am and 8pm. The applicants have requested that this also be extended to allow for deliveries from 7am to 8pm. Given that that the existing public house had no specified delivery times and given the location of the site opposite a school, it is considered that the extra hour proposed in the morning would be both reasonable and would potentially enable deliveries to be undertaken before the morning drop off period for the school thereby reducing any conflict.

8.3 Access and Parking

36 parking spaces are proposed serving both the retail and residential elements of the development. As such, the parking provision would exceed the level set out in the Council's Access, Circulation and Parking SPG, while insufficient provision has been made of disable spaces. It is also unclear from the plans how the residential parking spaces would be differentiated from those of the retail offer. It is therefore considered necessary to condition the parking provision for the development in order to ensure that it would comply with the guidance set out in the councils Access, Circulation and Parking Standards SPG.

The Council's highways officer notes that additional traffic would be generated as a result of the proposed development, beyond that of the former pub, which may cause an additional hazard and potential conflict with pedestrians. It is however considered that this could be controlled by way of increasing speed reduction measures in the vicinity. As such, a financial contribution of £5,000 has subsequently been agreed with the applicants as part of a section 106 agreement to extend the existing 20mph speed limit into Drope Road to an appropriate location past the development and school.

Whilst the proposed scheme included a vehicular link through the application site

to the rear servicing lane for the existing parade of shops, this was included to in order to remove the necessity for vehicles having to negotiate the lane via Barnwood Crescent. The owners of the lane have however indicated that they would not wish for their lane to be accessed via the application site. The police (see para 6.2) have also raised concerns over the addition of this access. It should be noted that the provision of this link is not a material consideration in the determination of this application and would not impact upon the servicing arrangement of the proposed development or servicing arrangement of the units in the existing parade.

It is recognised that the existing vehicular access to the site from Drope Road would be widened to allow for improved access for delivery vehicles. This is, on balance, considered acceptable.

The Council's transportation department raise no objection to the proposal on highways grounds. However, given the location of the application site adjacent to a school, nursery, parade of shops and busy roads, officers consider it necessary for a construction management plan condition to be imposed in order to minimise potential disruption and conflict during construction.

8.4 Design and Appearance

The conversion of the public house building is considered acceptable in design terms. The existing building is neither listed nor located within a conservation area and therefore the demolition of the lean-to extensions and false roof features have no statutory protection. The extension proposed to the ground floor of the northwest corner of the building, forming the back of house area, is considered to be of an appropriate scale and massing. The proposed shop front includes glazing on the Michaelston Road and Drope Road frontages, which would create welcome level of interaction between inside and out and providing interest within the street. Aside from potential internal alterations to the existing flat, the upper floor of the building would remain unaltered.

With regard to the scale and massing of the proposed new build block, at 4 storeys the building would be a taller than that of the surrounding residential properties along Barnwood Crescent and Drope Road which are generally two storey pitched roof dwellings. However, the existing parade of shops and Michaelston Court flats to the north of the parade are both 3 storeys in height, while the buildings within the Michaelston Community College, opposite the site, range from single storey flat roofed to 3 storey pitched roofed buildings. As such, within the context of the surrounding built form, the height of the proposed new building would be broadly consistent with its surroundings and therefore, on balance acceptable. Furthermore, the location of the application site on the corner of Michaelston Road and Drope Road, adjacent to the 3 storey parade of shops, is such that a building of 4 storeys would not be considered unreasonable on this site.

The siting of the 4 storey building has been governed by the requirement to retain and convert the former pub, the desire to extend the number of retail outlets in the parade within an seamless transition between old and new and by the desire to provide car parking to the front of the new retail units where they are most

accessible, overlooked and secure. In converting the 2 storey former public house building, an unusual juxtaposition would be created between the existing parade of shops and new build block given the variation in building heights involved. However, it is considered that the proposed building would be read in conjunction with that of the built form of the existing parade to the east rather than the domestic dwellings to the west. It is therefore, on balance, considered that its addition would not undermine the character of the area

8.5 Residential Amenity

With regard to the conversion of the existing public house building, the alterations proposed to this building are focused on the ground floor. This coupled with the location of the building relative to surrounding residential properties is such that they would not be considered to impact upon the amenity of neighbouring occupiers.

With regard to the new build block, this would be located approximately 15m away from the western boundary of the site with No. 6 Droke Road. The Council's Infill Sites SPG and Residential Design Guide SPG specify that a minimum overlooking distance from a habitable room window to a garden area of a separate dwelling should be 10.5m. As such, an appropriate separation distance would be achieved between the windows proposed in the western elevation of the new building and the boundary with this neighbouring property.

It is not considered that the proposed 4 storey building would unacceptably overlook habitable room windows or private amenity space of No. 23 Barnwood Crescent. The nearest point of the proposed building to the boundary of No. 23 would be approximately 11m away while the nearest windows proposed in the building would be approximately 12m away and set at oblique angles to the garden of this dwelling, thereby further reducing any potential overlooking possibilities. A distance greater than 21m, the minimum standard set out in the Councils design SPG's, would be achieved between the windows proposed within the new building and the windows in the rear of No. 23. The relative angles between the windows would further reduce any overlooking concerns.

Shadow cast analysis diagrams have been submitted which demonstrate that the height and bulk of the proposed new building would not result in the unacceptable overshadowing of any of the neighbouring properties or their associated private amenity spaces.

Amended plans have been received in which the parapet of the proposed new building has been reduced by approximately 0.8m. This reduction in height would further diminish any potential overshadowing issues upon neighbouring properties.

A number of windows originally proposed in the western elevation of the new building have also omitted within the amended plans in order to further reduce any potential overlooking issues upon No. 23 Barnwood Crescent.

It is not considered that the proposed development would unacceptably overlook the children's nursery on the opposite site of Drope Road or its associated play

area given the separation distances involved.

8.6 Materials

The finishing material proposed will be secured by way of condition.

8.7 Affordable Housing

The provision of 9 units of affordable housing within the proposed new build unit is welcomed given the high levels of need for affordable housing in the area.

8.8 Amenity Space

There would be no private amenity space provision for any of the 9 flats proposed nor for the flat above the converted pub. It is however acknowledged that the proposed new build would contain 6 x 1 bedroom flats and 3 x 2 bedroom flats while the flat above the pub would have 2 bedrooms. As such, there is only limited provision for the flats to be occupied by families. Taking this into consideration, that as affordable housing, the provider can control who occupies their 9 units and that there is an area of public open space located approximately 50m away along Drope Road, the lack of amenity space provision would, on balance, be considered acceptable.

A contribution has been agreed to enhance Public Open Space in the vicinity of development site in lieu of on-site provision and will be secured under a S106 planning obligation.

8.9 Crime and Disorder

There is no evidence to suggest that the proposed development would result in an increase in anti-social behaviour or crime in the area.

The recommendations of the Wales Police are noted and have been considered against the six tests set out in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management. While the provision of a lighting and CCTV scheme have been conditioned, it is not considered that the other recommendations made would meet the tests set out in the circular such as to form valid planning conditions. However an advisory note has been added to ensure that the applicant is aware of the design considerations suggested by the police.

8.10 Trees and Landscaping

The proposed landscaping scheme is considered acceptable, subject to conditions.

8.11 Other matters not considered above

While the proposed new build block is taller than that of the surrounding 2 storey residential dwellings, it would not represent a tall building when

considered in the context of the parade of shops, Michaelston Court Flats and school buildings in.

Paragraph 1.14 of the Councils Tall Buildings Supplementary Planning Guidance states that;

'In areas outside the city centre, buildings tend to be far lower. Buildings which are double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors, would be considered tall in this context. Tall buildings outside the city centre are unlikely to be supported unless they can be demonstrated as meeting all of the criteria outlined in this SPG.'

Given that the existing parade of shops, Michaelston Court flats and various buildings within Michaelston Community College are of 3 storeys or more, it is not considered that new building block would represent a tall building.

With regard to the potential creating of litter, whilst the proposed development may result in increased litter generation in the area, this does not represent a material planning consideration. An advisory note has been added reminding the applicant that the refuse bins should be provided outside of the proposed A3 uses.

With regard to the height of the building and the safety of school children and bus users, it is not considered that the height of the building would have any impact on the safety of the school children or bus users.

9. OTHER CONSIDERATIONS

9.1 Crime and Disorder Act 1998

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

9.2 Equality Act 2010

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

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

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and

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

9.4 *Environment (Wales) Act 2016*

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

9.5 *Flood and Water Management Act 2010*

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.

10. Planning Obligations - Section 106

- 10.1 The following planning obligations have been agreed with the applicant to mitigate any significant adverse impact of the proposed development as defined within LDP Policy KP7
- 10.2 Highways and Transportation - £5,000 towards extending the area of 20mph speed restriction onto Drope Road.
- 10.3 Public Open Space - £13,696 towards improvements to provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality.
- 10.4 The restriction of the new build element of the development for affordable housing and for no other residential use.

11. CONSLUSION

- 11.1 It is considered that the amended proposal will result in an acceptable development which would bring a redundant site back into beneficial use, whilst adding much needed affordable housing provision to the area and adding to the existing retail offer.
- 11.2 The concerns of local residents regarding building height, scale and impact

upon their amenities are noted however it is considered that the development will be policy compliant in this regard.

- 11.3 The application is therefore recommended for approval, subject to relevant conditions and the completion of a Section 106 Agreement to secure the financial contributions and obligations summarised in Section 10.

The Michaelston Inn, Cardiff.

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REVISIONS		Date
No	By	Description



- Proposed new wall
- Existing walls / structure to be retained
- Site Boundary

Schedule of Accommodation

EXISTING

MICHAELSTON INN GIA

Ground Floor (public House)	4198 ft ²	390 m ²
First Floor (existing apartment)	925 ft ²	86 m ²
Total Existing GIA	5,123 ft²	476m²

PROPOSED RETAIL AREA - NIA

Ground Floor:		
Retail A1	3,000ft ²	278m ²
Back of House	1,000ft ²	92m ²
Retail 1/A3	1,250ft ²	116m ²
Retail 2/A3	590ft ²	55m ²
Total Retail - NIA	5,840ft²	541m²

PROPOSED RESIDENTIAL UNITS - NIA

FIRST FLOOR: - NIA

2 Number 1 Bed	540ft ²	50m ²
500ft ²		46m ²
1 Number 2 Bed:	645ft ²	60m ²

SECOND FLOOR: - NIA

2 Number 1 Bed:	540ft ²	50m ²
500ft ²		46m ²
1 Number 2 Bed:	645ft ²	60m ²

THIRD FLOOR: - NIA

2 Number 1 Bed:	540ft ²	50m ²
500ft ²		46m ²
1 Number 2 Bed:	645ft ²	60m ²

Total Residential Units:

6 Number 1 Bed
3 Number 2 Bed
Total: 9 units

EXISTING RESIDENTIAL UNIT - NIA

FIRST FLOOR: - NIA

Refurbished existing first floor flat with new access

1 Number 3 Bed:	830ft ²	77m ²
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PARKING

2 disabled parking spaces
 34 parking spaces

TBA

TOTAL PARKING 36

Scale: 1: 250 @ A3
 1: 125 @ A1

morgan hayman

Chartered Architects Surveyors Urban Designers
 16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
 Tel: (029) 2044 7520 Fax: (029) 2045 1813

Project: Michaelston Inn, Cardiff
 Client: NRB
 NRB Properties
 Drawing Title: Proposed Ground Floor Plan

Drawn	Checked	Scale	Original	Date
DW	ARM	1:250	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	200	-	Planning

Proposed Ground Floor Plan.

The Michaelston Inn, Cardiff.

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REVISIONS		
No	By	Date
A	DG	Rear window to living room omitted following planners request
		29.09.17



- Proposed new wall
- Site Boundary

Schedule of Accommodation

EXISTING

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	500ft ²	46m ²
1 Number 2 Bed:	645ft ²	60m ²

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2 Number 1 Bed:	540ft ²	50m ²
	500ft ²	46m ²
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Total Residential Units:

6 Number	1 Bed
3 Number	2 Bed
Total:	9 units

EXISTING RESIDENTIAL UNIT - NIA

FIRST FLOOR: - NIA

Refurbished existing first floor flat with new access

1 Number 3 Bed:	830ft ²	77m ²
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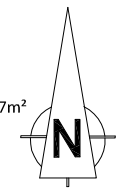
PARKING

2 disabled parking spaces
 34 parking spaces

TBA

TOTAL PARKING 36

Scale: 1: 250 @ A3
 1: 125 @ A1



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 16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
 Tel: (029) 2044 7520 Fax: (029) 2045 1813

Project: Michaelston Inn, Cardiff
 Client: NRB Properties
 Drawing Title: Proposed GA Third Floor Plan

Drawn	Checked	Scale	Original	Date
DW	ARM	1:250	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	232	A	Planning

Proposed GA Third Floor Plan.

The Michaelston Inn, Cardiff.

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REVISIONS			
No	By	Description	Date
A	DG	Parapet height dropped to minimal height to reduce following meeting with CCC	29.09.17



Context Elevation - View from South

Proposed Context Elevations.

Scale: 1: 250 @ A3
1: 125 @ A1

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Project: Michaelston Inn, Cardiff

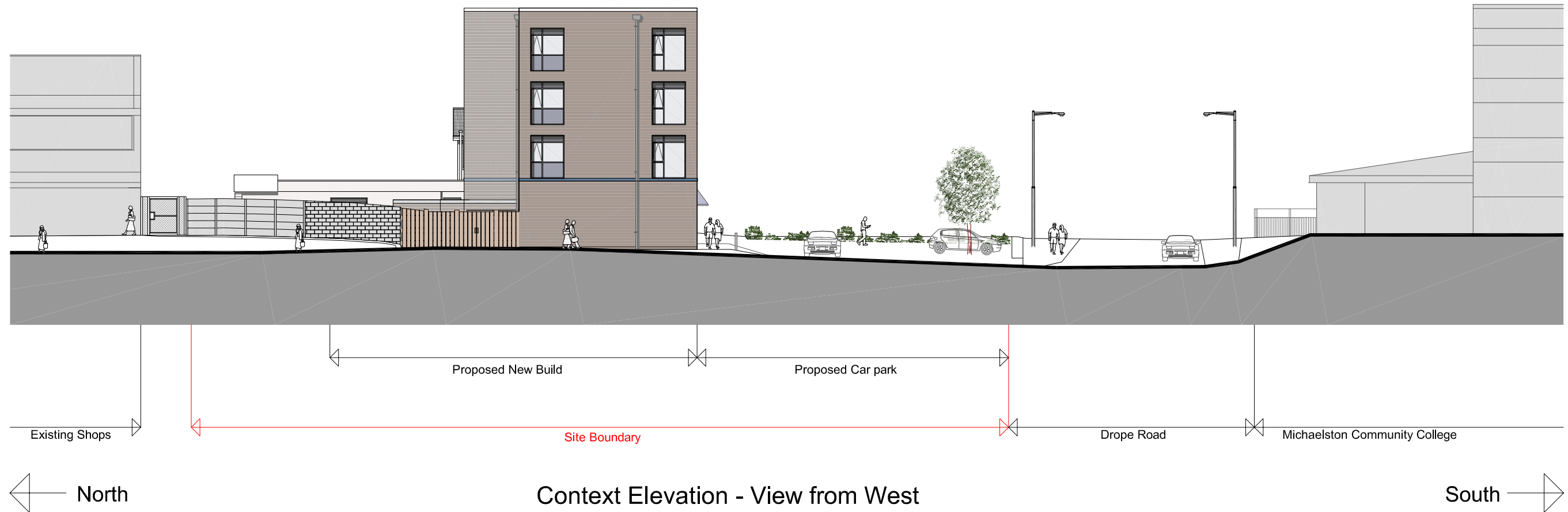
Client: NRB Properties

Drawing Title: Proposed Context Elevations
View from South

Drawn	Checked	Scale	Original	Date
DW	ARM	1:250	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	301	A	Planning

The Michaelston Inn, Cardiff.

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* DO NOT SCALE THIS DRAWING		
REVISIONS		
No	By	Date
A	DG	29.09.17
Parapet height dropped to minimal height and rear corner windows removed following meeting with CCC		



Scale: 1: 250 @ A3
1: 125 @ A1

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Project: Michaelston Inn, Cardiff

Client: NRB Properties

Drawing Title: Proposed Context Elevations
View from West

Drawn	Checked	Scale	Original	Date
DW	ARM	1:250	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	303	A	Planning

Proposed Context Elevations.

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REVISIONS

No	By	Description	Date
A	DG	Parapet dropped to minimal height following planners request	27.10.17



View from South East on Michaelston Road

morgan hayman

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 16 Columbus Walk, Atlantic Wharf, Cardiff, CF10 4BY
 Tel: (029) 2044 7520 Fax: (029) 2045 1813

Project: Michaelston Inn, Cardiff

Client: NRB Properties

Drawing Title: Proposed Perspective

Drawn	Checked	Scale	Original	Date
DW	ARM	NTS	A3	June 2017
Job Number	Drawing Number	Revision	Status	
3064	PL	1001	A	Planning