

PETITIONS FOR AND AGAINST & LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 16/10/2019

APPLICATION No. **19/01339/MNR** APPLICATION DATE: 01/05/2019

ED: **RHIWBINA**

APP: TYPE: Full Planning Permission

APPLICANT: Coray Developments

LOCATION: 238 PANTBACH ROAD, RHIWBINA, CARDIFF, CF14 6AX

PROPOSAL: DEMOLITION OF PART TWO STOREY AND SINGLE STOREY BUILDINGS AND CONSTRUCTION OF THREE STOREY BUILDING CONTAINING TWO RETAIL UNITS AND A ONE BEDROOM FLAT AT GROUND FLOOR AND THREE DUPLEX APARTMENTS AT FIRST AND SECOND FLOOR

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 5.3 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:
 - 2275.PL.01 - Existing and proposed site plan - received 09/09/19
 - 2275.PL.02 REV B – Proposed floor plans and elevations
 - 2275.PL.03 REV C – Proposed new build renders
 - 2275.PL.06 REV A - Proposed building rear elevation

Reason: For the avoidance of doubt as to the extent of the permission.

3. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological contact of the development, have been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall be subsequently implemented in accordance with the approved details. The scheme to be submitted shall:
 - a. Undertake infiltration testing in accordance with BRE365 guidance. Testing is to be completed and results submitted to demonstrate (or otherwise) the use of infiltration SuDS;

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

Reason: In the interests of the proper drainage of the site, in accordance with policy EN10 of the Cardiff Local Development Plan.

- 4. No development shall take place until details of the implementation; maintenance and management of the sustainable drainage scheme required by condition 3 have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i. A timetable for its implementation;
 - ii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public body or statutory undertaker, or any other arrangement to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: In the interests of the proper drainage of the site, in accordance with policy EN10 of the Cardiff Local Development Plan.

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

Reason: In the interests of the proper drainage of the site, in accordance with policy EN10 of the Cardiff Local Development Plan.

- 6. The car parking spaces shown on the approved plans shall be marked as being for the use of residents of the flats only and shall not be used in association with the retail units at any time.

Reason: In the interests of the management of parking demand, in

accordance with policy T5 of the Cardiff Local Development Plan and Supplementary Planning Guidance "Managing Transportation Impacts (Incorporating Parking Standards) April 2018.

7. Notwithstanding the details shown on the approved plans, none of the apartments shall be occupied and none of the retail units brought into beneficial use until facilities for the secure and/or sheltered storage of cycles for residents of the flats and staff and customers of the retail units have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, and the approved facilities shall be retained in perpetuity.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

8. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- proposed finished levels;
 - hard surfacing materials, which shall include block paving for the car parking area;
 - minor artefacts and structures (e.g. planters and handrails);
 - proposed and existing services above and below ground level;
 - planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods);
 - an implementation programme;
 - a landscape management plan, including management responsibilities and maintenance schedules.

The hard and soft landscaping works shall be carried out in accordance with the approved details and implementation programme and shall be managed and maintained in accordance with the approved landscape management plan.

Reason: To maintain and improve the appearance of the area, in the interests of visual amenity and to mitigate against the effects of climate change and adapt to its impacts, in accordance with policies KP5 and KP15 of the Cardiff Local Development Plan.

9. No development shall be carried out until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its erection. The boundary treatment shall be erected in accordance with the approved plan and timetable.

Reason: In the interests of visual and residential amenity, in accordance with policy KP5 of the Cardiff Local Development Plan.

10. Prior to the commencement of development, details of the siting and

appearance of an enclosure for the storage of refuse and recycling containers shall be submitted to and approved in writing by the Local Planning Authority and thereafter refuse and recycling containers shall be stored in accordance with the approved details.

Reason: In the interests of visual amenity and waste management, in accordance with policies KP5 and W2 of the Cardiff Local Development Plan.

11. The first floor windows to flat 2 in the North West elevation shall be obscurely glazed and non-opening to a height of at least 1.8m above the finished floor level of the rooms which they serve and shall thereafter be so maintained.

Reason : To ensure that the privacy of users of the adjoining garden is protected in accordance with policy KP5 of the Cardiff Local Development Plan.

12. Prior to development commencing, details of the proposed parking spaces and footway improvements/resurfacing adjacent to those spaces (and in the vicinity of the Heol y Bont/Pantbach Road junction), to include details of the removal of the kerbing of the redundant access and reinstatement of full height footway, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use.

Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility, in accordance with policies T5 and T6 of the Cardiff Local Development Plan.

13. No development shall be carried out other than in accordance with the precautionary bat mitigation measures set out in sections 5.2.1 to 5.3.1 of the Preliminary Bat Roost and Nesting Bird Assessment dated March 2019 and produced by Acer Ecology.

Reason: To ensure on a precautionary basis that impacts upon any bats which remain undetected following the bat survey are mitigated, in the interests of biodiversity and the protection of European Protected Species, in accordance with policies KP16 and EN7 of the Cardiff Local Development Plan.

14. If site clearance in respect of the development hereby approved does not commence within 18 months from the date of the most recent survey for bats, the approved ecological measures shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred

that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised, and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works must then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon bats, and any measures to mitigate those impacts, are informed by up-to-date information, in the interests of biodiversity and the protection of European Protected Species, in accordance with policies KP16 and EN7 of the Cardiff Local Development Plan.

RECOMMENDATION 2: The applicant is advised that on the 7th January 2019 Schedule 3 of the Flood and Water Management Act 2010 was enacted. This affects all new developments where the construction area is of 100m² or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process. It is recommended that the developer engage in consultation with the Cardiff Council SAB team, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Cardiff Council are aware that this is new legislation and as such is offering a free pre-application service for the first year. To arrange discussion regarding this please contact SAB@cardiff.gov.uk. In the meantime, further information can be found at: <https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>. Alternatively, the legislation set by Welsh Government can be reviewed here: <https://gweddi.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>.

RECOMMENDATION 3: The applicant is advised that the owners/developers of all new residential units are required to purchase the bins required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management commercial team on 029 20717500. Further information regarding waste/recycling and the types of bins required is available in the Supplementary Planning Guidance "Waste Collection and Storage Facilities", which can be found on the Council's website.

RECOMMENDATION 4: The 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 5: The applicant is advised that, as mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance, it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.

RECOMMENDATION 6: The developer is advised to contact Cardiff Council Asset Management (AssetManagement@Cardiff.gov.uk) for the necessary Highway licences for any works which would directly affect the adopted highway.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 This application seeks full planning permission for the demolition of a two storey detached former bank that is currently in use as a hairdressing salon and its replacement with a three storey building containing 2 x retail units and a one-bedroom flat at ground floor level and 2 x 3 bedroom and 1 x 2 bedroom apartments on the first and second floors.
- 1.2 The ground floor commercial units (class A1 retail use) would have internal areas of 69 and 72 square metres and would be expected to provide 4 full time and 2 part time jobs.
- 1.3 The building will be 15m wide at ground floor level on the Pantbach Road frontage, which is around 3.5m wider than the existing building, and will be approximately 22.5m long (the existing building being around 16.5m long including its rear extensions). There will be a gap of around 2m between the front elevation and the footway on Pantbach Road, which will accommodate steps, a level access into the retail units and three small strips of planting. The space to the side of the building, fronting onto Heol Y Bont, will contain a further area for landscaping, a bin storage area within a timber structure, 2 cycle stands and four car parking spaces. A covered cycle store and an additional bin storage area are proposed to be provided to the rear of the building. Access into the apartments will be from Heol Y Bont.
- 1.4 At first and second floor level the side elevation facing Heol y Bont will feature 3 projecting gables with pitched roofs and inset balconies and there will be a two storey extension on the side of the building abutting the boundary with the Canolfan Beulah garden. The building will be finished in white render and the roof will be of natural slate. The front elevation facing Pantbach Road will contain shopfronts at ground floor level and a large area of glazing to one side at first and second floor levels which will be recessed to form additional shallow balconies for one of the flats.

2. DESCRIPTION OF SITE

- 2.1 The application site occupies a corner location bounded by Pantbach Road and Heol Y Bont at the southern end of the Rhiwbina Village Local Centre. To the north is the Canolfan Beulah (community church centre and garden) and to the east, are residential properties. On the opposite side of Heol Y Bont there is an Indian food shop/ takeaway and opposite the site on Pantbach Road is a single

storey chiropractic clinic with residential bungalows further to the south.

- 2.2 There is a single detached building on the site, facing Pantbach Road. The building measures around 11.5m wide (including single storey flat roofed side extension) x 16.5m long (including two rear extensions) and has a steeply pitched roof rising to 8m. The main part of the building and two of the extensions are finished in white painted render with the longest rear extension being brick. The front elevation contains a central entrance door flanked by two windows with brick surrounds, with a fascia above.
- 2.3 To the rear of the building is a car park bounded by a brick wall. The side of the building is set back from Heol Y Bont by 3.5m – 6m and there is a small unenclosed forecourt fronting Pantbach Road. The ground slopes down towards the north and there is a low retaining wall along half of the frontage.

3. **SITE HISTORY**

- 3.1 17/00208/MNR – Proposed extension & works to provide 1 no. retail unit to provide coffee shop, 1 no retail unit to provide hairdresser, 3 no. 3 bedroomed apartments. Refused – proposed building out of keeping with the scale, pattern and appearance of development in the surrounding area and detrimental to the amenities of residents of 1, Heol Y Bont and users of the Canolfan Beulah gardens in that the building would appear obtrusive and overbearing. Appeal dismissed.
- 3.2 08/02131/W – Installation of automated telling machine
- 3.3 05/00568/W - Installation of automatic telling machine
- 3.4 04/01092/W – DDA implementation works. new insitu concrete access ramp and steps to front entrance, with mild steel painted grey handrails. install new external task lighting to front and side elevation
- 3.5 01/01145/N – Removal of existing ramp (non-compliant) and the installation of a new ramp with handrails
- 3.6 89/01169/N – Proposed extension to existing banking premises to form interview room.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP13 (Responding to Evidenced Social Needs);
EN7 (Priority Habitats and Species);
EN10 (Water Sensitive Design);
T5 (Managing Transport Impacts);
R1 (Retail Hierarchy);
R5 (Local Centres);
C3 (Community Safety/Creating Safe Environments);

W2 (Provision for Waste Management Facilities in Development).

4.2 *Supplementary Planning Guidance:*

Waste Collection and Storage Facilities (October 2016).

Cardiff Infill Sites (November 2017).

Managing Transportation Impacts (Incorporating Parking Standards) (2018).

Shopfronts and Signage (October 2011).

4.3 *Planning Policy Wales (Edition 10 – December 2018):*

2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.

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

3.6 Development proposals must address the issues of inclusivity and accessibility for all.

3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

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

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

3.47 Higher densities should be encouraged in urban centres and near major public transport nodes or interchanges, to generate a critical mass of people to support services such as public transport, local shops and schools

4.1.31 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

4.1.32 Provision for active travel must be an essential component of development schemes and planning authorities must ensure new developments are designed and integrated with existing settlements and networks, in a way which makes active travel a practical, safe and attractive choice.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.36 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary.

4.1.39 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development. Where car parking is provided for new

non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. Planning authorities should ensure the level, location and type of charging provision is appropriate to the scheme and local circumstances. Consideration should be given to:

- the time users are likely to be present at the site;
- the number of vehicles accessing the site;
- the number of existing charging points in the immediate and wider area;
- other proposed emission mitigation measures.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

4.1.53 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places.

4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.

4.2.23 Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

4.3.3 The Welsh Government identifies a number of overarching objectives for retail and commercial centres, which planning authorities should aim to deliver through their development plan and development management decisions ensuring their maximum contribution to the well-being goals. The planning system must:

- promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport.

4.3.30 Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained.

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

4.4 *Technical Advice Note 4 – Retail and Commercial Development (2016).*

4.5 *Technical Advice Note 12 - Design (March 2016).*

4.6 *Technical Advice Note 18 – Transport (2007).*

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* The existing site gains its highway access via a crossover from Heol y Bont leading into a car park. On the frontage of the site with Pantbach Road there is a level difference and a small wall. There is also a small crossover kerb which is not in use. The car park is proposed to be redeveloped and 4 parking spaces will be provided perpendicular to Heol y Bont and in the vicinity of the existing car park access, although these will extend for a greater distance on Heol y Bont than the current access. It is assumed that each of the parking spaces will be allocated to the flats, and will not be usable by staff/customers of the retail units. Whilst in principle the form of access is acceptable, we are seeking that the double yellows on both sides of Heol y Bont be extended east beyond the line of car parking (requiring a Traffic Regulation Order (TRO)) and for appropriate amendments to the footway, which would operate as a dropped kerb over the access to the parking spaces. This is to ensure that the redevelopment does not result in traffic safety issues. However, the current design would require the relocation of the telegraph pole and its new location should be marked. The parking spaces are immediately adjacent to traffic calming, and this will need to be factored into the design and this calming may need amending.

5.2 At the front of the site it is proposed that there will be steps down from the retail units to the footway, as well as a level access on the south side. It will be necessary for footway improvements to be proposed in this location, including the removal of the redundant access bellmouth, and it may be necessary for street furniture to be provided to prevent unwanted parking on the footway.

5.3 A Section 278 legal agreement would be required to deal with the detail of the various footway/highway works set out above. A sum of £10,000 will be required via a S106 legal obligation to deal with the TRO process for the extended double yellow lines, (including legal and other administrative expenses, the physical costs of providing the lines and signage plus on-going monitoring of traffic and safety issues once the TROs are in place).

5.4 Whilst some cycle parking is shown on the plans, more detail is required, and it will need to accord with the SPG. A total of 9 cycle spaces will be needed for the

flats, and these will need to be secure, covered and have minimum horizontal spacings of 0.5m (and have suitable independent access from the public highway). Similarly, cycle parking will be required for the staff of the retail units. Whilst there will also need to be cycle parking for customers of the retail units, this could be dealt with via a single Sheffield stand outside the units. Further details on cycle parking should be provided.

- 5.5 *Drainage:* Recommend deferring the application until full details relating to flood risk and surface water drainage proposals have been submitted, or imposing conditions requiring, as a minimum, the approval of a drainage strategy advising how they propose to dispose of the surface water from the site and also a site investigation report to prove/disprove the viability of infiltration methods.
- 5.6 *Waste Strategy & Minimisation Officer:* As mentioned in section 3.11 of the Waste Collection and Storage Facilities Supplementary Planning Guidance, it is considered best practice to have a Site Waste Management Plan for demolition projects. Materials should be reused and recycled as much as possible.
- 5.7 The proposed waste/recycling storage areas for the residential and commercial units have been noted and are acceptable. Each apartment will require the following for recycling and waste collections: 140 litre bin for general waste; 25 litre kerbside caddy for food waste; green bags for mixed recycling (equivalent to 140 litres). 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. A commercial contract is required for the collection and disposal of all commercial waste

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Wales and West Utilities:* Have provided an extract from their mains records showing those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT) together with a comprehensive list of General Conditions for guidance.

7. **REPRESENTATIONS**

- 7.1 The original application was advertised by neighbour notification. Two petitions opposing the application were received (one of 113 signatures and one, submitted by the Beulah United Reformed Church, of 57 signatures), along with a further 29 individual objections. The reasons for objection were given as:
- 1) Increased traffic congestion;
 - 2) Impact on parking in area, particularly Heol Y Bont. There will be no provision for staff or customer parking, or for disabled parking or delivery vehicles. Cars that now park at the premises will be displaced. These roads are village roads and not built to cope with the delivery of items to commercial units.
 - 3) Appearance out of keeping with area, particularly the dormer/balcony elements. The building is too large, too tall, out of proportion with surrounding properties and not in keeping with the character of the area;

- 4) Detrimental impact on highway safety - inconsiderate parking and dangerous dropping-off activity by Scout hall users is already a problem; children and parents walking to local school will be at risk. The building and proposed landscaping will also hinder visibility for drivers at the junction and using the proposed parking spaces.
- 5) Loss of privacy to adjacent community garden;
- 6) Overbearing on houses on Heol Y Bont, particularly no.1;
- 7) There is already a hair salon and plenty of coffee shops and other retail outlets in the area. There is no need for more;
- 8) Increased noise disturbance caused by business use;
- 9) The application doesn't indicate what the commercial premises will be used for or what the opening hours would be, and the figures for numbers employed are unrealistic;
- 10) Detrimental impact on the character of the area. The proportion of proposed commercial floorspace is too large – the area is supposed to be residential;
- 11) The applicant's statement which says the existing building makes no positive contribution to the public realm is wholly subjective.
- 12) The current owner has done very little to endear himself to the local community.
- 13) Scaffolding will cause a danger during construction. Pedestrians can't be diverted onto the road;
- 14) Negative impact on the character of the adjacent Rhiwbina Garden Village Conservation area and nearby listed buildings;
- 15) The development will cause increased pollution for local residents;
- 16) The site should be redeveloped as a car park;
- 17) The proposed use as flats is out of keeping with the character of the area;
- 18) The applicants have not listened to the views of local residents and not given them a chance to give any feedback on the designs.
- 19) There will not be enough amenity space, cycle parking provision for residents and customers or space for waste storage
- 20) Loss of light to 1 Heol Y Bont which has windows in the side elevation;
- 21) Increased litter and refuse problems;
- 22) The need to make the development viable by including residential units does not justify overdevelopment of the site;
- 23) Beulah church will not allow access onto its land to construct this development;
- 24) The development will be more overbearing on the adjacent church garden than the refused scheme would have been as it is taller. It will adversely affect the amenities of users of the garden.

7.2 The Rhiwbina Civic Society also submitted comments on the application, stating that although this proposal addresses some of their objections to the previous application (17/00208/MNR) - i.e. the proposed finish, with reduced areas of glass; the inclusion of views of adjacent buildings; the inclusion of some design features that appear to be more in keeping with the surroundings - the issue of height has not been resolved, the design of the balconies is intrusive, the development will have an impact on the Rhiwbina Village conservation area and the issues of traffic impact and parking remain of

concern.

7.3 Councillors Jayne Cowan, Adrian Robson and Oliver Owen objected to the application for the following reasons –

- a) We believe that the proposed development is out of keeping with the local character as it is much larger than the surrounding buildings. The building comes forward of the building line on Heol y Bont and, whilst corner plots are often statement buildings, this is out of scale with those opposite and adjacent to it. Due to the gradient of the railway bridge, the construction would be the most prominent building as you approach Rhiwbina village from Pantbach Road, dominating the immediate area.
- b) The frontage to Heol y Bont is a design which is not the local vernacular – in fact we are struggling to recall another example of this type of design in the Rhiwbina ward. It also appears that the frontage to Pantbach Road will be changed to essentially a glass ground floor.
- c) We would question whether there is adequate amenity space for residents of the new flats, for example the ground floor (which includes a flat) does not appear to have any garden space unless the parking spaces are included.
- d) As with the previously rejected application, there is also an impact on the adjacent sites. It would be overbearing and obtrusive to both 1 Heol y Bont and to Canolfan Beulah gardens which is an important community and religious resource. This aspect formed a major consideration during the dismissal of the appeal of the previous application.
- e) There appears to be no space for vehicles to turn around on site (unlike the current car park arrangements) and it would a vehicle reversing into or out the parking bays. The section of Heol y Bont by the site is extremely busy and parking on this road causes the road to be a pinch point. In addition the many users of the scout hall mean that traffic is regularly congested at this location and the proposals removes some on street parking which is desperately needed at this junction.
- f) We would urge the committee to refuse the application for the reasons above, in addition to previous committee and appeal decisions. And we would request the committee to again consider the highways implications of the creation of four new parking spaces accompanying the removal of off-street parking.
- g) We believe that this development would cause serious detriment to the existing traffic problems in Heol y Bont by the nature of the vehicle movements to access/egress the site.

7.4 The amended plans, received on 09 September 2019, were advertised by neighbour notification. 22 individual objections and a petition of 111 names have been received objecting to the amended proposals. 2 individual expressions of support along with a petition of 230 signatures supporting the application have been received.

7.5 The grounds for objection to the amended plans are summarised as follows–

1. The changes are cosmetic only. The application is basically the same

and should therefore be rejected.

2. The amendments have not addressed the issue of road safety. Council officials should re-visit the site now that the school term has re-started.
3. The development will lead to more dangerous parking and push visitors further down Heol y Bont and onto Heol Cae Rhys.
4. The development will be overbearing.
5. It is out of scale with its surroundings and would dominate the skyline.
6. The proposed parking spaces are in a dangerous position.
7. The design is out of keeping with the Garden Village and the Beulah Chapel. It is too modern and too large.
8. It would have a negative impact on nearby listed buildings and the Conservation Area.
9. Not enough parking is proposed. There is no provision for disabled customers or delivery vehicles.
10. There will be increased traffic congestion.
11. Scaffolding will cause a danger during construction.
12. Increase in noise disturbance from business use
13. No indication of what the commercial premises will be used for or the opening hours and no realistic indication of how many jobs will be created.
14. Loss of privacy to neighbouring houses
15. Objectors have been given only 14 days to respond to the amendments and the Planning Application Tracker has not been updated since the last Planning Meeting in August. It appears that the Council Planning Department are subtly in favour of this application being approved. We found the language context of the Planning Department quite leading in favour at the last planning meeting.
16. Confirmation is needed that a bat survey has been undertaken.
17. The plans do not show the gradient of Pantbach Road. Image RH/01 is misleading, Pantbach Road is shown to be almost flat. The development site is already higher than Canolfan Beulah - this has to be taken into account.
18. It will be out of keeping in a residential area.
19. Overshadowing of neighbouring land, particularly 1 Heol Y Bont.
20. The applicants have not engaged with local residents to take on board their views and residents have not been able to give any feedback on the designs.
21. There are already enough retail outlets in the area.
22. The site should be developed as a car park.
23. There would not be enough amenity space, waste storage space or cycle parking.
24. There is nowhere for commercial vehicles to pull in or park safely off the street.
25. The development is now worse as two balconies have been added to the front (Pantbach) road side of the development. It is not clear whether these additional balconies will be used by residents or patrons of the commercial buildings. Balconies are out of keeping with the local area and will lead to loss of privacy.

26. Other than some plans and superimposed drawings there is no amended application to include the changes making it difficult to fully analyse the proposal and provide full objections and is misleading.
27. The Design and Access statement does not appropriately describe the local Context.
28. The plans include 2 commercial properties which would increase the need for waste facilities, smell extraction and increase noise nuisance.
29. The application reduces immediate on-road parking. Most neighbours do not have sufficient off-street parking and also require the road to park on.
30. There won't be a safe place for pedestrians, especially school children to cross at this end of the road.
31. Council guidelines state that the council do not have to accept plans within one year of refusing the same or a very similar scheme.

7.6 The petition of 11 signatures opposing the scheme states that the key objections are –
 Size – sheer overdevelopment of the site.
 Not in keeping with other commercial and residential properties in the area.
 Its imposing nature spoiling the entrance to one of Wales' best garden villages.
 Exacerbation of traffic/parking problems on Pantbach Road/Heol Y Bont.

7.7 The individual letters of support for the application state that:

- a) Refusal of the application would drive away another investor and leave another boarded up shop.
- b) The development will be a good "old and modern " mixture of flats and shops which will mean more local jobs, better business for Rhiwbina, better modern looking buildings and encouragement for more investment.
- c) There is an anti-development and anti-change attitude in Rhiwbina which is driving investment away. Several Rhiwbina shops have already closed down and if this attitude continues more will close and the area will deteriorate.

7.8 The petition of 230 signatures supporting the scheme states that the signatories "having seen the recently submitted revised proposal to the council wish to declare our support to the development and the planning officer's reasons and recommendations to Planning Committee to APPROVE this application in accordance with the Officer's report dated 14 August 2019. The proposed development complies fully with all planning criteria as analysed and reported by the planning officer. It is a much-needed investment at this local shopping centre and we appeal to the Planning Committee to endorse their planning officer's recommendation for the benefit of the whole Rhiwbina community."

8. **ANALYSIS**

8.1 This planning application was deferred at the Committee meeting on 17th July, 2019 for a site visit which subsequently took place on 5th August, 2019. The application returned to the Planning Committee on 14th August 2019 and deferred to enable officers to draft reasons for refusal based on the

Committee's objections to the proposal on the grounds that the development would have an adverse impact on the amenities of neighbouring occupiers, that it would be out of keeping with the surrounding area due to its height, scale and massing and that it would have an adverse impact on the Rhiwbina Garden Village Conservation Area.

- 8.2 On 09 September 2019 the applicant submitted amended plans which are intended to address the Planning Committee's reasons for objection. The amended plans show:
- the roof pitch reduced from 35 degrees to 30 degrees and the roof ridge lowered to 9m (from 9.4m);
 - the projection of the balconies reduced to 1.2m (from 1.65m);
 - replacement of the rectangular-shaped dormer balconies with a pitched roof configuration;
 - replacement of metal cladding with a contrasting colour render finish;
 - replacement of the brickwork wall facing the church hall garden with a white render wall to match the church hall and provide more light reflection;
 - replacement of the obscurely glazed rectangular shaped window facing the garage and church hall garden with two small high level obscurely glazed windows;
 - an offer to provide two semi-mature trees in the church hall garden to replace the mature tree that was recently cut down;
 - an option of omitting one of the shop units and providing one larger shop unit instead.
- 8.3 With regard to the policy implications of the proposals, the application site lies within the Rhiwbina Village Local Centre, where A1 retail facilities are favoured, subject to the proposal being of a scale appropriate to the particular centre and the retention of residential accommodation at upper floors, in accordance with policy R5 of the Cardiff Local Development Plan. The application therefore raises no land use policy concerns.
- 8.4 The main considerations with regard to this amended proposal are the impact on visual and residential amenity and the character of the area, whether the current proposals overcome the concerns identified by the Planning Inspector who dismissed the appeal against the Council's refusal of the previous application (17/00208/MNR) and whether they also address the Planning Committee's reasons for resolving to refuse this application.
- 8.5 With regard to application 17/00208/MNR, the Inspector identified the main issues as being the effect of the proposed development on the character and appearance of the surrounding area, and the effect on the amenities of neighbours.
- 8.6 On the first point, the inspector stated that :
- 'The proposal would introduce a building of considerable scale and massing, occupying much of its plot. Its contemporary design, including highly prominent and extensive areas of glazing and first floor balconies wrapping the Pantbach Road and Heol-y-Bont elevations, would do little to minimise its presence. That*

is, its significant proportions, large shallow pitched roof design and solid to void ratio of the fenestration would give the building a dramatic and bulky appearance.'

- 8.7 The Inspector had no objections to a building of contemporary design but added that *'Given the character of the surrounding built form, the considerable footprint, scale and massing of the proposed development together with its abrupt and unyielding design, I consider that it would have little visual or physical affinity with the more modestly detailed and proportioned properties to which it would most closely relate. Its overall scale, design and extensive site cover would result in a dominating and intrusive presence. It would thus have a harmful effect on its surroundings.'*
- 8.8 In terms of scale and massing, the current proposals have addressed these concerns by significantly reducing the footprint of the proposed building, respecting the existing building line to both street frontages, and minimising bulk and massing by accommodating rooms in the roof space and breaking up the elevations using projections and recesses. Contrasting materials were also originally proposed but these have been omitted in the latest amended scheme, although contrasting colours are specified.
- 8.9 The design of the building was also improved by omitting the extensive areas of glazing and balconies wrapping around the corner of the building which were a feature of the refused scheme in 2017. There will be a large area of glazing on the right hand side of the front elevation above the shopfronts but this will be recessed and divided into smaller sections, which helps to articulate the floors, and other windows will be well-aligned and will reflect the proportions of existing windows in the area. The external finishing materials – white render and natural slate – reflect the materials used on existing buildings in the immediate locality.
- 8.10 With regard to the effect on the amenities of neighbours, the Inspector in dismissing the appeal did not consider that the development would have such an unacceptable overbearing impact on the occupants of the adjacent house at 1 Heol Y Bont that planning permission should be withheld on that basis. The development now proposed is significantly narrower and less bulky than the 2017 scheme at its closest point to 1 Heol Y Bont, and is set further away from the boundary. The latest amendments also reduce the ridge height of the proposed building by at least 0.7m, further reducing its potential impact. Therefore it is considered that there would be no reasonable grounds for refusal of this application on the basis of overbearing impact on neighbouring residents. Also, there are no upper floor windows in this elevation and the ground floor patio doors will be screened by a wall, therefore there will be no unacceptable loss of privacy to residents of 1 Heol Y Bont.
- 8.11 Regarding the amenities of users of the garden to the rear of Canolfan Beulah., the Inspector noted that *'The proposed development would extend along the entire length of the common boundary with this adjoining property. The scale and massing of the development, together with its close proximity, would have an unacceptable overbearing and obtrusive impact. In these particular circumstances, the intervening single storey flat roof garage would do little to*

minimise the adverse impact. The proposal would therefore have a harmful effect on the amenities of the users of this garden...

- 8.12 The building now proposed does not extend along the entire length of the boundary with the Canolfan Beulah Community Church Hall and Garden but leaves a gap of around 2m at the eastern side, and this elevation has also been stepped to reduce its bulk and massing. The only windows in this elevation facing the garden are two ground floor windows, which will be screened by an existing garage and proposed boundary wall, and two small obscurely glazed first floor windows, one serving a bedroom and one a hallway. Roof lights rather than dormer windows will be used to light the second floor rooms in this part of the building, which are in any case non-habitable spaces. It should also be noted that there is a driveway, which is approximately 4.6m wide, along with the aforementioned garage, separating the application site from the church garden. A tree located within the church garden which provided a certain amount of screening, mentioned in the applicant's original supporting documents, has, however been removed.
- 8.13 Given the changes to the design and scale of the proposed building, including the latest amendments, it is not considered, on balance, that refusal of the application on the grounds of overbearing impact on users of the church garden could be justified.
- 8.14 With regard to the objections to the initial proposals (as detailed in paragraphs 7.1 to 7.3 of this report):
- 1) Highways/Transportation officers have raised no concerns regarding traffic congestion. The proposed development is not of such a large scale that significant numbers of additional vehicles will be attracted to the site.
 - 2) Highways/Transportation officers have raised no concerns with regard to parking or deliveries. The residential units would have their own off-street parking spaces, which accord with the requirements of the Council's adopted standards as set out in the Supplementary Planning Guidance "Managing Transportation Impacts (Incorporating Parking Standards)" (2018). There is no requirement for the retail units to provide off-street car parking spaces for staff or customers, or space for delivery vehicles. The site is within the existing Local Centre, allowing for combined trips to be made, and is easily accessible by public transport and by walking and cycling. Disabled customers would be able to park on the adjacent highway. Cycle parking and storage facilities will be provided in accordance with the Council's adopted standards. There are parking and waiting restrictions on the adjacent roads which will control the times and locations at which deliveries can be made, and it would be unreasonable to refuse planning permission for this development on the grounds that it did not provide off-street delivery facilities.
 - 3) The issue of the appearance and scale of the building is discussed above. The proposals are considered to have overcome the reasons for refusal of the previous application.
 - 4) Highways/Transportation officers have raised no concerns regarding

highway safety. Illegal and dangerous parking are matters for the Council's Parking Enforcement team or the police, and are dealt with under other legislation.

- 5) There will be no habitable room windows overlooking the adjacent garden other than one bedroom window, which will be obscurely glazed. A planning condition can be used to ensure that it remains so.
- 6) The development will not be unacceptably overbearing when viewed from houses on Heol Y Bont. This issue is discussed above.
- 7) The site is within the Local Centre, where planning policy encourages retail development. It is not necessary for the applicant to prove that there is a need for the proposed retail units.
- 8) There is already a commercial unit on the site. The proposal does not involve any development that would potentially cause unacceptable noise nuisance. Excessive noise would in any case be controlled under Environmental Health legislation.
- 9) The applicant indicates that the use of the units would be within class A1 (i.e. 'shops'). It would be unreasonable to require any further detail. Given that the site is within the local centre and the units will not be used for entertainment or hot food sales, it is not considered necessary to restrict the opening hours. The figures given for number of employees are not relevant to the consideration of the application – it is clear that there will be some employment provided by the development but the number of jobs created is not a determining factor in this case.
- 10) The site is not within a residential area but is within the Rhiwbina Village Local Centre, where the provision of shops is in accordance with the area's character. The amount of commercial floorspace is considered to be reasonable and to be in proportion with the size of the building.
- 11) The existing building is not listed and is not within a conservation area, and permission is not required for its demolition.
- 12) The character and actions of the applicant are not relevant to the determination of this application.
- 13) This is not a material planning consideration. Other legislation deals with issues such as the location of scaffolding and temporary works affecting the public highway.
- 14) The Inspector in considering the appeal relating to the previous application concluded that development on this site would not affect the Conservation Area or listed buildings, stating that: *'I observed that Rhiwbina Garden Village displays many of the ideas of the early pioneers of Garden City design; there is a careful approach to the layout of houses, their shape, design, orientation and grouping with a co-ordinated palette of materials throughout. It is these details and qualities that, in part, make up the garden village style that is so well preserved. Nevertheless, it is the row of shop units on Heol y Deri, and at the periphery of the CA, that would have the closest physical and visual relationship with the appeal site. It would appear that these units were built at a later date and have clearly been altered over time, albeit I accept that they may have a strong association with the local community. That being said, the cumulative effects of the alterations to the shop units, the lack of understanding of context in the design of several of the intervening buildings together with the noise and traffic on*

Heol y Deri and Pantbach Road results in a different ambience and character to this part of the CA. With this in mind, and as the proposed development would be read predominantly in the context of the other commercial properties and existing dwellings in the vicinity of the site which fall outside the CA, I do not consider that it would adversely affect the special features of the CA or fail to preserve the character or appearance of its setting.'

It would therefore be unreasonable to conclude that this amended proposal would adversely affect the conservation area or nearby listed buildings.

- 15) A development of two shops and four flats will not generate any significant levels of pollution.
- 16) The site is privately owned and the Council cannot insist that it is developed in any particular way. The Council must consider the proposal that has been submitted and determine whether it is in accordance with national and local planning policies and guidance.
- 17) The proposed use – a mixture of retail development and flats - is in keeping with the character of the Local Centre.
- 18) As this is not a 'major development' as defined in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) the developer was under no obligation to carry out any pre-application consultation with local residents. This does not constitute grounds for refusal of the application.
- 19) Highways/transportation and waste management officers are satisfied with the cycle parking facilities and waste/recycling storage space that have been illustrated on the plans, which accord with the Council's adopted standards. There will be a small amount of private outdoor amenity space for the residents of the ground floor flat, but the upper floor flats will have only balconies for private outdoor space. However, each of these balconies will measure around 5.4 square metres, with flat 4 having an additional 2.7 square metres provided by the second balcony on the front elevation, and these will face south-west and south east. This accords with the guidance given in the SPG "Cardiff Residential Design Guide" (2017) which states that "*Balconies will need to be provided for apartments with no direct, safe or convenient access to a communal garden or other suitable public green spaces within their vicinity. They should be a minimum of 5m². They should be located in positions where they receive direct sunlight for some part of the day, and preferably with a southern aspect.*"
- 20) There would be some additional shading of the front and western side of 1 Heol Y Bont but this would not be significant and would not in itself constitute adequate grounds for refusal of the application. 1 Heol Y Bont does not have windows in the upper storey facing this site and its main outlook is to the front and rear. The proposed building is only marginally taller than a standard two storey building and will be separated from 1 Heol Y Bont by an existing driveway and garage, which will allow adequate levels of light to reach the neighbouring property.
- 21) It cannot be assumed that customers of the shops will drop litter in the vicinity of the site, and adequate refuse/recycling facilities will be provided for the flats as well as the commercial premises. This does not

constitute grounds for refusal of the application.

- 22) The reasons for including residential units in the proposals are not relevant to the determination of the application. The Council must consider the application as submitted. The viability of the development is not a material planning consideration in this case. It is not considered that the proposals constitute overdevelopment of the site as the building will be of an acceptable scale, there will be adequate car parking, cycle parking, refuse/recycling storage and outdoor amenity space and there will be no unacceptable impact on amenity.
- 23) Beulah church will not be under any obligation to allow access onto its land and can refuse to do so. This is an issue to be resolved between the two parties and is not a material planning consideration.
- 24) The ridge height of the proposed building is approximately 40cm taller than that of the building that was refused planning permission and the tallest part of the roof will be around 0.9m closer to the boundary with the church garden. However, the previous building would have been located directly on the boundary for the full length of the site and the elevation facing the gardens would have been a largely blank wall containing a row of bedroom windows at first floor level. The inspector, dismissing the appeal, noted that the proposed development would extend along the entire length of the common boundary and concluded that it was the 'scale and massing of the development, together with its close proximity' that would have an unacceptable overbearing and obtrusive impact. The building now proposed will have only one obscurely glazed window in this elevation facing the gardens, will not extend fully along the boundary, will be set back by around 1m from the boundary towards the rear and its massing will be further broken up by changes in eaves heights and the use of contrasting materials. Although the building will still cause a certain amount of shading and will have an impact on views from the church gardens, it is considered that the design features identified above will mitigate this impact and that the building will not appear so overbearing that the refusal of planning permission could be justified on these grounds.

8.15 The concerns of the Rhiwbina Civic Society are largely addressed in the response to the objections above. With regard to the design of the balconies, whilst this is contemporary and does not exactly match the traditional appearance of balconies on older properties, it is considered to be an acceptable modern interpretation of traditional features which is appropriate to the building that is proposed and will make a positive contribution to the character of the area.

8.16 With regard to the objections raised by Councillors Jayne Cowan, Adrian Robson and Oliver Owen:

- a) The building will be larger than adjacent buildings but this is considered acceptable in this case. This is a corner site on a primary route within a Local Centre. The 'Infill Sites' SPG (paragraph 3.20) states '*Some appropriate sites may be able to accommodate slightly taller buildings where they make a positive contribution to the street scene, such as*

corner sites, on primary routes, and in higher density areas with variation in heights and massing'. It will also be separated from adjacent buildings by at least 4m on the Pantbach Road frontage and around 8m to 1 Heol Y Bont, which will reduce its impact. There is a variation in building heights and massing in this area and an existing example of a larger building being located on a corner site within this Centre – the Beulah Church on the northern side of Beulah Road is larger than adjacent buildings but does not appear out of place due to its corner location and separation from adjoining properties. The building will be visually prominent as a result of the prevailing topography and due to other buildings in the vicinity having been set down below the level of the highway but this does not necessarily mean that it will be over-dominant or have an unacceptable impact on visual amenity or the character of the area. Regarding the building line to Heol Y Bont, the eastern end of the new development will respect this line but it will then follow the orientation of the existing building towards Pantbach Road. This reflects the existing situation, which results from the alignment of the roads. The building on the opposite side of Heol y Bont also breaches the building line.

- b) There is no requirement for the building to match the 'local vernacular'. The Inspector who dismissed the appeal relating to the previous proposal stated that they had no objections to a building of contemporary design on this site. The site is not within the Rhiwbina Garden Village conservation area, where it would be expected to pay greater attention to the vernacular style, and there is already a mixture of building styles and sizes in the surrounding area. The absence of an existing building matching this design does not necessarily mean that it is unacceptable. The large area of glazing on the ground floor is considered appropriate as the premises will be in use as shops, reflecting the existing shops and other commercial premises in the Local Centre.
- c) The issue of amenity space is discussed above.
- d) The impact of the development on the Canolfan Beulah gardens and on 1 Heol y Bont is discussed above.
- e) Highways and transportation officers have raised no concerns regarding the car parking proposals and have not requested a turning space within the site. It should be noted that cars already have to reverse into or out of the driveways of houses on Heol y Bont and the parking spaces associated with the 'Gateway of India' on the opposite side of the road. Parking will not be permitted on the highway adjacent to the application site and a reduction in on-street parking in this location close to the junction may help to relieve some of the congestion identified by objectors, which appears to arise mainly from the use of the community hall on Heol Y Bont. Highways/transportation officers have requested a S106 financial contribution from the developer to pay for Traffic Regulation Orders and works to extend and manage the parking

restrictions in the area.

- f) The development will not result in the loss of any public off-street parking spaces – the current car park is in private ownership and is not available for public use. It would be unreasonable to refuse planning permission for this development on the grounds that the use of the four parking spaces will reduce the amount of on-street parking available to the general public. The on-street parking in this area is not needed by residents as the houses on Heol Y Bont have private driveways and off-street parking. On-street parking in this location is mainly used by visitors to the community hall or to the shops in the local centre. As the area is easily accessible by public transport and by walking and cycling, and given the commitment of the Welsh Government and Cardiff Council to encourage active travel and reduce reliance on the private car, it is not considered reasonable to insist that on-street parking spaces are retained. In this case it would appear that it is the inconsiderate and indiscriminate use of on-street parking that is causing many of the problems identified by residents. The proposed development will provide an off-street parking facility for new residents, who will not have to park on the road, and provide an opportunity to better manage the existing on-street parking situation.
- g) Highways and Transportation officers have no concerns regarding vehicle access and egress and have identified works, such as extending the double yellow lines and reviewing the traffic calming measures, which will mitigate the impact of the development and could improve the existing situation. As the works are required as a result of the development they will be paid for by the developer via a S106 obligation.

8.17 Regarding the objections received in response to the amended plans:

- 1. The changes include amendments to the height of the building, the roof pitch and the projection and design of the balconies as well as amendments to the finishing materials and are not considered to be merely “cosmetic”;
- 2. The Council's highways and transportation officers have no concerns with regard to this application that could not be addressed by the proposed highway works that will be secured via a legal obligation. The Planning Committee's proposed reasons for refusal of this application, as debated at the previous planning committee meeting, do not include highway safety.
- 3. Highways and transportation officers have no concerns with regard to parking. This issue was considered previously.
- 4. This issue has been considered previously. It was not considered that the original proposal would be unacceptably overbearing and the amended scheme further reduces the height of the building.
- 5. This issue has been considered previously.
- 6. Highways and transportation officers have no concerns with regard to the position of the parking spaces. This issue was considered previously. The location of the parking spaces has not been changed.

7. These issues were considered previously.
8. This issue was discussed previously. The original proposals were not considered by officers to have an adverse impact on the Conservation Area (taking into account the Planning Inspector's comments on the refused 2017 scheme) and as the amendments remove the "modern" cladding materials from the front elevation it is considered that the amended scheme will have even less of an impact.
9. The issue of parking has been discussed previously. The amended scheme does not alter the parking arrangements or introduce any further requirement for car parking facilities.
10. Traffic issues were considered previously. The amendments to the development do not have any further implications for traffic generation.
11. This issue was considered previously.
12. This has been considered previously. The amended scheme does not introduce any changes that could lead to a further increase in noise emissions.
13. This has been considered previously.
14. There will be no loss of privacy to adjoining houses. This has been discussed previously. The amendments do not introduce any new windows or other features that could lead to loss of privacy.
15. There is no statutory obligation on local planning authorities to publicise changes to applications. It is at the discretion of the LPA to decide whether further publicity is desirable. In this case, given the level of local interest, it was considered desirable to publicise the amended plans and in cases such as this 14 days rather than 21 are given in order to avoid unnecessary delays, given that the public will already be familiar with the substantive application. With regard to planning officers being "subtly in favour of this application being approved", the role of planning officers is to present the Planning Committee with their professional opinion as to whether the application is acceptable in planning terms. In this case the professional opinion of planning officers is that the application is acceptable.
16. The original application is accompanied by a Preliminary Bat Roost and Nesting Bird Assessment dated March 2019, which concludes that the buildings in question did not show any signs of use by bats, and that they had a low likelihood of supporting a bat roost. This likelihood was further reduced by the urban nature of the surrounding area. The Council's Ecologist has reviewed this report and accepts these conclusions on the basis that precautionary mitigation measures would be introduced to counteract any residual potential for bat roosts that may remain. These precautionary mitigation measures are set out in sections 5.2.1 to 5.3.1 of the Preliminary Bat Roost and Nesting Bird Assessment, and could be secured by a planning condition. Relevant conditions have been added to the recommended conditions in this report.
17. The Pantbach Road elevation shown on drawing 2275/PL/02 B illustrates the road gradient as do the proposed superimposed views 1 to 3. Officers are aware of the topography of the surrounding area and have taken it into consideration in assessing the proposals.
18. This issue has been considered previously. The site is within the Rhiwbina Village Local Centre, where the provision of shops is in

accordance with the area's character.

19. This issue has been considered previously. The amended scheme does not bring the development any closer to 1 Heol Y Bont and the height of the building has been reduced, which would reduce its impact in terms of overshadowing.
20. The applicant is under no obligation to consult with local residents or to take their views on board. Consultation is carried out by the Local Planning Authority and residents submit their views directly to the Council rather than to the applicant.
21. This has been considered previously. It is not necessary for the applicant to prove that there is a need for the proposed retail units.
22. The Local Planning Authority must consider the acceptability of the development that has been applied for, irrespective of whether others may prefer an alternative scheme. The site is in private ownership and the owner cannot be compelled to provide a car park.
23. These issues have been considered previously. Highways/transportation and waste management officers are satisfied with the cycle parking facilities and waste/recycling storage space, which accord with the Council's adopted standards, and there will be adequate private outdoor amenity space for the flats, much of it in the form of balconies, in accordance with the guidance given in the SPG "Cardiff Residential Design Guide" (2017).
24. This has been considered previously. Highways officers have no concerns regarding commercial vehicles.
25. No new balconies have been added to the plans – the original scheme included balconies on the front elevation. These are clearly for the use of residents of flat 4 as they adjoin its living space and one of its bedrooms. None of the balconies on Heol y Bont will face towards existing houses and those on the Pantbach Road frontage will be more than 21m from the nearest dwelling and separated from it by the highway. A current lack of balconies in the area does not mean that none are acceptable.
26. The full set of amended plans, along with the previous plans, are available for viewing by the public who can compare the latest proposals with the previous ones.
27. This type of application does not actually require the submission of a design and access statement, although one was submitted. In assessing an application, officers do not rely on the contents of a design and access statement to inform them of the site context. Any dispute over the description of the local context has no bearing on the consideration of this application.
28. The original plans also included two commercial units. These issues have already been considered.
29. The issue of on-street parking has been considered previously. Highways and Transportation officers have no objections with regard to this matter. Parking is not a matter that the Planning Committee considered to form grounds for refusal of the application.
30. Highways officers have no objections on highway safety grounds. This has been considered previously.

31. The guidelines relate to applications that have already been refused. This application has not yet been refused therefore the Council has to consider amendments submitted by the applicant.
- 8.18 The issues raised by the petitioners have already been considered previously and are discussed above.
- 8.19 The petition of 230 signatures in favour of the development is noted. With regard to the individual representations in support of the application;
- a) it cannot be assumed that other investors would be deterred by the refusal of planning permission for this particular development, and the granting of planning permission would not necessarily lead to the immediate re-use of the site – when full planning permission is granted the developer has 5 years in which to commence development.
 - b) The support for the design of the building, its mixed use and the fact that jobs would be created in the retail units is noted.
 - c) The objections that have been received relate to this particular development and are not necessarily the result of anti-development and anti-change attitudes. The reasons for the closure of other shops in Rhiwbina are not known.
- 8.20 In conclusion, the provision of a building containing A1 retail shops and flats is appropriate in this location within the Rhiwbina Village Local Centre in accordance with LDP policy R5 and, although the proposed building is of a contemporary design that differs from the more traditional developments in the surrounding area and will be of a larger scale than the existing and adjoining buildings, on balance this is considered to be acceptable in the context of the site. The design of the building has been amended since the proposals were last considered by the Planning Committee and the amended design, which omits some of the more contemporary elements such as metal cladding and flat-roofed projections, is still considered appropriate to the area.
- 8.21 There will be no unacceptable impact on the amenities of neighbouring residents or users of the church gardens, the development will provide a reasonable standard of accommodation for future residents of the flats and changes that will be required to be made to parking restrictions and traffic calming infrastructure can be secured via a legal obligation. There would be no reasonable grounds for refusal of this application and it is recommended that permission is granted subject to a S106 obligation and conditions as set out above.
- 8.22 If the Committee considers that the amended plans do not overcome its objections and is minded to refuse the amended application, the following reasons for refusal are suggested to reflect the concerns expressed at the Planning Committee meeting of 14th August 2019:
- 1) The development by virtue of its height, massing and scale would be out of keeping with other buildings in the surrounding area and detrimental to the visual character of the area, contrary to policy KP5(i) of the Cardiff Local Development Plan.

- 2) The scale and massing of the development, together with its close proximity to the boundaries with neighbouring properties, would result in an unacceptable overbearing and obtrusive impact which would be detrimental to the amenities of neighbouring occupiers, contrary to policy KP5(x) of the Cardiff Local Development Plan.
- 3) The development would be detrimental to the setting of the Rhiwbina Garden Village Conservation Area in that it would appear as an incongruous feature out of keeping with the scale and character of existing commercial properties and dwellings in the vicinity of the site which form the setting of the conservation area, contrary to policy EN9 of the Cardiff Local Development Plan.

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.

9.3 *Environment (Wales) Act 2016*

The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

9.4 *Flood and Water Management Act 2010*

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.

9.3 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.



238 PANT BACH ROAD
CF14 6AX

OS MasterMap 1250/2500/10000 scale
21 November 2016, ID: BW1-00577931
www.blackwellmapping.co.uk

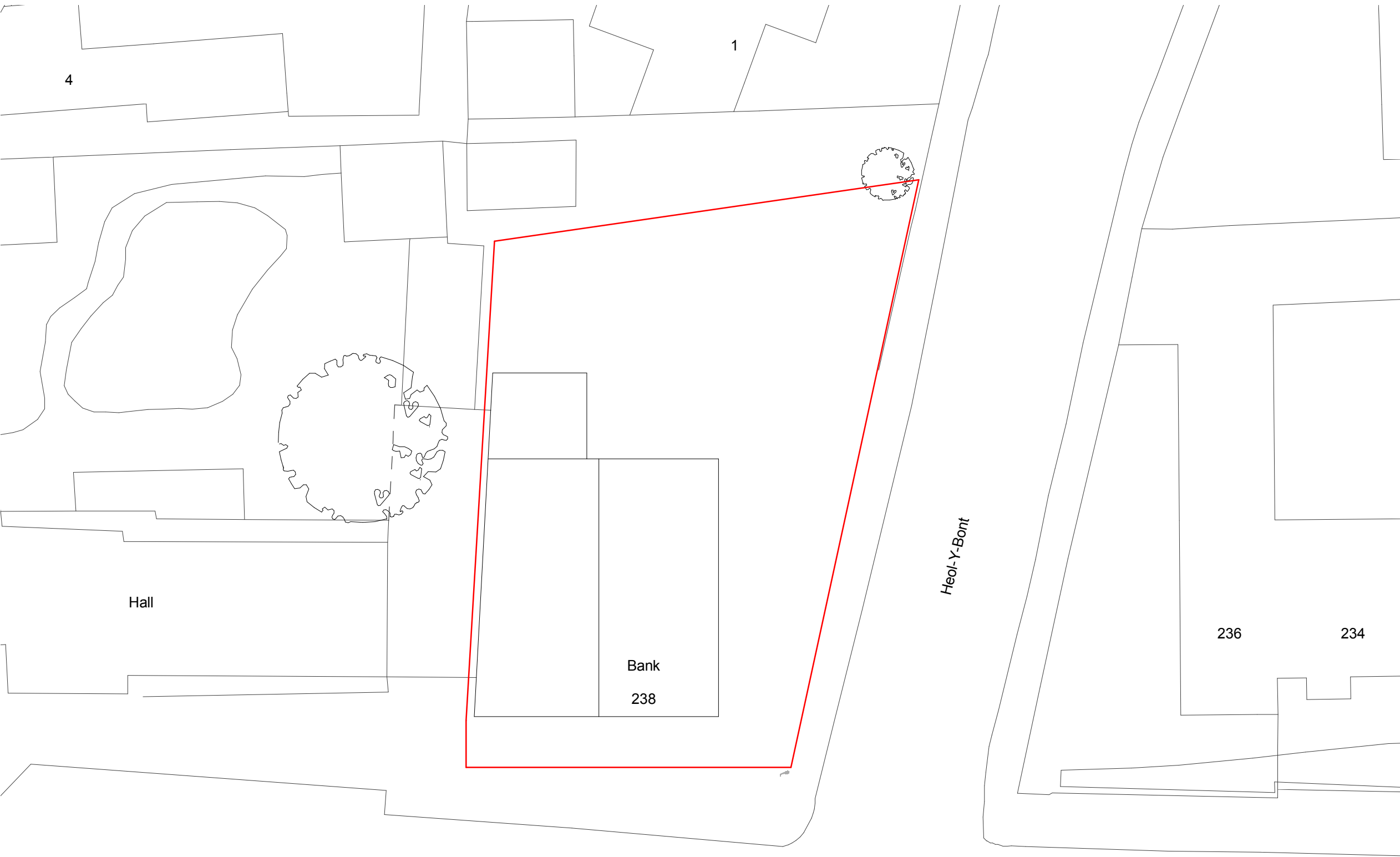
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©Crown Copyright and database rights 2016 OS
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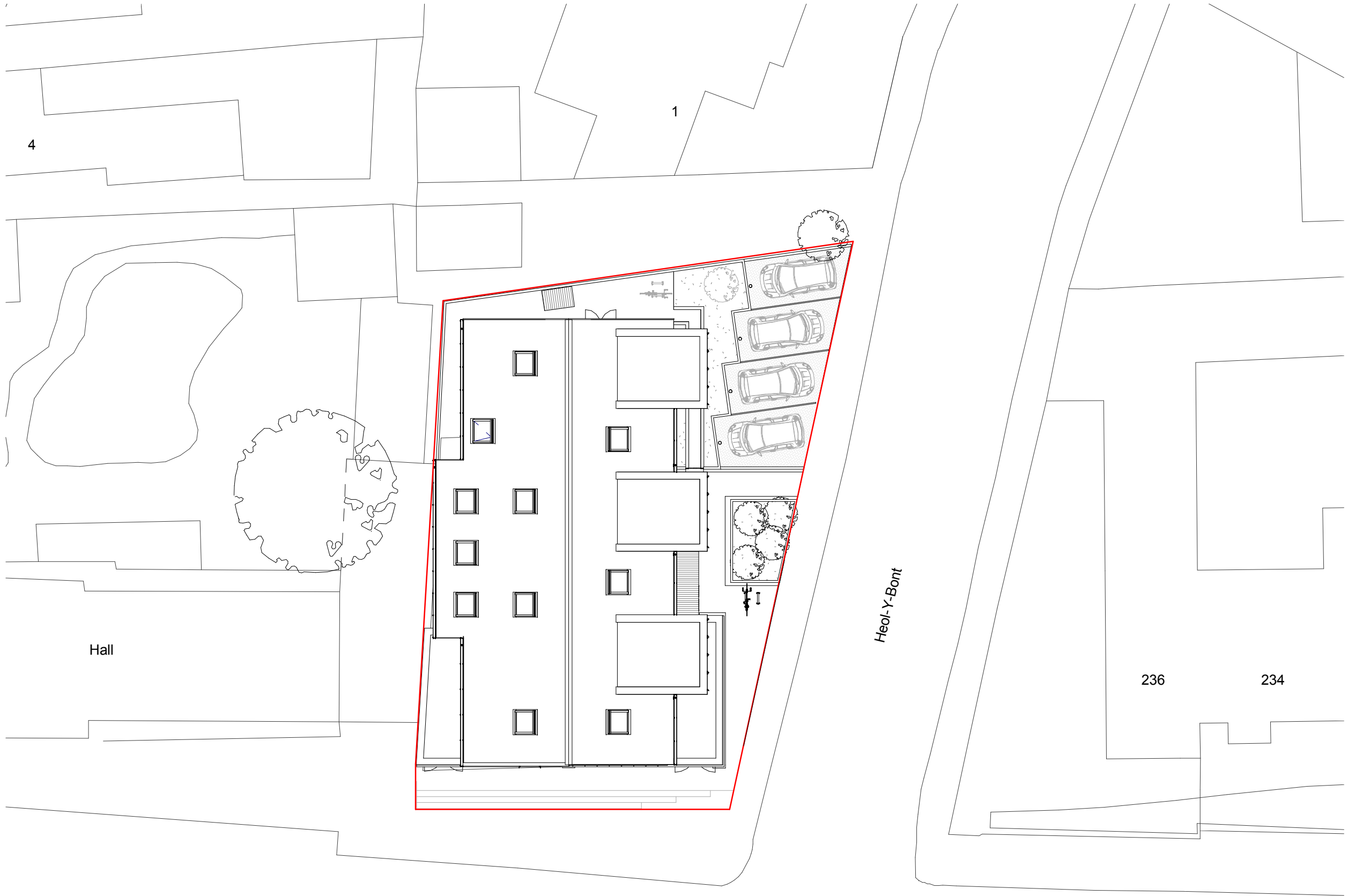
**SITE LOCATION PLAN 1:1250
FOR PLANNING APPLICATION
PURPOSES ONLY**





Pantbach Rd

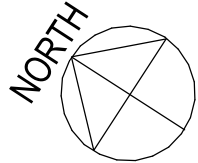
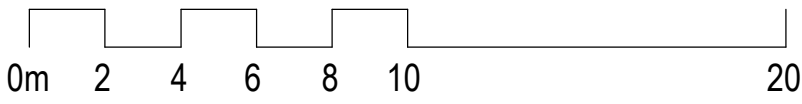
Existing Site Plan
1 : 200



Pantbach Rd

Proposed Site plan
1 : 200

— Site Boundary Line



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TEL: (029) 20620165

Client:
Coray Developments,
116 Ty Glas Road, Llanishen, Cardiff CF14 5EG

Job:
Redevelopment of former Nat West Bank site
238 Pantbach Road, Rhiwbina, Cardiff

Drawn DB	Date 23/04/19	Checked DD	Date	Approved	Date
Title Existing and Proposed Site Plan			Scale 1 : 200		
			Job No. -		
			Client Drawing No.		Rev.
			Drawing No. 2275/PL/01		

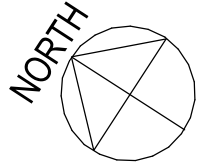
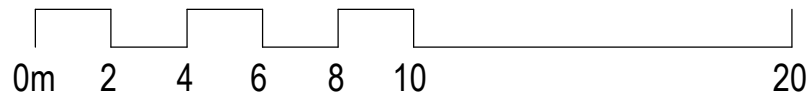


Existing Site Plan
1 : 200



Proposed Site plan
1 : 200

— Site Boundary Line



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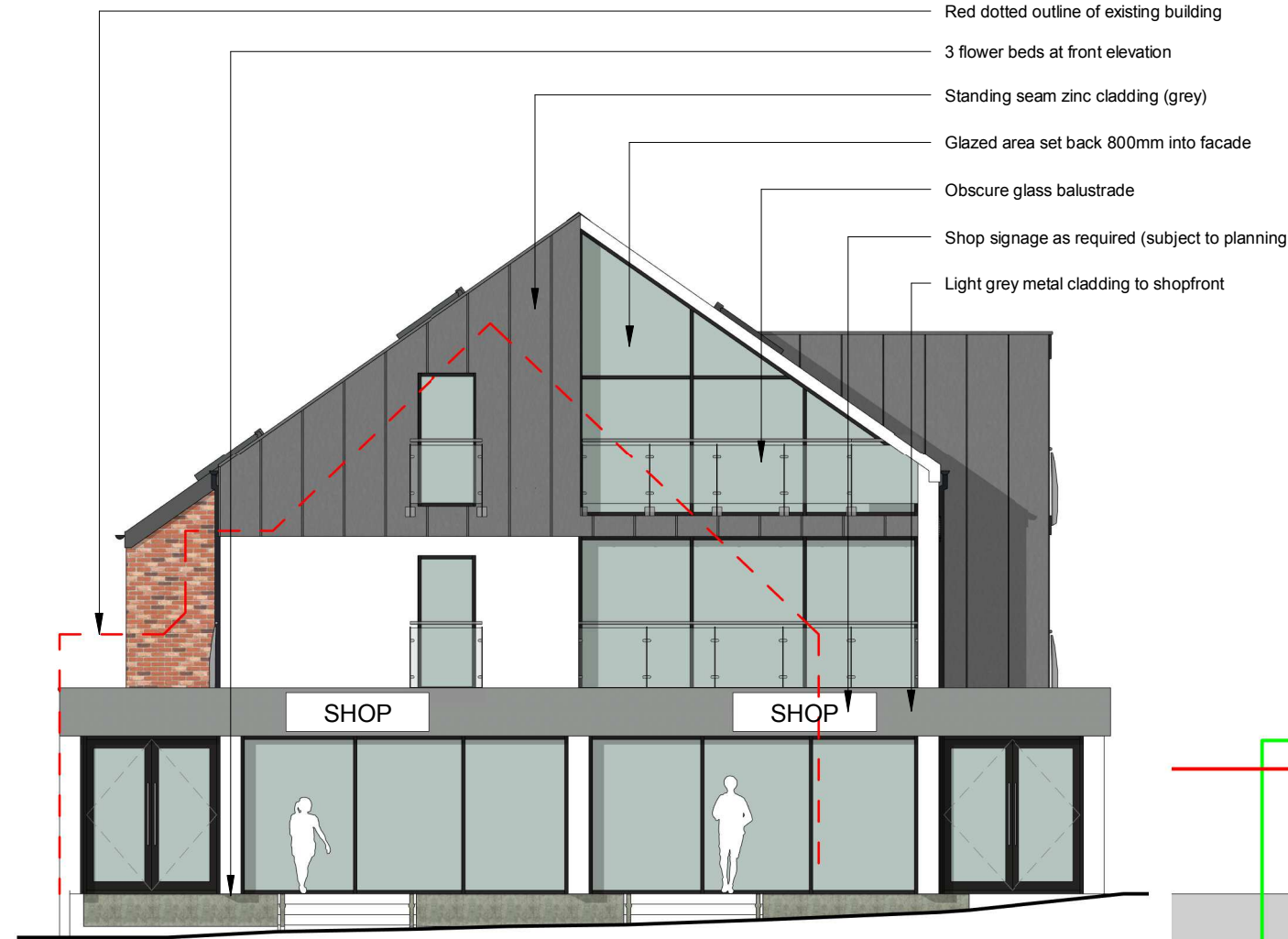
Client
Coray Developments,
116 Ty Glas Road, Llanishen, Cardiff CF14 5EG

Job
Redevelopment of former Nat West Bank site
238 Pantbach Road, Rhiwbina, Cardiff

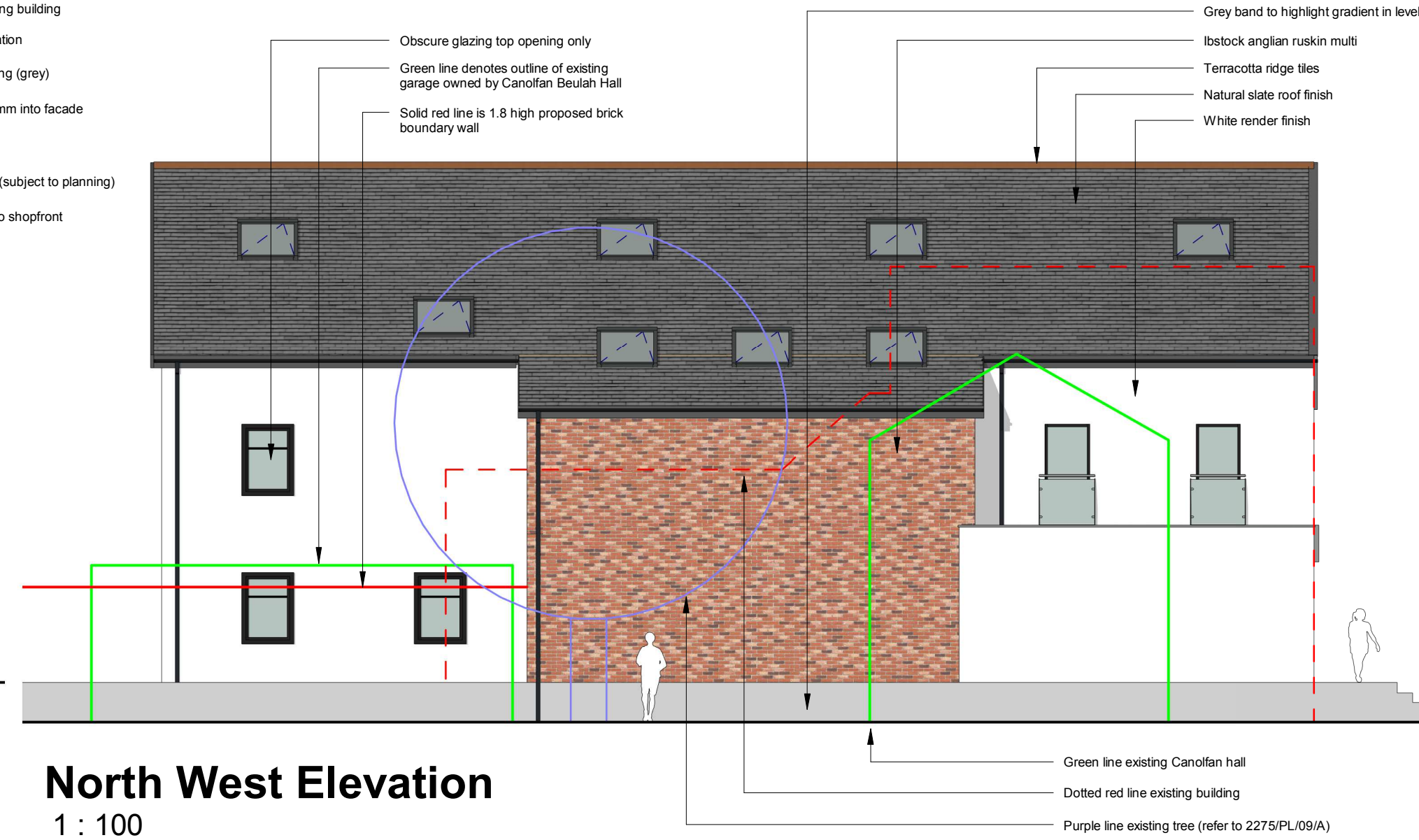
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Title Existing and Proposed Site Plan			Scale 1 : 200		
Job No. -			Client Drawing No.		
Drawing No. 2275/PL/01			Rev.		



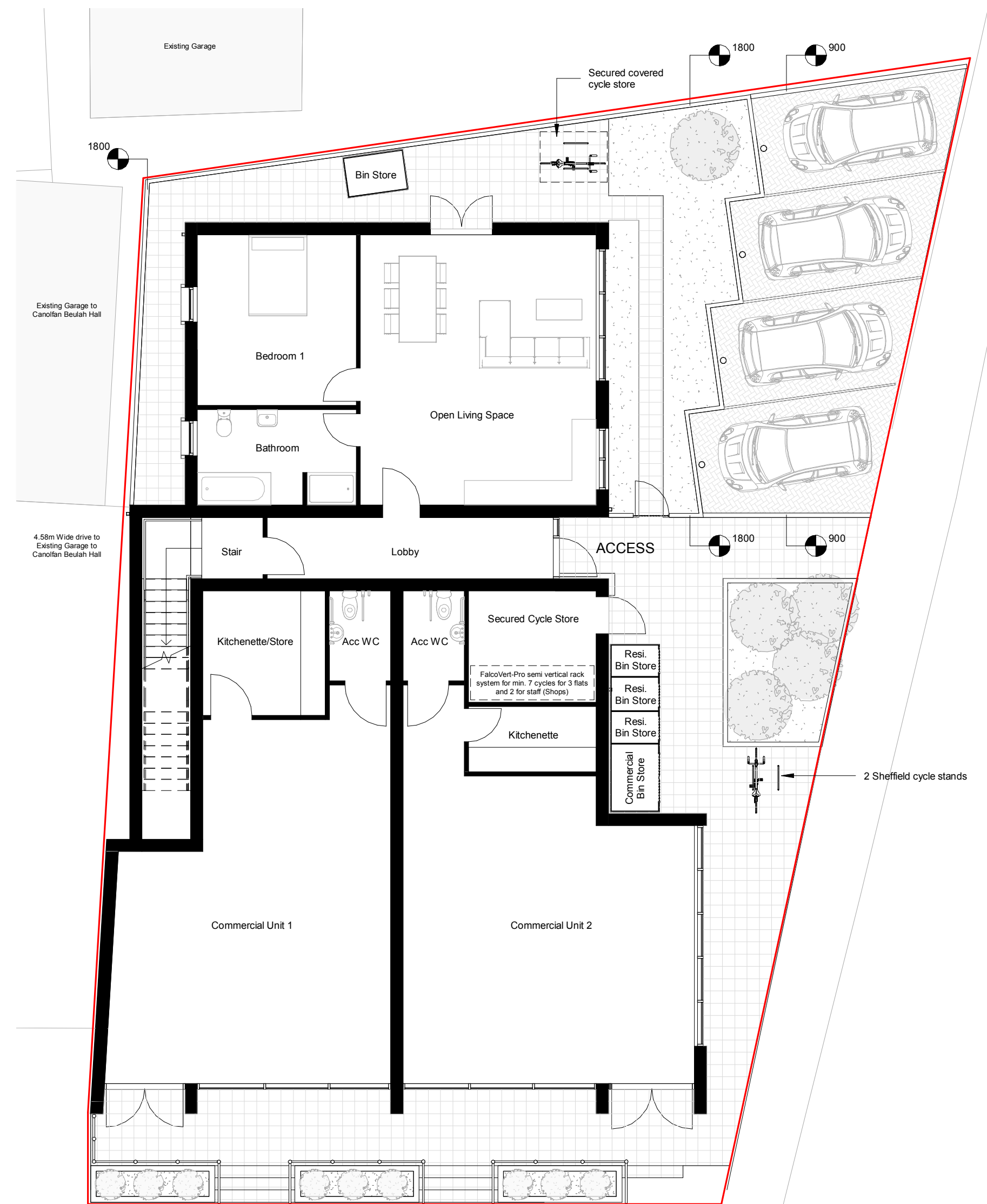
Heol-Y-Bont Elevation
1 : 100



Pantbach Road Elevation
1 : 100



North West Elevation
1 : 100



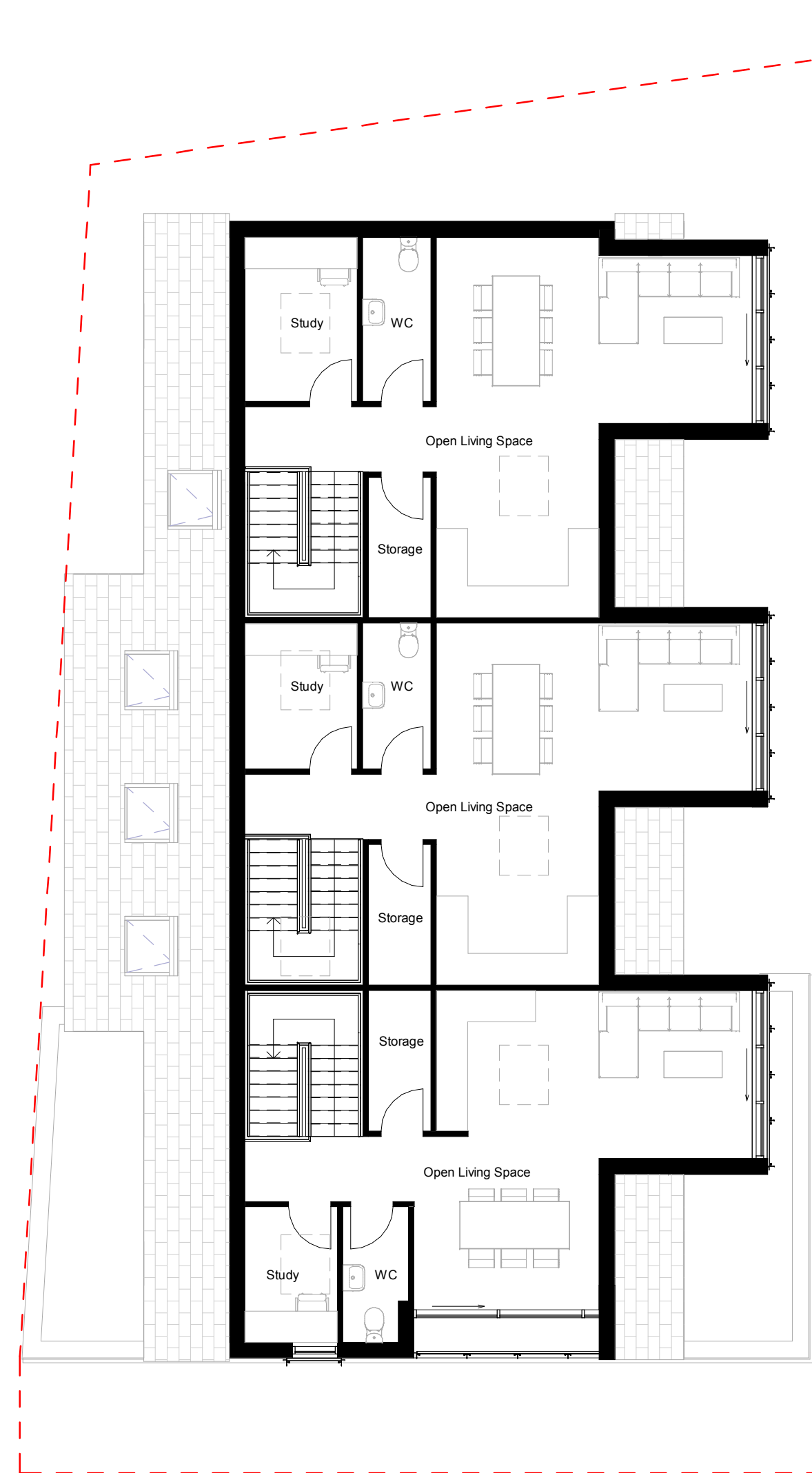
Ground Floor
1 : 100

Commercial Unit 1 - 69m² Tradeable Area - 55m²
Commercial Unit 2 - 72m² Tradeable Area - 55m²
Residential Unit Flat 1 - 63m²



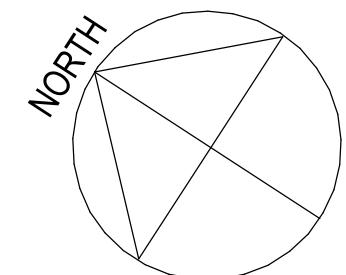
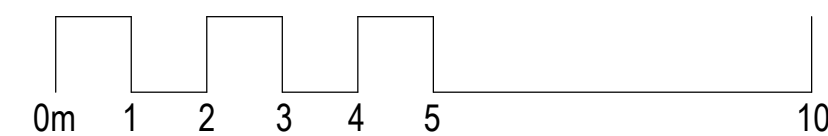
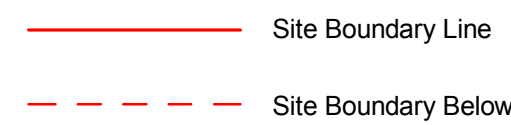
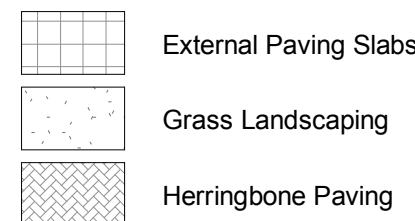
First Floor
1 : 100

Residential Unit Flat 2 Level 1 - 64m²
Residential Unit Flat 3 Level 1 - 55m²
Residential Unit Flat 4 Level 1 - 62m²



Second Floor
1 : 100

Residential Unit Flat 2 Level 2 - 47m²
Residential Unit Flat 3 Level 2 - 45m²
Residential Unit Flat 4 Level 2 - 45m²



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For rear elevation please refer to drawing 2275/PL/06/A

Please refer to drawing 2275/PL/09/A for existing tree
on North West elevation

Rev.	Amendment	By	Checked	Date
A	Front elevation revised as requested by planning officer email 05/06/2019	DB	DD	13/06/19

Issued Only For Purpose Indicated	Date	Approved
Drawing Status: FOR PLANNING PURPOSES ONLY		

Cad File Name



Client
Coray Developments,
116 Ty Glas Road, Llanishen, Cardiff CF14 5EG

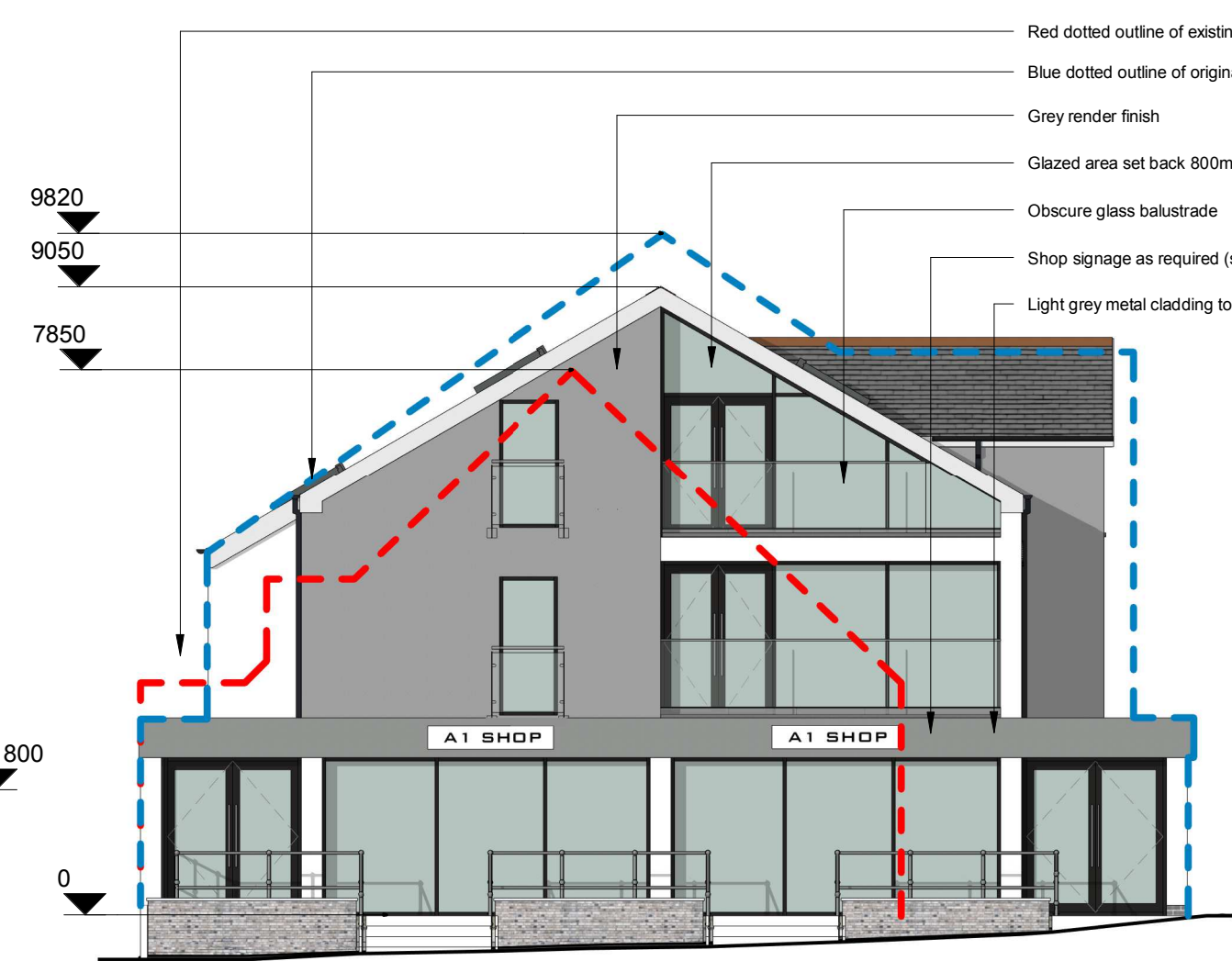
Job
Redevelopment of former Nat West Bank site
238 Pantbach Road, Rhiwbina, Cardiff

Drawn	Date	Checked	Date	Approved	Date
DB	23/04/2019	DD			

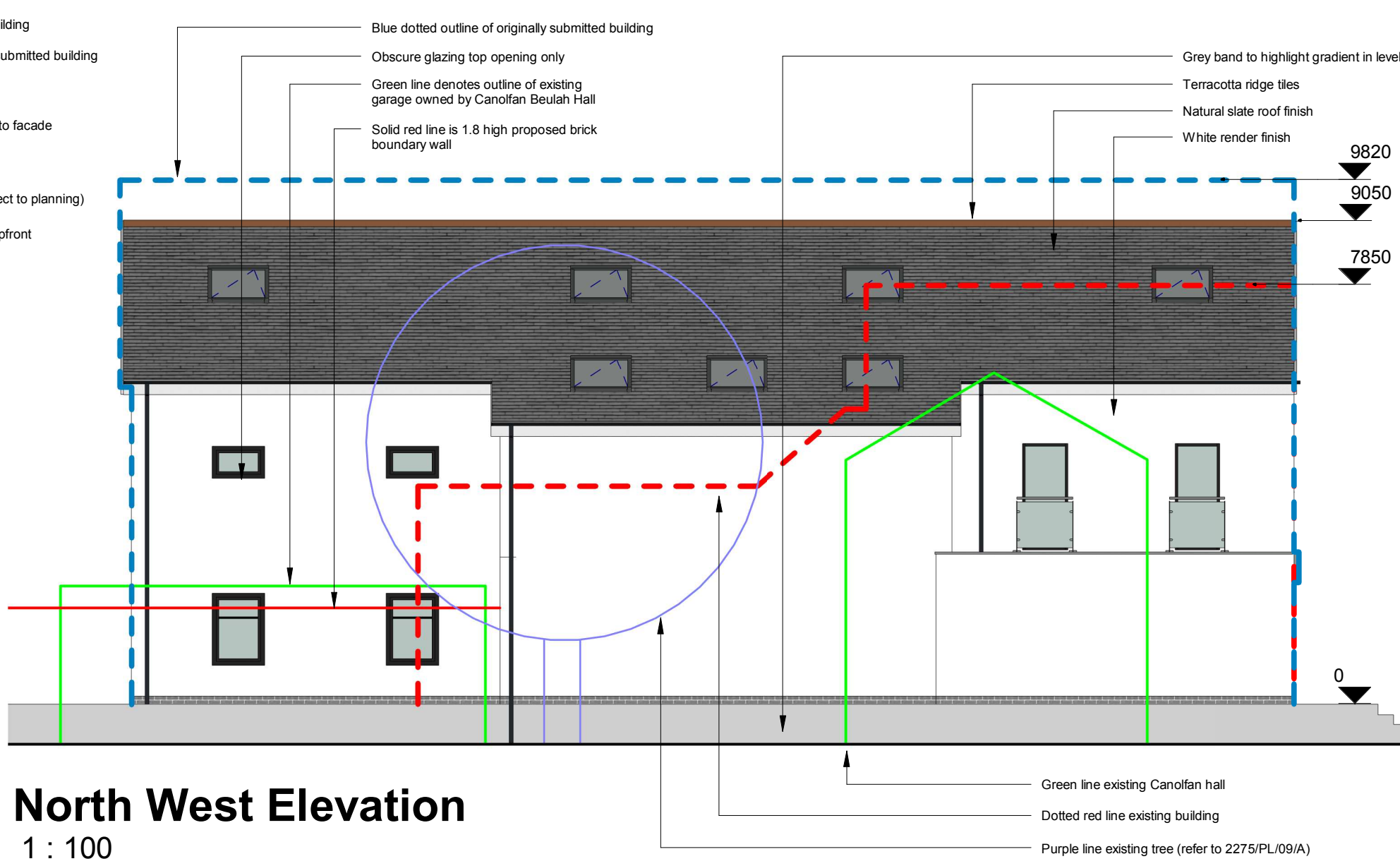
Title	Scale
Proposed Floor Plans and Elevations	1 : 100
Job No.	
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Client Drawing No.	Rev.
Drawing No. 2275/PL/02	A



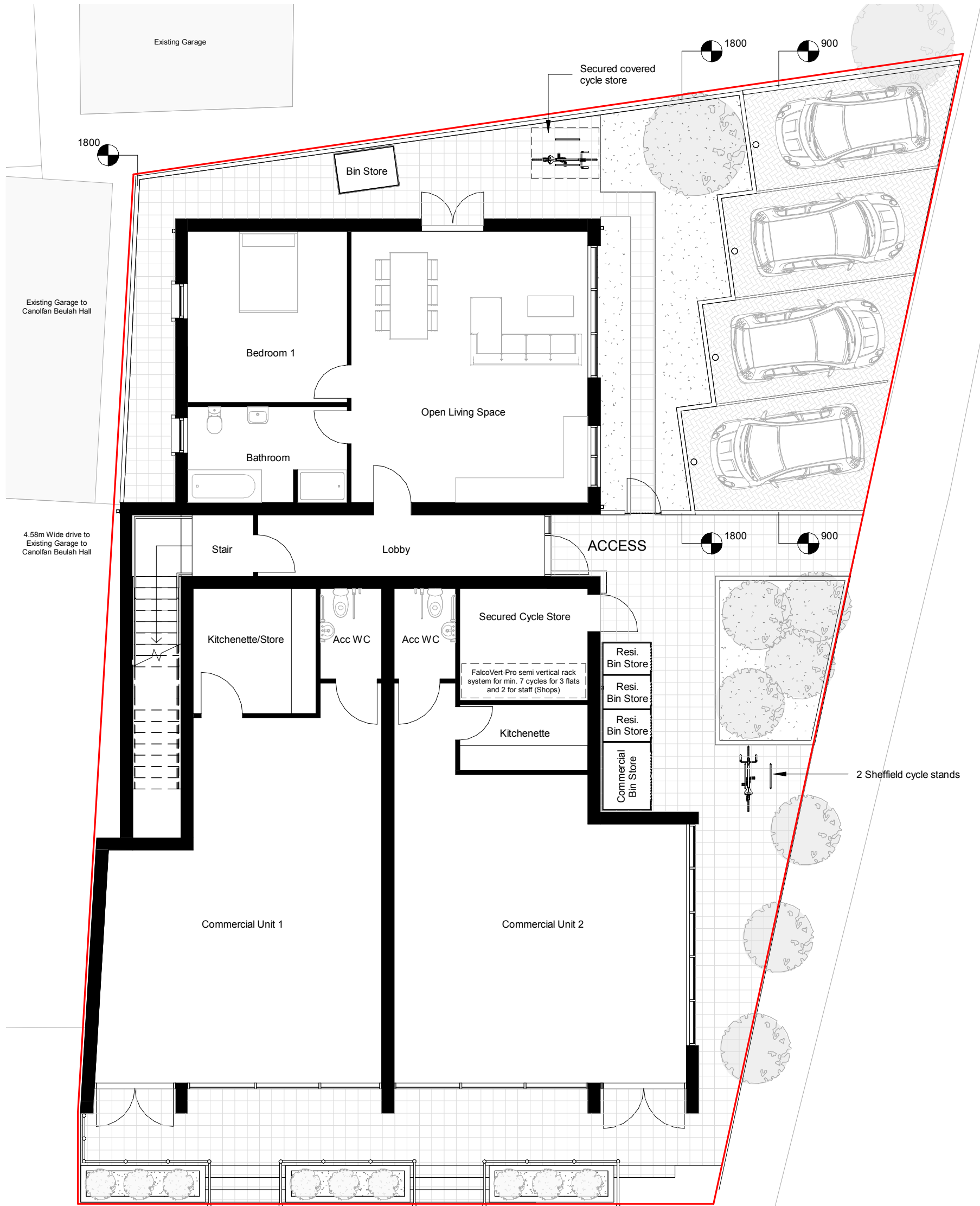
Heol-Y-Bont Elevation
1 : 100



Pantbach Road Elevation
1 : 100



North West Elevation
1 : 100



Ground Floor
1 : 100

Commercial Unit 1 - 69m² Tradeable Area - 55m²
Commercial Unit 2 - 72m² Tradeable Area - 55m²
Residential Unit Flat 1 - 63m²

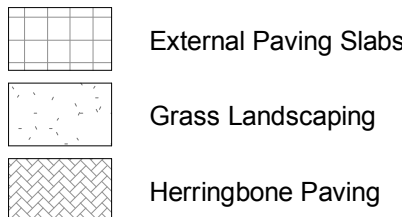


First Floor
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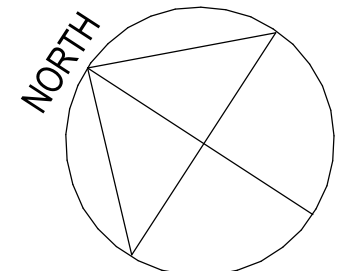
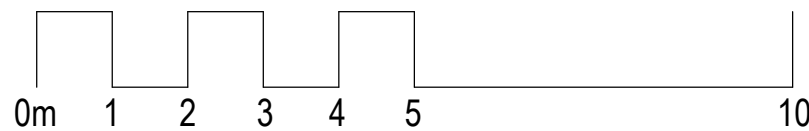
Residential Unit Flat 2 Level 1 - 64m²
Residential Unit Flat 3 Level 1 - 55m²
Residential Unit Flat 4 Level 1 - 62m²

Second Floor
1 : 100

Residential Unit Flat 2 Level 2 - 47m²
Residential Unit Flat 3 Level 2 - 45m²
Residential Unit Flat 4 Level 2 - 45m²



Site Boundary Line
Site Boundary Below



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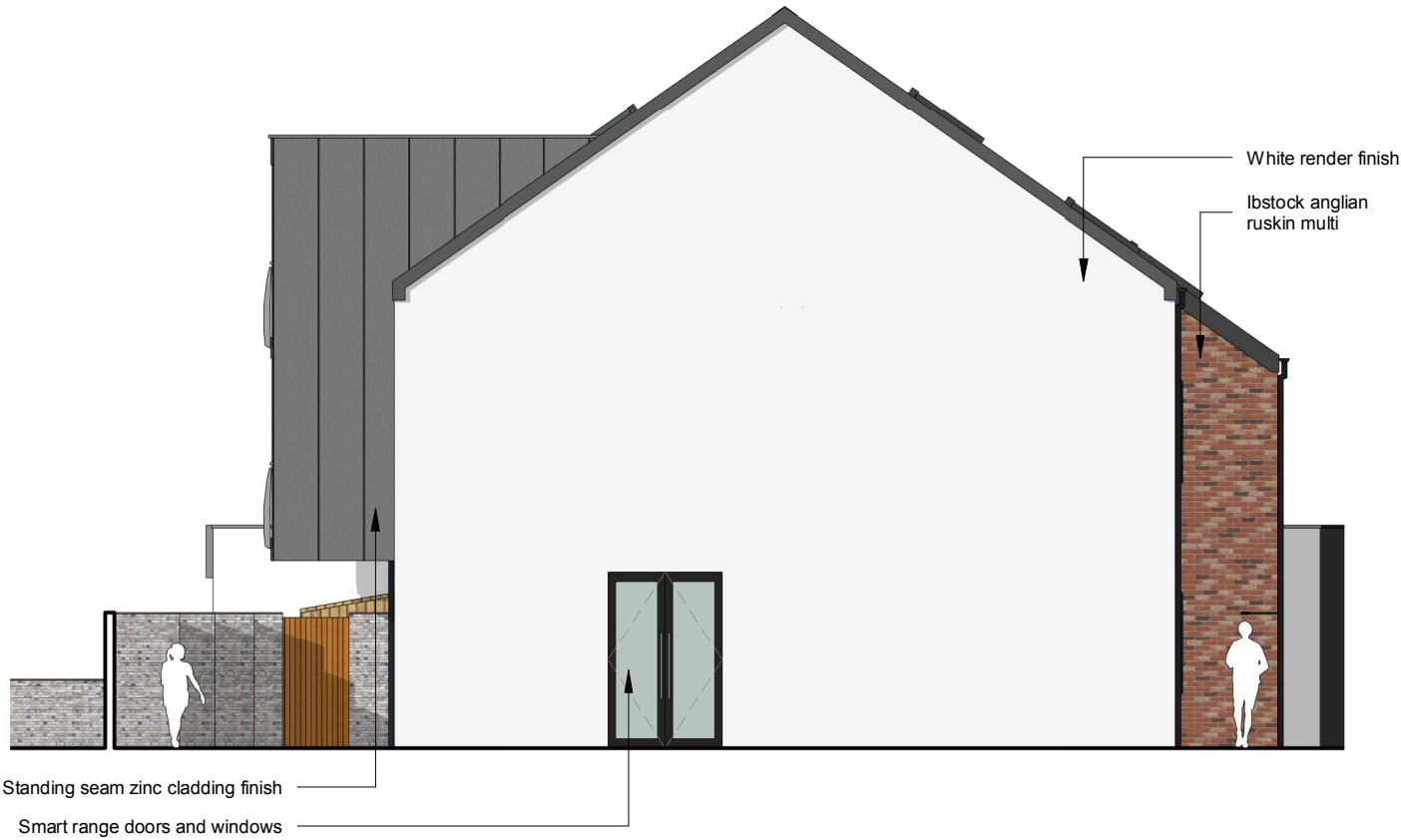
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For rear elevation please refer to drawing 2275/PL/06/A

Please refer to drawing 2275/PL/09/A for existing tree
on North West elevation

Rev.	Amendment	By	Checked	Date
A	Front elevation revised as requested by planning officer email 05/06/2019	DB	DD	13/06/19
B	Roof ridge lowered, pitch of roof reduced, balconies projection reduced, flat roof to balconies changed to pitched, metal cladding removed.	DB	DD	01/09/19
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Drawing Status: FOR PLANNING PURPOSES ONLY				
Cad File Name				
<div><div></div><div><div>DJIALLI ASSOCIATES</div><div>ARCHITECTURE PLANNING ENGINEERING</div><div>ST. HILARION HOUSE, RHIWBINA HILL, CARDIFF. CF14 6UP TEL: (029) 206201 65</div></div></div>				
Client Coray Developments, 116 Ty Glas Road, Llanishen, Cardiff CF14 5EG				
Job Redevelopment of former Nat West Bank site 238 Pantbach Road, Rhiwbina, Cardiff				
Drawn DB	Date 01/09/19	Checked DD	Date	Approved Date
Title Proposed Floor Plans and Elevations			Scale 1 : 100 Job No. - Client Drawing No.	Rev. B
			Drawing No. 2275/PL/02	



North East Elevation
1 : 100

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Client
Coray Developments,
116 Ty Glas Road, Llanishen, Cardiff CF14 5EG

Job.
Redevelopment of former Nat West Bank site
238 Pantbach Road, Rhiwbina, Cardiff

Drawn	Date	Checked	Approved	Date
DB	23/04/19	DD		

Title Proposed Building Rear Elevation	Scale 1 : 100
	Job No. -
	Client Drawing No.
	Drawing No. 2275/PL/06

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TEL: (029) 20620165

Client

Coray Developments,
116 Ty Glas Road, Llanishen, Cardiff CF14 5EG

Job.

Redevelopment of former Nat West Bank site
238 Pantbach Road, Rhiwbina, Cardiff

Rev.	Amendment	By	Chkd	Date
A	Outline of previously submitted building and existing building added	DB	DD	01/09/19

Drawn	Date	Checked	Approved	Date
DB	01/09/19	DD		

Title

**Proposed Building Rear
Elevation**

Scale

1 : 100

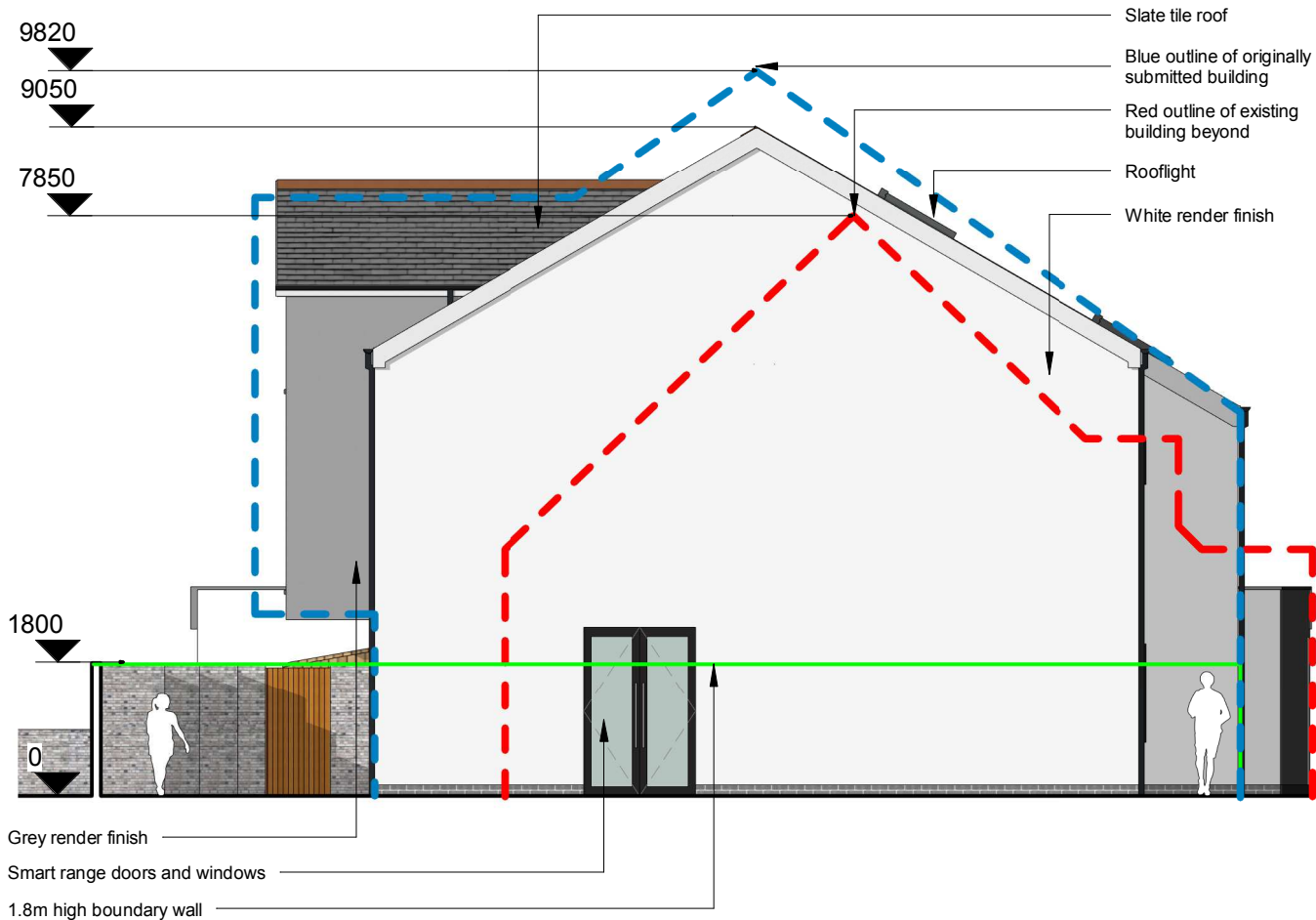
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Client Drawing No.

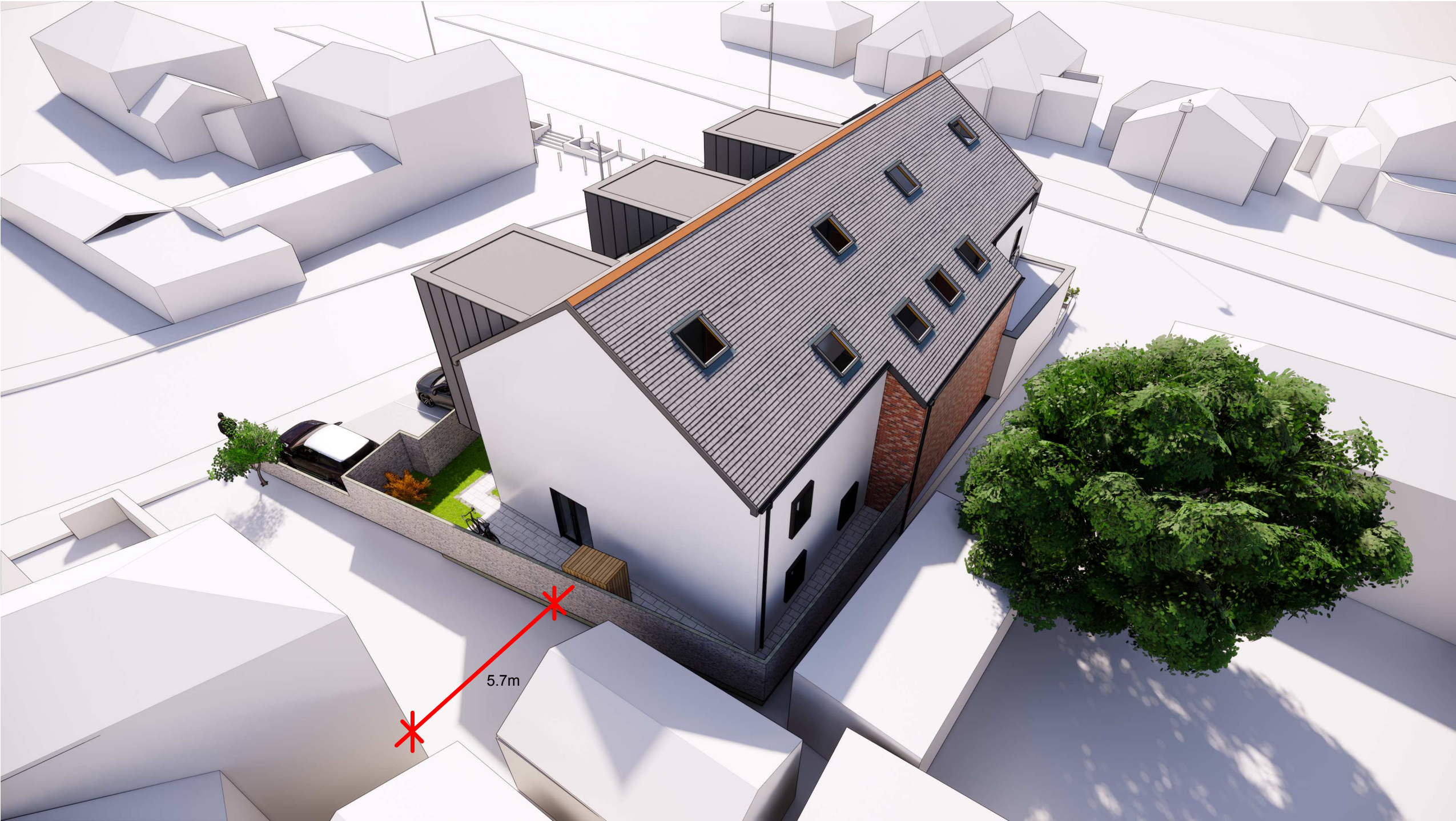
Drawing No.
2275/PL/06

Rev.
A



North East Elevation

1 : 100



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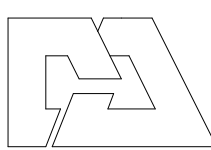
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The existing mature tree in the garden of Canolfan Beulah Hall was cut down on 13 June 2016 for reasons unknown, presumably under instructions from the owners of Canolfan Beulah Hall.

Rev.	Amendment	By	Checked	Date
A	Front elevation revised as requested by planning officer email 05/06/2019	DB	DD	13/06/19
B	External vegetation enhanced	DB	DD	28/06/19

Issued Only For Purpose Indicated	Date	Approved
Drawing Status: FOR PLANNING PURPOSES ONLY		
Cad File Name		

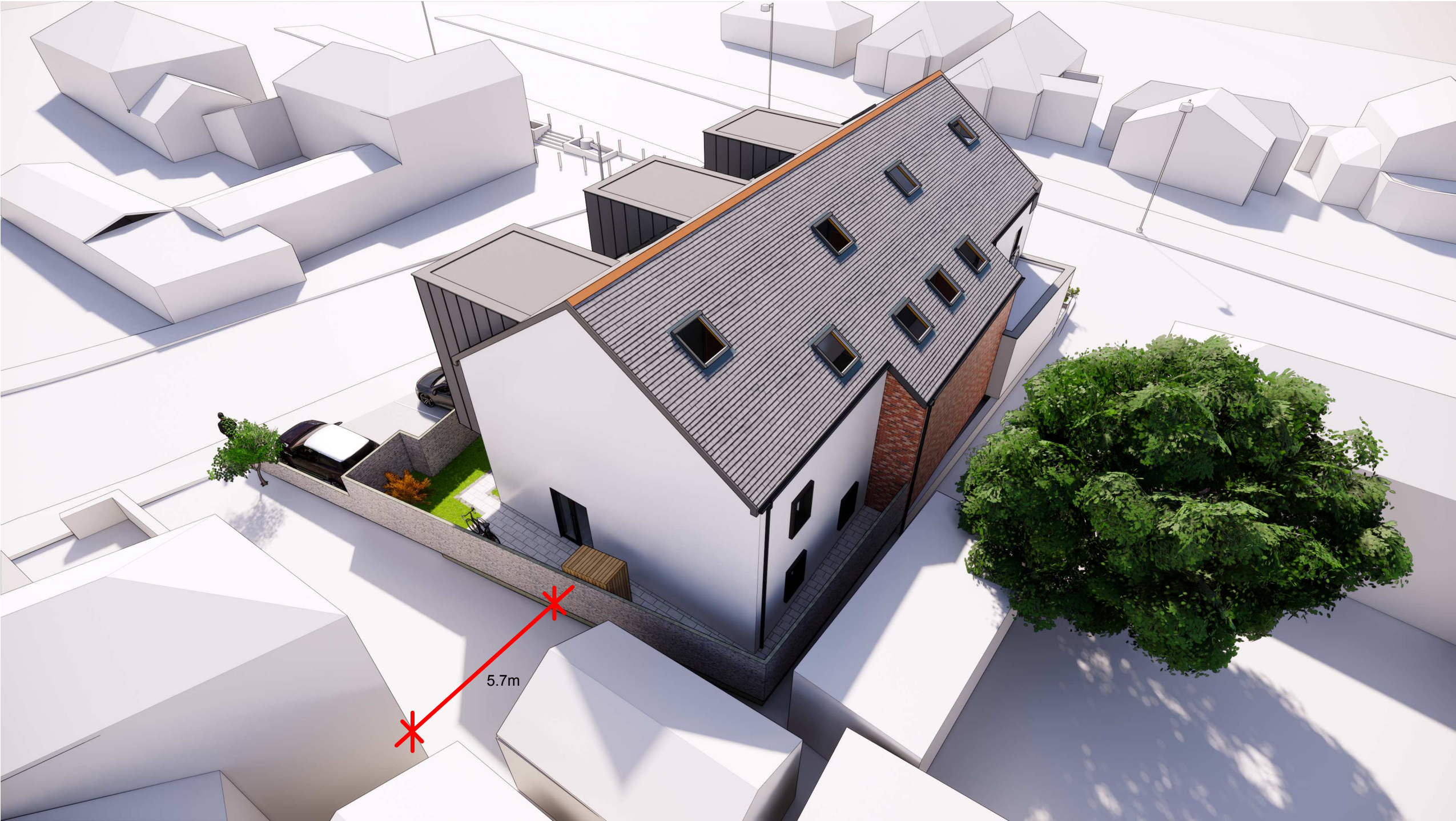


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TEL: (029) 20620165

Client
Coray Developments,
116 Ty Glas Road, Llanishen, Cardiff CF14 5EG

Job
Redevelopment of former Nat West Bank site
238 Pantbach Road, Rhiwbina, Cardiff

Drawn DB	Date 23/04/19	Checked DD	Date	Approved	Date
Title Natwest Proposed New Build Renders			Scale		
			Job No. -		
			Client Drawing No.		Rev. B
			Drawing No. 2275/PL/03		



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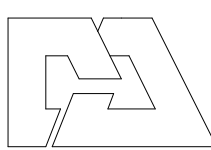
THIS DRAWING IS FOR PLANNING PURPOSES ONLY

DO NOT SCALE

The existing mature tree in the garden of Canolfan Beulah Garden was cut down on 13 June 2016 for reasons unknown, presumably under instructions from the owners of Canolfan Beulah Hall.

Rev.	Amendment	By	Checked	Date
A	Front elevation revised as requested by planning officer email 05/06/2019	DB	DD	13/06/19
B	External vegetation enhanced	DB	DD	28/06/19

Issued Only For Purpose Indicated	Date	Approved
Drawing Status: FOR PLANNING PURPOSES ONLY		
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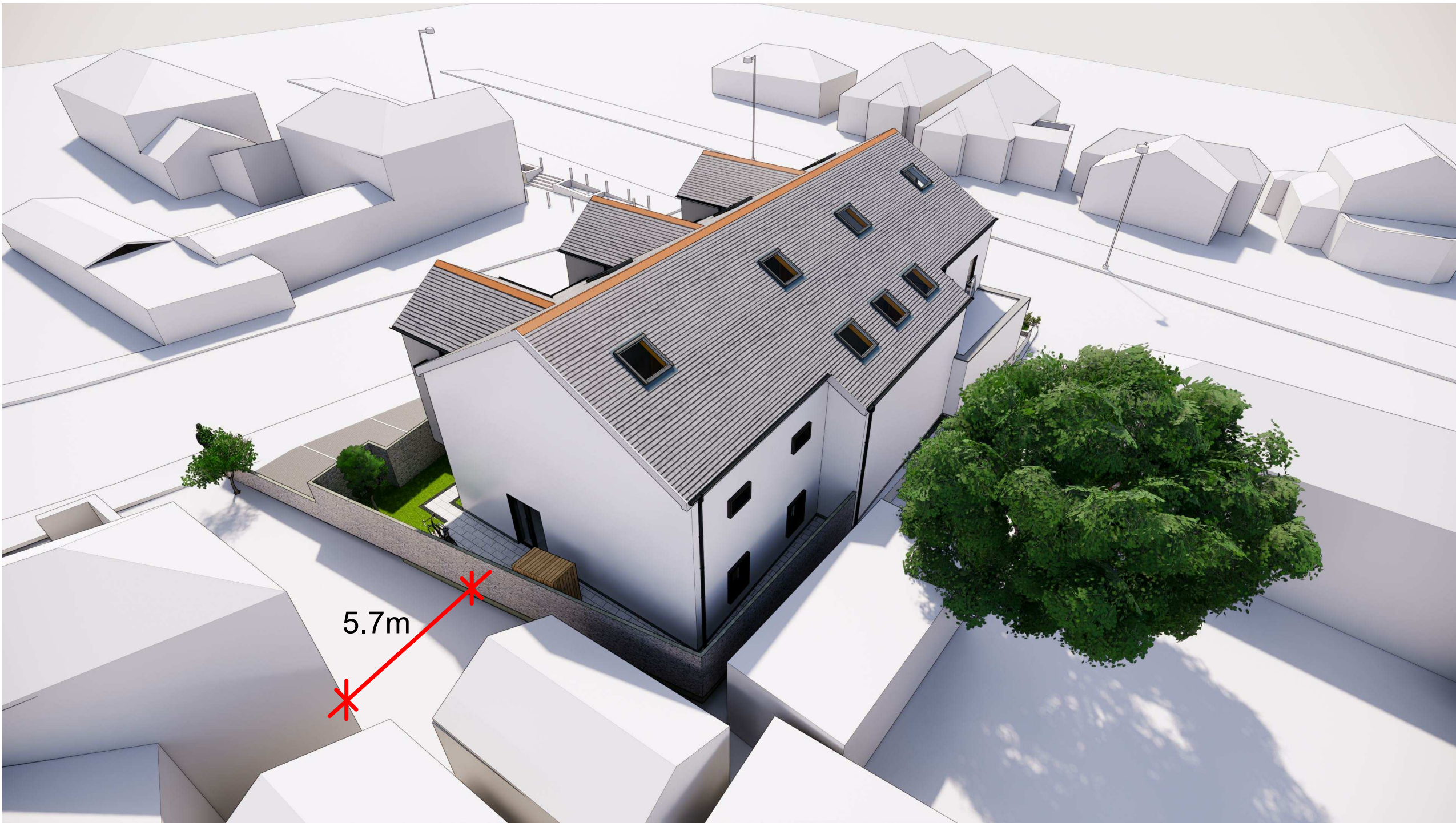


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TEL: (029) 20620165

Client
Coray Developments,
116 Ty Glas Road, Llanishen, Cardiff CF14 5EG

Job
Redevelopment of former Nat West Bank site
238 Pantbach Road, Rhiwbina, Cardiff

Drawn DB	Date 23/04/19	Checked DD	Date	Approved	Date
Title Natwest Proposed New Build Renders			Scale		
			Job No. -		
			Client Drawing No.		Rev. B
			Drawing No. 2275/PL/03		



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The existing mature tree in the garden of Canolfan Beulah Garden was cut down on 13 June 2016 for reasons unknown, presumably under instructions from the owners of Canolfan Beulah Hall.

Rev.	Amendment	By	Checked	Date
A	Front elevation revised as requested by planning officer email 05/06/2019	DB	DD	13/06/19
B	External landscaping enhanced	DB	DD	28/06/19
C	Roof ridge lowered, pitch of roof reduced, balconies projection reduced, flat roof to balconies changed to pitched, metal cladding removed.	DB	DD	01/09/19

Issued Only For Purpose Indicated	Date	Approved
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TEL: (029) 20620165

Client:
Coray Developments,
116 Ty Glas Road, Llanishen, Cardiff CF14 5EG

Job:
Redevelopment of former Nat West Bank site
238 Pantbach Road, Rhiwbina, Cardiff

Drawn	Date	Checked	Date	Approved	Date
DB	01/09/19	DD			

Title	Scale
Natwest Proposed New Build Renders	Not to Scale
	Job No.
	-
	Client Drawing No.
	Drawing No.
	2275/PL/03
	Rev.
	C



PLANNING APPLICATION REF: 19/01339/MNR - 238 PANTBACH ROAD, RHIWBINA, CARDIFF, CF14 6AX

VIEW B - THE PROPOSED BUILDING IN CONTEXT OF EXISTING STREET SCENE - AS RECOMMENDED FOR APPROVAL BY CARDIFF CITY PLANNING DEPARTMENT

[The Planning Officer's Full Report to Planning Committee dated 17/07/2019 Refers and Available at <https://planningonline.cardiff.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>]



PROPOSED SUPERIMPOSED VIEW 1
AS RECOMMENDED FOR APPROVAL BY CARDIFF CITY PLANNING DEPARTMENT
(Planning Application Ref: 19/01339/MNR)

[PROPOSED REDEVELOPMENT OF FORMER NAT WEST BANK SITE 238 PANTBACH ROAD, RHIWBINA]



PLANNING APPLICATION REF: 19/01339/MNR - 238 PANTBACH ROAD, RHIWBINA, CARDIFF, CF14 6AX

VIEW A - THE PROPOSED BUILDING IN CONTEXT OF EXISTING STREET SCENE - AS RECOMMENDED FOR APPROVAL BY CARDIFF CITY PLANNING DEPARTMENT

[The Planning Officer's Full Report to Planning Committee dated 17/07/2019 Refers and Available at <https://planningonline.cardiff.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>]



PROPOSED SUPERIMPOSED VIEW 2
AS RECOMMENDED FOR APPROVAL BY CARDIFF CITY PLANNING DEPARTMENT
(Planning Application Ref: 19/01339/MNR)

[PROPOSED REDEVELOPMENT OF FORMER NAT WEST BANK SITE 238 PANTBACH ROAD, RHIWBINA]



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05/08/2019

PLANNING APPLICATION REF: 19/01339/MNR - 238 PANTBACH ROAD, RHIWBINA, CARDIFF, CF14 6AX

VIEW D - THE PROPOSED BUILDING IN CONTEXT OF EXISTING STREET SCENE - AS RECOMMENDED FOR APPROVAL BY CARDIFF CITY PLANNING DEPARTMENT

[The Planning Officer's Full Report to Planning Committee dated 17/07/2019 Refers and Available at <https://planningonline.cardiff.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>]



PROPOSED SUPERIMPOSED VIEW 3
AS RECOMMENDED FOR APPROVAL BY CARDIFF CITY PLANNING DEPARTMENT
(Planning Application Ref: 19/01339/MNR)

[PROPOSED REDEVELOPMENT OF FORMER NAT WEST BANK SITE 238 PANTBACH ROAD, RHIWBINA]