

LOCAL MEMBER OBJECTION & OBJECTION PETITION

COMMITTEE DATE: 17/07/2019

APPLICATION No. **19/01238/MNR**

DATE RECEIVED: 17/04/2019

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: S A Brain and Company Limited

LOCATION: THREE ARCHES, HEATHWOOD ROAD, CYNCOED, CARDIFF. CF14 4HS

PROPOSAL: ERECTION OF CHILDREN'S PLAY AREA, EXTENSION TO EXISTING PAVED SEATING AREA AND OUTSIDE BAR AREA WITHIN THE PUBLIC HOUSE AMENITY GROUNDS

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:
 - P4 RevE (Proposed Site Plan)
 - P5 (Proposed Detail – Exterior Fixed Seating)
 - P6 (Proposed Exterior Bar Detail)
 - The Three Arches Supporting Statement: Boyer (Received 05.07.19)
 - PCM201100 (Materials Details of Climbing Frame)
 - Arboriculture Impact Assessment and Method Statement v. 1.1
 - CT_5435.19 TPP Rev 1.1 (Tree Protection Plan)

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. No member of the public shall be admitted to or allowed to remain at the play area between the hours of 20:00hrs and 10:00hrs 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.
4. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological contact of the development, have been submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with the Lead Local

Flood Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is commenced. The scheme to be submitted shall:

- a. Undertake infiltration testing in accordance with BRE365 guidance. Testing is to be completed and results submitted to demonstrate (or otherwise) the use of infiltration SuDS;
- b. Demonstrate that the surface water drainage system(s) are designed in accordance with CRIRA C753;
- c. Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system and outfall arrangements. Calculations should demonstrate the performance of the drainage system for a range of return periods and duration inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus 30% allowance for climate change return periods;
- d. Demonstrate the proposed allowance for exceedance flow and associated overland flow routing;
- e. Provide information about the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

Reason: To ensure disposal of surface water via possible sustainable means, in accordance with Policy EN10 of the Cardiff Local Development Plan 2006-2026.

5. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. A timetable for its implementation;
- ii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure disposal of surface water via possible sustainable means, in accordance with Policy EN10 of the Cardiff Local Development Plan 2006-2026.

6. No development shall take place until such time as a proportionate groundwater assessment, including for long term seasonal monitoring, has been undertaken for long term seasonal monitoring, has been undertaken to identify the likely risk of groundwater flooding. Where groundwater is identified, a scheme to manage and mitigate the risk associated with flooding from this source should be submitted to and approved in writing by the LPA in consultation with the LLFA.

Reason: To ensure disposal of surface water via possible sustainable means, in accordance with Policy EN10 of the Cardiff Local Development Plan 2006-2026.

7. The works shall be carried out in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
Reason: To ensure that the surrounding trees are not damaged or removed without prior consent and mitigation, in the interests of amenity in accordance with Policies KP16 and EN8 of the Cardiff Local Development Plan 2006-2026.
8. Details shall be submitted for any security screen details proposed to prevent access to external bar when it is not operating.
Reason: In the interests of visual amenity of the area and in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

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) 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 : This development falls within an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations 2000. Should you have any queries in this matter I would suggest you consult with my Building Control Division.

RECOMMENDATION 5: On the 7th January 2019 Schedule 3 of the Flood and Water Management Act 2010 was enacted. This effects all new

developments where the construction area is of 100m² or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process.

It is recommended that the developer engage in consultation with the Cardiff

Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Cardiff Council are aware that this is new legislation and as such we are offering a free pre-application service for the first year. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

In the meantime if you require further information please review our website: <https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval/body/>

Or, alternatively you can review the legislation set by Welsh Government here:

<https://gweddi.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

RECOMMENDATION 6: This application does not approve any proposed sign amendments. For the avoidance of doubt.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for alterations to the existing outdoor space positioned to the south and west of the Three Arches Public House located on Heathwood Road. The alterations include the provision of an external / outdoor bar area, the addition of some fixed seats to the outdoor seating / dining space with associated structures and the erection of a play area.
- 1.2 The proposed external bar area is to be located under an existing covered pergola to the south / south west of the building. The bar is to be located to the rear of the pergola; the existing structure is to be extended by approx. 1.6m off the existing western side elevation of the building. The extended area will include the provision of two up-right glass drinks fridges (with external perforated security roller shutters). The western side elevation of the extended bar and pergola area will form part of the eastern side boundary of the play area. A wall approx. 1.2m high is to run along this part of the boundary (approx. 3.7m long). Additional paving slabs will be laid in this area.
- 1.3 To the southern elevation of the existing pergola area three metal arch loop structures are proposed. These are to measure approx. 2.05m high, 2.27m wide and 0.25m deep. Two of the loops will frame external high level seating tables and chairs (8 covers in total) and one loop will create a featured access into the existing pergola area and new outdoor bar space. The loops are to be set back from the front boundary of the site by approx. 5.1m. The loops will have solar powered decorative lighting lanterns hanging from the tops.

- 1.4 To the west to the existing pergola area and to the south of the proposed play area a replacement patio and seating area is proposed. The western boundary of this space is to have a fence approx. 1.83m high. In front of this will be fixed bench seating and high level planting. Approx. 10 covers will be created through the fixed seating in this location. The rear northern boundary of the seating area will form the southern boundary of the play area. The boundary detailing is to be an approx. 0.95m high reclaimed railway sleeper fencing. Along the top of this are proposed to be solar powered decorative lighting lanterns. In addition to the fixed bench seating 48 covers are proposed in the patio area, through tables and chairs that are not proposed to be fixed to the ground.
- 1.5 The proposed play area includes a climbing frame with two tower structures and slides and associated climbing equipment. The proposed climbing frame measures approx. 3m high to the highest ridge and will have an overall area of approx. 3.3m wide and 5.2m long. Low level wooden posts are to be located in the northern corner of the play area and a chalk board approx. 2.1m wide and a maximum of 1.5m high is to be located on the western boundary of the play area. The finished surface area is to be woodchip safety surfacing laid on a geotextile layer. A 1.83m high louvre fence is proposed around the northern, western, part eastern and part southern rectangular perimeter of the play area (approx. 9.75m wide and 9.75m long). The play area is proposed to be located within the existing garden area; to the west of the site. It is accessed from within the site and adjacent to the south-western side elevation of the existing building. The play area is to be set back from the front elevation of the site by approx. 9.0m. The access to the play area is from the south-eastern boundary of the proposed perimeter fence; adjacent to the existing pergola area.
- 1.6 A tree assessment of the trees which may be affected by the proposed development and associated activities has been submitted. Included with this is an Arboricultural Method Statement and Tree Protection Plan detailing the mitigation measures to be undertaken during construction.
- 1.7 An amended plan has been received that removed the proposed tubular bongos / sound bars. The supporting statement has also been updated in this regard.

2. **DESCRIPTION OF SITE**

- 2.1 The application site is an existing public house located within a residential area of Cardiff, located on the junction of Heathwood Road and Three Arches Avenue. No residential gardens directly adjoin the boundary of the application site. The closest residential property to the proposed works is 286 Heathwood Road. The property is located on the opposite side of Heathwood Road to the application site. From the southern boundary of the Three Arches Public House, it is approx. 17m to the front boundary, approx. 24m to the front elevation and approx. 42m to the rear garden of No. 286. The existing public house comprises a part two storey/part single storey building set back from the footway which runs along the northern side of Heathwood Road. A covered

pergola seating area is located in front of the western part of the front elevation of the building. The front and eastern boundaries are enclosed by a low wall, to the rear of which there is a narrow strip of landscaping containing several trees. The remainder of the area to the front and side of the building is hard surfaced.

- 2.2 The Three Arches Public House is located on unallocated white land as defined in the Local Development Plan, 2006-2026. The west of the site is bounded by the Rhymney Valley railway line, located on an elevated embankment. To the northern boundary is a British Telecoms (BT) exchange building. A garage / petrol station is also located opposite the south western boundary of the application site. The eastern and southern boundaries are adjacent to highways, Three Arches Avenue and Heathwood Road, respectively. Vehicular access to the car park at the rear of the public house is obtained from Three Arches Avenue. There are retail shops, a Church and library at the junction with Heathwood Road and Fidas Road, approx. 110m to the east of the site.
- 2.3 There are a number of trees located within the application site, some of which are the subject of Tree Preservation Orders. The site is located within Flood Zone B. The application site is not situated within a Conservation Area and no Listed Buildings would be affected by the proposed works.

3. **SITE HISTORY**

- 3.1 There are a number of historical planning applications for the site. The most recent of which is for a children's play area, approved in 2018 (Planning Application number 18/00926/MNR). The play area proposed within this application is smaller than previously approved. It is set approx. 4m further back from the front boundary of the site than the approved.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 10 (December 2018):

1.11 The Well-being and Future Generations Act places a duty on public bodies to carry out sustainable development. This is not a new concept for the planning system as the principles of sustainable development have been at the heart of the planning system since PPW was first published in 2002.

1.15 The planning system is central to achieving sustainable development within Wales. It provides the legislative framework to manage the use and development of land in the public interest so that it contributes positively to the achievement of the well-being goals.

1.19 In taking planning decisions the planning authority must clearly state the reasons for the decision.

2.5 The planning system is the key mechanism for delivering sustainable places. It provides a critical mechanism where opportunities for the long term

benefit and integrated decision making meet, allowing preventative and proactive solutions to be found.

2.21 Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

3.3 Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used... and its relationship with the surroundings area

3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

4.3.41 Local and village shops and public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations.

6.7.1 Clean air and an appropriate soundscape contribute to a positive experience of place...They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system. Conversely air, noise and light pollution can have negative effects on people...and should be reduced as far as possible.

6.7.3 Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance...Lower levels of noise, however can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

4.2 Relevant National Planning Guidance:

Planning Policy Wales (Edition 10, 2018)

Planning Policy Wales TAN 11: Noise (1997)

Planning Policy Wales TAN 12: Design (2017)

Planning Policy Wales TAN15: Development and Flood Risk (2004)

Planning Policy Wales TAN 18: Transport (2007)

Planning Policy Wales TAN 21: Waste (2014)

Development Management Manual

4.3 Relevant Cardiff Local Development Plan Policies:

Policy KP5: Good Quality and Sustainable Design
Policy KP 12: Waste
Policy KP16: Green Infrastructure
Policy EN8: Trees, Woodlands and Hedgerows
Policy EN10: Water Sensitive Design
Policy EN13: Air, Noise, Light Pollution and Land Contamination
Policy EN14: Flood Risk
Policy T5: Managing Transport Impacts
Policy R8: Food and Drink Uses
Policy C3: Community Safety / Creating Safe Environments
Policy W2: Provision for Waste Management Facilities in Development

4.4 Relevant Supplementary Planning Guidance:

Food, Drink and Leisure Uses (November 2017)
Green Infrastructure SPG & Technical Guidance Notes (November 2017)
Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
Waste Collection and Storage Facilities (October 2016)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The **Operational Manager, Transportation**, understands the local concerns surrounding parking, however, the proposal states there is no loss of parking on-site nor any new amendments to the highway. There are also double yellow lines on Heathwood Road, by the public house which also offers junction protection at Heathwood Rd/Three Arches Avenue. Therefore an objection on parking grounds would be unsustainable and if there were any anti-social parking on the double yellow lines then Civil Enforcement Officers can issue fixed penalty notices.
- 5.2 The **Operational Manager, Waste Management**, notes the proposed works have the potential to increase the number of customers using the outside area and so may lead to an increase in the production of waste. This should be reflected in an increase in refuse storage capacity or an increase in the frequency of refuse collections.
- 5.3 The **Operational Manager, Drainage**, notes that limited detail has been submitted in regard to drainage proposals and consequently it is difficult to assess the potential impact of the proposed development in respect of flood risk management matters. We would expect as a minimum a drainage strategy advising how they propose to disperse of the surface water from the site I note that in the application form they wish to dispose of their surface water via a soakaway however have not submitted any infiltration testing in accordance with BRE365.

I recommend that a decision is deferred until all relevant details are provided; however if the local planning authority are minded to grant planning permission I would recommend the three standard drainage conditions (Sustainable drainage testing, sustainable drainage scheme and groundwater assessment). In addition an advisory note is requested reminding the applicant of the possible requirement to obtain SAB approval.

5.4 The **Operational Manager, Pollution Control**, these comments have not yet been received and will be reported at committee.

5.5 The **Operational Manager, Licensing**, has confirmed that a licence has been issued with a number of management conditions included. These conditions have been imposed following discussions with the Police and the applicant.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **Network Rail**, has no objection in principle to the proposal but gives comments in regard to fencing and the use of it as part of the safe operation of the railway and the protection of network rails adjoining land. The comments suggest a trespass proof boundary fence be provided adjacent to Network Rails boundary.

6.2 **Police Licensing Officer**, no comments have been received.

7. **REPRESENTATIONS**

7.1 Two letters of objection have been received from Local Members; one each from Councillor Molik and Councillor Kelloway. The objections are for the following reasons:

- A) Further noise and light pollution in a residential area that will cause disruption within the neighbourhood; concern the incremental increases in development at the site such as the expansion of the beer garden and live music events have increased noise, anti-social behaviour, pollution, littering and decline in road safety. The proposed development will result in an over-development of the site and have a detrimental impact on residents and the surrounding area
- B) Additional traffic will be attracted onto an already busy highway and neighbourhood; concern the proposed works will increase traffic and problems with parking as the works reduce the existing car-parking
- C) Concerns regarding an outside bar area in a residential area; this will create an incongruous element in the local street scene both from a visual amenity and neighbouring amenity perspective
- D) The proposed scheme will attract disruption and criminal activities
- E) Safeguarding of children is going to be an issue along with safety concerns of children playing close to a busy road; concern the pub is located on a narrow residential street, close to a roundabout within close proximity of Heath Stations and local schools. On busy days the car-park cannot cope and customers park, often dangerously, on the

road and cause inconvenience to local residents. Additional cars will further potentially impact on child safety

- F) Concern there are some inaccuracies within the application documents for example it states that the nearest residential properties are 25 metres away whereas the closest are some 15 metres away.

7.2 A valid petition of over 50 signatures (the petition has been signed by 69 signatories, of which 64 appear to be Cardiff electorates) has been received objecting to the application. The grounds for the petition are as follows:

- A) Overdevelopment of an existing overdeveloped premises in a residential area including outdoor bar
- B) Increased light pollution
- C) Increased noise pollution
- D) Increased traffic problems relating to parking and lack of car parking space; and
- E) Child protection and safeguarding issues

7.3 Four additional objection letters have been received from residents in Heathwood Road. The grounds for objection from these residents are summarised as follows:

A) Concern regarding the impact of the proposed works on the safety of elderly and young local residents:

- (i) Concern broken glass and cider bottles are already found on the public highway in Heathwood Road causing a danger for local residents; some of whom have mobility issues
- (ii) Concern children already feel intimidated walking passed the site when groups of people are outside drinking in the late afternoon / early evening
- (iii) Concern the play area is close to a main road and clearly visible from the public highway leading to concerns regarding how children are supervised both when the public house is open and out of hours

B) Public disorder and nuisance:

- (i) Concern there have been many incidents where patrons have thrown items (glasses and bottles) into the front gardens of local residents and the assumption this will increase as a result of the proposals
- (ii) Concern there have been incidents of patrons urinating on the public street in Heathwood Road

C) Crime and adverse effect on the quality of life for the local residents:

- (i) There have been incidents where the patrons have been generally noisy and rowdy late into the evening meaning local residents have been unable to sleep due to patrons gathering outside the pub; often staying there after the pub has closed
- (ii) Concern the proposed play area is close to neighbouring properties (17m from Three Arches front boundary gate to front boundary gate of no. 288 Heathwood Road) and so would result in excessive and

extreme noise from children playing and adults drinking until midnight most summer evenings

- (iii) Concern families are being encouraged to spend days and evenings drinking and not using three local green spaces
- (iv) Concern the increased (and more permanent) seating and proposed lighting will increase noise and light pollution for neighbouring residents, contrary to policy
- (v) Consider an extension of approx. 176 square metres not to be a minor amount of space, as stated in the supporting planning statement
- (vi) Concern the proposed play equipment is different to that previously approved and the addition of tubular poles and bongos will increase noise disturbance
- (vii) Consider the supporting statement to down play the proposed development and the effects of it on neighbouring properties

D) Highway Safety:

- (i) Concern there are currently issues with frequent illegal parking and as the premises continues to develop and get bigger the car-parking area continues to get smaller

E) Design Concerns:

- (i) Concern vegetation is to be removed that will reduce screening along the front boundary of the application site
- (ii) Concern the proposed play area and bar area will be openly visible from the street and the stated 'sense of enclosure' of both within the supporting statement is misleading
- (iii) Concern the proposed steel loop structures are out of keeping with the neighbouring area
- (iv) Concern the play area is immediately adjacent to the bar area and only separated by a wall approx. 1.2m high
- (v) Consider an external bar to be out of character in a residential area
- (vi) Concern smoking facilities will be lost or sited closer to the proposed children's play area

F) Drainage and Flood Risk:

- (i) Concern there have been several occasions in recent times with blocked drains overflowing onto the road
- (ii) Concern the proposed area is only 20m from a water course prone to surface water flooding

G) Concerns regarding consultation:

- (i) Do not consider the public house has undertaken any / sufficient community consultation in regard to discussing the proposed works with neighbouring residents
- (ii) Concern the notification letter from the Local Planning Authority arrived 8 days after its date stamp on the letter.

7.4 The agent has subsequently responded to the concerns raised within the letters of objection and the grounds for the petition. Considering the concerns

in turn (Overdevelopment, increased light and noise pollution, increased traffic problems, child protection and safeguarding issues and anti-social behaviour) they believe none of them to be justified reasons for refusal. Taken in turn the comments are as follows:

A) **Overdevelopment:** note that a beer garden use can be exercised anywhere within the curtilage of the public house and that the principle of a play area has already been established through planning application 18/00926/MNR.

B) **Light Pollution:** Note policy EN13 states that development will not be permitted where it would cause or result in unacceptable harm to local amenity because of light pollution. The proposed lighting scheme is for the use of solar festoon lighting that is to offer low levels of illumination for ambience purposes rather than for illumination. The proposed lighting levels to be generated are not considered to be unacceptable in policy terms.

C) **Noise Pollution:** Note policy EN13 states that development will not be permitted where it would cause or result in unacceptable harm to local amenity because of noise pollution. The principle of a play area is already established and considered acceptable. A condition restricting the hours of use of the play equipment to between 10:00-20:00 as per the extant consent are noted. The concerns relating to patrons remaining after closing time are not matters for planning but are controlled through other regulations such as licensing and pollution control.

D) **Child Protection and Safeguarding Issues:** Note that the play area is not for public use; it is for the use of patrons. Supervision of children playing is parental responsibility. The area has been designed and positioned to ensure adequate supervision opportunity and is well enclosed within the curtilage of the site. Policy C3 refers to the need for new development to be designed in such a way to promote a safe and secure environment. It is considered the proposed design increases natural surveillance of the area without compromising security.

E) **Anti-social Behaviour:** This is not a material consideration when determining the application and should be subject to separate control.

8. **ANALYSIS**

- 8.1 The key issues in the consideration of this application are: a) Design, b) Amenity (noise, light, litter and disturbance), c) Crime and fear of crime, d) Traffic, parking and access, e) Hours of opening and; f) Impact on protected trees.

Design

- 8.2 The design of the proposed scheme is considered acceptable in planning terms. The proposed works include the installation of a play area, external bar area, some fixed external seating and features related to this area. The installation of steel loops is noted; while these are not traditional to the area the structures relate to the surrounding area in that they are an acknowledgement of the pubs name and location adjacent to the railway

viaduct and railway line located to the south west and forming the western boundary of the application site, respectively.

- 8.3 The play area, external bar area and steel loops are all set back from the front of the application site boundary. The works will be visible from Heathwood Road, particularly when approaching the site from the west. The approach from the east will have limited views of the proposed play area. The existing trees and vegetation along the front boundary are proposed to be retained. The existing hedge is low level and the trees are separated meaning the works will still have visibility. Notwithstanding the vegetation the design of the works are considered acceptable in relation to the existing building and surrounding area. There is not a uniform character to the area in terms of house design; there are a variety of mainly semi-detached two storey houses and detached bungalows and a petrol station / garage. The public house itself is not a converted building rather it was designed and constructed to be a public house. The initial approval of the principle of the scheme was granted in 1949 as part of the housing development at Three Arches Avenue. The proposed materials are contemporary in their appearance but relate to the surrounding area in terms of context and serve to differentiate the outdoor space from the main building.
- 8.4 While the use of steel hoops are noted the majority of the works are to be undertaken in wood; in part using reclaimed railway sleepers for fencing within the site. The play-area is also proposed to be predominantly wood and metal; the climbing frame will be a wood and metal structure and the low level play equipment are to be wooden posts. The addition of a black board at low level in the context of the play area is not considered to be incongruous to the wider character of the area.
- 8.5 The site has been subject of various planning permissions over a number of years with alterations taking place to the public house building and within the associated curtilage. The proposed works now before the Council actually reduce the amount of amenity space within the site available for use (part of the western section of the site would have limited accessibility to it). The proposed works are considered to be proportional to the site; much of the works are external with a small extension to the side / rear of the existing pergola area to facilitate the external bar space.

Amenity

- 8.6 The application site is an existing public house granted initial approval as a hotel in 1949 at the same time as the approval of neighbouring houses in Three Arches Avenue. The use of the site as a public house has long been established. The site is within a residential area albeit the location is adjacent to a commuter road and railway line, set on a high embankment. The site is not located within a local or district centre although there are local shops approx. 110m to the east and a petrol filling station and garage is located to the south west of the site, on the opposite side of Heathwood Road.

- 8.7 The proposed works are to be located on existing outdoor space that is currently used as a beer garden for patrons of the pub. A previous appeal decision (in 1989) noted that the use of the land within the curtilage the public house as a beer garden may be regarded as an ancillary use to the primary use of the premises and would thus not constitute a material change of use requiring planning permission. The outdoor space, at the time of the visit to the site by the planning case officer had 16 pub bench / table seats and approx. 50 covers within and close to the external pergola area. These seats are not fixed to the ground and are therefore not the subject of control by the Local Planning Authority. A previous 2009 application restricted the area in which fixed seating could be located.
- 8.8 The concerns from local residents are noted in terms of impact on amenity and the potential of the external space to increase the levels of noise, light pollution, litter and anti-social behaviour from the site. Planning Policy Wales notes that due regard should be given to the impact of commercial development on existing residential properties. There is an extant consent (18/00926/MNR) for a children's play area at the site, in a similar location to that proposed in this application. There is a condition on that approval restricting the operating hours of this space. The condition restricts the use of the play area to between 10am-8pm, at the request of the Councils Pollution Control Officer. It is proposed to reapply this condition.
- 8.9 The Food and Drink SPG notes that it is difficult to predict the precise impact of a proposal in advance of trading. In this instance much will depend on the popularity of the space and the weather. It is noted that the licence granted for this space included a number of conditions that will ensure the management of the outside space in this area. The proposed fridges for the bar area are glass fronted drinks fridges and the agent has verbally confirmed these have a noise level the same as a domestic fridge.
- 8.10 The proposed lighting for the external area is detailed as solar powered lanterns. Decorative lanterns are proposed under the existing pergola roof. It is not considered that these would impact on the amenity of neighbouring occupiers. It is noted that the licence consent requires any lighting to be directed away from residential dwellings. No concerns have been raised from either the Councils Highway Officer or Pollution Control Officer in regard to the proposed solar lights shown on the plans.
- 8.11 The concerns regarding litter are noted. The Councils Waste Management Officer has not requested any conditions in this regard but advised that the proposed works may lead to an increase in customers which may then lead to an increase in the production of litter and so refuse storage / collection may need to be adjusted accordingly. In addition a condition on the licence consent requires regular clearance of empty vessels in the proposed outdoor area by staff members.
- 8.12 Concern regarding anti-social behaviour is noted. The licence consent requires notices to be in place to remind patrons to be quiet and respect neighbouring residential properties when leaving the premises. While anti-

social behaviour is ultimately a matter for the police consideration is given to the effect of the use of a public house in a residential area, in planning policy terms. The erection of a play area at the site is considered as having the potential to encourage families to visit the site rather than circuit drinkers. The Food, Drink and Leisure SPG supports the use of premises that discourage circuit drinkers and encourages families and older people.

Crime and Fear of Crime

- 8.13 Crime and fear of crime can adversely affect the vitality, attractiveness and viability of an area. Whilst these concerns are primarily matters of law enforcement and are also specifically addressed by the Licensing regime, Planning Policy Wales and Welsh Office Circular 16/94 recognises that crime reduction can be a material consideration in assessing a planning application.
- 8.14 The Councils SPG on Food, Drink and Leisure notes that crime and the perception of crime are increased when there is a concentration of premises that, in particular sell alcohol and encourage young circuit-drinkers and discourage older people and families. This proposal does not increase the concentration of uses. No new planning units are being created; it is alterations to an existing amenity space. The addition of a play-area serves to encourage families and so move the area away from simply being a beer garden for drinkers. No comments have been received from the police-licensing officer. They have commented and liaised with the applicant in regard to the premises licence and as a result a number of management conditions have been imposed on the licence in regard to the external space.
- 8.15 The addition of an external bar area is noted. This has the potential to aid management of the external area by virtue of staff being present and able to view the outside space on a continual basis. A large part of the existing outdoor space to the west of the site is currently unsighted by staff due to the existing vegetation screen to the west of the pergola area. It is proposed that this internal vegetation screen is to be removed and replaced by a low level wall.

Traffic, Parking and Access

- 8.16 The proposed works do not see the reduction in the number of existing car-parking spaces nor any alterations to the existing vehicular access to the site. The Councils Highways Officers have no objection to the proposed plans. The site is located on a main road and is well served by public transport with both Heath High Level and Heath Low Level Stations within close proximity of the site. Heathwood Road is a classified road through the city and is served by buses throughout the day, evening and weekends; with the nearest regular stop adjacent to Rhyd-y-Penau library. The site is considered to be a sustainable location and acceptable in planning policy terms.
- 8.17 The concerns by local residents in regard to parking are noted however these are matters that are dealt with by Highway regulations and highway safety officers.

Hours of Opening

- 8.18 The original 1949 planning consent had no restriction on hours and no restrictions on the use of the outside space at the site. The application is for a play area, external bar and to visually improve the existing amenity space. Planning Policy Wales notes the potential impact of noise on neighbouring amenity. It acknowledges that lower-levels of noise can also be annoying and disruptive. The Food, Drink and Leisure SPG notes that external seating area should be restricted to no later than 9pm in the interests of visual amenity. However in this case the application is not to create new outdoor drinking space. It should be noted that the outdoor drinking space is currently available to use in association with the operation of the public house. Conditions have to be reasonable, fair and enforceable. Any condition would only restrict the area within the plan; part of which is unchanging in terms of having unfixed tables and it could be questioned as to whether this is reasonable. While it is possible for management to ask patrons to leave this area there are still areas of external amenity space with tables and chairs in that patrons could choose to sit.

Trees

- 8.19 The Council's Tree Officer has had site of the proposed Tree Protection Measures for the works at the site. Following detailed discussions and clarification of details the Tree Officer is satisfied the proposed methods of construction will protect the trees at the site. A condition has been proposed in this regard, in the interests of visual amenity of the area.

Other Consultee Comments

- 8.20 The comments from the Council's Drainage Officer are noted and the conditions and advisory note have been applied as requested. The application site is located in Flood Zone B (areas known to have flooded in the past evidenced by sedimentary deposits). The nature of the development means there is no need to consider flood risk further.
- 8.21 The comments from Network Rail are noted. No conditions regarding fencing have been requested. The works are not immediately on the shared boundary and the railway line is protected by a steep vegetation covered embankment.

Third Party Representations

- 8.22 In respect of the third party representations which have not already been addressed in the report:
- The proposed play area is not a public open space; it is for use by patrons of the pub. The supervision of children using the play equipment is parental responsibility. The area is set back from the front boundary of the application site and within an enclosure defining the play space.

- The proposed tubular bars / bongos have been removed from the scheme (see revised plan P4 RevD); an amended supporting statement has been received in this regard. It was not considered necessary to seek an amended statement for any other reasons.
- Blocked drains are dealt with through other means and legislation. The Council's Drainage Officer has requested conditions that consider surface water run-off.
- In regard to consultation there is no statutory requirement for the applicant to consult neighbouring properties for this application and while the delay in receiving LPA notification letter is noted the LPA cannot be responsible for the effectiveness of the Post Office in delivering letters.

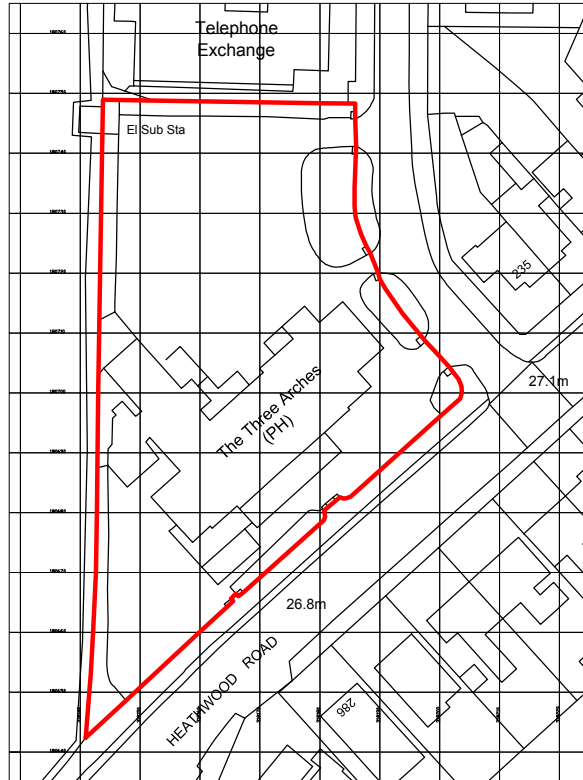
Other Considerations

- 8.23 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.
- 8.24 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.
- 8.25 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

9. RECOMMENDATION

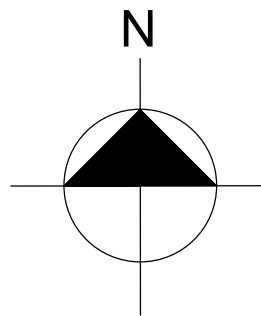
- 9.1 The proposed works are considered acceptable and approval is recommended subject to conditions.

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SITE LOCATION PLAN - A4 @ 1:1250 scale

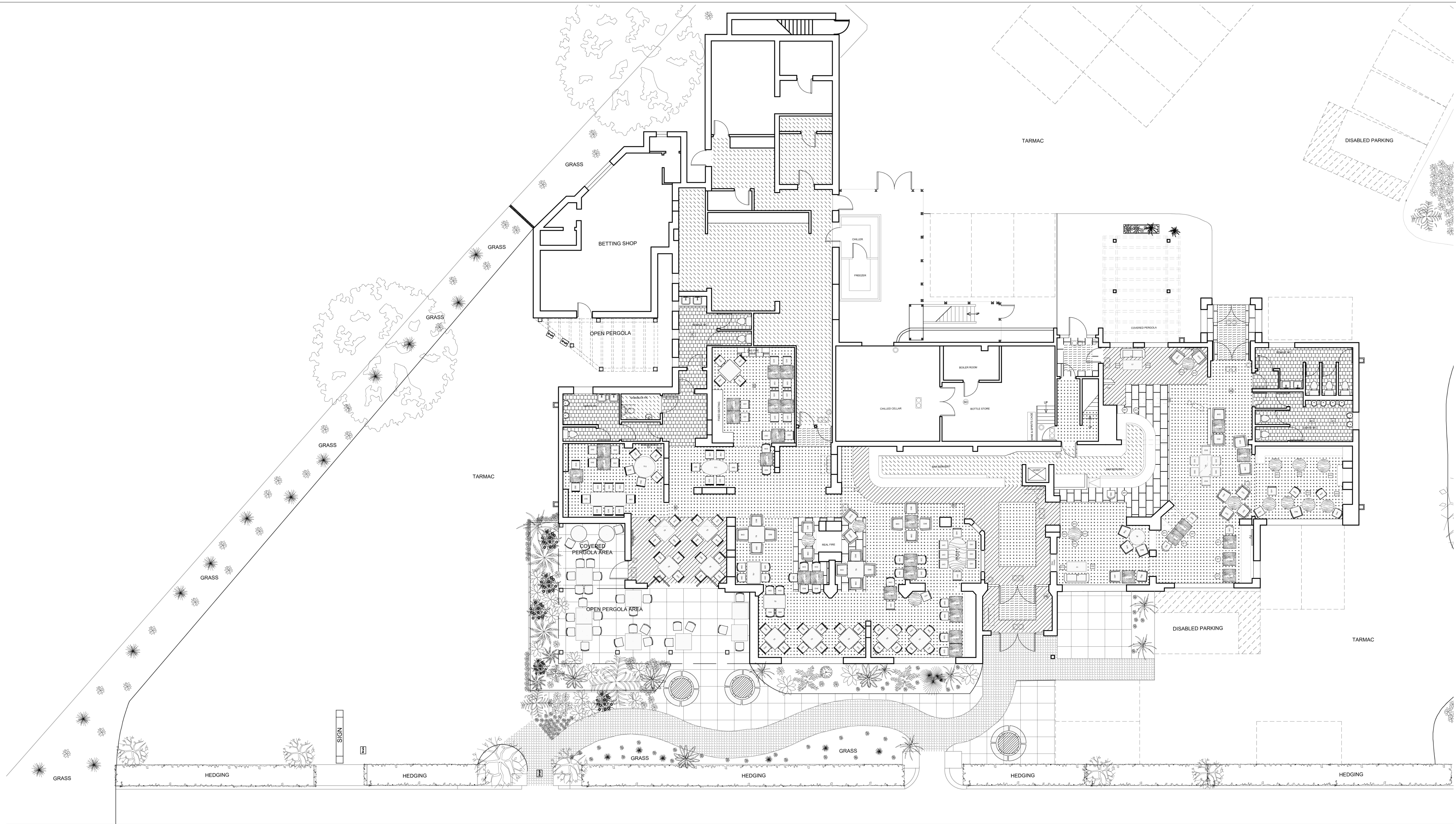
Site Address
The Three Arches
Heathwood Road
Cardiff
CF14 4HS



JOB: Three Arches		CLIENT: S.A. Brains	
ADDRESS: Three Arches Heathwood Rd, Cardiff CF14 4HS			
TITLE: SITE LOCATION PLAN		DRW-No.	Rev
SYSTEM No: T-Z 1201/19	DATE: 05/04/19	P7	/
JOB No: 1201-19	Checked by:		
SCALES: A4@1:1250	DRAWN BY: J.Gunn		
REVISIONS DESCRIPTION:			



Thomas Parry Design Partnership
The Old Sketty Coach House,
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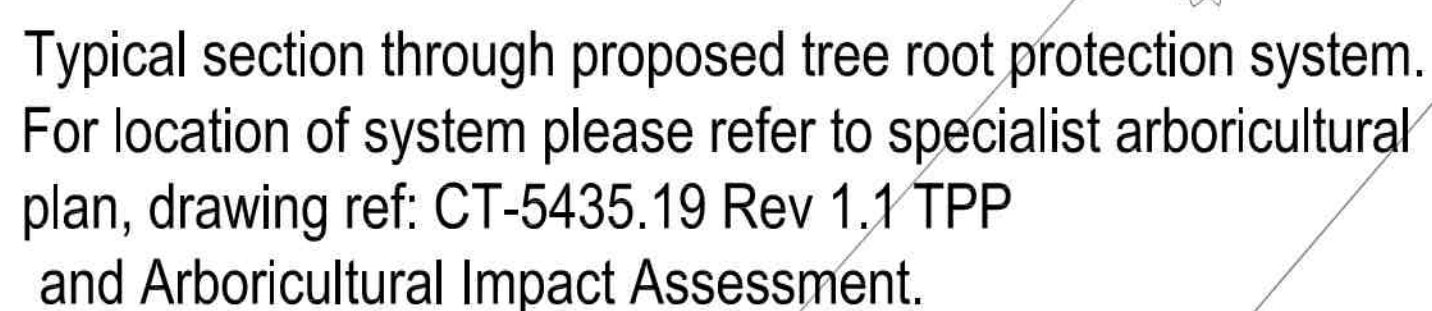
EXISTING GROUND FLOOR PLAN
1:100 Scale @ A1

JOB: Three Arches		CLIENT: S.A. Brains	
ADDRESS: Three Arches Heathwood Rd, Cardiff CF14 4HS			
TITLE: EXISTING GROUND FLOOR PLAN		DRW-No.	Rev
SYSTEM No: T-Z 1201/19		P1	/
DATE: 05/04/19			
JOB No: 1201-19			
Checked by:			
SCALES: A1 @ 1:100		DRAWN BY: S.Foster	
REVISIONS DESCRIPTION:			
ALL DIMENSIONS TO BE CHECKED ON SITE: Contractor to check and verify all building and site dimensions. The contractor is to comply in all respects with the current Building Regulations whether specifically stated on this drawing or not. This drawing must be read and checked against any other specialist drawing provided.			



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Allow for railway sleeper path way
set into bark mulch and railroad
crossing barrier to play area
entrance. (Fixed Vertically)



GRASS

Solar festoon lighting to new fencing and sleeper wall. See drawing no. P5 for elevations.



New signage to totem as per new signage scheme.

HEDGING

HEDGING

HEDGING

New fixed bench seating to new _
extended paved area, see
drawing no. P5 for further details.

Allow to supply and lay 2 parallel lines of in-set Stonemarket; Namera Pavours colour ref: Desert Blend, (300 x 100 x 30) within new patio slab in order to form curved in-laid railway track effect.



300x300mm tanalised s/w columns fitted at various heights (max being 2000mm). Allow to set out randomly with 100mm clear gapping.

Allow to fabricate and fit 2270mm, (overall diameter) mild steel 'loop' frame from 2 parallel 25mm x 75mm mild steel rails with welded cross-members as stiffeners. Loops all welded to mild steel ground base plate all set under new patio slab finish. All m/steel to receive powder-coated finish to agreed RAL colour reference.

Signwriting to back bar on
existing rendered wall.
Supplied by others.



— Fully functioning exterior bar
to undercover pergola.
Power supply and services
to suit. Refer to drawing no.
P6 for details.

Festoon/lantern lighting to existing pergola. Allow for services and power to suit.
As per image below.



Free issue high level gabion style seating area to new 'loop' structures. Refer to drawing no. P5.



Remove existing trellis and planting to area. Allow — to prepare area for new 'loop' structure to front elevation of pergola. Refer to drawing no. P5 for details.

PROPOSED EXTERNAL PATIO & PLAY AREA

1:50 Scale @ A1

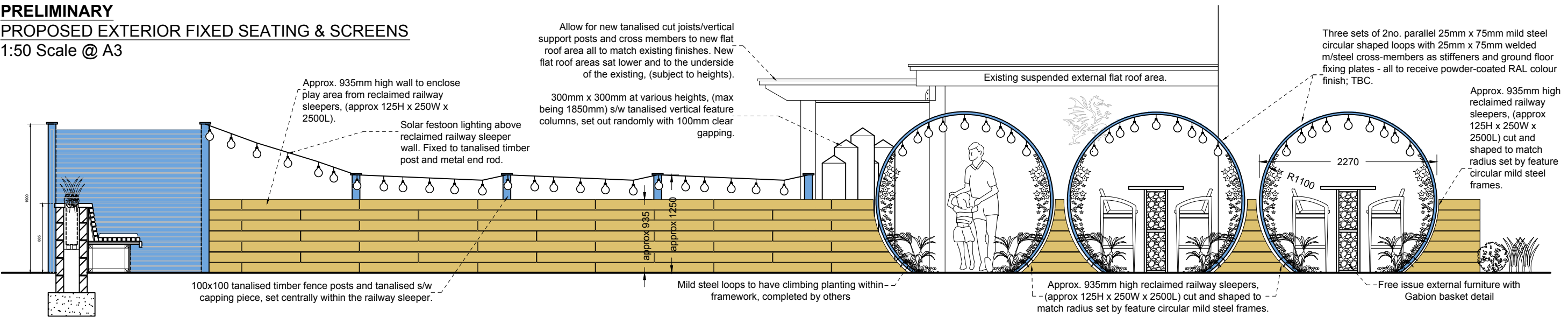
JOB: Three Arches		CLIENT: S.A. Brains
ADDRESS: Three Arches Heathwood Rd, Cardiff CF14 4HS		
TITLE: PROPOSED EXTERNAL PLAY AREA		DRW-No.
SYSTEM NO: T-Z 1201/19	DATE: 05/04/19	P4
JOB NO: 1201-19	Checked by:	
SCALES: A1 @ 1:50	DRAWN BY: S.Foster	
REVISIONS DESCRIPTION:		
A - Annotation omitted - 19.06.19 - SF		
B - Bongs removed from proposed scheme - 26.06.19 - JG		
C - Tree root protection system applied to plan - 02.07.19 - JG		
D - Revised cross section - 05.07.19 - SF		
E - Minor revision to reference notes - 10.07.19 - JG		
<p>ALL DIMENSIONS TO BE CHECKED ON SITE: Contractor to check and verify all building and site dimensions. The contractor to comply in all respects with the current Building Regulations and where specifically stated on this drawing or not. This drawing must be read and checked against any other specialist drawing provided.</p>		



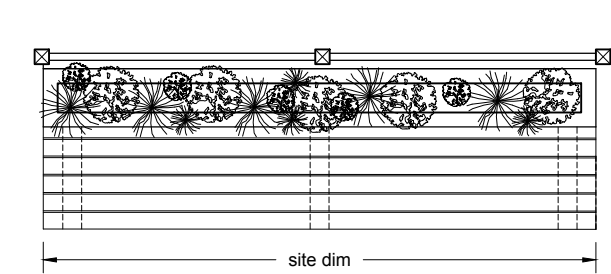
Thomas Parry Design Partnership
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PRELIMINARY
PROPOSED EXTERIOR FIXED SEATING & SCREENS
1:50 Scale @ A3



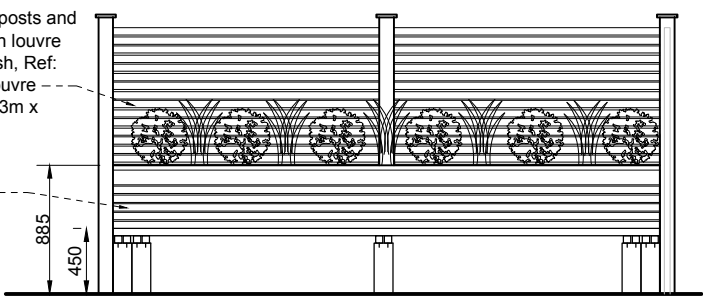
Proposed Side Elevation



Proposed Bench Seating Plan

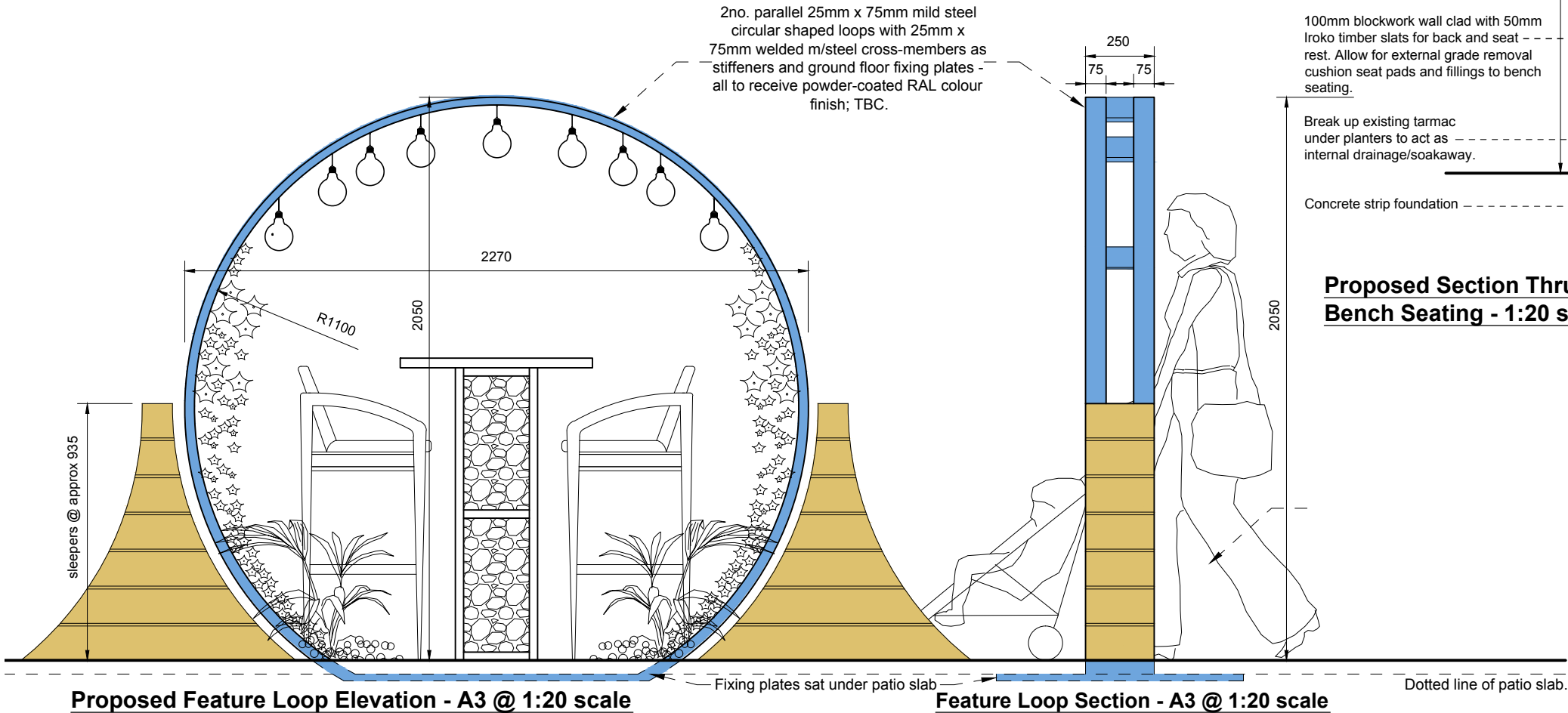
100x100 tanalised timber fence posts and tanalised s/w capping piece, with louvre style panels to receive paint finish, Ref: www.jacksons-fencing.co.uk, Louvre Contemporary Fence Panel, 1.83m x 1.83m. tel: 0800 408 2234

100mm blockwork wall clad with 50mm Iroko timber slats for back and seat rest. Allow for external grade removal cushion seat pads and fillings to bench seating.



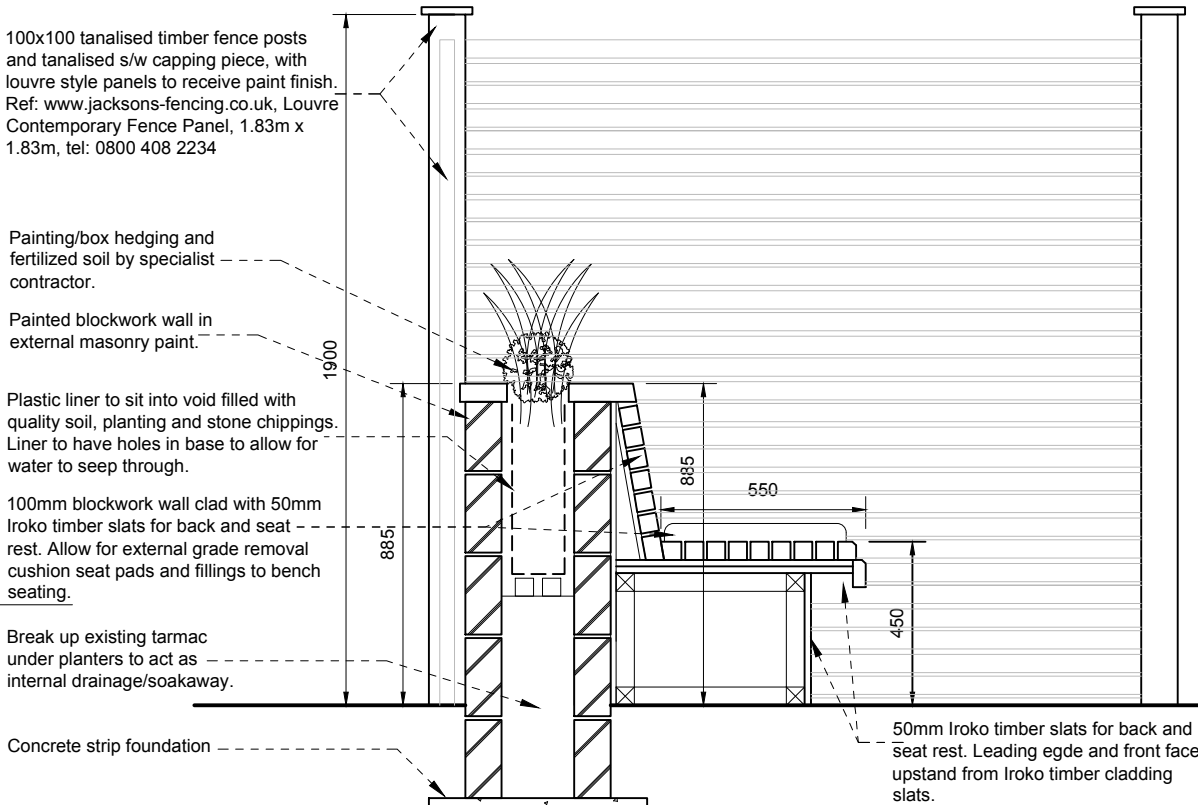
Proposed Front Elevation - Bench Seating

2no. parallel 25mm x 75mm mild steel circular shaped loops with 25mm x 75mm welded m/steel cross-members as stiffeners and ground floor fixing plates - all to receive powder-coated RAL colour finish; TBC.



Proposed Feature Loop Elevation - A3 @ 1:20 scale

Feature Loop Section - A3 @ 1:20 scale



Proposed Section Thru Bench Seating - 1:20 scale

JOB: Three Arches		CLIENT: S.A. Brains	
ADDRESS: Three Arches Heathwood Rd, Cardiff CF14 4HS			
TITLE: PROPOSED DETAIL - EXTERIOR FIXED SEATING		DRW-No.	Rev
SYSTEM No: T-Z 1201/19	DATE: 05/04/19	P5	/
JOB No: 1201-19	Checked by:		
SCALES: A3@ 1:50 / 1:20	DRAWN BY: J.Gunn / S.Foster		
REVISIONS DESCRIPTION:			



**KOMPAN!**

PCM201100

ID 20032224
NEIPIG
2018-05-09

Colorline:	Wood
Foundation:	90 Cm
Norm:	EN1176
Units:	cm
Post Material:	PineBrown

TowerB

-  B1-CP205700
-  B2-CP504809
-  B2-CP409200
-  B3-CP400100
-  B3-CP600509

LinkB

-  AB-CP704700

