

COMMITTEE DATE: 20/04/2016

APPLICATION No. **16/00022/MNR** APPLICATION DATE: 13/01/2016

ED: **CATHAYS**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Smith

LOCATION: 6 LUCAS STREET, CATHAYS, CARDIFF, CF24 4NZ

PROPOSAL: DEMOLITION OF EXISTING GARAGE & ERECTION OF NEW BUILD DEVELOPMENT TO FORM 7 FLATS

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**RECOMMENDATION:** That planning permission be **REFUSED** for the following reasons :

1. The proposed development by virtue of its materials, height and massing would be out of keeping with the appearance, scale and pattern of development in the surrounding area and would constitute a cramped and insensitive form of development detrimental to visual amenity, privacy and the character of the area and contrary to policies KP5 and H6 of the Cardiff Local Development Plan and paragraphs 4.11.9 and 9.3.3 of Planning Policy Wales (January 2016).
2. Residents of the flats would be exposed to high levels of noise and vibration from the adjacent railway line, to the detriment of residential amenity and contrary to policies KP5 and H6 of the Cardiff Local Development Plan, paragraphs 9.1.1 and 13.15.1 of Planning Policy Wales (January 2016) and Planning Policy Wales Technical Advice Note 11 – Noise (1997).
3. The small size of flats 1, 2 and 3, would result in a poor standard of amenity for occupiers, contrary to policies KP5 and H6 of the Cardiff Local Development Plan and paragraph 9.1.1 of Planning Policy Wales (January 2016).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application is for full planning permission for the demolition of a disused single storey flat roofed commercial garage building and its replacement, on the same footprint, with a 2 to 3 storey block containing 7 one-bedroom flats. The building will be predominantly two storeys in height with a third storey set back from the main elevations containing 2 flats which will each have a roof terrace. The flats on the ground and first floors will each have a small balcony (2m or 3m square) and access to a roof terrace, which would be a shared amenity area. The flats will have habitable floor areas of between around 28 and 33 square metres.

- 1.2 The building will be finished in a mix of cream coloured render, red/brown brick and grey metal cladding, and will have a flat roof with a roof terrace surrounded by a metal balustrade with glazed panels. The main part of the building will be 6.5m tall with the third storey set back from the main outer walls to a height of around 8.2m. The roof terrace balustrade will be around 1.1m tall and there will be a stair entrance structure projecting around 2.4m above the roof, giving a total maximum height of around 10.6m. There will be a bin store and a cycle store at ground floor level within the building. The existing electricity substation will be retained and incorporated into the ground floor.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is currently occupied by a single storey flat roofed building of painted stone and brick, which has a window and 2 doors opening onto Lucas Street. It contains a disused garage and an electricity substation. The building abuts Lucas Street to the west, a railway line to the east, the parking area of a small group of new dwellings to the north and the boundary of a large, vacant site, which has previously been granted planning permission for the erection of a mosque, to the south. The side elevation of a two storey house faces the site from the opposite side of Lucas Street.

## 3. **SITE HISTORY**

- 3.1 01/01841/W – Cert of Lawfulness: vehicle repair & servicing.
- 3.2 14/02192/DCO – Demolition of existing garage and erection of new build development to form 9 no. flats. Refused – 1) height and massing; 2) noise and vibration from railway; 3) small size of the flats and lack of useable outdoor amenity space; 4) noise, disturbance and light from vehicles using parking spaces to north.

## 4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*  
KP5 (Good Quality and Sustainable Design);  
H6 (Change of Use or Redevelopment to Residential Use);  
T5 (Managing Transport Impacts);  
W2 (Provision for Waste Management Facilities in Development).
- 4.2 *Planning Policy Wales (January 2016):*  
4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
  - Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of achieving the well-being goals and responding to climate change.

- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

4.9.1: Previously-developed land should be used in preference to greenfield sites wherever possible.

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations. Local planning Authorities should reject poor building and contextual designs.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meeting national sustainability standards and making a significant contribution to promoting community regeneration and improving the quality of life; and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote: mixed tenure communities; development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances; mixed use development so communities have good access to employment, retail and other services; attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk; greater emphasis on quality, good design and the creation of places to live that are safe and attractive; the most efficient use of land; well designed living environments, where appropriate at increased densities; construction of housing with low environmental impact, reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and 'barrier free' housing developments, for example built to Lifetime Homes standards.

9.2.13: Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to

damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4: Where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered.

12.7.3: Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design of any development and waste prevention efforts at the design, construction and demolition stage should be made by developers. All opportunities should be explored to incorporate re-used or recyclable materials or products into a new building or structure.

13.15.1: Noise can be a material planning consideration, e.g. where proposed new development is likely to generate noise or in proposals to use or develop land near an existing source of noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer.

4.3 *Technical Advice Note 12 - Design (2014).*

4.4 *Technical Advice Note 11 – Noise (1997):*

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

## 5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Pollution Control (Noise & Air):* Having considered the documents provided to support the application I am of the opinion that an acoustic report is required in order to establish the potential impacts of existing noise sources upon the development site. Given that the proposal involves the placing of residential units close to transportation noise sources and that noise is a material consideration I would expect the acoustic report to be submitted for consideration and approval by the Pollution Control team prior to the determining of the application.

5.2 *Waste Strategy & Minimisation Officer:* The bin storage area indicated within current site plans has been noted. The current store location is not ideal, as it is likely to create an odour which could impact on the flat above the bin store. Waste Management would prefer a bin store to be separate from the dwelling. However, if this is not possible, please ensure the ventilation of the bin store is sufficient to prevent the odour from reaching residents. Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification. Refuse storage, once implemented, must be retained for future use. The kitchens should be designed to allow the separation of waste into

three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste. This will help prevent future excess waste in the bin store.

## 6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Network Rail*: No objection in principle. Requirements are listed relating to foundations, drainage, fencing, ground disturbance, site layout, piling, excavations, signalling, building design, landscaping, scaffolding/cranes and lighting.
- 6.2 *Western Power Distribution*: No comments received. (previously advised that the substation within the site is subject to a current lease. WPD require to retain a presence on site for the long term).
- 6.3 *Welsh Water*: No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network the applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer. If a connection to the Brickwork sewer in Lucas Street is required DCWW may opt to undertake the connections works. A water supply can be made available to serve this proposed development.

## 7. **REPRESENTATIONS**

- 7.1 The application has been advertised by neighbour notification. 4 objections have been received as follows –
- (1) This is an inappropriate site for residential development as it is located between a car park serving 3 dwellings and a car park serving 50 or 60 cars.
  - (2) The electric transformer inside this garage may have detrimental health effects on future residents.
  - (3) The infrastructure cannot take any more developments on this end of the road.
  - (4) This multi-story development will affect privacy of nearby residents.
  - (5) There is not enough space to park the additional cars – there would be excessive pressure on the street parking.
  - (6) The applicant is trespassing on the land owned by the Madina Mosque (13 Lucas Street).
  - (7) The development would create problems for parking at the mosque as it would be above the underground car park, close to the entrance.

## 8. **ANALYSIS**

- 8.1 The site is within an existing residential area and there are no objections to the principle of the development. The main concerns with regard to this application are the scale and appearance of the building, its proximity to the railway and the impact on the amenities of future residents. Although there will be no off-street parking provision, this was also true of the previous application (14/02192/DCO) for a larger number of flats, and no concerns were raised by the Transportation officer at that time – the lack of parking was

considered acceptable as the site is within a central location close to facilities, and adequate cycle parking would be provided.

- 8.2 Scale and appearance: The proposed building would be 2 to 3 storeys high with a roof terrace balustrade and stairwell structure projecting above the flat roof. The surrounding area is largely characterised by 2 storey terraced dwellings and the proposal is therefore considered to be out of scale with surrounding development. It should be noted that planning permission was granted in 2004 for a large (up to 20m tall) mosque on the land immediately to the south, which would have introduced a tall structure to this side of Lucas Street and possibly made the proposed flats more acceptable in terms of fitting in with the scale of surrounding development. However, the mosque has not been constructed, and notwithstanding some works taking place on site it would appear that the consent has expired. There is a current application for a small, temporary, two storey structure on the mosque site.
- 8.3 The higher density of residential development would constitute a more efficient use of land – however, policy KP5 of the LDP requires development to “respond to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals.” This development is not considered to be sensitive to the scale, form, massing, height, density, colour, materials or detailing of existing buildings in the area.
- 8.4 Proximity to the railway: Previous concerns regarding safety and access issues were overcome by the applicant’s willingness to enter into an asset protection agreement with Network Rail, who now have no objections.
- 8.5 Residential amenity: The railway could have a negative impact on the amenity of future residents of the flats due to noise and vibration. Pollution Control officers advise that an acoustic report is required in order to establish the potential impacts of existing noise sources on the development and the applicant has been asked to submit such a report but has not done so. No acoustic assessment was required by Pollution Control officers for the previous application (conditions relating to sound insulation/vibration mitigation were recommended) and it was considered that even if adequate noise and vibration insulation could be used to mitigate the impact of passing trains (which had not been proven), this would not be effective if windows were opened to achieve natural ventilation, and would not be of any use in protecting the amenity space (balconies and roof terrace) from noise. This remains true for the current application which shows the building to be as close to the railway line as previously proposed.
- 8.6 The size of 4 of the flats is above 30 square metres (floorspace) and considered acceptable for one bedroom units. The other 3 flats (1, 2 and 3) would have habitable floor areas of less than 30 square metres (floorspace), which is generally considered to be too small to provide an acceptable standard of accommodation. To compensate to some degree for the small size of the flats, outdoor amenity space would be provided in the form of

balconies and a roof terrace; however, the roof terrace and balconies would be adversely affected by noise and vibration from the railway and would not be particularly useable.

8.7 The development would not cause significant loss of outlook or overshadowing to neighbouring properties. However, there would be habitable room windows facing the house opposite at a distance of around 11m, which is below the distance normally considered acceptable (21m). There would be no windows facing the street at ground floor level but there would be facing bedroom windows in the upper floors. These could be obscurely glazed as they would not be the only windows serving those rooms (other than the bedroom of flat 5); however, the balconies would have to be screened to prevent loss of privacy, to such an extent that their utility as amenity space would be severely compromised.

8.8 With regard to the objections received –

- (1) The disturbance caused by cars passing the front of the site from the adjoining houses would not be so great as to justify the refusal of planning permission. Use of the adjoining car park could cause disturbance to one of the ground floor flats but this issue has been addressed in amended plans showing that the window overlooking the car park would be high level, thereby preventing car headlights causing disturbance to residents. There is no extant planning permission for a 50 – 60 vehicle car park adjacent to the site.
- (2) Western Power Distribution had no objections to the previous proposal which also incorporated the substation and have not commented on this application. Environmental Health officers have raised no concerns.
- (3) No objections have been raised by utilities providers or highways officers with regard to infrastructure.
- (4) Privacy issues are considered above.
- (5) No off-street car parking facilities are required for this development due to its central location. Adequate cycle storage facilities are proposed. On-street parking is available in surrounding streets.
- (6) This is a private legal matter between the parties concerned. The plans have been amended to avoid any part of the building encroaching on the neighbouring land. The adjoining landowner could refuse to allow access to their property – planning permission would not override this right.
- (7) The proposed development would be very unlikely to affect future proposals for car parking on the adjoining site.

8.9 In conclusion, the development would be out of keeping with the character and appearance of the surrounding area and the proposals are considered to represent overdevelopment of the site: the site is not large enough to accommodate 7 flats whilst also providing acceptable living conditions for future residents, avoiding loss of privacy to neighbouring properties and providing a building of a height that would be in keeping with the surrounding area. It is recommended that the application be refused.

9. **OTHER CONSIDERATIONS**

9.1 *Crime and Disorder Act 1998*

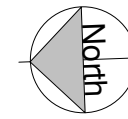
Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has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

9.2 *Equality Act 2010*

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

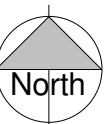


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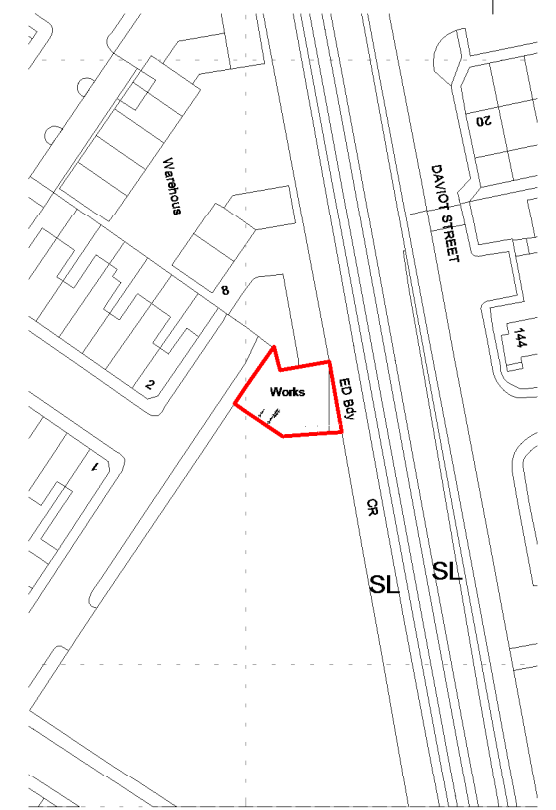
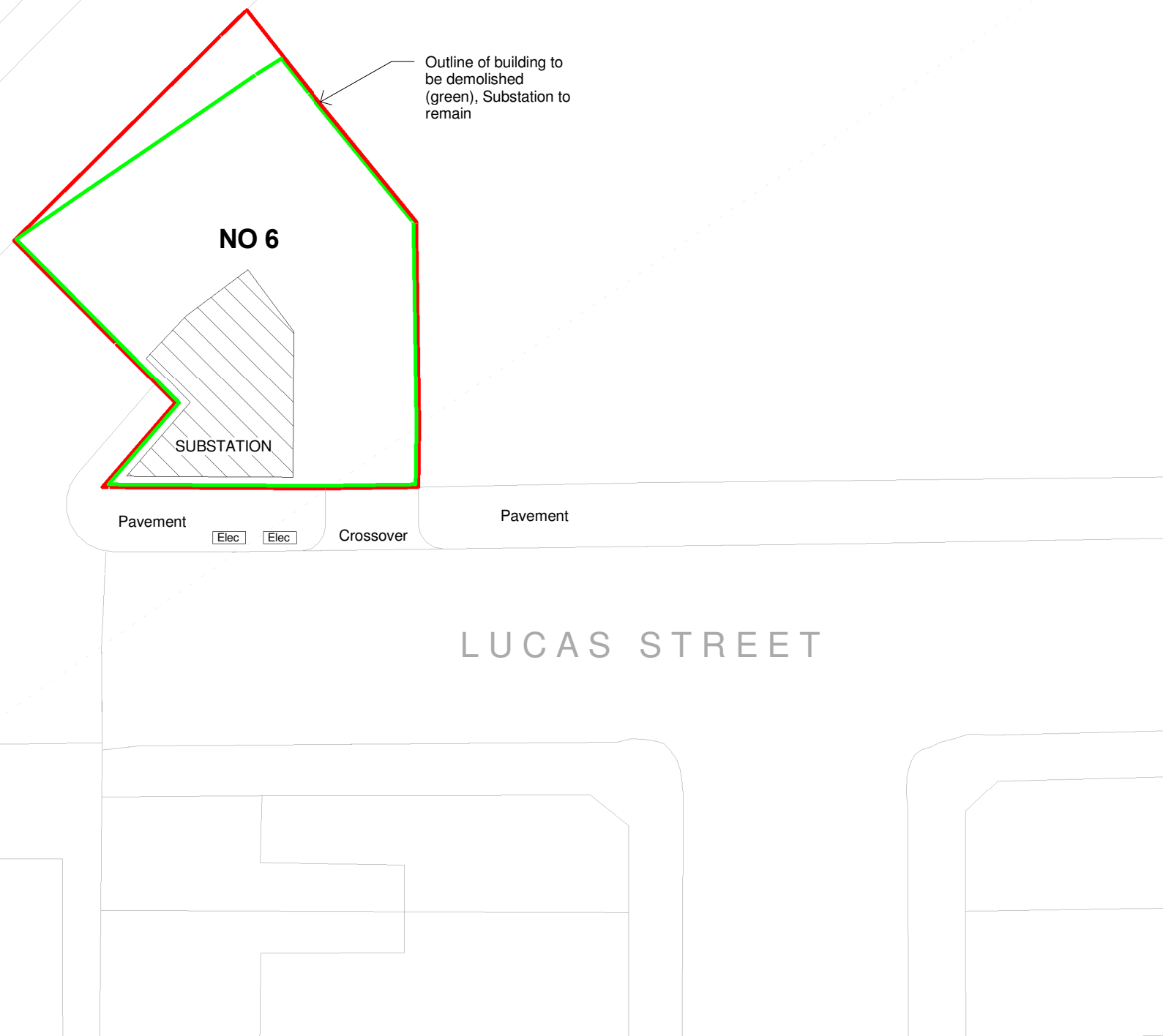
A3 Original Sheet Size



**DRAINAGE LEGEND:**

- - - - - FOUL DRAINAGE RUN - EXISTING
- - - - - FOUL DRAINAGE RUN - PROPOSED
- - - - - SURFACE WATER DRAINAGE RUN

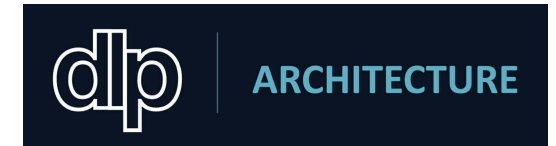
Outline of building to be demolished (green), Substation to remain



Location Plan  
1 : 1250

# Planning Issue

date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design  
Systems House 89 Heol Don Cardiff CF14 2AT  
T 02920316857 M 07785582007 info@designlinepartnership.com

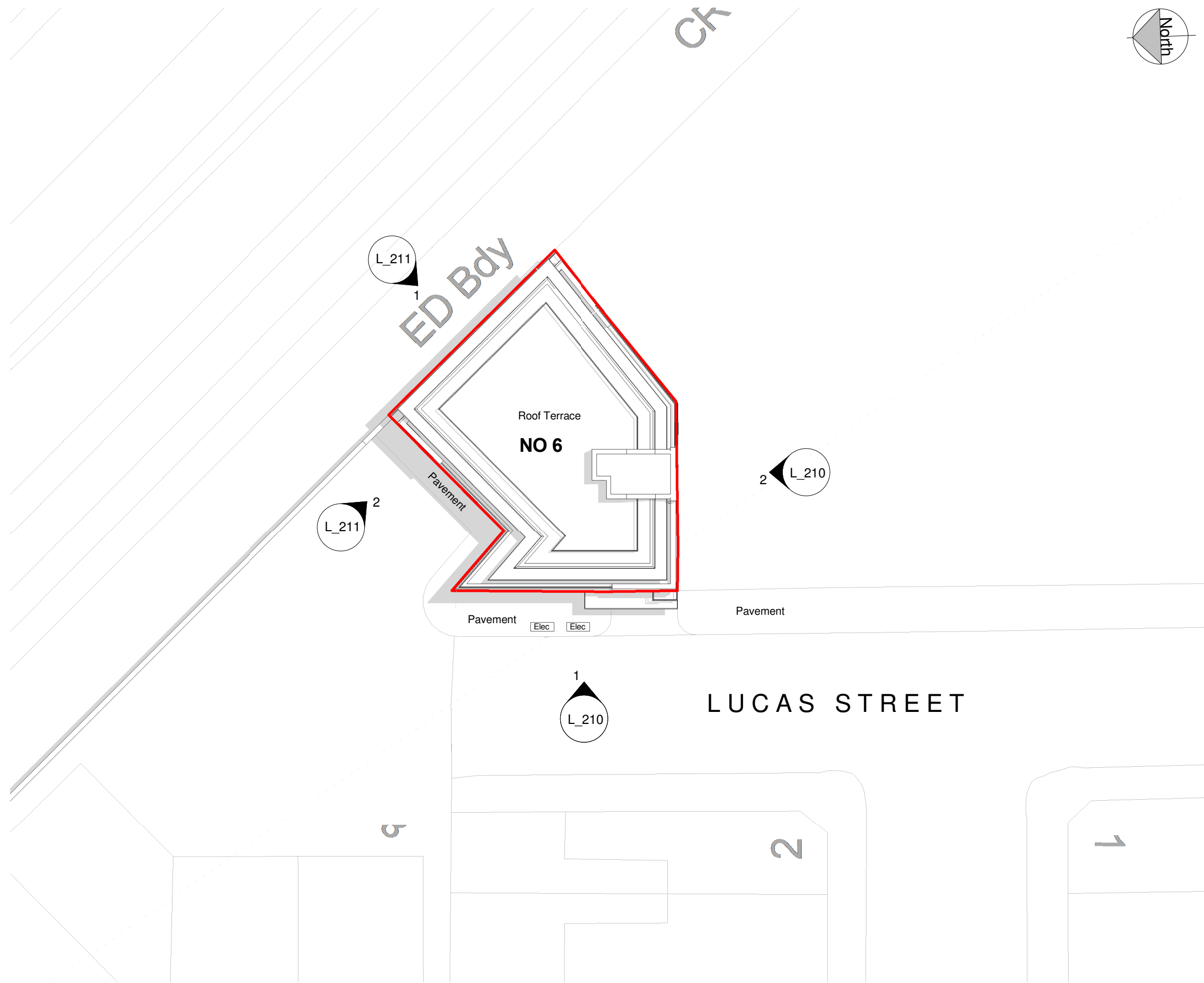
PROJECT  
Demolition of existing garage & erection of new build development to form flats  
6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE  
Site Plan as Existing

SCALE	DATE	DRAWN BY	CHECKED BY
As indicated	18/12/15	Pete Legg	MT
DRAWING NUMBER		REVISION	
P447a	L_001		

Site Plan as Existing  
1 : 200

**AREAS:**  
Site Area= 163m2



Site Plan as Proposed  
1 : 200

**AREAS:**  
Site Area= 163m2

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**A3** Original Sheet Size

**FINISHES KEY:**

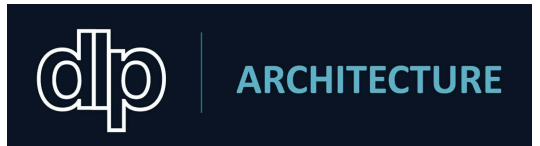
- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON WHITE FASCIA
- D : CREAM SMOOTH FACED RENDERED EXTERNAL WALLS
- E : RED / BROWN BRICKWORK EXTERNAL WALLS
- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS

**DRAINAGE LEGEND:**

- - - - -FOUL DRAINAGE RUN - EXISTING
- - - - -FOUL DRAINAGE RUN - PROPOSED
- - - - -SURFACE WATER DRAINAGE RUN

**Planning Issue**

date	rev	name	chk	note
24/02/16	A	PL		Roof terrace added



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design  
Systems House 89 Heol Don Cardiff CF14 2AT  
T 02920316857 M 07785582007 info@designlinepartnership.com

**PROJECT**  
Demolition of existing garage & erection of new build development to form flats  
6 Lucas Street, Cathays, Cardiff, CF24 4NZ

**DRAWING TITLE**  
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
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P447a L_002	A		

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A3 Original Sheet Size



View from West



View from South



View from North West



View from South East

# Planning Issue

date	rev	name	chk	note
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Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design  
Systems House 89 Heol Don Cardiff CF14 2AT  
T 02920316857 M 07785582007 info@designlinepartnership.com

PROJECT  
Demolition of existing garage & erection of new build development to form flats  
6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE  
Photographs as Existing

SCALE	DATE	DRAWN BY	CHECKED BY
	18/12/15	PL	MT

DRAWING NUMBER	REVISION
P447a L_100	



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A3 Original Sheet Size

**FINISHES KEY:**

- A : GREY SINGLE PLY FLAT ROOF MEMBRANE
- B : DARK GREY DOUBLE GLAZED UPVC WINDOWS & DOORS
- C : BLACK UPVC RAINWATER GOODS ON WHITE FASCIA
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- F : GREY METAL STANDING SEAM EXTERNAL CLADDING SYSTEM
- G : STAINLESS STEEL BALUSTRADE WITH GLAZED INFILLS



South West Perspective View



South East Perspective View



North Perspective View

Planning Issue

24/02/16	A	PL		Roof terrace added & balconies & windows amended
date	rev	name	chk	note



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design  
 Systems House 89 Heol Don Cardiff CF14 2AT  
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PROJECT  
 Demolition of existing garage & erection of new build development to form flats  
 6 Lucas Street, Cathays, Cardiff, CF24 4NZ

DRAWING TITLE  
 Perspective Views as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 100	18/12/15	Pete Legg	MT

DRAWING NUMBER	REVISION
P447a L_220	A