

PETITION & LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 15/03/2018

APPLICATION No. **18/00027/MJR** APPLICATION DATE: 08/01/2018

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: The Ahmadiyya Muslim Association
LOCATION: FORMER IAN WILLIAMS LTD, SANATORIUM ROAD,
CANTON, CARDIFF, CF11 8SU

PROPOSAL: ALTERATIONS AND EXTENSIONS TO EXISTING
MOSQUE (USE CLASS D1, NON-RESIDENTIAL
INSTITUTIONS) INCLUDING TWO-STOREY MOSQUE
WITH MINARET, DOME, ATTACHED TWO- STOREY
IMAM'S RESIDENCE AND SINGLE STOREY DETACHED
COMMUNITY FACILITY TOGETHER WITH PARKING AND
ASSOCIATED WORKS

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:
 - (i) Site Location Plan (JPW0352:001);
 - (ii) Block Plan (101);
 - (iii) Existing Site Plan Showing Proposed Structure to be Removed (121 Rev PL1);
 - (iv) Floor Plans and Exterior (ASP 1395-1);
 - (v) Elevations (ASP 1395-2);
 - (vi) Existing Hall – Floor Plan, Front and Rear Elevations (15-008-115);
 - (vii) Proposed Site Layout & Hard Landscaped Plan (15-008-201 Rev PL2);
 - (viii) Proposed Mosque Ground Floor Plan (15-008-203 Rev PL2);
 - (ix) Proposed Mosque First Floor Plan (15-008-204 Rev PL0);
 - (x) Proposed Front Elevation as Viewed from Sanatorium Road (15-008-205 Rev PL2);
 - (xi) Proposed Side Elevation (15-008-206 Rev PL1);
 - (xii) Proposed Rear Elevation, View from Community Hall (15-008-208 Rev PL1);
 - (xiii) Proposed Side Elevation (15-008-209 Rev PL1);
 - (xiv) Proposed Community Hall – Floor Plan, Front and Rear Elevations (15-008-215 Rev PL2);
 - (xv) Proposed Site Section (15-008-220 Rev PL1);

- (xvi) Proposed Site Layout Showing Change of Use and Proposed New Floor Area – Ground Floor (221 Rev PL2);
- (xvii) Proposed Site Layout Showing Change of Use and Proposed New Floor Area – First Floor (222 Rev PL2);
- (xviii) Proposed Community Hall – Front and Rear Elevations and Floor Plans (15-008-315 Rev PL1);
- (xix) Proposed Side Elevations for Community Hall (15-008-216 Rev PL2);
- (xx) Bin Store Plan and Details (SD/013 Rev A);
- (xxi) Imam Residence Double Bin Store Plan and Details (SD/014);
- (xxii) Transport Assessment, Phil Jones Associates (January 2018);
- (xxiii) Travel and Event Management Plan, Phil Jones Associates (January 2018);
- (xxiv) Flood Consequence Assessment, RPS (February 2018).

Reason: The plans and documents form part of the application.

3. The buildings hereby permitted shall be used for the purpose specified in the application and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).
Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class D1 could prejudice the amenities of the area.
4. No development shall take place until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority, to include as required but not limited to site hoardings, site access, delivery facilities and procedure, wheel washing facilities, welfare facilities, phasing, quality survey of surrounding highway (including photographs). Construction of the development shall be managed strictly in accordance with the approved scheme.
Reason: In the interests of highway safety and public amenity.
5. No development shall take place until a scheme of public realm reinstatement/improvement works to Sanatorium Road footway and carriageway adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the removal, re-kerbing and reinstatement as footway of the existing vehicle dropped kerb; the reinstatement/resurfacing as required of the remainder of the footway abutting the site, to include surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The approved scheme shall be implemented to the written satisfaction of the Local Planning Authority prior to beneficial occupation of the development.
Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.

6. The proposed car parking and manoeuvring areas shall be laid out in accordance with the details shown on the 'Proposed Site Layout and Hard Landscaped Plan' (drawing no. 15-008-201 Rev PL1) before the development is brought into beneficial use and shall be thereafter maintained and retained at all times for those purposes in association with the development.
Reason: To make satisfactory provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.
7. No part of the development hereby approved shall be occupied until the Travel/Event Management Plan has been amended to take account of the extended facility and submitted to and approved in writing by the Local Planning Authority. The Travel/Event Management Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to the site, and to promote travel by sustainable modes, particularly at the times of the year when the Eid Festivals are due to take place. The Travel/Event Management Plan shall be implemented in accordance with the timetable set out in the plan, unless otherwise agreed in writing with the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel/Event Management Plan shall be submitted annually to the Local Planning Authority, commencing from the first anniversary of beneficial occupation of the extended development and continuing for five consecutive years thereafter. The existing travel/event plan (associated with the change of building use - Condition 6 of permission no. 14/01523/DCO) and travel targets will remain operational until the beneficial occupation of the extended facilities.
Reason: To accord with the Council's adopted Access, Circulation and Parking Standards SPG by encouraging sustainable transport and effect modal shift to non-car modes in order to maximise travel to/from the site by sustainable modes of transport
8. Prior to the development hereby permitted being brought into beneficial use details showing the provision of 16 no. (minimum) covered and secure cycle parking spaces 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 covered and secure parking of cycles.
9. The refuse storage facilities hereby approved on drawings numbered 15-008-201 Rev PL2, 15-008-203 Rev PL2, 15-008-205 Rev PL2, SD/013 Rev A, and SD/014 shall be implemented prior to beneficial use and retained thereafter.
Reason: To secure an orderly form of development and to protect the amenities of the area.

10. No external public address system shall be used in order to call worshippers to prayer.
Reason: To protect the amenities of occupiers of nearby residential accommodation.
11. The Mosque shall not be used for the purposes of worship between the hours of 23:00 and 04:00.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected.
12. The Community Hall shall only be used between the hours of 08:00 and 23:00.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected.
13. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997(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 2.24 of the deposit Unitary Development Plan (October 2003).
14. Prior to amplified music being played in any room it shall be insulated for sound in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The room(s) shall be insulated in accordance with the approved details and retained thereafter.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
15. The extraction of all fumes from the community hall food preparation area hereby approved shall be mechanically extracted to a point to be agreed in writing 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 in writing by the Local Planning Authority and the equipment shall be installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, which shall first have been agreed in writing by the Local Planning Authority.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
16. No development shall take place until 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, has been submitted to and approved in writing by the Local Planning Authority.

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 by the Local Planning Authority. If no protection measures are required then 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. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall 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 shall 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. No development shall take place until 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 has been 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 shall 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 shall 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 17 shall 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 shall 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 shall be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority 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 Local Planning Authority.

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 Local Planning Authority.

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. The dwelling hereby approved shall not be occupied at any time other than for purposes ancillary to the Class D1 use hereby approved.

Reason: The creation of a separate dwelling unit would be unacceptable in this location.

25. Prior to their installation on site, samples of the external finishing materials shall be submitted to and approved in writing 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.

26. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, hard surfacing materials, proposed and existing services above and below ground level, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods) and

an implementation programme. The details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance.

27. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area.

28. The means of enclosure to the proposed amenity area for the Imam's residence shall be constructed in accordance with the details hereby approved prior to the development being put into beneficial use. The enclosures shall be retained thereafter.

Reason: To ensure that the amenities of the area are protected.

29. Prior to their installation on site details of the means of site enclosure shall be 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.

30. No development shall take place until a scheme for the drainage of foul and surface water from the site and any connection to the existing drainage system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.

Reason: To ensure an orderly form of development.

31. Prior to beneficial occupation of the development hereby approved, a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate that all persons on the premises can either evacuate the site safely or have a safe haven on the site for the duration of an extreme flood event. The premises shall operate at all times in accordance with the approved plan. Reason: To safeguard persons on the premises from flooding consequences.

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 : 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 and;
- (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 4 : That the applicant be advised to note the comments of Network Rail dated 6 February 2018 in which they set out their requirements for the safe operation of the railway and the protection of their land. These comments have been forwarded to the agent.

RECOMMENDATION 5: Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

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

contacted immediately.

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

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

NRW can be contacted at:- Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:- 5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Permission is sought for alterations and extensions to the existing mosque (Use Class D1 – Non-Residential Institutions) including first floor extension with minaret, dome, attached two-storey Imam’s residence and single-storey detached community hall together with parking and associated works at the former premises of Ian Williams Ltd, Sanatorium Road, Canton.
- 1.2 Planning permission was refused by Planning Committee for a similar scheme in March 2017 (see paragraph 3.2). The applicant appealed to the Planning Inspectorate on 18 September 2017 against the Council’s decision and a Public Inquiry to hear the appeal was due to take place from 24 – 26 January 2018. However, the Planning Inspectorate agreed to hold the appeal in abeyance pending the determination of this application.
- 1.3 The proposed alterations and extensions to the main building include:
 - (i) Reconfiguration of ground floor layout;
 - (ii) First floor extension to create men’s prayer room, guest sitting area, office, store, lobby and toilet facilities;
 - (iii) Increase in building height from approximately 6 metres to approximately 7.5 metres;
 - (iv) A minaret to the roof (up to 18 metres above ground level);
 - (v) A dome to the roof (up to 13 metres above ground level);
 - (vi) Amendments to window and door openings;
 - (vii) Through coloured render applied to external walls;
 - (viii) Reconstituted stone detail course added at eaves level and first floor level.
- 1.4 The two-storey three bedroom Imam’s Residence would be attached to the rear (north) elevation of the main building and would abut the east site boundary. This new build element would be dual access, with its principal entrance onto

Sanatorium Road. The dwelling would be approximately 6 metres high to eaves and 7 metres high to roof ridge. The pitched roof would be screened by parapet walling to all sides to a height of approximately 7 metres.

- 1.5 At ground floor the dwelling would contain a study, lounge, store, w.c., kitchen and dining room. Three bedrooms would be located at first floor (including one ensuite bedroom), with a family bathroom, together with a family bathroom. A private external amenity area of approximately 57 square metres would adjoin the west elevation.
- 1.6 The proposed detached single-storey Community Hall would be located at the rear of the site adjacent to the north site boundary. The hall would be approximately 3.5 metres to ridge and comprises a total floor space of approximately 230 square metres, of which approximately 98 square metres comprises an extension to include kitchen, storage, toilet facilities and circulation space. Approximately 136 square metres will comprise a community/dining hall. The building would be finished in through coloured render. The proposed floorspace measurements are listed in the table below:

	Floorspace (sqm) (GIA)
Ground Floor	205
First Floor	252
Imam Dwelling (Ground)	125
Imam Dwelling (First)	70
Community Hall	234
TOTAL	886

- 1.7 14 no. car parking spaces would be provided within the site, of which 3 no. would be disabled spaces and 2 would be designated for the Imam's residence. 16 no. secure cycle parking stands are proposed.
- 1.8 The application confirms:
- (i) The Ahmadiyya Muslim Association (AMA) number approximately 160 people in Cardiff. Since 2002 they have held their prayer meetings at St. Thomas' Church Hall, Pantbach Road;
 - (ii) Five prayer services will occur each day and would vary according to the season: 05:00, 13:30, 17:30, 20:15 and 21:00. A Friday lunchtime service will also take place between 13:00 and 14:00. The timing of each service will alter slightly according to the sunrise and sunset. The duration of each service will last between 15 and 20 minutes.
 - (iii) The Friday Service is the best attended prayer service with an average of 30 people attending;
 - (iv) In addition to a place of worship, a hall will be provided for community use. This will be used for a wide range of events, typical of a community hall attached to a place of worship. No commercial activities, such as large-scale weddings, will take place. External groups will not be charged for the use of the community hall facilities.

- (v) Eid celebrations will be held at the Community Hall twice a year. It is assumed all 161 members will attend for both celebrations. However, the proportion travelling on foot will be higher than expected based on the modal split as in an act of Sunnah Muslims are recommended to walk to the place of prayer if reasonably practical, taking a different route for the journey there and back.

1.9 The Transport Statement accompanying the application states:

- (i) 82 no. on-street parking spaces are available within a 5 minute walk (400m);
- (ii) The nearest bus stops are within 150m;
- (iii) No Personal Injury Collisions (PICs) were recorded for the 5 year period between 2012 – 2016;
- (iv) 82 people attended Friday Zuhr (after true noon) prayers on 1 September 2017; 86% travelled by car (average of 2.39 occupants per vehicle), 13% travelled by bus and 2% walked;
- (v) 42 people attended Zuhr prayers on 15 December 2017 in which 81% travelled by car (2.13 occupants per vehicle), 12% on foot and 7% by bus;
- (vi) Attendance for dawn prayers (Fajar) in August – September was 2 – 16 attendees;
- (vii) Evening prayers (Afternoon) had 14 – 32 attendees;
- (viii) Their Cardiff membership has ranged between 153 – 172 since 2013;

1.10 A Flood Consequences Assessment (FCA) has been submitted in support of the application which indicates that the site would remain flood free for events up to the 1 in 100 year plus climate change. 1 in 1,000 year defended model outputs illustrate that the site would be at risk to c.0.4 metres flood depth. The FCA concludes that the site is at low risk of fluvial tidal flooding and confirms that there is no history of flooding at the site and that the risks of future flooding events are low. It therefore advises that the development is appropriate for the site, subject to a condition requiring a suitable flood evacuation plan to be provided to ensure users and residents can either evacuate the site safely or have a safe haven for the duration of an extreme flood event.

2. **DESCRIPTION OF SITE**

2.1 The site extends to approximately 0.15 Ha and includes one and two-storey buildings. The applicant commenced the use of the premises in December 2017.

2.2 A railway embankment approximately 5 metres high adjoins the rear site boundary with residential properties further north, approximately 43 metres away.

2.3 The surrounding uses include a primary school, doctor's surgery and pharmacy, children's nursery, and a printing company. A veterinary practice, residential, and other commercial uses are located in the vicinity.

- 2.4 Vehicular access to the site is off Sanatorium Road with courtyard parking. The nearest bus stops are located on Broad Street within 150 metres of the site.
- 2.5 Construction has commenced on the initial phases of approximately 800 houses on the former Arjo Wiggins site to the north east of the application site.
- 2.6 The site is located within Flood Zone C1 on the Development Advice Map.

3. **SITE HISTORY**

- 3.1 16/02821/MJR: Permission granted in December 2017 for the discharge Condition 5 (Cycle Parking), the partial discharge of Condition 6 (Travel/Event Management Plan) and the discharge of Condition 7 (Refuse Storage) of planning permission no. 14/01523/DCO.
- 3.2 16/02196/MJR: Permission refused in March 2017 for change of use, alterations and extensions to form Class D1 (Non-Residential Institutions) Place Worship including two-storey mosque with minaret, dome, attached two-storey Imam's residence and single-storey detached community hall together with parking and associated works for the following reasons:
 - 1. *The application fails to address the vehicular trip generation that is likely occur from the proposed development and therefore fails to demonstrate that the development will not cause unacceptable harm to safe and efficient operation of the local highway network, contrary to the provisions of Policies T6 and C1 (iv) of the Cardiff Local Development Plan (January 2016).*
- 3.3 The applicant appealed to the Planning Inspectorate on 18 September 2017 against the Council's decision to refuse planning permission. A Public Inquiry to hear the appeal had been arranged for 24 – 26 January 2018, however the Planning Inspectorate agreed to hold the appeal in abeyance pending the determination of this application.
- 3.4 15/02643/MJR: Permission refused in February 2016 for change of use, alterations and extensions to form Class D1 (Non-Residential Institutions) Place Worship including two-storey mosque with minaret, dome, attached two-storey Imam's residence and single-storey detached community hall together with parking and associated works for the following reasons:
 - 2. *The application fails to address the vehicular trip generation that is likely occur from the proposed development and therefore fails to demonstrate that the development will not cause unacceptable harm to safe and efficient operation of the local highway network, contrary to the provisions of Policies T6 and C1 (iv) of the Cardiff Local Development Plan (January 2016).*
 - 3. *The proposed dwelling, by reason of its siting and orientation, and provision of an inadequate amount of private amenity space, would result in a poor quality living environment for future occupiers, contrary*

to paragraph 9.1.2 of Planning Policy Wales (8th Edition, 2016), paragraphs 5.11.2 and 5.11.4 of Technical Advice Note 12 and Policy KP5 of the Cardiff Local Development Plan (January 2016).

- 3.5 14/01523/DCO: Permission granted in March 2015 for change of use from Class B1 (Business) to Class D1 (Non-Residential Institutions).
- 3.6 13/01645/DCO: Permission granted in October 2013 for proposed extensions to existing office accommodation.
- 3.7 97/01987/R: Permission granted in December 1987 for pitched roof.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales, Edition 9 (November 2016):

4.1.3 The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development. In carrying out this duty, actions which public bodies must take include:

- *setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals; and*
- *taking all reasonable steps (in exercising its functions) to meet those objectives.*

4.1.4 The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales:

- *A prosperous Wales;*
- *A resilient Wales;*
- *A healthier Wales;*
- *A more equal Wales;*
- *A Wales of cohesive communities;*
- *A Wales of vibrant culture and thriving Welsh language; and*
- *A globally responsible Wales.*

4.2.1 The Planning (Wales) Act 2015 introduced a statutory purpose for the planning system in Wales – any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015. The planning system is therefore necessary and central to achieving the sustainable development of Wales.

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material

considerations indicate otherwise.

4.3.1 *The Well-being of Future Generations (Wales) Act* establishes a 'sustainable development principle' which means that a defined public body must 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. All those involved in the planning system are expected to adhere to (inter alia):

- putting people, and their quality of life now and in the future, at the centre of decision-making;
- taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;
- respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;
- tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and
- taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.

4.4.1 *The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.*

4.4.3 *Planning policies, decisions, and proposals should (inter alia):*

- *Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding*
- *Foster improvements to transport facilities*
- *Foster social inclusion.*
- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*

- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

4.2 Technical Advice Notes (TANs):

- 11 Noise (1997)
- 12 Design (2014)
- 15 Development and Flood Risk (2004)
- 18 Transport (2007)
- 21 Waste (2014)

4.3 Local Development Plan (January 2016):

- KP5 Good Quality and Sustainable Design
- KP8 Sustainable Transport
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP15 Climate Change
- EN10 Water Sensitive Design
- EN13 Air, Noise, Light Pollution and Land Contamination
- EN14 Flood Risk
- T1 Walking and Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- C1 Community Facilities
- C3 Community Safety/Creating Safe Environments
- C6 Health
- W2 Provision for Waste Management Facilities in Development

4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)
Residential Design Guide (January 2017)

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The **Operational Manager, Transportation** makes the following comments:

- (i) The Transport Assessment (TA) has identified that the local road network enjoys a good cycle and pedestrian infrastructure, in terms of footways, access to cycleways, pedestrian crossing facilities (signal controlled, bridges). The site is also well connected to public transport, with bus stops within 150m. There is the opportunity to access the rail system at Ninian Park station (11 minute walk). No personal injury collisions have been recorded on Sanatorium Road (nor at the junction with Broad Street and Heol Terrell) during the last 5 years;
- (ii) There is parking available on-site. The applicant has also undertaken an on-street parking survey (spot count) on 8 September, between 12:30 and 13:45 (during the busiest prayer meeting period). This survey identified 82 available parking places within a 5 minute walk of the site. The council undertook a similar spot count to verify the data and recorded 94 available parking spaces within the same 5 minute walk area.
- (iii) Typically the applicant would expect approximately attendance at prayer meetings to be 16 attendees at dawn (Fajar), 32 attendees at evening (Asar) and 40 – 70 at afternoon (Zuhr);
- (iv) The applicant has undertaken travel surveys to attend prayers at its previous address (St Thomas church community hall) and at its current address (Sanatorium Road). The surveys were undertaken during the Zuhr prayer session. A survey was undertaken (at St Thomas) on 1 September 2017 which falls within the school holidays and a day before Eid. These circumstances meant that greater numbers (including children) of the Cardiff AMA membership attended the meeting. The survey recorded 82 people attended the meeting, and that 86% of the attendees travelled by car, although on average each car was occupied by 2.39 people, equating to 34 cars. 13% of attendees used the bus and 2% walked.
- (v) Further surveys were undertaken (at St Thomas') to review typical attendance on a Friday (Zuhr meeting). The applicant undertook a survey on 8 September 2017 (outside the school holidays). 44 people were recorded attending, of which 82% came by car, with 52% driving (equating to 23 cars). This data was provided as part of the process to discharge a planning condition associated with the application to transfer use of the building. As part of this process the Council undertook an

arrival/departure survey on 24 November 2017 to validate the data recording 38 attendees using 23 cars.

- (vi) Following the transfer of activities to the new mosque in Sanatorium Road in December 2017 the applicant undertook a further travel survey, on 15 December 2017. This survey recorded 38 attendees with 81% arriving by car, at an occupancy of 2.13 people per car, equating to 16 vehicles.
- (vii) The TA provides three scenarios to address the potential for traffic generation at the extended mosque and new community facility:
- (viii) **Scenario 1**, based upon an increase in floor space compared to the original 2014 application and consent to change the use of the building. The TA assumes that floorspace associated with the amended layout (this application) would increase by some 30% (compared with the existing structure). Traffic flows in this scenario are based upon those provided in the original Transport Statement which have subsequently been found to be wanting, although no objection was raised at the time. The council does not consider this scenario to be acceptable.
- (ix) **Scenario 2**, develops vehicle trip generation figures based upon the different uses within the site. To derive the anticipated vehicle movements the Zuhr prayer survey data collected at St Thomas' community hall, Pantbach and the mosque, Sanatorium Road has been applied. The TA indicates that on a typical Friday 16 vehicles (32 trips) and during the summer 24 vehicles (48 trips) would be expected. These traffic movements would not take place during the peak periods of traffic movement.
- (x) TRICs database of UK traffic surveys by land use has been applied to estimate usage of the community hall. Application of the TRICs database indicates that typically the hall would generate 16 vehicle trips a day, with two occurring during the AM and PM peaks.
- (xi) It is anticipated that during the Eid celebrations (marking the beginning and the end of Ramadan) all members of the AMA in Cardiff would attend. Given the religious recommendation to walk to prayers at Eid it is anticipated a greater number would walk than recorded during the travel surveys. It is assumed that all living within 3km of the mosque would walk (equating to 37 attendees). Taking account of the additional walkers and the increased car occupancy rate it is assumed that 32 vehicles (64 trips) would be generated.
- (xii) Application of TRICs for residential dwellings it is anticipated that five vehicles trips would be generated a day to/from the residence.
- (xiii) **Scenario 3**, is scenario 2 with additional traffic growth. This would increase the number of AMA members within Cardiff to 193. Therefore

the number of people driving to the mosque for Eid celebrations would increase to 38 vehicles (72 vehicle trips).

- (xiv) It is worth noting that no consideration has been given to any transfer of attendees to alternative modes of travel generated by the approved travel plan (Condition 6 of permission no. 14/01523/DCO) or the amended travel plan accompanying this application.
- (xv) Having reviewed the data provided in the TA and data provided (and validated) to discharge Condition 6 of permission no. 14/01523/DCO, highways officers have no concerns that the proposed amendments to the mosque on Sanatorium Road would result in excessive traffic (less than 4% of the existing PM peak traffic) and parking demand. As accepted within the permission for the change of use (14/01523), the majority of traffic movements would be expected to take place outside of the peak morning and evening periods.
- (xvi) Analysis of the data demonstrates that the proposed development would not constitute a traffic problem for the local highway network, and that adequate on-street parking would be available within five minutes walking distance of the mosque if required during busy periods.
- (xvii) Regarding the community hall, it is considered extremely unlikely that the community hall would be used by a different group when the mosque was at its busiest, however, in this instance the events could generate 145 cars. These vehicles could be accommodated on-site and parking on-street within a 10 minute walk of the site.
- (xviii) The proposed community hall is also likely to generate additional traffic. The TA has shown that only eight vehicles would be expected to arrive during the day. However, in a worst case scenario, should the hall be occupied to capacity (potentially up to 220 people according to floorspace, rather than the 90 seating spaces illustrated in the site proposal) this could generate up to 129 cars (assuming all attendees arrive by car and there are typically 1.7 people per car, based on the DfT statistics of car occupancy for leisure purposes 2016). It is, however, considered unlikely that all attendees would drive to the hall. If the modal split indicated in the TA is applied (table 5.6 of the TA derived from TEMPRO) then he could anticipate that 31% of attendees would drive to the venue. This would generate some 40/45 vehicles.
- (xix) Typical Friday Zuhr prayers (attracting some 40 people) have been demonstrated to generate some 23 cars (PJA surveys November and December 2017 & CC survey November 2017), which occur outside the background traffic peak hours.
- (xx) The TA (with growth scenario) considers a potential mosque attendance of 193 people during an Eid ceremony. Application of the anticipated modal split (detailed in the TA) would result in 50 vehicles, which could be accommodated within the mosque car park and on-street within an

acceptable distance. These vehicles would be arriving and departing at times outside the background peak hours.

- (xxi) In the unlikely event that the mosque were to be occupied to capacity (applying potential occupancy by floorspace at Men's Prayer room 312 (at 0.5sqm pp) and Women's Prayer room 128 (at 0.5sqm pp)) there could theoretically be a maximum of 440 people in attendance. Application of the same travel patterns as above then some 105 vehicles could be in attendance. These vehicles could be accommodated within the on-site and parking on-street within a 5 minute walk of the site. These vehicles would be arriving and departing at times outside the background peak hours.
- (xxii) There is no transportation objection to the proposal to extend the mosque, provide a community hall facility and a residence for the Iman. He is satisfied that the vehicle trip generation arising from the development can be satisfactorily addressed, subject to relevant conditions.

- 5.2 The **Operational Manager, Environment (Contaminated Land)**, in reviewing available records and the application for the proposed development, notes that the site has been identified as formerly commercial/industrial. Records also indicate the property to be on the site of a former 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. Should there be any importation of soils to develop the garden/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 relevant conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy EN13 of the Cardiff Local Development Plan.
- 5.3 The **Operational Manager, Waste Management**, is content with the amended plans showing refuse storage provision for the Imam's residence. She refers to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information. She also advises that developers of all new residential units are required to purchase the bin provision and these bins have to meet the Council's specifications.
- 5.4 The **Operational Manager, Environment (Air)** has been consulted and any comments received will be reported to Committee.
- 5.5 The **Operational Manager, Environment (Noise)** recommends conditions in the event that planning permission is granted similar to those he recommended for the original application in 2014.

- 5.6 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.7 The Council's **Drainage Officer** has been consulted and any comments received will be reported to Committee.
- 5.8 The **Operational Manager, Building Control**, has been consulted and any comments will be reported to Committee.
- 5.9 The Council's **Ecologist** would not normally ask for a bat survey on these buildings because they are comprised primarily of prefabricated steel and sheet materials which are generally less conducive to roosting bats. For example single-skin corrugated roof sheeting does not have the right thermal properties for bats, in that the roof space gets too hot in summer and too cold in winter. Furthermore, the application is for extensions to these buildings rather than demolition, so the risk of an impact upon any bats present is correspondingly lower. However, there does remain some bat roost potential, and the surrounding habitat is suitable for bats, so he recommends that a bat advisory note is attached to alert the applicant to the fact that there is a small risk that bats may be present.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water (DCWW)** has been consulted and any comments received will be reported to Committee.
- 6.2 The **South Wales Police Design Out Crime Advisor** refers to his previous comments dated 23 February 2016 and 7 October 2017 regarding vehicle parking in the vicinity of the site, particularly during the hours of worship. He has nothing further to add to these original comments. In his comments dated 23 February 2016 he expressed concerns regarding vehicle parking in the vicinity of the proposed site of the Mosque particularly during the hours of worship. He advised that the site is located in an area which is already experiencing parking problems particularly during school hours and opening times for the nearby Lansdowne surgery, pharmacy and veterinary surgery. Nearby commercial units also add to the parking problem. Sanatorium Road may also provide access to the future housing development at the former Arjo Wiggins site which will again add to the problem. He questions whether the site can provide sufficient parking, anticipated visitor numbers, how many will travel by car, and what assurances will be put in place to ensure the parking problem will not worsen. Regarding the proposed buildings and in order to reduce the chances of crime and anti-social behaviour, he recommends certain design principles are adopted by developers including good permeability, high surveillance levels, lighting, enclosures, door and window security, emergency procedures.
- 6.3 **Natural Resources Wales** have been consulted on the application and their comments will be reported to Planning Committee.
- 6.4 **Network Rail** has no objection in principle and makes a number of detailed

comments regarding requirements for the safe operation of the railway and the protection of their adjoining land. These comments include:

- (i) Fencing – Unless already present, the provision and future maintenance of a suitable trespass proof fence (of at least 1.8m in height) adjacent to their boundary. Vegetation on their land must remain undisturbed;
- (ii) Drainage – all surface water should be directed away from their land to the public mains system. Soakaways are not acceptable where excavations could undermine their structural support zone, where there is a risk of accidents, or where works could adversely affect the water table;
- (iii) Site Layout – all buildings should be at least 2m from the boundary fence for maintenance purposes;
- (iv) Excavations/Earthworks – must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary compounds are to be located adjacent to the operational railway these should be included in a method statement for approval;
- (v) Environmental Issues - The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway;
- (vi) Plant, Scaffolding and Cranes – Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.
- (vii) Signalling - The proposal must not interfere with or obscure any signals that may be in the area.
- (viii) Lighting - No lighting is to be directed towards the railway at any time during or after construction and must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.
- (ix) Access Points – Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

7. **REPRESENTATIONS**

7.1 A joint objection from **Councillors S Cunnah, S Elsmore and R Patel** has been received raising concerns on the following matters:

- (i) They write on behalf of local residents to register their continued objections the new planning application;
- (ii) Residents remain concerned about the impact of the increase in traffic volume from both worshippers and visitors to the application site, in what is already a busy area: with two schools in the immediate vicinity – rolls

of 700 at Ysgol Gymraeg Treganna ('Treganna') and 1500 at Fitzalan High School; as well as GP surgery and pharmacy, veterinary surgery, nursery and gym. Taken together with the commercial units located within metres of the application site, which have frequent visitors and deliveries in motor vehicles, means traffic congestion adjacent to and in the vicinity of the site is an issue at all times. We have seen nothing in the Transport Assessment, submitted with the new application (Phil Jones Associates, January 2018), which serves to allay the concerns of residents.

- (iii) Congestion is such that as local members they regularly receive complaints from both local businesses, and Treganna-related from teachers, governors and parents, about current access and the inability to park, and illegal on-street parking amounting to obstruction. Given the proximity of Treganna to the application site, there is a reasonable expectation that at certain times issues of congestion and parking would be exacerbated.
- (iv) Given the new housing development "The Mill" on Sanatorium Road, which will create a completely new housing community with 800 homes within metres of the application site, residents are also concerned that demand on traffic, in terms of volume and congestion, will increase exponentially.
- (v) And, in terms of parking generally, as ward councillors they fully support the residents in their concerns that the application site would add further pressure to parking within the locality, in what is already a heavily oversubscribed area.
- (vi) Equally, they are concerned that as Broad Street/Sanatorium Road are not served by public transport (e.g. buses), and the only means of accessing the site would be on foot or by car, the already concerning levels of pollution impacting the air quality of the immediate vicinity would deteriorate even further.

7.2 A letter of concern has been received from **Kevin Brennan MP and Mark Drakeford AM** who ask Committee members to take the concerns of their constituents full into account when considering this application. They have been made aware of concerns relating to the increase in traffic and the resulting impact on the area, which already supports a number of businesses and schools. There are also concerns relating to the development of The Mill, which will create approximately 800 houses, leading to a further increase in traffic and further congestion.

7.3 A **petition** of over 500 signatures has been received objecting to the development for the following reasons:

- (i) Current levels of traffic and congestion are excessive causing parking problems;
- (ii) Not in keeping with the area;
- (iii) Queries why a large facility is needed for a small faith community;
- (iv) Queries why a minaret is required if there is no call to prayer;
- (v) The applicant has recently purchased the adjacent building;
- (vi) Building will be more than just a place of worship;

- (vii) Revised Travel Management Plan will soon be obsolete;
- (viii) Ely Mill development has not been factored into the application;
- (ix) Imminent closure of Wedal Road will increase traffic to Bessemer Road;
- (x) Mill development will have its own community hub;
- (xi) Cardiff City's possible promotion will increase traffic, together with a possible new Blues stadium at Leckwith.

7.4 Approximately **58 no. objections** have been received from residents of Lansdowne Avenue West, Lansdowne Avenue East, Wembley Road, Verallo Drive, Flindo Crescent, Broad Street, Broadstairs Road, Broadhaven, Heol Terrell, Clos Halket, and Sanatorium Road. The grounds for objection are summarised as follows:

- (i) Traffic volume and congestion will increase, particularly at peak times, exacerbating existing parking and access problems;
- (ii) The Mill housing development will add to traffic problems;
- (iii) Resulting concerns regarding pedestrian safety;
- (iv) There is very little public transport and no bus service on Sanatorium Road so mosque users will drive;
- (v) Nearby uses include a school, doctor's surgery and business which all generate traffic;
- (vi) Noise impact through day and night;
- (vii) Anti-social behaviour occurs in the locality;
- (viii) There are sufficient mosques in the City already;
- (ix) The building is already being used for prayers from 6am to late night;
- (x) Tenants are living above the building;
- (xi) The junction improvements to Sanatorium Road/Broad Street have not improved traffic flows;
- (xii) The application has not satisfied criterion (ii), (iii) and (iv) of LDP Policy C1 (Community Facilities);
- (xiii) Scale of proposed development is excessive;
- (xiv) Local places of worship with high structures shown in the application were built without planning controls;
- (xv) Loss of peace and amenity;
- (xvi) Hours of prayer would disturb sleep;
- (xvii) Frustration that previous objections and petitions have counted for nothing;
- (xviii) Recent refusal of permission for a place of worship on Cowbridge Road East in October 2017 (Winner's Chapel International) had the same reasons for refusal;
- (xix) Recent permission for the former Sacred Heart Church in Grangetown has led to closures of places of worship;
- (xx) The area is overdeveloped;
- (xxi) The new Transport Assessment (TA) contains inaccuracies suggesting parking is available on-street in Heol Terrel and its associated spurs. The suggested capacity of 45 spaces is unfounded.
- (xxii) The TA should promote active travel principles more explicitly;
- (xxiii) Increased air pollution;
- (xxiv) Detrimental impact upon safety for vulnerable groups;
- (xxv) The site is in an industrial area;

(xxvi) There is little change from the previous application.

7.5 One unaddressed general comment has been received which states that previous proposals did not include a call to prayer. This would have a noise pollution impact in the local community. They seek guarantees that their peace and quiet will not be adversely affected.

7.6 4 no. representations in **support** of the application have been received from residents of Woolaston Avenue (Lakeside) and Chapel Wood (Llanedeyrn) who make the following points:

- (i) The applicants need a mosque for their activities;
- (ii) They will ensure their neighbours are not disturbed;
- (iii) The neighbours will benefit greatly from the mosque;
- (iv) Members of the Local Council should stop further agitating residents;
- (v) A change of use has already been granted;
- (vi) The previous occupier would have generated more noise;
- (vii) Objections are based on a lack of information;
- (viii) The football stadium will cause greater congestion and more noise;
- (ix) There is on-site parking which meets the Council's parking criteria;
- (x) The applicants should be able to have a mosque in a society that preaches tolerance and open-mindedness;
- (xi) The applicants are not welcome in other mosques.

8. **ANALYSIS**

8.1 The key issues for the consideration of this application are the design and appearance of the proposed alterations, extensions and Imam's residence, transportation considerations, residential amenity and flood risk.

Principle of Development

8.2 The principle of a place of worship occupying the site has been established through the granting of permission in March 2015 for the change of use of the former business premises occupied by Ian Williams Ltd. The applicant successfully discharged their pre-commencement conditions and occupied the premises in December 2017.

Design and Appearance

8.3 In respect of the alterations to the Mosque building fronting onto Sanatorium Road, the alterations and extensions are considered to be satisfactory. The proposed scale and height is considered to be acceptable, mindful of the scale and height of surrounding buildings. The existing building appearance reflects its previous as a business premises and the introduction of appropriate external finishes, fenestration design, and dentil course is considered to improve the appearance and enhance this section of Sanatorium Road.

8.4 The dome, which has a maximum height of approximately 13 metres, and the minaret, which would be approximately 18 metres in height, are considered to

be satisfactory in design terms, being typical features for the intended use. Both features will be prominent in the street scene and would also be visible from the upper floors of residential properties on Lansdowne Avenue West, north of the site beyond the railway line.

- 8.5 The proposed Imam's residence has a frontage onto Sanatorium Road with a private amenity space of approximately 57 square metres. This arrangement is considered to be consistent with policies and guidance for new residential development. The finished appearance of the dwelling is considered to be acceptable.
- 8.6 The design and appearance of the Community Hall is considered to be acceptable.

Transportation Considerations

- 8.7 The Operational Manager, Transportation, has considered the Transport Assessment (TA) and the Travel/Event Management Plan submitted with the application and his comments are summarised in full in paragraph 5.1. The submitted TA contains results of recent attendance surveys and travel patterns which have not been submitted with previous applications. Surveys of on-street parking options within the vicinity of the site have also been undertaken.
- 8.8 Having reviewed the data provided in the TA and data provided (and validated) to discharge Condition 6 (Travel Plan) of permission no. 14/01523/DCO, highways officers do not consider that the proposed amendments to the mosque would result in excessive traffic (less than 4% of the existing PM peak traffic) and parking demand. As accepted within the permission for the change of use in March 2015, the majority of traffic movements would be expected to take place outside of the peak morning and evening periods.
- 8.9 Analysis of the data demonstrates that the proposed development would not constitute a traffic problem for the local highway network, and that adequate on-street parking would be available within five minutes walking distance of the mosque if required during busy periods. Regarding the community hall, it is considered extremely unlikely that the community hall would be used by a different group when the mosque was at its busiest, however, in this instance the events could generate 145 cars. These vehicles could be accommodated on-site and parking on-street within a 10 minute walk of the site.
- 8.10 The proposed community hall is also likely to generate additional traffic. The TA has shown that only eight vehicles would be expected to arrive during the day. However, in a worst case scenario, should the hall be occupied to capacity (potentially up to 220 people according to floorspace, rather than the 90 seating spaces illustrated in the site proposal) this could generate up to 129 cars (assuming all attendees arrive by car and there are typically 1.7 people per car, based on the DfT statistics of car occupancy for leisure purposes 2016). It is, however, considered unlikely that all attendees would drive to the hall. If the modal split indicated in the TA is applied (table 5.6 of the TA derived from

TEMPRO) then he could anticipate that 31% of attendees would drive to the venue. This would generate some 40/45 vehicles.

- 8.11 Typical Friday Zuhr prayers (attracting some 40 people) have been demonstrated to generate some 23 cars (PJA surveys November and December 2017 & CC survey November 2017), which occur outside the background traffic peak hours.
- 8.12 The TA (with growth scenario) considers a potential mosque attendance of 193 people during an Eid ceremony. Application of the anticipated modal split (detailed in the TA) would result in 50 vehicles, which could be accommodated within the mosque car park and on-street within an acceptable distance. These vehicles would be arriving and departing at times outside the background peak hours.
- 8.13 In the unlikely event that the mosque were to be occupied to capacity (applying potential occupancy by floorspace at Men's Prayer room 312 (at 0.5sqm pp) and Women's Prayer room 128 (at 0.5sqm pp)) there could theoretically be a maximum of 440 people in attendance. Application of the same travel patterns as above then some 105 vehicles could be in attendance. These vehicles could be accommodated within the on-site and parking on-street within a 5 minute walk of the site. These vehicles would be arriving and departing at times outside the background peak hours.
- 8.14 The Operational Manager, Transportation, is satisfied that the vehicle trip generation arising from the development can be satisfactorily addressed, subject to relevant conditions.
- 8.15 In responding to third party objections regarding on-street parking he advises:
 - (i) The availability of parking shown in Figure 3-2 in the Transport Statement (TS) is illustrative. Given the mix of potential availability in Heol Terrell and adjoining roads it would not be possible to indicate where parking could not be accepted (such as across driveways) given the scale of the plan. It is easier to indicate that parking could only be accepted along one side of Lansdowne Avenue. If both sides were parked then access along the road could be compromised. Parking behaviour within Heol Terrell group of roads appears to be less regimented with vehicles using different sides of the road depending upon local convenience. In total council staff identified some 80 potential on-street parking places (excluding locations where footway parking is necessitated to maintain traffic flow) within the Heol Terrell group of roads, with 43 identified on Heol Terrell (including Norrell Close & Clos Gedrych).
 - (ii) The detail of available on-street parking identified during a spot-survey (when each road is counted once) will undoubtedly lead to variation from count to count. The council undertook a similar spot-count of available parking space on a Friday, to verify the statement within the TS) following the official transfer of prayers from St Thomas' church to

the Sanatorium Road site. The council's spot-survey identified 94 potential parking spaces within the same 5 minute walk area of the mosque. When the council counted available spaces fewer than 34 spaces were identified within the Heol Terrell group of roads, but more elsewhere.

- (iii) A further count was undertaken on 16 February 2018 which identified 79 spaces overall (within the identified 5 minute walk) and 36 within the Heol Terrell group of roads.
- (iv) The current travel to site data does indicate that in excess of 80% of mosque attendees (at both St Thomas' Church and the Sanatorium Road mosque) arrive by car. It should however be noted that each car carries at least two people, so fewer than half the people arriving by car are car drivers, they are in effect car sharing. Surveys undertaken by the transport consultants and the council at St Thomas' church noted some 40 to 44 attendees on a Friday, despite 82% to 86% arriving by car, 21 cars were used on each occasion. A similar survey undertaken since the relocation to Sanatorium Road recorded 16 cars bringing 81% of the 42 attendees.
- (v) Part of the planning consent allowing the conversion of the offices to a mosque required an approved Travel Plan to be introduced. The Travel Plan is to encourage alternative modes of transport to be used (such as public transport, walking & cycling). The Travel Plan was approved by the Local Planning Authority in December 2017, prior to the mosque becoming operational and prayers being transferred from St Thomas' church hall later that month. There are measures within the agreed Travel Plan aiming to achieve annual modal shift targets from private car to other modes of transport.

Residential Amenity

- 8.16 LDP Policy C1 encourages proposals for new religious facilities, subject to five criteria, of which number (ii) places a requirement on such developments not unduly prejudicing the amenities of neighbouring and nearby residential occupiers. It is noted that the neighbouring occupiers include a school, a doctor's surgery and pharmacy, a child day care facility and a printing company. The nearest residential properties are located immediately north of the application site on Lansdowne Avenue West beyond the railway embankment (approximately 5 metres high) and further away to the east (Broad Street) and southeast (Heol Terrell).
- 8.17 It is considered that the amenities of the existing residential properties in the vicinity of the application site can be adequately safeguarded through relevant conditions restricting the hours of use of both the Mosque and the Community Hall and preventing any amplified call to prayer from the minaret.
- 8.18 It is not considered that the proposed development would result in an adverse loss of light for neighbouring properties.

Flood Risk

- 8.19 Flood mapping data held by Natural Resources Wales (NRW) indicates that the site would remain flood free for events up to the 1 in 100 year plus climate change. 1 in 1,000 year defended model outputs illustrate that the site would be at risk to c.0.4 metres flood depth. The Flood Consequences Assessment (FCA) concludes that the site is at low risk of fluvial tidal flooding. The FCA also confirms that there is no history of flooding at the site and the risks of future flooding events are low. The FCA therefore concludes that the development is appropriate for the site, subject to a condition requiring a suitable flood plan to be provided to ensure users and residents can either evacuate the site safely or have a safe haven for the duration of an extreme flood event.
- 8.20 It is considered that the risks and consequences of flooding can be managed in accordance with TAN15 subject to a relevant condition requiring an evacuation plan as advised in the FCA.

Third Party Representations

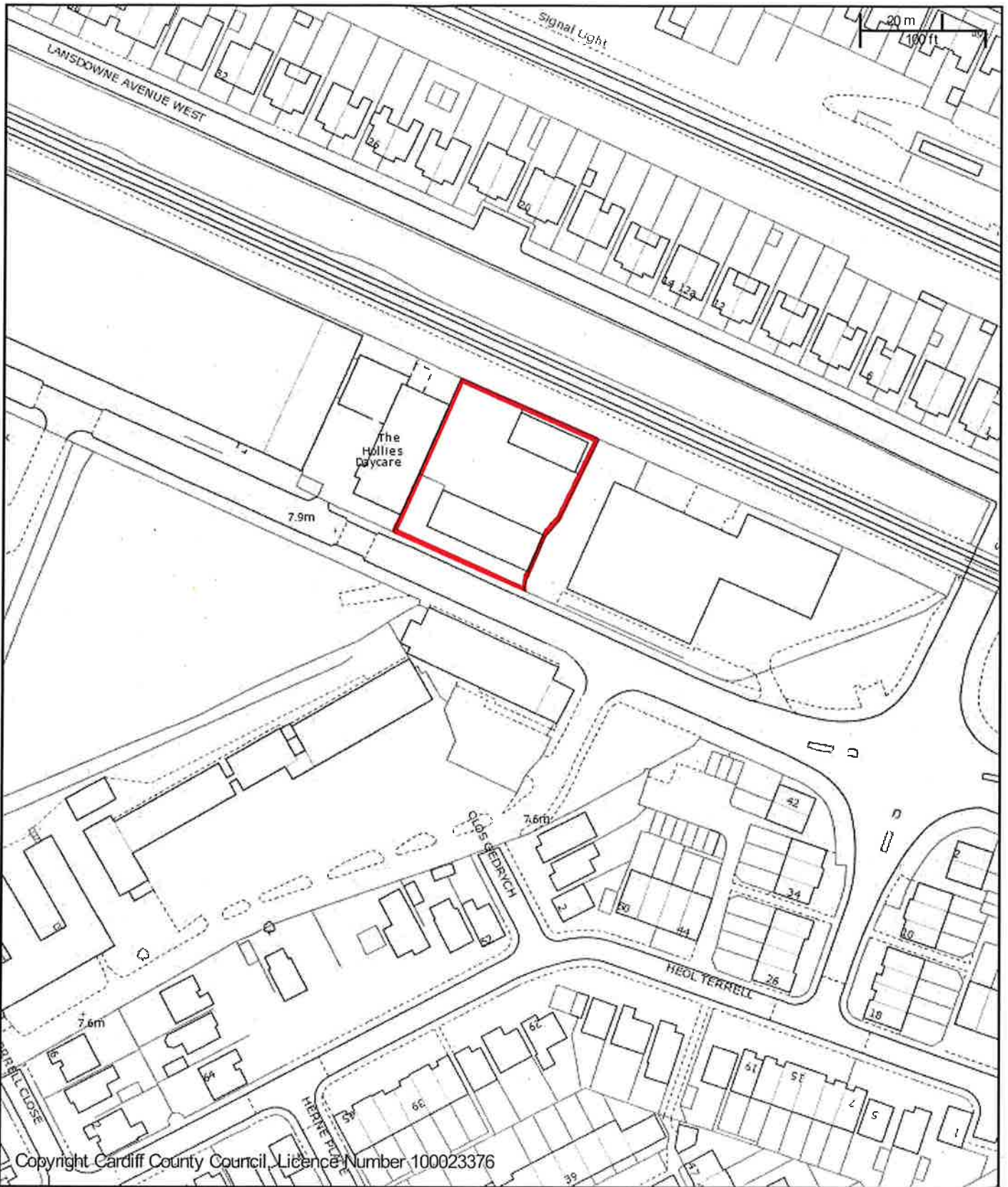
- 8.21 In respect of the third party representations which have not already been addressed in this report:
- (i) It is noted that 'The Mill' development will result in an increase of traffic along Sanatorium Road and this is been considered during the consideration of the impacts of the application. However, ultimately, each application must be determined on its own merits;
 - (ii) Regardless of the scale and design of the development, each application must be determined on its own merits;
 - (iii) Public transport is located in close proximity to the application site (i.e. within 150 metres);
 - (iv) It is considered that conditions could adequately control the noise impact of the development;
 - (v) Increase activity and natural surveillance on Sanatorium Road may assist in reducing incidents of anti-social behaviour;
 - (vi) The applicant is seeking permission to create its own premises. Due to doctrinal differences, the applicant states that they cannot worship in other mosques;
 - (vii) All representations received under previous applications have been considered prior to the determination of the application;
 - (viii) Other recent planning decisions in the locality are noted however each application is unique and generates site specific issues therefore each application must be determined on its own planning merits;
 - (ix) Whilst the area does have an industrial/business history of uses, more recently a number of developments have brought a change to the area, which is now largely residential and mixed use in nature;
 - (x) It is not considered that the approval of permission would result in increased levels of pollution from traffic emissions within the locality or within the established Air Quality Management Area (AQMA) of Ely Bridge, which is located two miles west of the proposed site.

Other Considerations

- 8.22 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. The applicant has been reminded of practical ways in which the development can be designed to reduce opportunities for crime, disorder and anti-social behaviour (see paragraph 6.2).
- 8.23 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.
- 8.24 Section 3 of the **Well-Being of Future Generations Act 2016** 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.

Conclusion

- 8.25 In conclusion, the application has demonstrated to officers' satisfaction, that the development will not cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks. It is therefore considered to be compliant with LDP Policy T6 (Impact on Transport Networks and Services).
- 8.26 The application is also considered to be compliant with the 5 criterion of LDP Policy C1 (Community Facilities), in that the site is readily accessible to non-car modes, the amenities of neighbouring occupiers can be satisfactorily protected through conditions, the development would not detract from the character and appearance of the area, it would not generate unacceptable parking or traffic problems and the facility can accommodate community uses in addition to its primary use.
- 8.27 It is recommended that planning permission be granted, subject to relevant conditions.



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Title
Scale: 1:1250
Date: 6/3/2018 at 9:30 AM
Coordinates
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Ordnance Survey 100023376 (2014).

Existing Post and wire Steel boundary fence

Proposed Community Hall

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PL2
 Proposed secure bin store

Proposed Concrete kerbing along parking area.

Proposed Amenity area for Imam Residence. Proposed Concrete block paved

Proposed tarmac car park area.

Proposed Minaret

Proposed Paved Path
 Proposed 600mm high wall with Close boarded timber fencing between pillars, with access gate

Proposed Steel Pallisade replacement boundary fence

Proposed Imam Residence

Proposed Dome

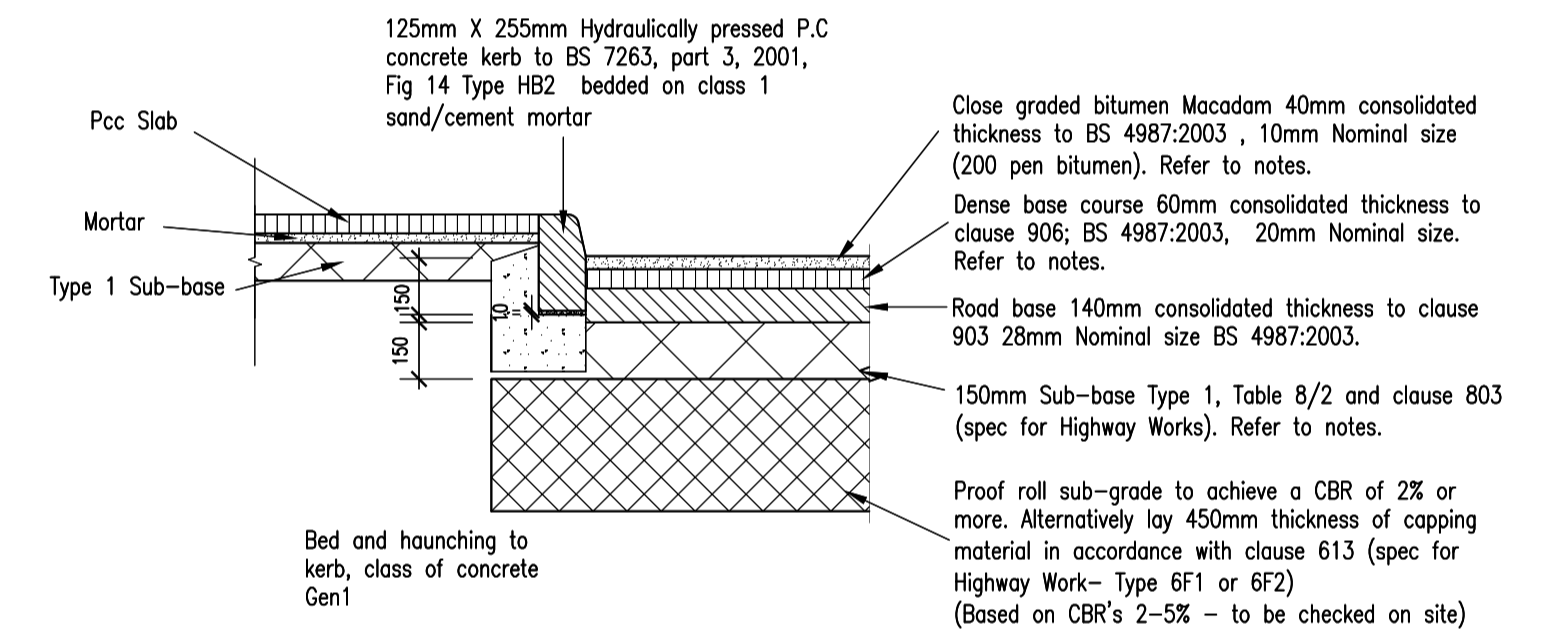
PL2
 Proposed secure bin store for Imam residence.

Proposed Imam Residence car parking spaces

Proposed 600mm high raised planters

Proposed 600mm high raised planters

Sanatorium Road



LIGHT VEHICLE AREA / CAR PARKING
 MACADAM ROAD CONSTRUCTION

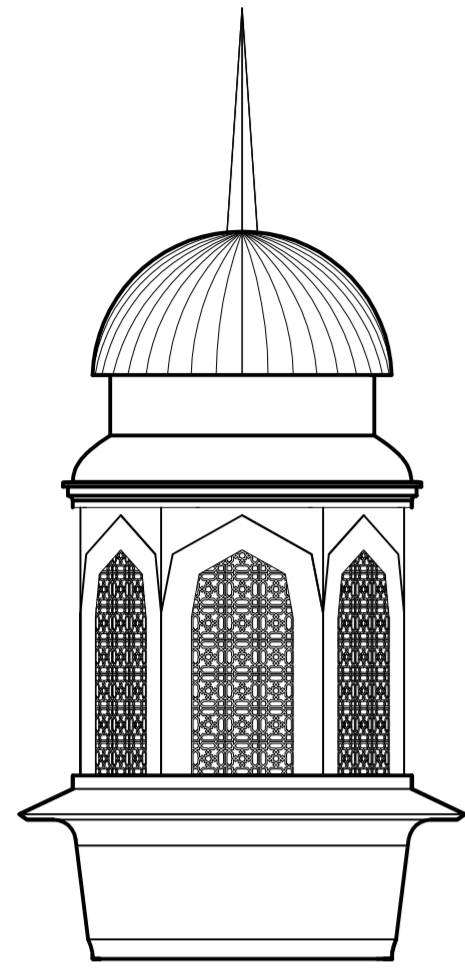
PL2 Bin Stores Shown.	18/01/18
PL1 Imam's Amenity space boundary wall amended	22/12/17
REV. DESCRIPTION	DATE

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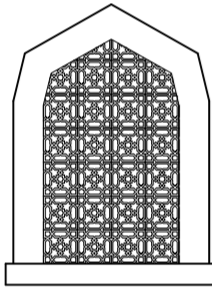
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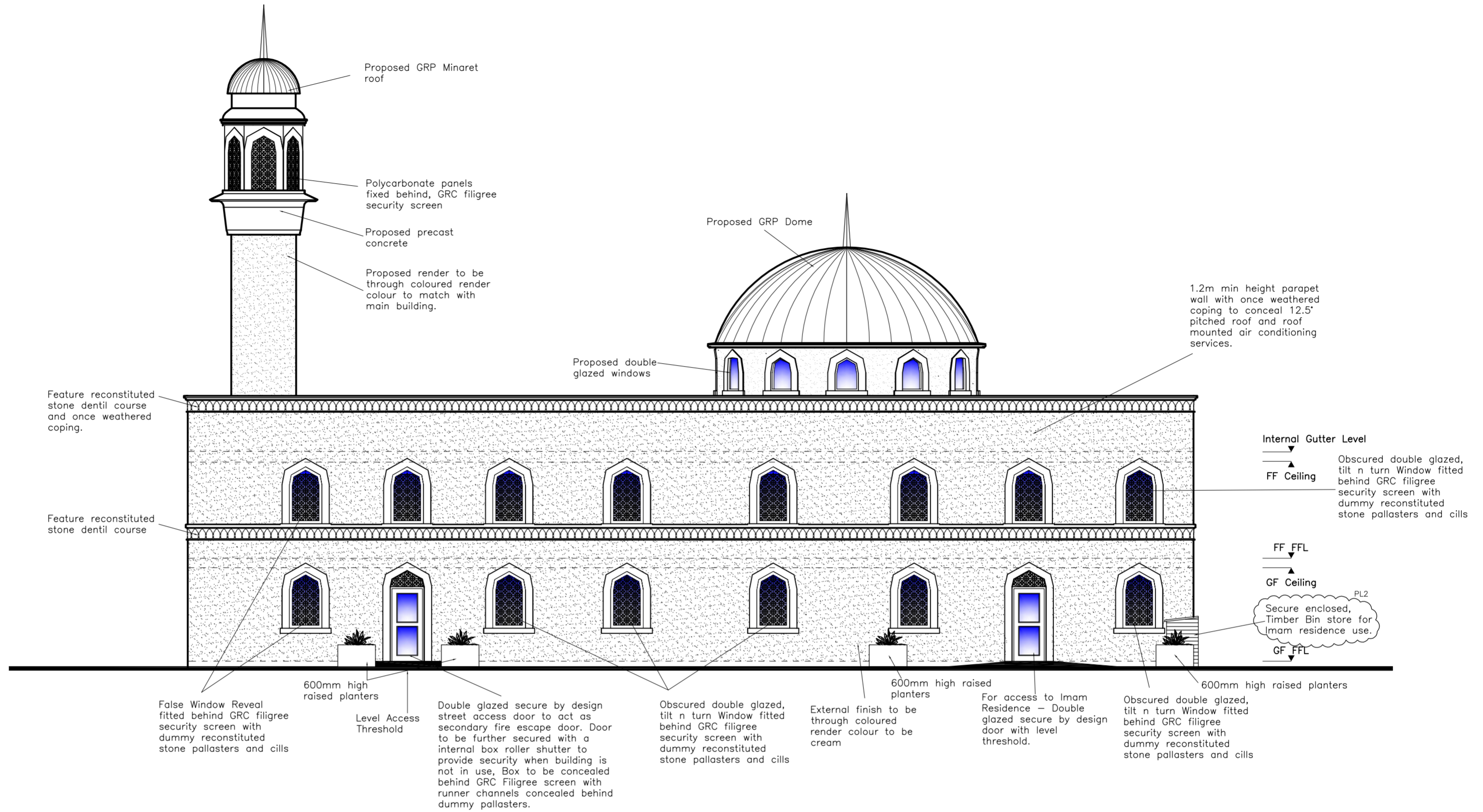
CLIENT Ahmadiyya Muslim Association UK	
PROJECT TITLE The Cardiff Mosque at Sanatorium Road, Cardiff.	
DRAWING TITLE Proposed Site Layout & Hard Landscaped Plan	
SCALE 1/20, 1/100 @ A1	
DRAWN BY SBH	PROJECT - DRAWING NO. 15-008-201
DATE JUNE 2016	REV. PL2
FILE	



Enlarged view of Minaret



Detail of window GRC Filigree



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Client
Ahmadiyya Muslim Association UK

Revision	Date
PL1	22/12/17
PL2	18/01/18

Project Title
The Cardiff Mosque at Sanatorium Road Cardiff

Drawing Title
Proposed Front Elevation As viewed from Sanatorium Road

Office of Origin VALLEYS OFFICE	Status PLANNING
Drawn By SBH	Date June 2016
Scale 1/50, 1/100 @A2	File Option 6
Project No. 15-008	Drawing No. 205
Revision PL2	