

## LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 15/03/2018

APPLICATION No. 17/02129/MNR APPLICATION DATE: 06/09/2017

ED: LLANRUMNEY

APP: TYPE: FULL

APPLICANT: BRIGHTSIDE MANOR CARE HOME  
LOCATION: 639 NEWPORT ROAD, RUMNEY  
PROPOSAL: CHANGE OF USE TO A 'TRANSIT STAY CARE HOME'  
ANCILLARY TO ADJACENT CARE HOME WITH SIDE  
AND REAR EXTENSIONS, LOFT CONVERSION WITH  
REAR DORMER AND RAMP FOR DISABLED ACCESS.

---

**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:
  - 201 R4 - Proposed Plans
  - 202 R4 - Proposed Plans
  - 203 R4- Proposed Site 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. The premises shall be used for the purpose specified in the application (Residential Care Home) and for no other purpose (including any other purpose in Class C2 Use class of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: Permission is granted only because of the characteristics peculiar to this proposal. Other uses within Class C2 could prejudice the amenities of the area.

4. No part of the development hereby permitted shall be commenced until a scheme of highway reinstatement works to Newport Road adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme is to include the resurfacing / reinstatement of the footway / carriageway as may be required as consequence of implementation of the development; to include

surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture and shall be implemented as per the approved scheme and retained thereafter

Reason: To reinstate the footway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in any wall in the side elevation facing 641 Newport Road.

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

6. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

7. Prior to its beneficial use, the rear dormer hereby approved shall be finished in materials to match the roof of the existing dwelling.

Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area.

8. The rear dormer window shall be non-opening below a height of 1.7 metres above internal floor level and glazed with obscure glass and thereafter be so maintained

Reason: To ensure that the privacy of adjoining occupiers is protected

9. Prior to beneficial use, a 1.8m high enclosure shall be erected to the rear boundary of the curtilage of the property and shall be retained thereafter

Reason: To ensure that the privacy of adjoining occupiers is protected

**RECOMMENDATION 2:** That the applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.

**RECOMMENDATION 3:** The agent/applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and

dispose of their waste can contact the commercial services department on **029 20717500**.

**RECOMMENDATION 4 :** 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 5:** The applicant/developer is advised that the site is crossed by a public sewer which may impact upon the rear extension. Therefore you are advised to contact Welsh Water on 0800 917 2652 to discuss a possible Build Over Sewer agreement.

## **1. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought to convert the existing semi-detached bungalow into a 'transit stay care home', which would allow short term stays for residents of the adjacent care home, prior to their discharge back into the community/own homes.
- 1.2 The proposal also entails extending the property to the sides and to the rear, the insertion of a dormer window into the rear roof slope and construction of a walkway and ramp for disabled access between existing care home and the property.
- 1.3 The submitted plans as amended show the rear/side extensions to be 1.4-8m wide, 5.6-14.6m long and 2.6m high with a flat roof. The rear dormer is to be 2.8m wide, 2m projection and 1.4m high with a flat roof.
- 1.4 The submitted plans also show that the property is to become amalgamated within the curtilage of the existing Brightside Manor nursing home and utilised as a C2 residential care home. The plans show that the proposed works will entail the alterations to the existing enclosures to facilitate the amalgamation of curtilages and the removal of the existing drop kerb and access to no. 639 Newport Road and its reinstatement as footway.

## **2. DESCRIPTION OF SITE**

- 2.1 The application site, is a semi-detached single storey property known as 639 Newport Road, situated on Rumney Hill, adjacent to the Brightside Manor Care Home.
- 2.2 The surrounding area consists of single storey dwellings to the North-East along Newport Road, with vacant land, part of the Castle Rise development to

the rear of the site (consented for two semi-detached dwellings) and the care home and its grounds to the South- West.

3. **SITE HISTORY**

3.1 None

4. **POLICY FRAMEWORK**

4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan

4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:

Policy KP5 (Good Quality and Sustainable Design)

Policy H4 (Change of Use of Residential Land or Properties)

Policy T5 (Transport Impacts)

Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Supplementary Planning Guidance: Residential Extensions and Alterations (2017)

4.4 Supplementary Planning Guidance: Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007)

4.6 Technical Advice Note 12: Design

4.7 Planning Policy Wales 2016

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager, Waste Management – No objections, advise the need for recommendation.

5.2 The Operational Manager, Transportation – No objections, advise the need for condition 4.

5.3 The Operational Manager, Family & Community Services – No response received at the time of writing of this report.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water – Advise that a site crosses a public sewer.

6.2 Care Standards Inspectorate Wales (CSIW) – No response received at the time of writing of this report.

## 7. **REPRESENTATIONS**

7.1 Neighbours have been consulted, e-mails were received from the occupiers of 641 Newport Road, objecting for the following summarised reasons;

- Noise and disturbance from future occupants
- Overdevelopment of site
- Extension would be overbearing/overshadowing
- Access over own property for maintenance
- Flat roof extension not in keeping with surrounding area
- Change of use from residential to commercial use
- Loss of privacy
- Loss of parking/parking problems associated with the care home

7.2 Ward Councillor Jacqueline Parry objects to the proposal for the following summarised reasons;

- Proposal is unneighbourly and will adversely affect the adjoining dwelling
- Would change the areas character/loss of a family home
- Use of property as a commercial care home
- Requests application goes to planning committee and a site visit is undertaken

7.3 Ward Councillor Bob Derbyshire objects to the proposal for the following summarised reasons;

- Loss of family house
- Change of use to a commercial property
- Use is not appropriate next to a residential area

## 8. **ANALYSIS**

8.1 This application was deferred by Planning Committee at its meeting on 7<sup>th</sup> February 2018 in order to undertake a site visit. The visit took place on Monday 26<sup>th</sup> February 2018.

8.1 The main planning issues relate to:

- (i) The likely impact on the privacy & amenities of neighbouring occupiers.
- (iii) Highway safety/parking issues.

8.2 Amended Plans have been received due to officer concerns regarding the materials proposed for the covered walkway and the size and scale of the proposed extensions. Amended plans show that proposed extensions have been reduced in length and width and that they also show that the property is to be amalgamated within the curtilage of the no. 637 Newport Road (existing Brightside Manor nursing home), so that they form one unit (see para 1.4), with the property only being accessed from within the grounds of the nursing

home. The existing amenity area, parking provision and refuse storage area for no. 637 Newport Road would be available to this property.

- 8.3 The property has no specific land use designation or allocation. The surrounding area is predominantly residential in nature, with some commercial uses along Newport Road.

The application should be assessed against Policy H4 'Change of Use of Residential Land or Properties'. This states that outside the Central and Bay Business Areas and District and Local Centres identified on the Proposals Map, conversion or redevelopment of residential properties to other uses will only be permitted where:

- i. The premises or their location are no longer suitable for residential use;
- ii. The proposal is for a community use necessary within a residential area;
- iii. There would be no unacceptable impact on residential amenity.

Paragraph 5.16 states that 'there is a range of community uses that are appropriate and necessary, in principle, within residential areas. These include doctors' and dentists' surgeries, residential homes and childcare facilities'.

Assessed against this policy framework, the proposal to change an existing residential property to a care home raises no land use policy concerns.

- 8.4 The proposed extensions as amended are considered acceptable in regards to scale and design and are considered to not prejudice the general character of the area.
- 8.5 The scale of the extension as amended and its relationship with the existing dwelling and that of neighbouring properties is considered acceptable. The proposed rear/side extension is approximately 2.6m high and 5.5 metres long, adjoining the boundary with no. 641 Newport Road and would be adjacent to an existing single storey rear extension at no. 641. It is considered that the proposal would not be overbearing or generally un-neighbourly to the adjoining property, which would justify concern for the Local Planning Authority.
- 8.6 Subject to conditions, it is not considered that the proposal as amended would prejudice the privacy of neighbours. The submitted plans show that the rear dormer would be approximately 8 metres from the rear boundary and it is considered necessary to ensure that this window is obscurely glazed and non-opening below 1.7m internal floor-level, so as to protect the privacy of future occupiers of the consented dwelling-houses to the rear (see condition 8). It is also considered necessary to erect a 1.8m enclosure to the rear boundary of the property, so as to protect the privacy of future occupiers (see condition 9).
- 8.7 In regards to comments made by neighbouring occupiers and Councillors Jaqueline Parry and Bob Derbyshire and which are not covered above, the following should be noted:

- i) Noise and disturbance from future occupiers is not enforced by Planning and is dealt with under separate legislation
- ii + iii) It is not considered that the extensions as amended would lead to an overdevelopment of the site.
- iv) Access onto or over adjoining private land is a private legal matter between the two parties and is not a material planning consideration
- v) The flat roof extension is considered to be acceptable in the context of the site and surroundings, noting that there are other flat roof extensions within the surrounding area.
- vi) The change of use to a care home is considered acceptable in land use policy terms (see para 8.3). The use of the property would be C2 use class
- vii) It is noted that the proposal would involve the loss of the existing dwelling-house, however, Policy H4 of the Local Development Plan allows for the conversion of residential properties to community uses (doctor and dentists surgeries, residential homes and child-care facilities) within residential areas. It is also noted that the existing dwelling house (C3 use class) could be used by up to six people living together as a single household and receiving care (supported housing schemes) without the requirement for planning permission.
- viii) In regards to loss of privacy/overlooking, see paras 8.6
- ix) The Operational Manager, Transportation raises no objections to the proposal

## 8.8 **Other Legal Considerations**

*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.

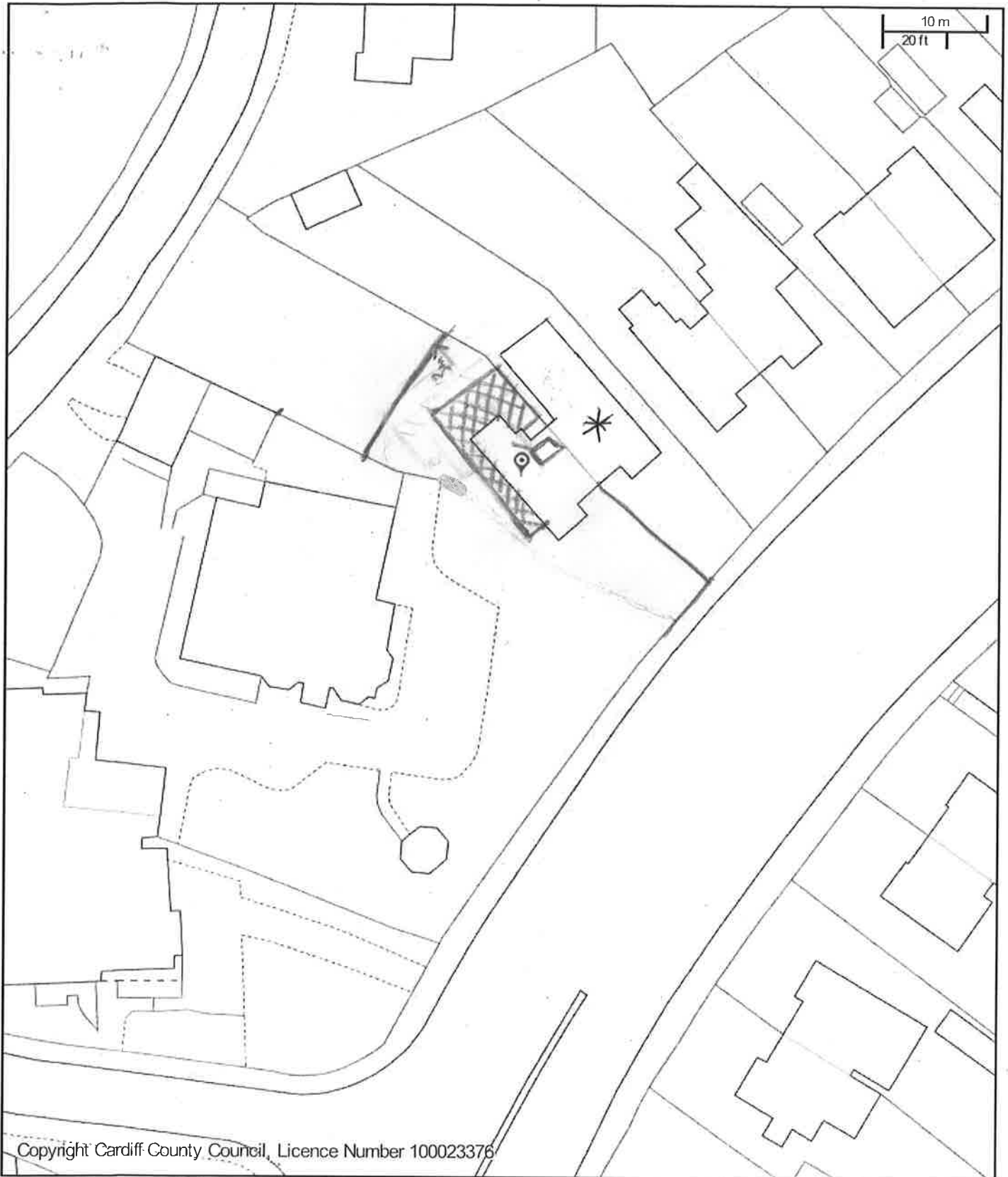
*Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given 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.



*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.

## 8.9 **Conclusion**

Having regard to the objectives of Policies KP5 and H4 of the Adopted Local Development Plan and related Supplementary Planning Guidance, it is recommended that planning permission be approved.

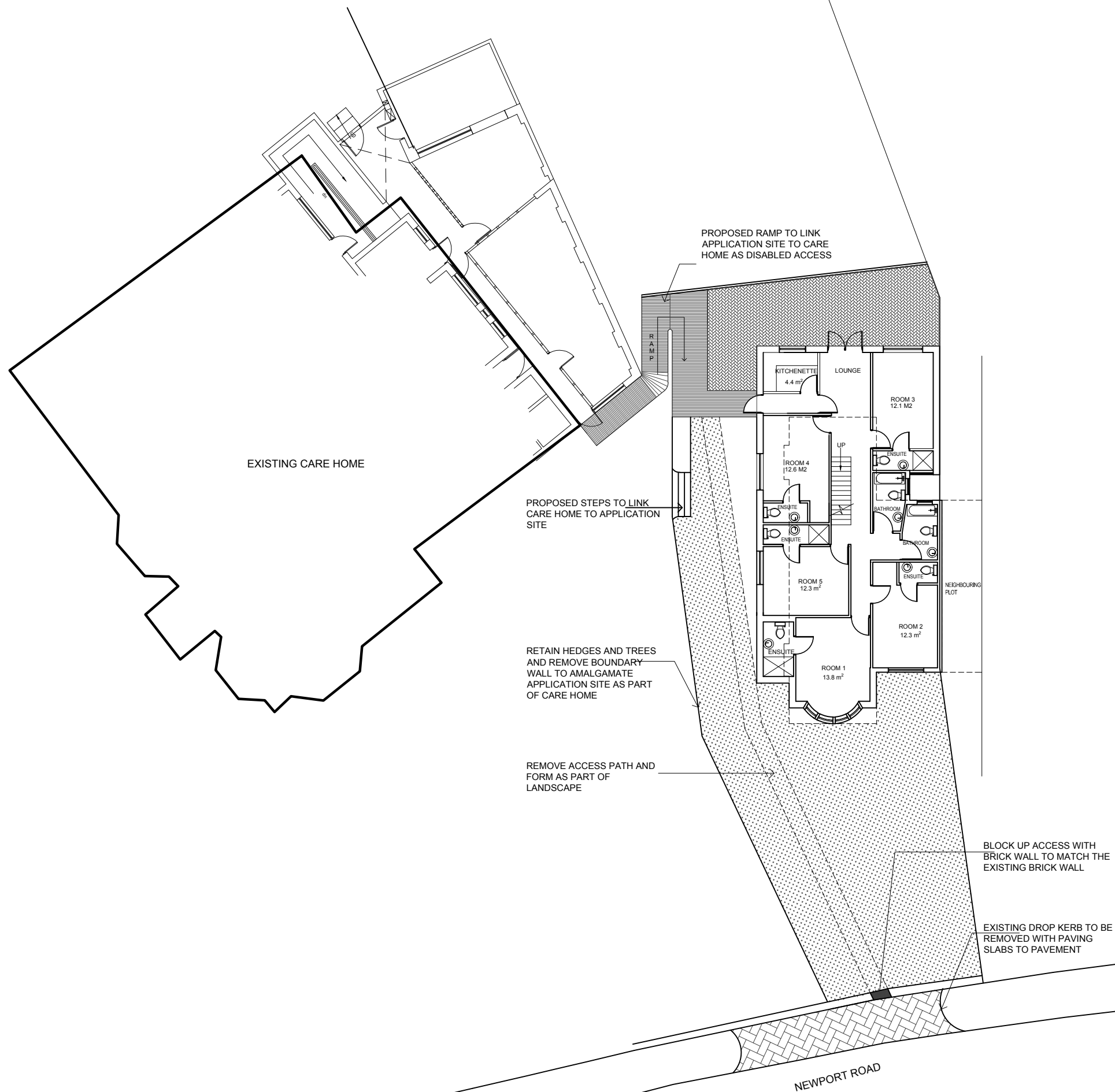





<p>CHIEF EXECUTIVE Paul Orders County Hall Atlantic Wharf Cardiff CF10 4UW Tel: 029 20872000</p>	<p><b><u>City of Cardiff Council</u></b></p> <p><b><u>Cyngor Dinas Caerdydd</u></b></p> 	<p> <b>Title</b></p> <p>Scale: 1:500 Date: 23/10/2017 at 14:36 PM Coordinates © Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made. Ordnance Survey 100023376 (2014).</p>
--	---	---

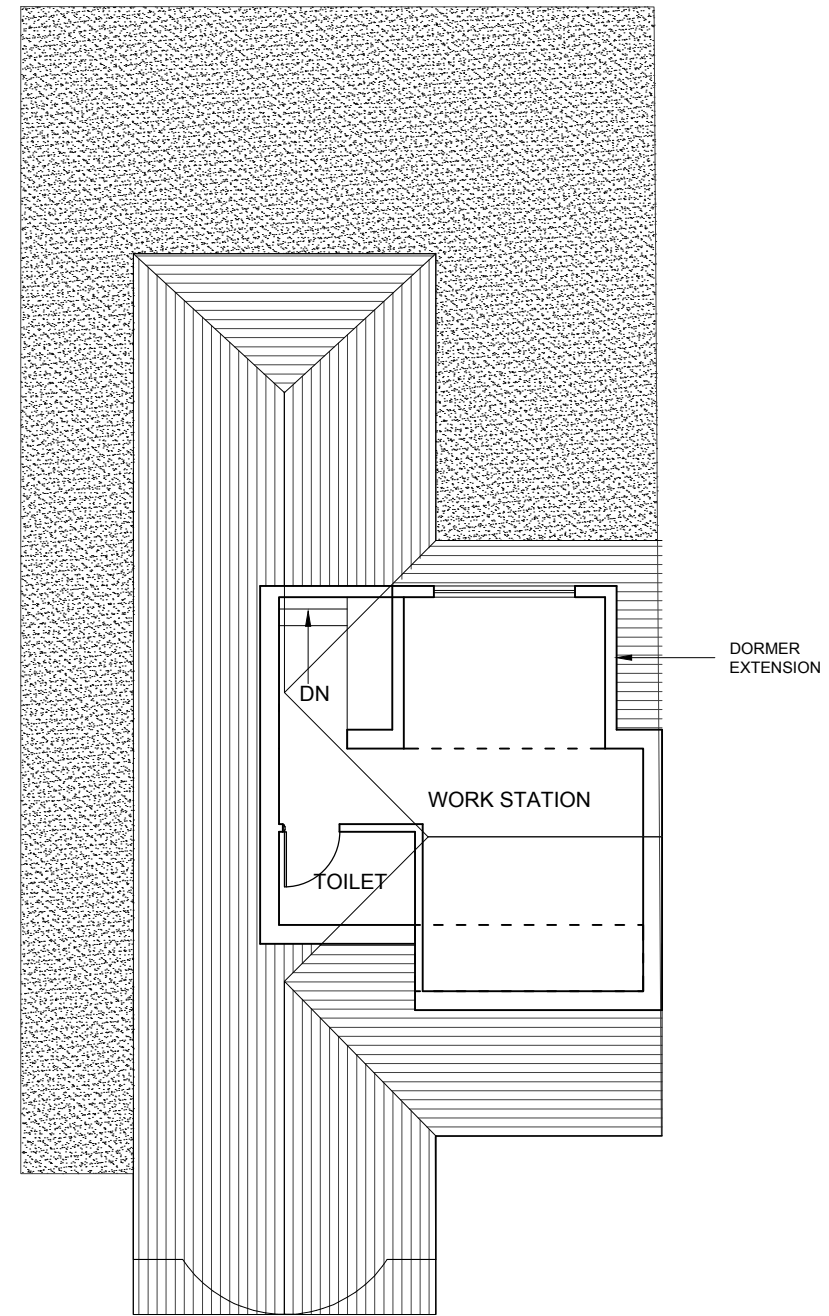
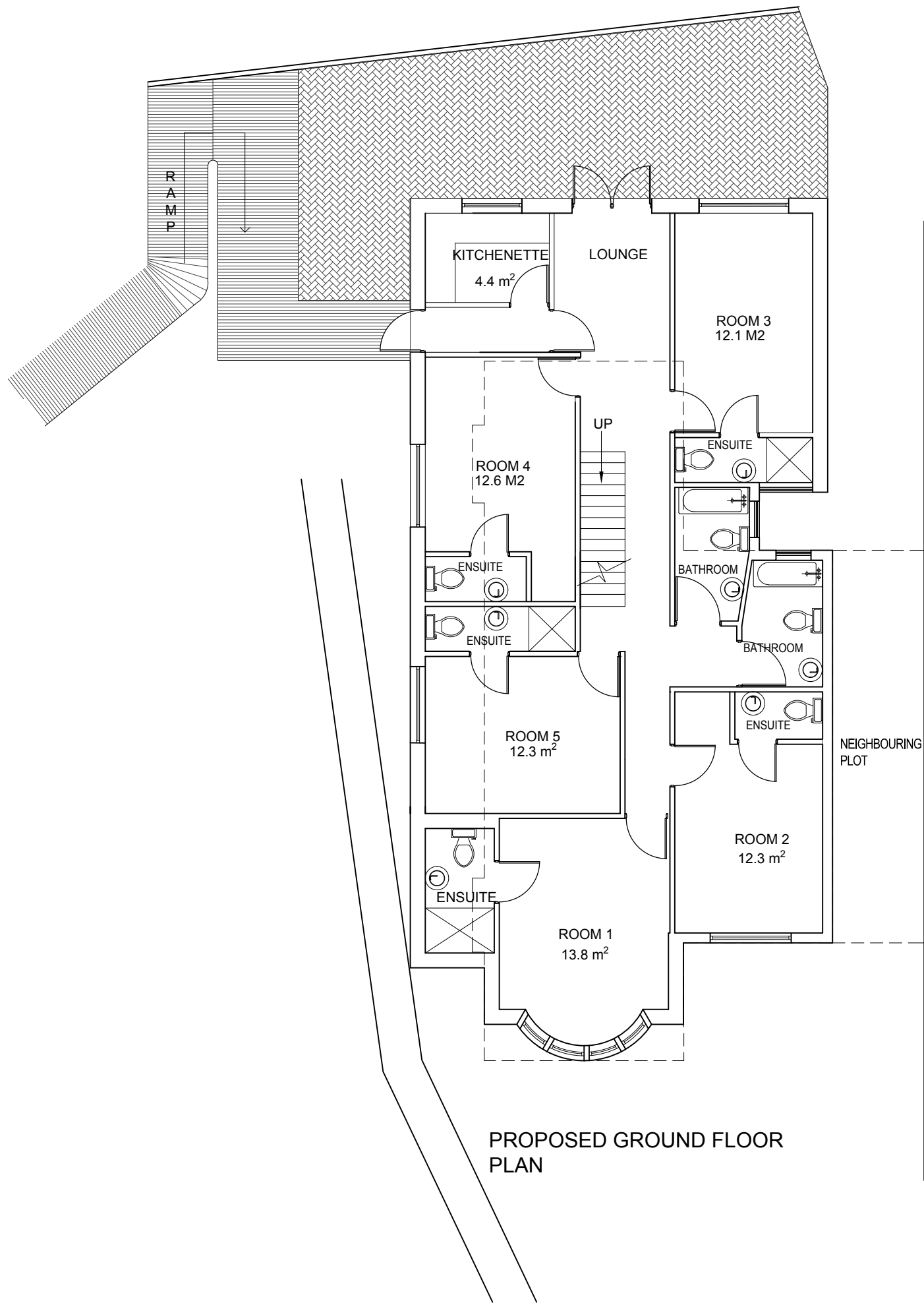
\* - Objection


▨ - Proposed Extension



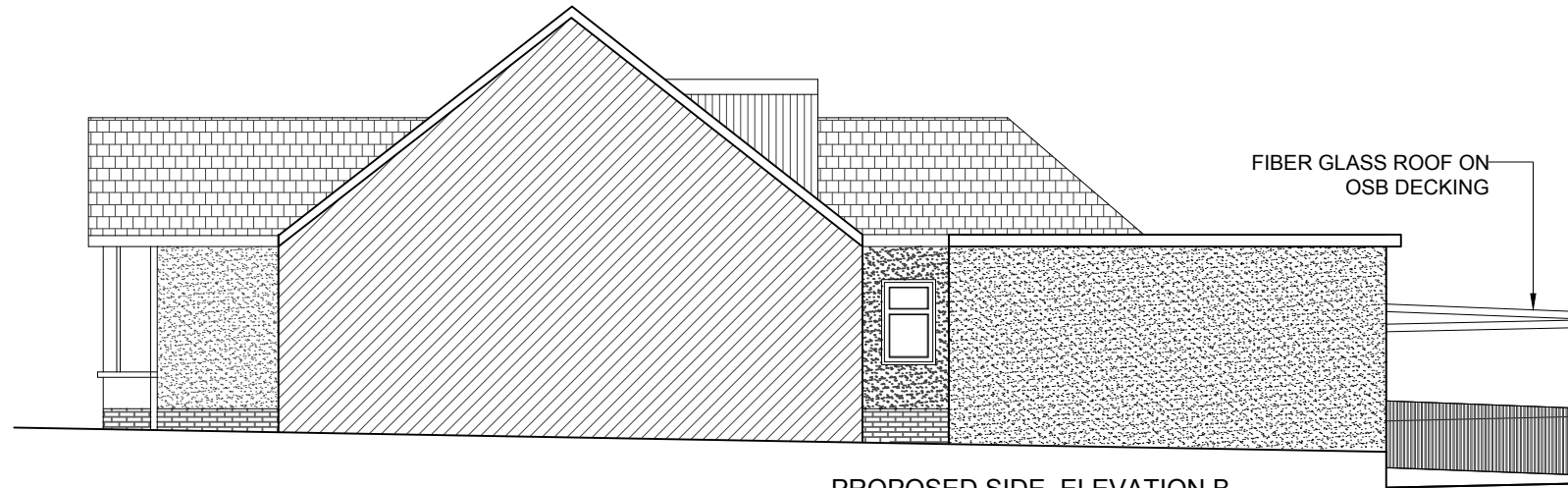
R4	EXTENT OF EXTENSION REDUCED
----	-----------------------------

© This drawing is copyright. Do not Scale. Contractor to check all dimensions on site and to report any discrepancies directly to the SO.				 <b>SK DESIGNS</b> SK DESIGNS 18th, Chancery Way, Llanwale, Cardiff CF23 8DU Tel: 029 20 761 950 Fax: 029 20 761 950 Email: info@skdesigns.org.uk
Date: JAN 2018				
Project: 639 Newport Road, CARDIFF				
Client:				
Description: PROPOSED SITE PLAN		Job No:	Scale: 1:200 ON A3	
Dwg No: 203 R4		Drawn By: NZ		

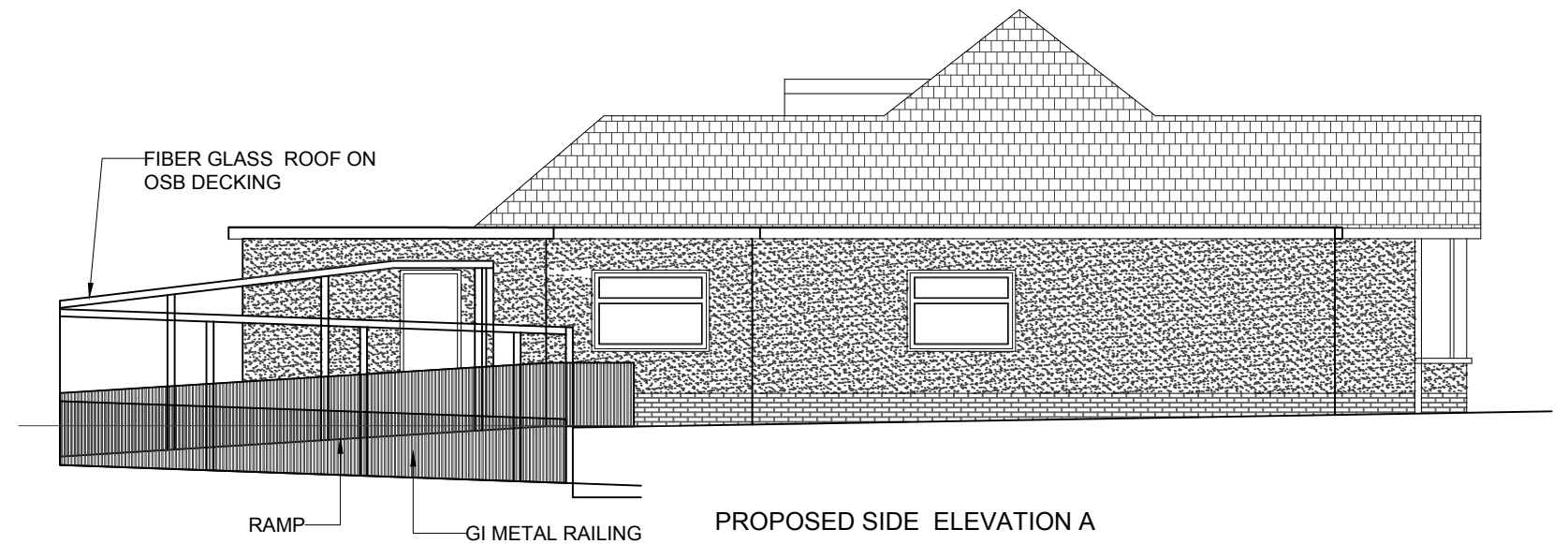


R4		EXTENT OF EXTENSION REDUCED	
<div>© This drawing is copyright. Do not scale. Contractor to check all dimensions on site and to report any discrepancies directly to the SO.</div>			
Date: JAN 2018			
Project: 639 Newport Road , CARDIFF			
Client:			
Description: PROPOSED PLANS	Job No:	Scale: 1:100 ON A3	
	Dwg No: 201 R4	Drawn By: NZ	
		<div> SK DESIGNS</div> <div>588, Cleverwater Way, Lakeside, Cardiff, CF23 6DJ Tel: 029 20 761 950 Fax: 029 20 761 950 Email: info@skdesigns.org.uk</div>	

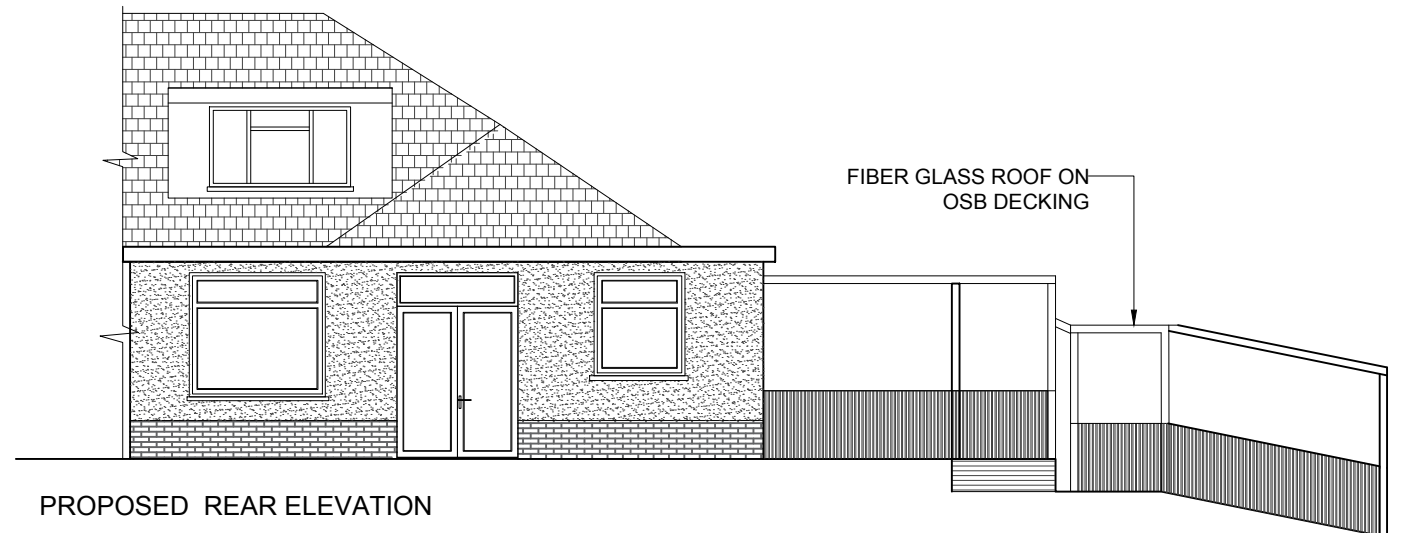




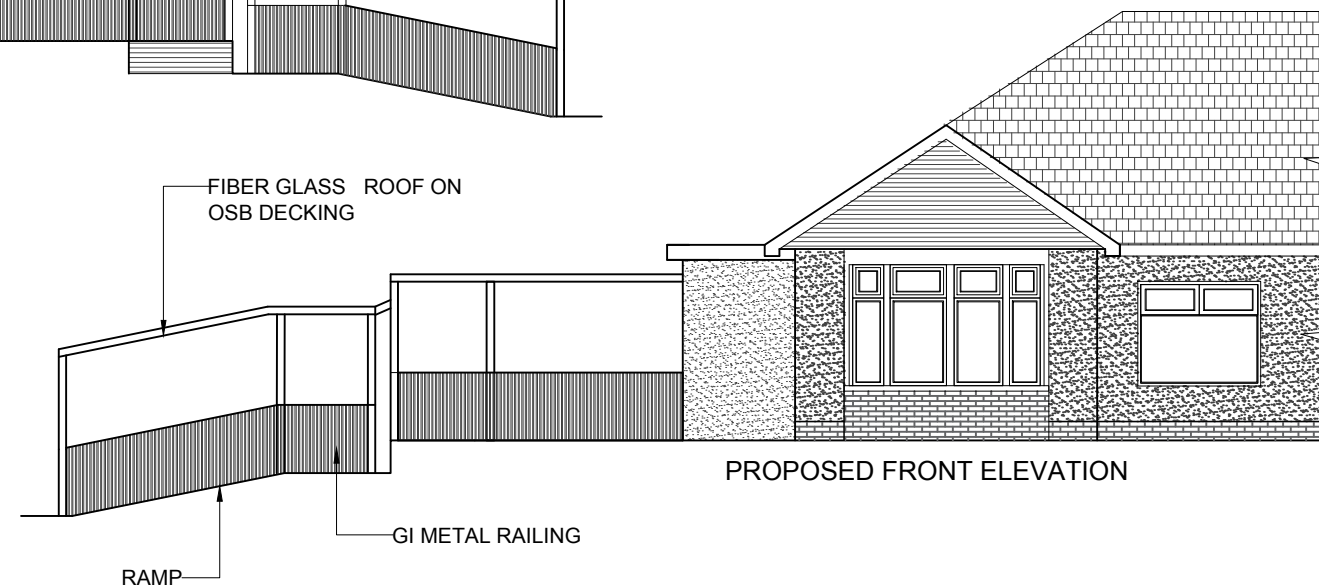
PROPOSED SIDE ELEVATION B




PROPOSED SIDE ELEVATION A



PROPOSED REAR ELEVATION



PROPOSED FRONT ELEVATION

R4		EXTENT OF EXTENSION REDUCED	
<div>© This drawing is copyright. Do not Scale. Contractor to check all dimensions on site and to report any discrepancies directly to the SO.</div> <div>Date: JAN 2018</div> <div>Project: 639 Newport Road , CARDIFF</div> <div>Client:</div> <div><div>Description: PROPOSED ELEVATIONS</div><div><div>Job No:</div><div>Scale: 1:100 ON A3</div></div><div><div>Dwg No: 202 R4</div><div>Drawn By: KG</div></div></div> <div><div><div>SK DESIGNS</div></div><div>SK DESIGNS</div><div>588, Cleverwater Way, Lakeside, Cardiff, CF23 6DU Tel: 029 20 761 950 Fax: 029 20 761 950 Email: info@skdesigns.org.uk</div></div>			



SK DESIGNS



