

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 24/02/2016

APPLICATION No. **15/02643/MJR** APPLICATION DATE: 14/12/2015

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: Ahmadiyya Muslim Association

LOCATION: IAN WILLIAMS LTD, SANATORIUM ROAD, CANTON,
CARDIFF, CF11 8SU

PROPOSAL: CHANGE OF USE, ALTERATIONS, AND EXTENSIONS TO
FORM CLASS D1 (NON-RESIDENTIAL INSTITUTIONS)
PLACE OF 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

RECOMMENDATION : That planning permission be **REFUSED** 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).
2. The proposed dwelling, by reason of its siting and orientation, and provision of an inadequate amount private amenity space, would result in a poor quality living environment for future occupiers, contrary to paragraph of 9.1.2 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).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Permission is sought for the change of use, alterations and extensions to form Class D1 (Non-Residential Institutions) place of 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 at the former premises of Ian Williams Ltd, Sanatorium Road, Canton.
- 1.2 In addition to a place of worship, the site will be used for education, training, charity fundraising and other ancillary community use purposes.

- 1.3 The existing ground floor comprises approximately 234 square metres and will include a meeting room, women's prayer room, library/office, ancillary nursery, and toilet facilities.
- 1.4 The proposed extensions and alterations to the main building include:
- (i) A full first floor to create men's prayer room, office, store, and toilet facilities (approximately 157 square metres additional floor space), resulting in an increase in building height from approximately 6 metres to approximately 7.5 metres.
 - (ii) A minaret to the roof (up to 18 metres above ground level);
 - (iii) A dome to the roof (up to 13 metres above ground level);
 - (iv) Amendments to window and door openings to create traditional arched openings;
 - (v) Through coloured render applied to external walls;
 - (vi) Reconstituted stone detail course added at eaves level and first floor level.
- 1.5 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. 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. The footprint of the dwelling measures approximately 11 metres (maximum) by 15 metres (including the public access to the main building).
- 1.6 At ground floor the dwelling would contain an office, Imam's private study and prayer room, kitchen, dining, lounge, and toilet. Three bedrooms would be located at first floor, with a family bathroom, disabled toilet and sitting area.
- 1.7 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 7 metres to ridge and comprises a total floor space of approximately 239 square metres, of which approximately 102 square metres comprises an extension to include kitchen, storage and toilet facilities and circulation space. Approximately 137 square metres will comprise a community/dining hall. The building would be finished in through coloured render.
- 1.8 Excluding the Imam's residence, the proposed new floor space comprises approximately 259 square metres. The total floor space proposed for Class D1 Place of Worship use comprises approximately 707 square metres. The Imam's residence will comprise approximately 234 square metres.
- 1.9 22 no. car parking spaces would be provided within the site, of which 3 no. would be disabled spaces. The Design and Access Statement accompanying the application states: *"Many of AMA's members who travel by private car are likely to be families or friends and therefore there will be high levels of car sharing, which will minimise the amount of local traffic along Sanatorium Road and the surrounding area. The site currently has 16 car parking spaces."*

(paragraph 2.2.5).

- 1.10 6 no. Sheffield cycle stands will be provided (12 no. cycle parking spaces).
- 1.11 Five 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.
- 1.12 The Transport Statement accompanying the application states:
 - (i) The maximum number of members attending each service will be no more than 30, which will occur during a typical Friday lunchtime service (paragraph 4.3.5);
 - (ii) A large number of members will walk, cycle, or make use of public transport (4.3.8);
 - (iii) The busiest service will take place during a typical Friday lunchtime (13:00-14:00), where up to 30 members could be in attendance. At all other service times, attendance numbers will be far lower (5.2.2);
 - (iv) 50% of members live within a one to two mile radius of the site, and are therefore likely to arrive on foot, cycle, or make use of nearby public transport facilities (5.2.3);
 - (v) The typical AM peak hour (08:00-09:00) will not be affected as there are no planned services after 05:00; the next planned service being at 13:30 (5.2.4);
 - (vi) There is however a planned PM peak hour service at 17:30. Members are likely to arrive and depart during this peak hour period (17:00-18:00) given that service duration is not expected to exceed 20 minutes (5.2.5);
 - (vii) It has been assumed for assessment purposes that a maximum of 20 worshipers will attend this particular service. Given the site's close proximity to a large residential catchment, and that 50% of members live within a one to two mile radius of the site, it is reasonable to assume that 50% of members will arrive via sustainable means i.e. walking, cycling or public transport. The remaining 10 members are therefore assumed to arrive via private car (5.2.6);
 - (viii) It has also been assumed that two members will arrive in each vehicle, resulting in a maximum of five arrivals and five departures during a typical PM peak hour i.e. 10 two-way vehicular trips (5.2.7);
 - (ix) There are a total of 144 Ahmadiyya Muslims in the area that could benefit from the [Eid] service (5.3.5). However, it is anticipated that up to 100 of these will attend the proposed Sanatorium Road site during Eid festivals, as it is common for a significant percentage to instead take part in far larger events i.e. those held in London;
 - (x) One of the rituals observed by worshippers during Eid festivals is to walk to and from the place of worship and to take a different route to and from the site (5.3.6);
 - (xi) This effectively removes the likelihood of any additional vehicular traffic attending the site during Eid gatherings to that described under normal service conditions (5.3.7);

- (xii) In addition, the [Eid] service will typically commence at 10.00am and conclude at 11.30am; i.e. mid-morning peak hour. Worshipers will arrive on time and depart soon after, to enable them to continue celebrations with their family and friends at home (5.3.8).

1.13 A Flood Consequences Assessment has been submitted in support of the application.

1.14 The agent submitted the following additional comments on 12th February 2016:

- (i) The increase in floor space of the place of worship beyond that already consented is 168m (532 compared to 700 sqm), approximately an additional 30%. The remainder of the additional floor space is associated with the Imam's residence. The size of the Ahmadiyya Muslim population of worshippers within Cardiff (around 150 persons) does not change as a result of the proposals. It remains the same despite the increase in floor space of the proposal. The majority of this additional floor space associated purely with the place of worship (not including the Imam's residence) provides for high quality facilities for worshipers in the form of male, female and disabled toilet and wash room facilities, a lift facility, an ancillary nursery, kitchen facility and a meeting room to serve community functions. The increase in floor space is designed to serve the relatively static number of worshippers well, rather than attract additional footfall. This is the reason for the only additional traffic movements beyond that previously consented being the Imam's residence as set out within the Transport Statement (TS) submitted in support of the planning application;
- (ii) For the reasons set out above it is considered that there will not be a significant intensification of use. The population of worshippers remains relatively static regardless of the floor space. The proposal is designed to provide a high quality service to and facilities for the static number of worshippers rather than attract additional footfall;
- (iii) I see no reason why a 'Framework Travel/Event Management Plan' condition cannot be attached to this permission as previously.
- (iv) As set out within the TS, typically the peak number of worshipers attending a service is 30 persons on a Friday lunchtime. Normally the number attending services is significantly lower.
- (v) During Eid festivals, as previously, the place of worship will operate at capacity of around 100 persons as many Cardiff based Ahmadiyya Muslims will attend larger festivals in London or elsewhere.
- (vi) The Local Planning Authority's supplementary planning guidance requires 1/10th of capacity to be provided in terms of parking. The proposal provides 22 car parking spaces and 12 cycle spaces, which is considered to be sufficient to cater for the additional Imam's residence and during Eid festival celebrations and therefore complies with guidance.
- (vii) The site is in a sustainable an accessible location and the Transport Statement considers the additional transport movements (associated with the Imam's residence) beyond that previously permitted.

2. **DESCRIPTION OF SITE**

- 2.1 The site extends to approximately 0.15 Ha and includes vacant offices and workshops in one and two-storey buildings. The previous occupier of the site vacated the premises in June 2014.
- 2.2 A railway embankment of approximately 4 metres height 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. Vehicular access to the site is off Sanatorium Road with courtyard parking.
- 2.4 The site is located within Flood Zone C1 on the Development Advice Map.

3. **SITE HISTORY**

- 3.1 14/01523/DCO: Permission granted in March 2015 for change of use from Class B1 (Business) to Class D1 (Non-Residential Institutions).
- 3.2 13/01645/DCO: Permission granted in October 2013 for proposed extensions to existing office accommodation.
- 3.3 97/01987/R: Permission granted in December 1987 for pitched roof.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 8 (January 2016):

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 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*
- *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
- EC3 Alternative Use of Employment Land and Premises
- 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
- C7 Planning for Schools
- W2 Provision for Waste Management Facilities in Development

4.4 The following Guidance was supplementary to Development Plan Policy now superseded by the Local Development Plan (LDP). However, the following are considered consistent with LDP policy and are relevant to the consideration of this proposal:

Access, Circulation and Parking Standards (January 2010)

Waste Collection and Storage Facilities (March 2007)

Residential Design Guide (March 2008)

5. **INTERNAL CONSULTEES RESPONSES**

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

- (i) The submitted Transport Statement (TS) assumes that the same number of vehicular trips, i.e. 10No two-way during a typical PM peak hour will be associated with the place of worship together with 1No additional trip for the three bed dwelling, at this time, despite the submission being greater in scale from that which was previously approved under 14/01523/DCO. Therefore the TS fails to demonstrate what the traffic impact of the development would be over and above that which has previously obtained consent.

- (ii) The submitted TS therefore assumes that the maximum number of people likely to attend this facility (up to 20 worshippers generally and up to 30No worshippers on a Friday lunch time) will be the same as that which was previously approved. The additional floor area, i.e. 934m² compared with 532m² (which includes a 3 bed dwelling and Community Hall) suggests that the number of visitors would likely be more than this figure and that there would be an intensification in use over and above that which has previously obtained consent.
- (iii) No 'Framework Travel/Event Management Plan' has been submitted in support of this new application as was required by condition previously under 14/01523/DCO and which would assist in supporting those statements made within the submitted TS, i.e. that a large number of people would walk to/from the site. This document should also address the management of events held on the site when up to 100 people are expected to attend the Eid Festivals which typically occur twice a year and those that would likely occur as a result of the proposed new community hall and increase in floor area.
- (iv) On the basis of the above an objection from Transportation would be forthcoming and I would suggest the following Reason for Refusal: *The application does not satisfactorily address the likely vehicular trip generation that would be associated with the development and therefore fails to demonstrate that the use of the site would not adversely impact on the efficient operation of the local highway network.*

5.2 The **Operational Manager, Environment (Contaminated Land)**, has been consulted and any comments received will be reported to Committee.

5.3 The **Operational Manager, Waste Management**, advises that the application gives no details for the proposed storage of waste and recycling and requests that these details be submitted to enable the suitability of the waste storage provision to be assessed. She advises that:

- (i) The proposed residential unit will require storage provision for 1 x 140 litre bin for general waste, 1 x 25 litre kerbside caddy for food waste and green bags for mixed recycling;
- (ii) The kitchen 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;
- (iii) The mosque is permitted to use the free domestic waste collection with the residential unit. Larger bins can be allocated;
- (iv) The developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team;
- (v) The Community Hall will require a commercial waste collection contract. This waste must not be mixed with the waste from the residential unit or Mosque, and will therefore require a separate storage location. The Council can collect and dispose of this waste by arrangement;
- (vi) The Waste Collection and Storage Facilities Supplementary Planning Guidance contains further relevant information.

- 5.4 The **Operational Manager, Environment (Noise & Air)**, recommends a condition in the event that planning permission is granted to prevent the use of external speakers for amplified sound and speech.
- 5.5 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.6 The Council's **Drainage Officer** has no objection in principle to the application, although where ground conditions are suitable he advises that surface water should be drained via sustainable drainage techniques, such as permeable paving or soakaways, as indicated in TAN 15. Although it has been stated that the area of low permeability is not changing, the site is being completely re-developed and therefore he expects the applicant to improve the current surface water drainage situation (assuming that there is currently no soakaway or attenuation system, as no details have been forwarded as part of the application). In light of the above and in order to minimise any risk of flooding and pollution he would request a relevant condition be attached to any planning permission.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water (DCWW)** requests that conditions are added to any permission that is granted to ensure that no surface water drains into the public sewerage system and no operational development takes place within 5 metres either side of the centreline of the public sewer crossing the site. They also recommend that advisory notes be attached reminding the applicant of the need to apply for any connection to the public sewer under Section 106 of the Water Industry Act 1991, and recommending that they contact DCWW to establish whether any other public sewers or lateral drains exist (previously in private ownership) which may be affected by the development.
- 6.2 The **South Wales Police Design Out Crime Advisor** has been consulted and any comments received will be reported to Committee.
- 6.3 **Natural Resources Wales** do not object to the development. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified and refer to the justification tests set out in section 6.2. It is their view that the development proposed in the application would result in the intensification of 'highly vulnerable development', with the likely introduction of more people into a **flood risk** area. They can confirm that the application site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Their Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Ely, a designated main river.
- 6.4 The Flood Consequences Assessment (FCA) undertaken by RPS dated October 2015 (ref. JER6641), which includes their response to a data request

confirms that:

- (i) The proposed development consists of extensions to the existing structure and site levels will not be altered based on existing site levels of 8.42m AOD;
- (ii) The site will not flood during a 1 in 100 year plus climate change flood event and will therefore be designed flood free. These results are compliant with the frequency thresholds set out in A1.14 of TAN15.
- (iii) For the 1 in 1000 year flood event the site will flood to depths between 420 to 570 mm, which is considered to be within the limits of the tolerable conditions set out in A1.15 of TAN15. The depth of flooding is described to have a hazard to people classification of 'danger to some' (includes children, the elderly and the infirm).

6.5 It is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. They would recommend consultation with other professional advisors on the acceptability of proposals and on matters they cannot advise on, such as, emergency plans, procedures and measures to address structural damage that may result from flooding. The submitted FCA should aid considerations in terms of evacuation routes, access to and egress from the site. They do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the Planning Portal website.

6.6 Should the Local Planning Authority be minded to grant planning permission then they would suggest an informative note on the decision notice, recommending the applicant to consider the future insurability of this development. Although they have no involvement in this matter they would advise the applicant to review the Association of British Insurers published a paper, 'Climate Adaptation: Guidance on Insurance Issues for New Developments', to help ensure any properties are as flood proof as possible and insurable.

6.7 In respect of **potential for land contamination**, they consider that the controlled waters at this site are not of highest environmental sensitivity, therefore they will not be providing detailed site-specific advice or comments with regards to land contamination issues. They recommend that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) be followed. This is based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

- 6.8 Their records indicate that there is a **historic landfill** within 250m of the proposed development site and their understanding is that the local planning authority holds detailed information to inform planning decisions about risks posed by landfill gas and other factors.
- 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) The provision and future maintenance of a suitable trespass proof fence (of at least 1.8m in height) adjacent to their boundary. Vegetation must remain undisturbed;
 - (ii) Additional or increased flows of surface water should not be discharged onto their land or into their culvert or drains. It is recommended that soakaways should not be constructed within 10 metres of their boundary;
 - (iii) No work should be carried out that may endanger the safe operation of the railway or the stability of their structures and adjoining land;
 - (iv) Construction and future operation of the development must not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land or structures. There must be no encroachment of the proposal onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from Network Rail Asset Protection Team.
 - (v) All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.
 - (vi) No trees should be planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.
 - (vii) 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.
 - (viii) Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling equipment 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.
 - (ix) The close proximity of the proposed site could bring a risk to the railway and Asset Protection involvement may be required. The Developer should contact the Network Rail's Asset Protection Western Team well in advance of mobilising on site or commencing any works.

7. **REPRESENTATIONS**

7.1 **Councillor R Cook** states his objection concerning the increase in traffic from worshippers at the mosque in what is already a very busy area with schools, a GP surgery, vet, nursery, gym and other commercial units which have many visitors and deliveries. When the paper mill site is fully developed the area will become even busier. In addition, when the traffic computer modelling was carried out for the paper mill site any additional traffic from a place of worship like this mosque was not factored in to the model. He therefore considers that the modelling should be repeated by the applicant to ascertain whether the additional journeys generated from this application would mean that more changes to the highway network are needed so that traffic flows freely.

7.2 **7 no. objections** have been received from the occupiers of 136 Broad Street, 15, 17 and 20 Lansdowne Avenue West, 108 Broad Street, The Hollies Day Care Nursery and one unaddressed email. The grounds for objection are summarised as follows:

- (i) Increased traffic congestion and parking problems, the existing network and parking provision will not cope with more traffic leading to overspill parking on surrounding streets; The existing school, nursery, clinic and other businesses causes parking chaos;
- (ii) Traffic congestion will cause access problems for emergency vehicles;
- (iii) Previous application gave assurances that the development is for a very small community that would not affect the area;
- (iv) Minaret will cause unnecessary noise at unsociable hours;
- (v) Requests that Planning Committee carry out a site visit before determining the application;
- (vi) The future Wiggins Teape/Ely Paper Mill will also lead to increased traffic;
- (vii) Local businesses were assured that most parents would walk or cycle to the new primary school and the increase in traffic would be acceptable. Since the school opened, the traffic and parking situation has deteriorated significantly;
- (viii) The pupil intake to Ysgol Treganna has increased, further exacerbating the traffic and parking issues;
- (ix) The Hollies currently employs 43 staff and anticipates an additional 8 no. staff in future, accommodating up to 130 children, which is expected to rise to 150. Many staff live outside Cardiff therefore they have to travel by car. A proportion of staff who live locally cycle or walk to work;
- (x) Traffic congestion will worsen at the afternoon peak time when 5.30pm prayer coincides with the end of the business day;
- (xi) Queries the extent of neighbour consultations that have been carried out;
- (xii) Questions whether a traffic survey relating to Sanatorium Road has taken place?
- (xiii) The applicant's agent states that new premises are required due to

- the applicant's increasing membership. Queries the projected increase in membership and the impact upon the application;
- (xiv) Questions whether the premises are licenced for a specified maximum attendance;
 - (xv) Application completely changes the appearance and size of the buildings on the site;
 - (xvi) Floor space will more than double from 428 to 928 metres (excluding the storage containers which were non-permanent structures which have since been removed from the site). Queries the permitted increase per planning regulations;
 - (xvii) It is not clear how parking for 22 no. vehicles will be accommodated;
 - (xviii) It is impossible to accurately estimate the size of the congregation in attendance at any given point;
 - (xix) Requests confirmation on the capacity of the Community Hall and the Mosque;
 - (xx) Queries the traffic and parking implications when both the Community Hall and Mosque are used to full capacity;
 - (xxi) Inconsistent with the business and educational buildings in the area;
 - (xxii) Proposals do not reflect the height, scale and massing of business and residential premises in the vicinity;
 - (xxiii) Impact upon natural light to neighbouring properties;
 - (xxiv) Concerns regarding continued rights of access for neighbouring occupier and waste storage;
 - (xxv) Seeks confirmation that the crèche will be for worshippers only.

8. **ANALYSIS**

- 8.1 The key issues for the consideration of this application are the principle of the change of use to Class D1 (Non-Residential Institutions), the design and appearance of the proposed extensions and dwelling, transportation considerations, impact upon residential amenity and flood risk.

Principle of Development

- 8.2 The principle of the changing the use of the site from Class B1 (Business) to Class D1 (Non-Residential Institutions) has been established by the decision of Planning Committee to grant planning permission for a similar proposal by the same applicant in March 2015. Paragraph 3.1 of this report summarises the details of this application which was accompanied by an Employment Marketing Statement.

Design and Appearance

- 8.3 This application proposes an increase in floor space from approximately 448 square metres to approximately 707 square metres (excluding the Imam's residence), an increase of approximately 259 square metres (37%).
- 8.4 The extensions to the first floor of the main building will increase the scale and massing of the building along Sanatorium Road, however it is considered that the marginal increase in building height by 1.5 metres above the existing first

floor is unlikely to be overbearing in the street scene. It is acknowledged that the use of appropriate external finishes, fenestration design, and dentil course would improve the aesthetics of the existing building.

- 8.5 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 features 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.
- 8.6 The proposed Imam's residence, being attached to the rear (north) elevation would largely be screened from the public highway, although views of the rear (east) elevation would be possible when approaching the site from the east. The finished appearance of the dwelling is considered to be acceptable.
- 8.7 The dwelling would front onto the carpark behind the main building, and would be separated from it by a 0.6m wall, which would offer a degree of defensible space. However, the only private amenity space for this large, three bedroom dwelling would be a 12.5 square metre patio in front of the main entrance to the dwelling. This patio would be adjacent to the public access to the Mosque offices and would be defined by the 0.6m wall. It would overlook the car park.
- 8.8 Planning Policy Wales, 8th Edition (PPW8) emphasises the need for quality, good design in and the creation of places to live that are safe and attractive in well-designed living environments (paragraph 9.1.2). Technical Advice Note 12 advises that *"Development proposals, in relation to housing design, should aim to create places with the needs of people in mind"* and *"focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles."* (paragraph 5.11.2). *"The location and definition of public and private space and the design of boundary treatment are particularly important for housing...every effort should be made to orientate dwellings so that they front existing roads and spaces"* (paragraph 5.11.4).
- 8.9 Cardiff's Residential Design Guide (2008) outlines design policies for new residential development and intends to secure the highest standards of design in new developments. Although this guidance was produced as Supplementary Planning Guidance (SPG) to Development Plan Policy now superseded by the Local Development Plan (LDP), it is considered to be relevant to consideration of the proposed three-bedroom family dwelling.
- 8.10 This SPG states that *"The provision of useable and appropriate amenity space is required as part of all residential proposals. For all houses and for ground floor flats that will likely serve as family accommodation, enclosed and secure private rear gardens should be provided. The size of gardens should reflect the character of the area and it must be demonstrated that they are appropriate to the size and type of accommodation proposed. Depending on context, gardens should measure at least 10.5m in depth or 50m² overall."* (Objective 2.2 p10). It also states that *"The aspect of proposed dwellings should be considered to ensure that they face out on to a pleasant street scene rather than a bland*

parking area.” (Objective 2.3 p12) and habitable rooms should overlook the streetscape and the wider public realm (Objective 9.1 p27).

- 8.11 Whilst it is acknowledged that the proposed dwelling would be ancillary to the main use of the site as a place of worship, it is considered that the future occupiers of this three-bedroom dwelling should still be provided with a good quality living environment. The habitable rooms of the proposed dwelling would not front Sanatorium Road, instead they either face onto the main car park, or towards the Community Hall from less than 3 metres away. Furthermore, the only private amenity space would comprise a mere 12.5 square metres, would be sited at the front of the dwelling immediately adjacent to the car park and the public access to the Mosque offices and would not enjoy the benefit of satisfactory privacy screening. It is considered that the future occupiers of this family dwelling would experience a poor quality living environment.

Transportation Considerations

- 8.12 The Transport Statement (TS) accompanying the application is predicated on the basis that the maximum number of members attending each service will be not more than 30, except for the annual Eid celebrations when up to 100 people could attend. The TS also assumes that 50% of worshippers will use non-car modes of travel as they live within 2 miles of the site, and two members will arrive in each car. The same figures were relied upon for the previous change of use application which Committee approved in March 2015.
- 8.13 Paragraph 8.3 of this analysis summarises the increased scale of the proposed development in floor space terms, an increase of approximately 37% above the existing premises. The women’s prayer room would be 65 square metres, the men’s prayer room would be 144 square metres, and the community/dining hall would be 136 square metres. It is considered that the scale of development proposed indicates that the number of visitors would likely be more than the figures relied upon in the TS and that there would be an intensification in use of the site over and above that which has previously obtained consent. The Operational Manager, Transportation, considers that the TS fails to demonstrate what the traffic impact of the development would be over and above that which has previously obtained permission.
- 8.14 Furthermore, it is noted that the application contains no information on the intended frequency of use of the proposed Community/Dining Hall. It is common for such ancillary facilities to be used for weddings and other religious festivals, as well as being available for hire for private events. Mindful of the amount of floor space proposed and the attached kitchen and toilet facilities, it is reasonable to assume that this hall be could operate on a regular basis by large groups of people. The application is silent on this issue.
- 8.15 It is also noted that the TS contains no information or evidence to back up the assumption that half of the worshippers would use non-car modes of travel to and from the site, and those that drive will ‘car-share.’
- 8.16 It is considered that the application fails to demonstrate that the development

will not cause unacceptable harm to the safe and efficient operation of the local highway network, contrary to the provisions of LDP Policies T6 and C1 (iv).

Residential Amenity

- 8.16 LDP Policy C1 encourages proposals for new religious facilities, subject to their satisfying 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 to the application site 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 Terrel).
- 8.17 Although the application does not specify the proposed hours of opening nor does it confirm whether the applicant intends to operate an amplified call to prayer, 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 and preventing any amplified call to prayer from the minaret.
- 8.18 In undertaking a site visit, the case officer observed an extraction unit in the side (east) elevation of the adjacent printing company immediately east of the application site. Mindful that no habitable rooms in the proposed three bedroom would face towards this neighbouring occupier, it is not considered that a reason for refusal on these grounds could be sustained.
- 8.19 It is not considered that the proposed development would result in an adverse loss of light for neighbouring properties.

Flood Risk

- 8.20 The Flood Consequences Assessment (FCA) accompanying the application confirms that existing site levels will not be altered and the site will not flood during a 1 in 100 year event. Although there will be flooding to a depth of between 420 to 475mm in a 1 in 1000 year event, this is considered to be within the limits of tolerable conditions set out in TAN 15. It is noted that the Natural Resources Wales (NRW) do not object to the proposals on grounds of flood risk (paragraph 6.3).
- 8.21 It is considered that the risks and consequences of flooding can be managed in accordance with TAN15. It is noted that the premises would have a means of escape to first floor in the unlikely event of a flood emergency.

Third Party Representations

- 8.22 In respect of the third party representations which have not already been addressed in this report:

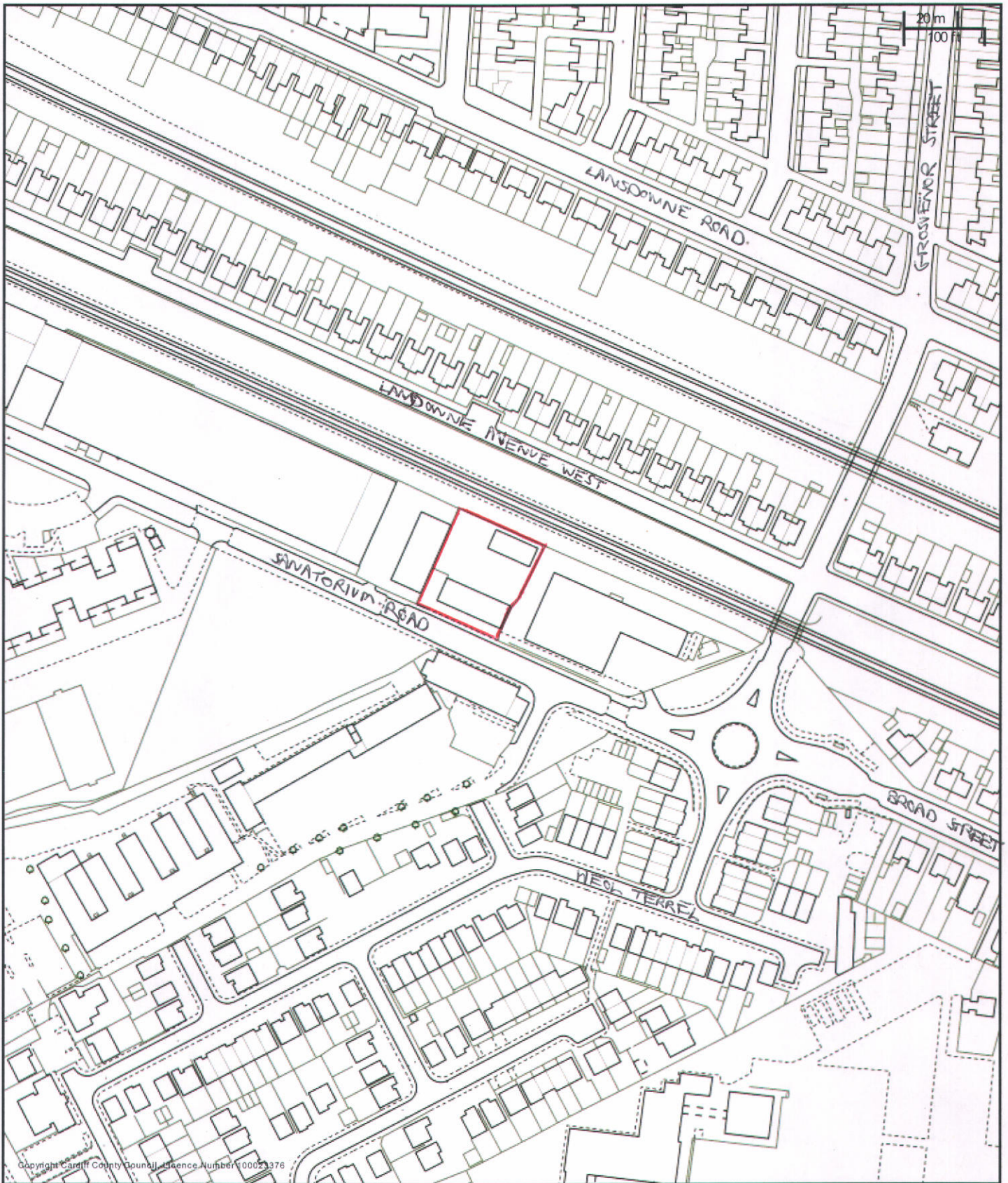
- (i) It is for Planning Committee to determine whether a Committee site visit is necessary;
- (ii) Each application must be determined on its own planning merits;
- (iii) The publicity for this application exceeds the requirements of Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012;
- (iv) The licencing requirements for the premises would be assessed under separate legislation;
- (v) The plans accompanying the application detail the proposed parking arrangements;
- (vi) The permitted capacity of the Community Hall and Mosque would be assessed against Part B of the Building Regulations (Fire Safety), which allows 0.5 square metres per person for assembly halls and 1 square metre per person for dining rooms;
- (vii) Access rights over the application site would not be affected by the decision on this application;
- (viii) It is assumed that the proposed crèche would be an ancillary function for worshippers. A relevant condition could secure this if it was deemed necessary.

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.

Conclusion

- 8.25 It is considered that 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.
- 8.26 It is also considered that the proposed dwelling, by reason of its siting and orientation, and inadequate provision of inadequate private amenity space, would result in a poor quality living environment for future occupiers.
- 8.27 It is therefore recommended that the application be refused for these reasons.



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CHIEF EXECUTIVE
 Paul Orders
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

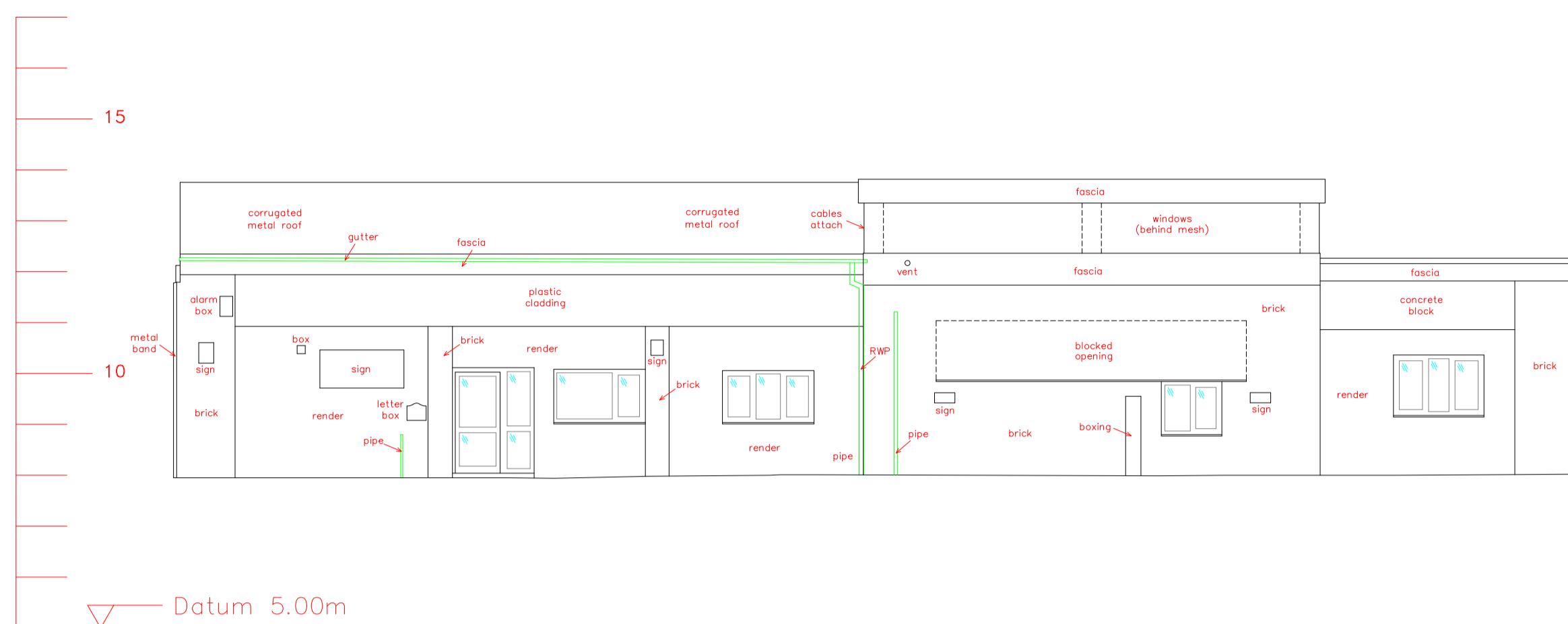
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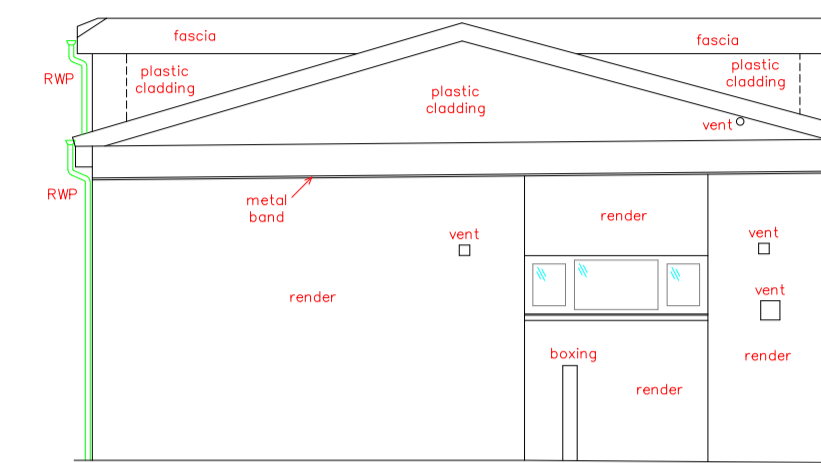
Coordinates:

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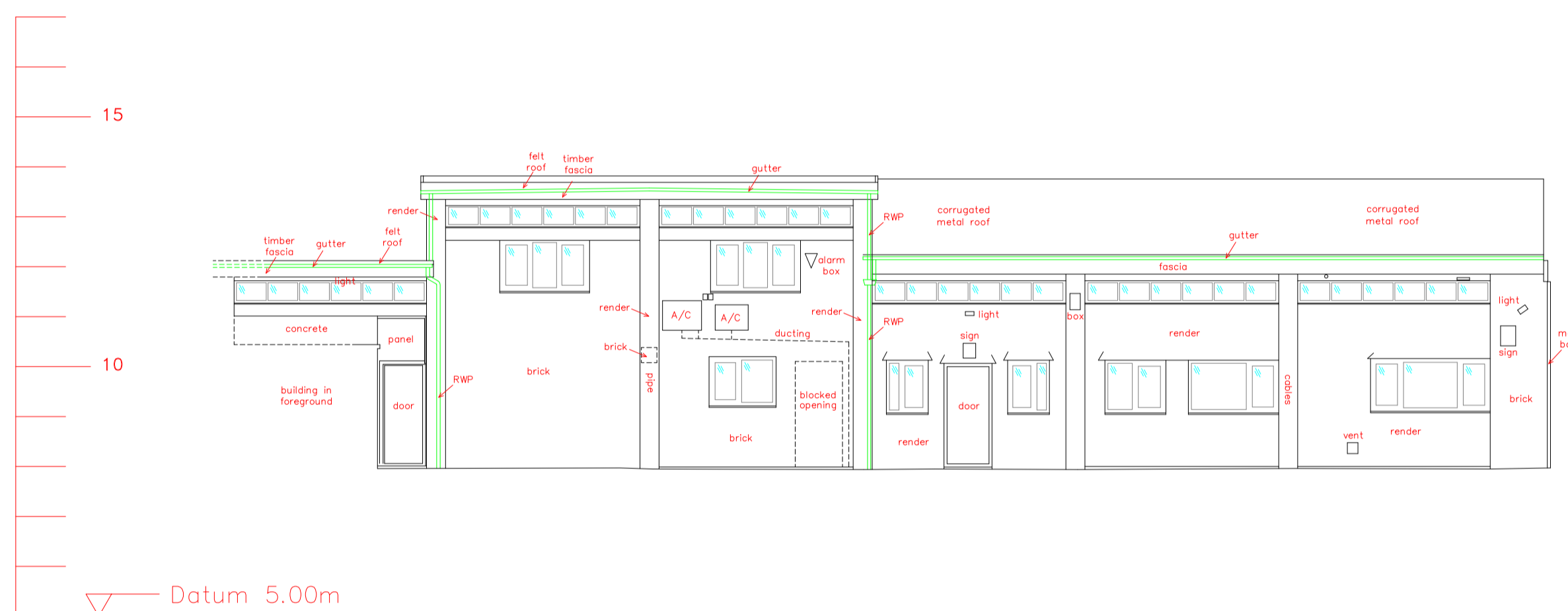
Ordnance Survey 100023376 (2014).



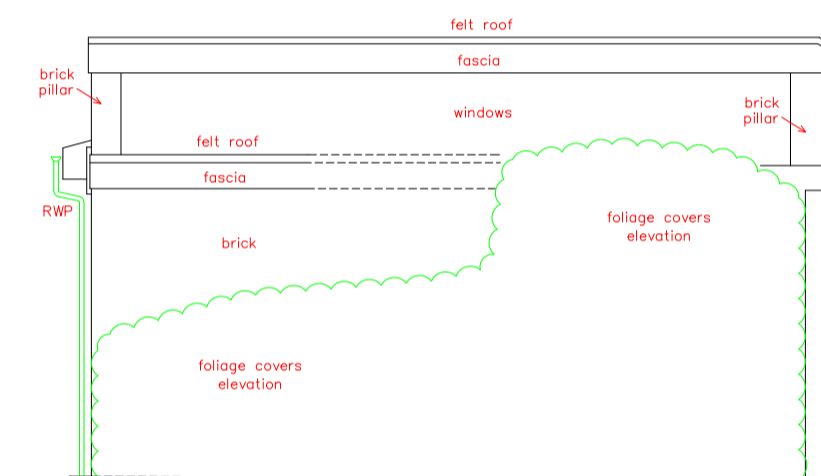
Main Building – South Elevation



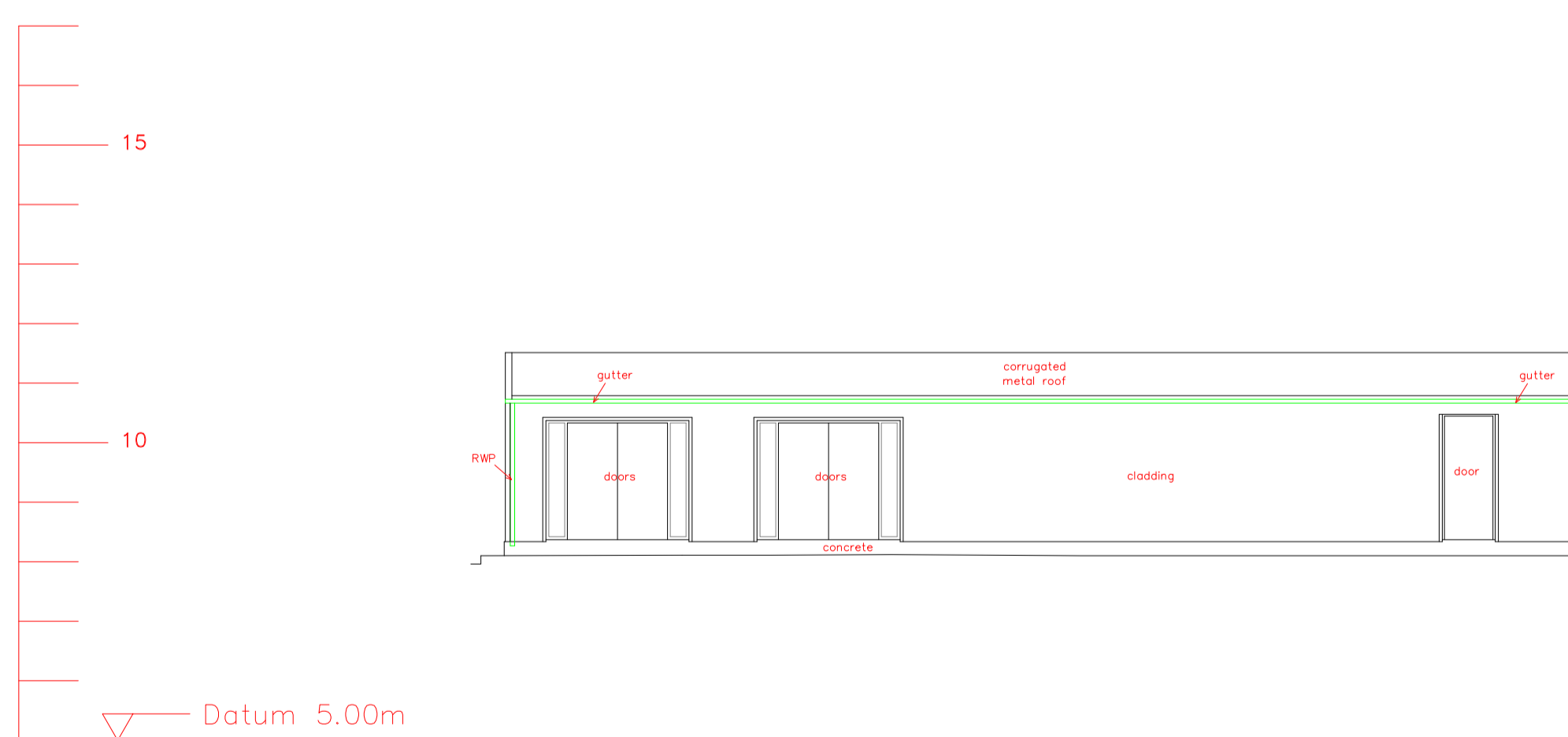
West Elevation



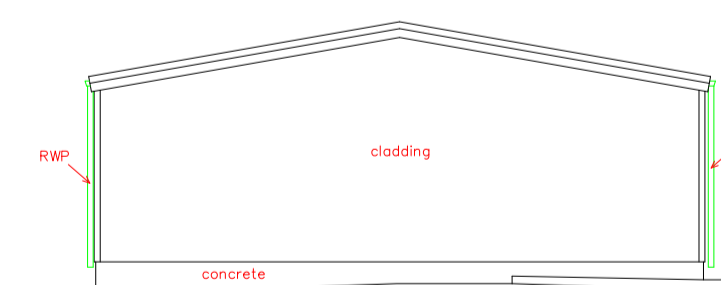
Main Building – North Elevation



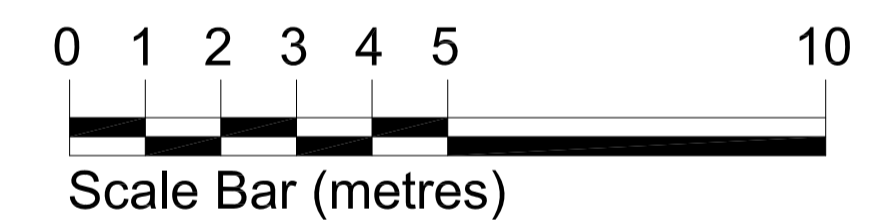
East Elevation



Workshop – South Elevation

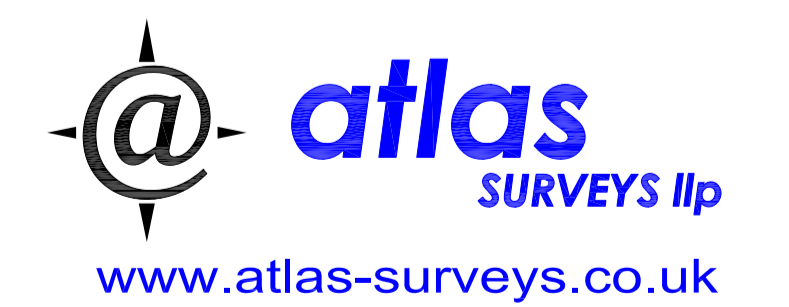


West Elevation



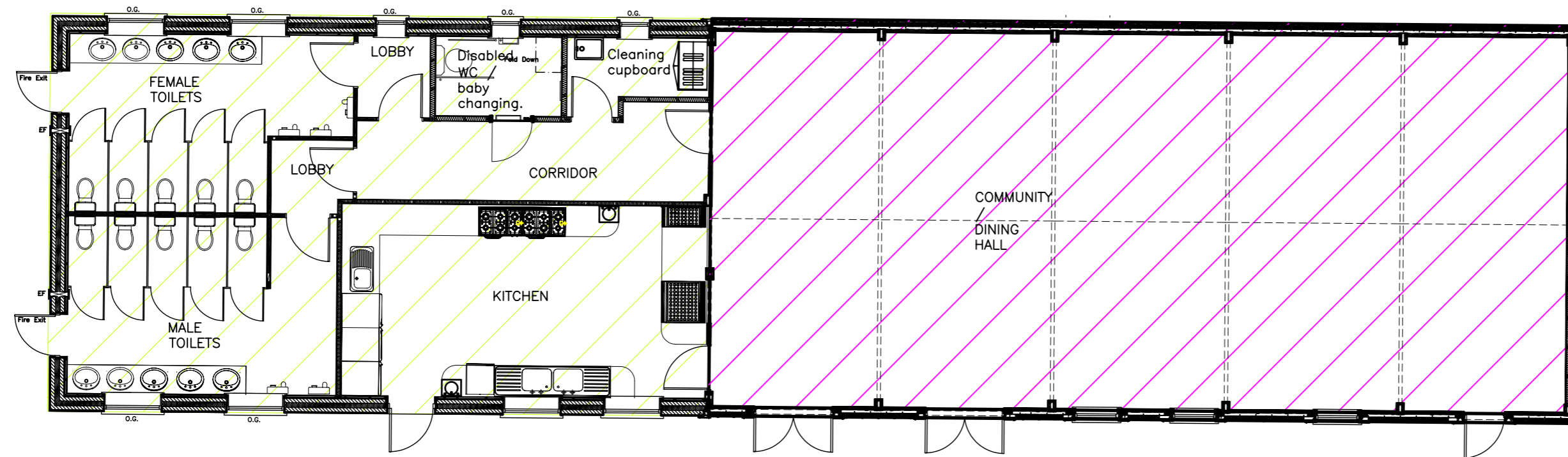
ABBREVIATIONS					
AH	arch apex height	K	key operated switch	FCH	false ceiling height
A/C	air conditioning	ID	invert depth	U/S	underside
BH	beam height	MH	manhole	BSU	beam slopes up
CH	ceiling height	RA	roof access		
CL	cover level	S/L	skylight		
CSU	ceiling slopes up	SH	sill height		
DH	door height	SPH	arch spring height		
HH	head height	SVP	soil vent pipe		
HT	height	UTR	unable to raise		
IC	inspection cover	RWP	rainwater pipe		

- NOTES
- Features shown dashed are indicative only.
 - Security bars are not shown.



Sanatorium Road Cardiff, CF11 8SU			
Elevations			
Scale	1:100	Dwg No.	ASP1395-2
Surveyed by	R A Davies	Job Number	ASP1395
Drawn by	J P A Taylor	Date	July 2014
Checked by	R A Davies	Status	Final
Coord Grid	Local Grid centred on OS National Grid		
Level Datum	Ordnance Survey Datum via GPS Active Network		

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NOTE

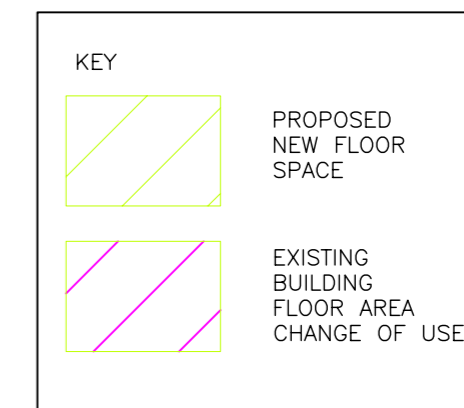
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REV.	DESCRIPTION	DATE
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CLIENT
Ahmadiyya Muslim Association UK

PROJECT TITLE
The Cardiff Mosque at Sanatorium Road, Cardiff.

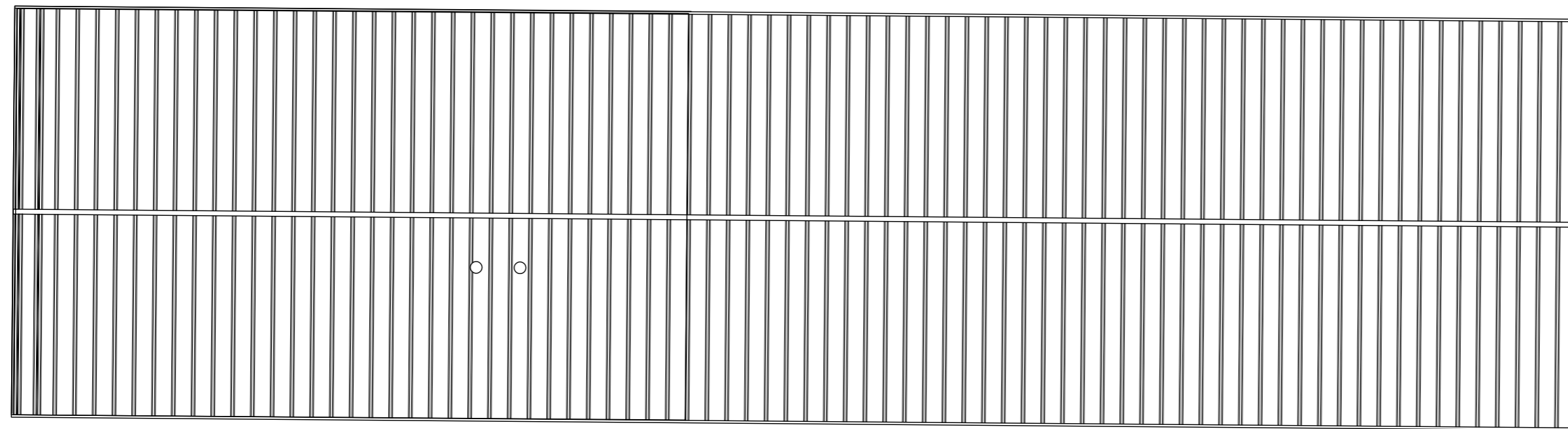
DRAWING TITLE
Proposed Site Layout showing, change of use and proposed new floor area – Ground Floor

SCALE
 1/100 @ A2

DRAWN BY SBH	PROJECT – DRAWING NO.
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DATE OCT 2015	221
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FILE Planning	REV. PLO
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NOTE

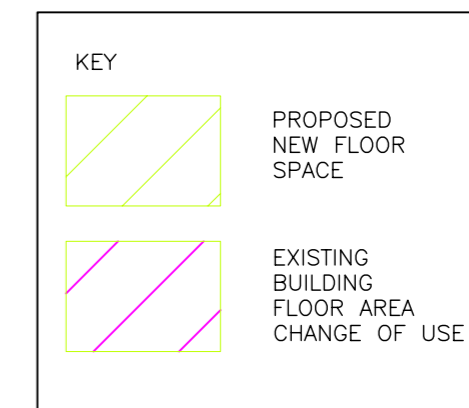
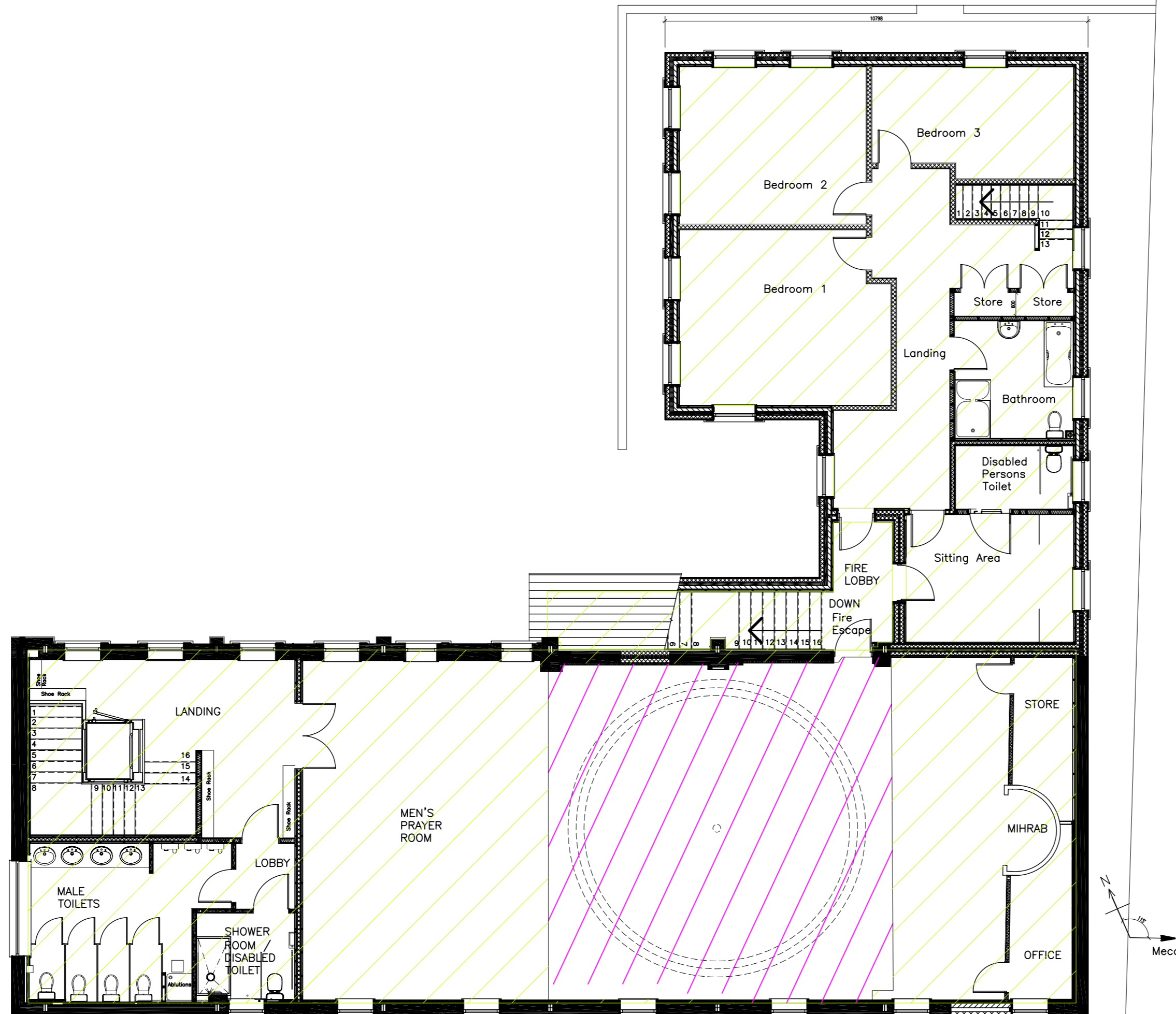
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CLIENT		
Ahmadiyya Muslim Association UK		
PROJECT TITLE		
The Cardiff Mosque at Sanatorium Road, Cardiff.		
DRAWING TITLE		
Proposed Site Layout showing, change of use and proposed new floor area – First Floor		
SCALE		
1/100 @ A2		
DRAWN BY	PROJECT – DRAWING NO.	
SBH	222	
DATE	REV.	
OCT 2015	PL0	
FILE		
Planning		

Existing Post and wire Steel boundary fence

Proposed Community Hall

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Proposed Concrete kerbing along parking area.

Proposed Paved Path

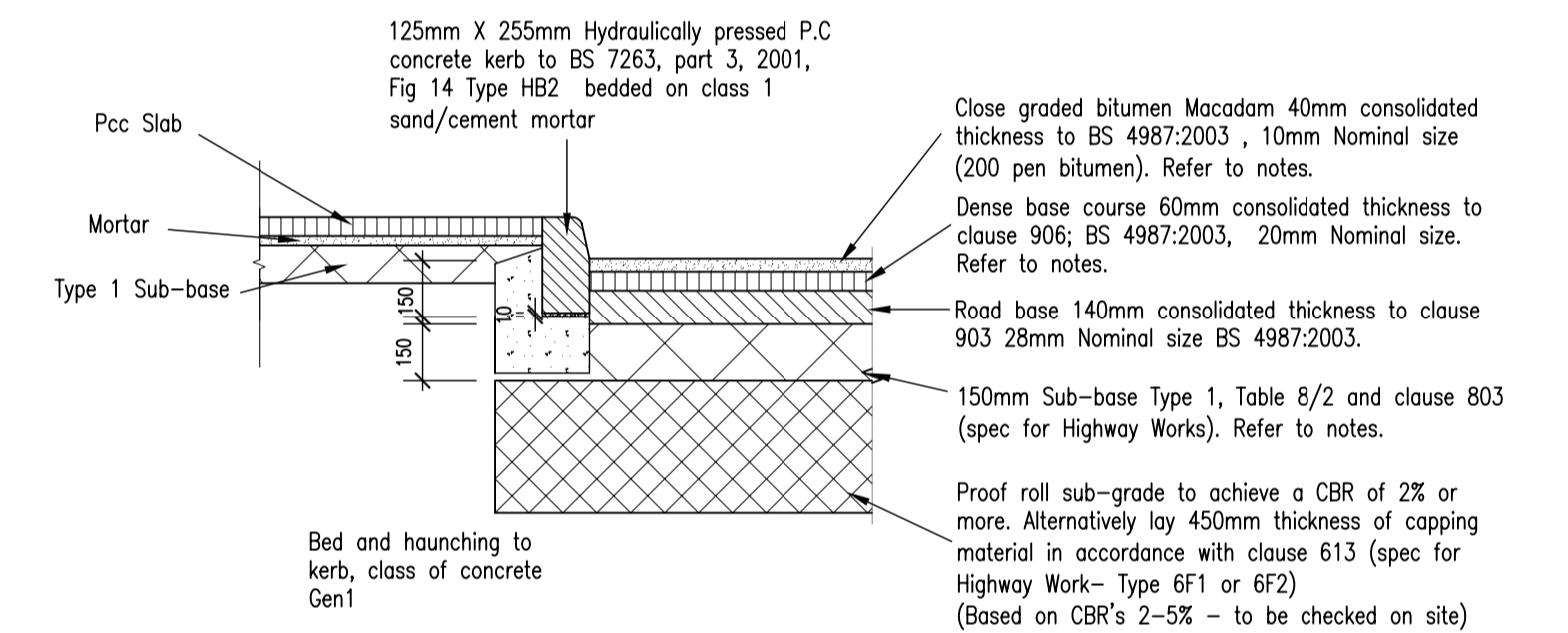
Proposed 600mm high dwarf wall

Proposed Paved Path

Proposed Steel Pallisade replacement boundary fence

Proposed Imam Residence

Proposed tarmac car park area.



LIGHT VEHICLE AREA / CAR PARKING
 MACADAM ROAD CONSTRUCTION

Proposed Minaret

Proposed Dome

Sanatorium Road

NOTE:- 10 number substandard parking bays (2.4m x 4.7m i.e. 100mm too short) however, custom & practise is for parking in this location and has previously been accepted by the Highways Authority as evident by the presence of a dropped kerb and hog back footway crossover along the majority of this frontage of Sanatorium Road

PL1	Disabled Person's Car Parking Increased	28/08/15
REV.	DESCRIPTION	DATE

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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

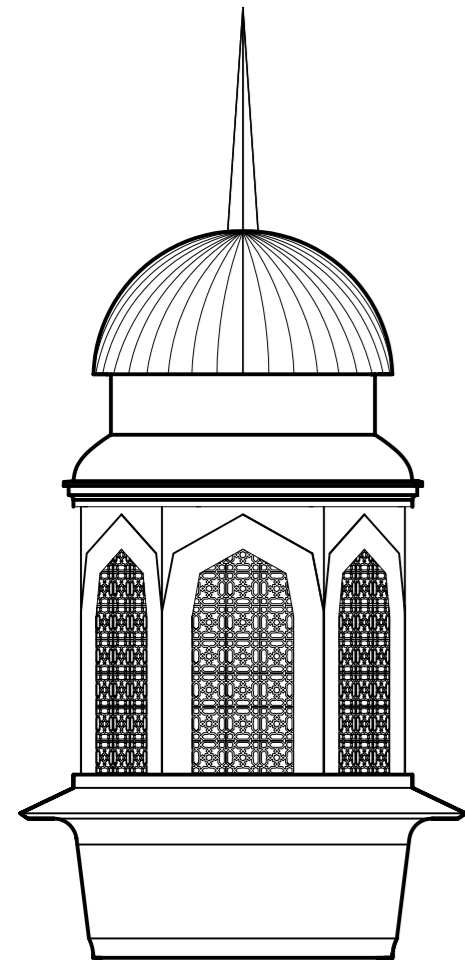
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 SBH

PROJECT - DRAWING NO.
 15-008-201

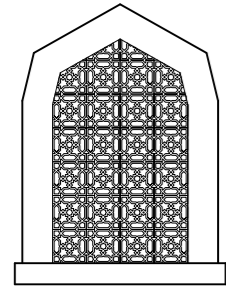
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FILE
 Planning

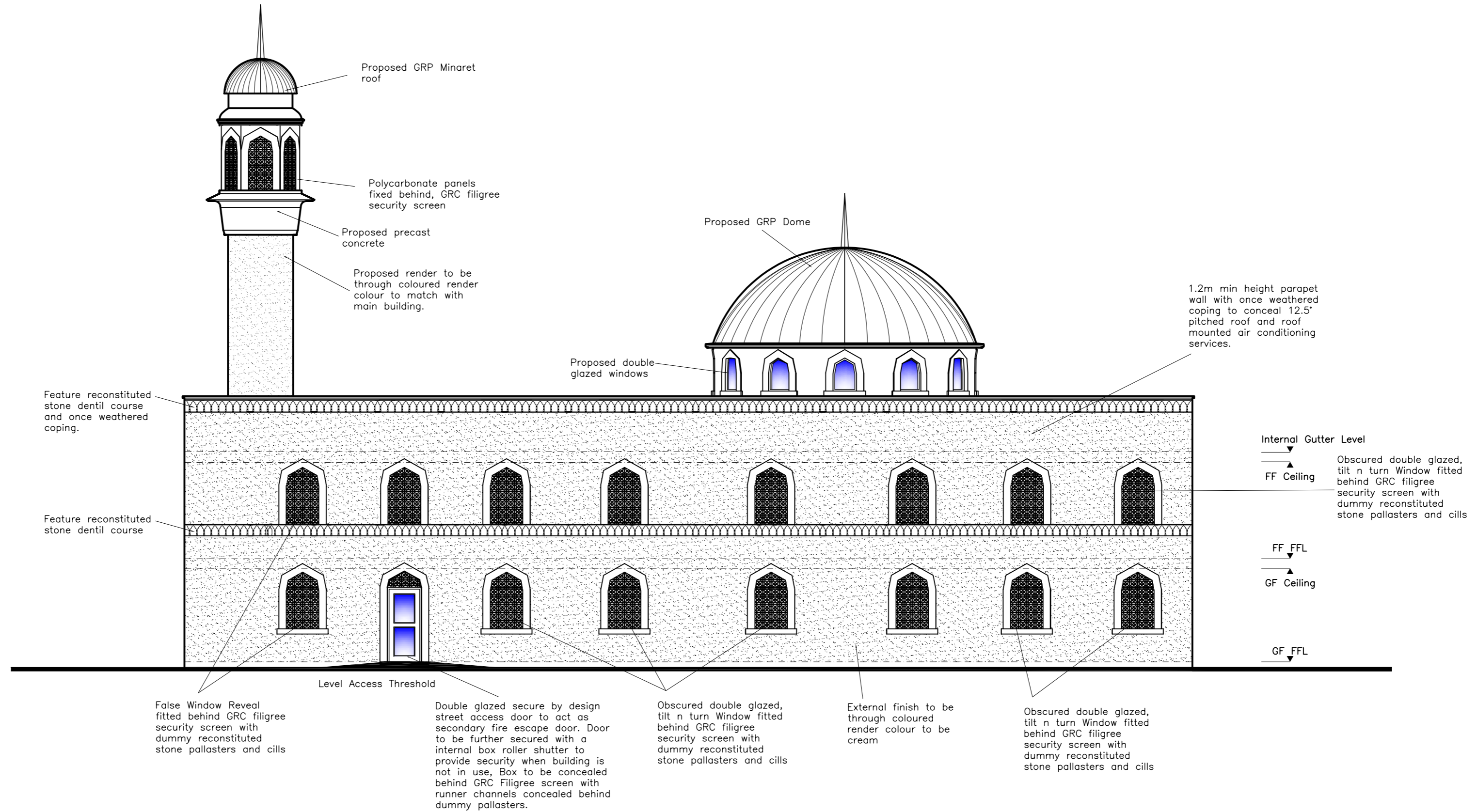
REV.
 PL1



Enlarged view of Minaret



Detail of window GRC Filigree



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Client
Ahmadiyya Muslim
Association UK

Revision	Date
P1 Single Dome	10-07-15
P2 Minor Amendments - Additional Minaret	20-07-15
P3 Minor Amendments - Additional Minaret	23-07-15
P4 Minor Amendments - Minaret amended	24-07-15

Project Title
Proposed Mosque at Sanatorium
Road Cardiff

Drawing Title
Proposed Front Elevation
As viewed from Sanatorium Road

Office of Origin
VALLEYS OFFICE

Drawn By
SBH

Scale
1/50, 1/100
@A2

Date
June 2015

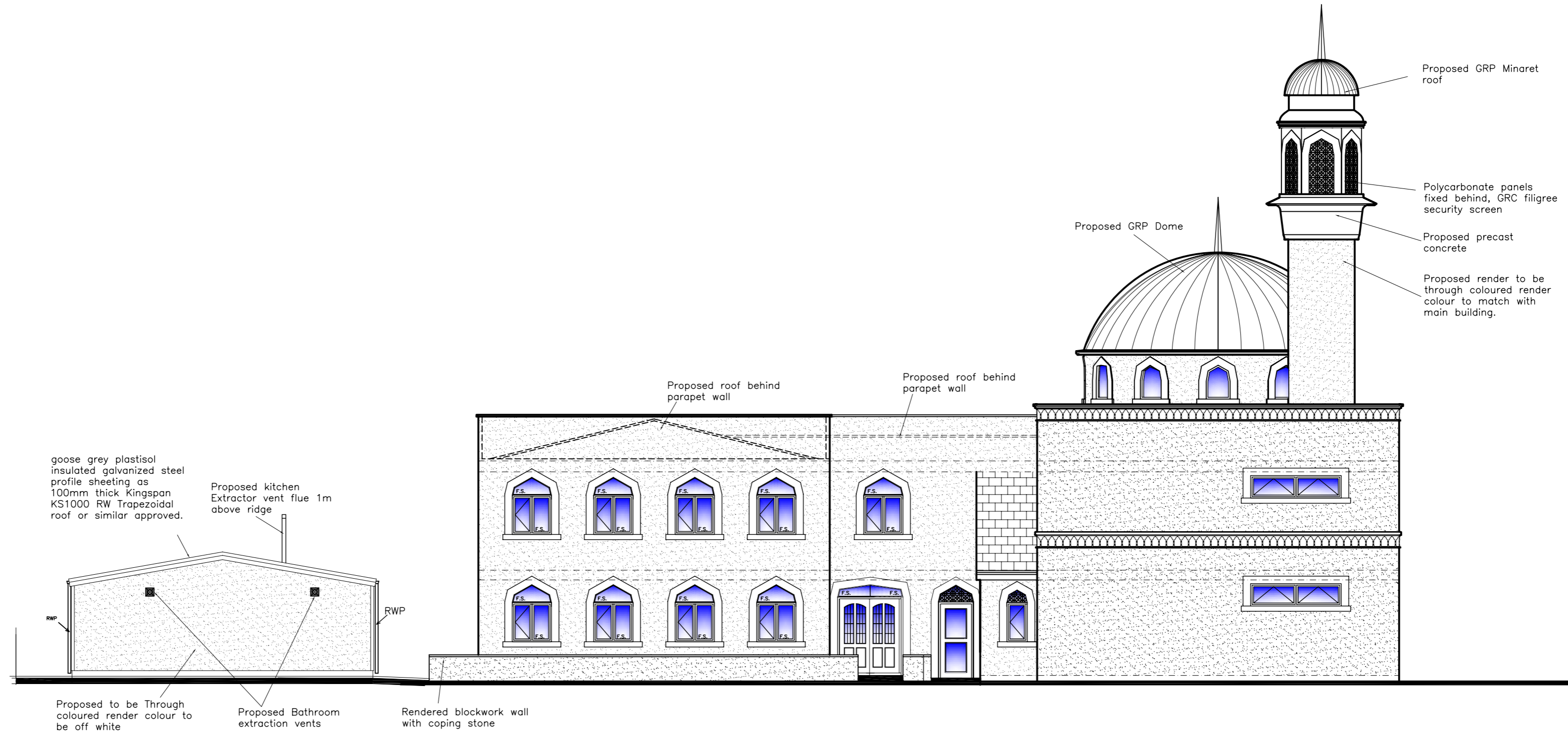
File
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Status
PRELIMINARY

Project No.
15-008

Drawing No.
205

Revision
P4



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WEB: http://www.gap-architectural.co.uk

Client
Ahmadiyya Muslim
Association UK

Revision	Date

Project Title
The Cardiff Mosque
at Sanatorium Road Cardiff

Drawing Title
Proposed Side Elevation

Office of Origin
VALLEYS OFFICE

Drawn By
SBH

Scale
1/100 @A2

Date
June 2015

File
-

Status
PLANNING

Project No.
15-008

Drawing No.
206

Revision
PLO