

PETITION, LOCAL MEMBER, MP& AM OBJECTIONS

COMMITTEE DATE: 18/12/2019

APPLICATION No. **19/02020/MNR**

DATE RECEIVED: 23/07/2019

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Lubin

LOCATION: 29 Alexandra Road, Canton, Cardiff

PROPOSAL: CONVERSION OF TWO FLATS INTO 4 WITH SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION.

RECOMMENDATION 1: That planning permission be **GRANTED** subject to the following conditions:

- 1 C01 – Statutory Time Limit
- 2 The development shall be carried out in accordance with the approved drawings numbered 483-P06A, 483-P07, 483-P08, 483-P09 & 483-P10. Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.
- 3 Prior to occupation of the flats hereby approved, refuse storage shall be provided externally and shall thereafter be retained. Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Local Development Plan.
- 4 Prior to occupation of the flats hereby approved undercover and secure cycle storage shall be provided in accordance with drawing numbered 483-P06A and shall thereafter be retained. Reason: To ensure that secure and undercover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.

RECOMMENDATION 2: Developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting Waste Management's commercial team (029 20717500).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application was deferred by Planning Committee at its meeting on 20th November, in order to undertake a site visit. The visit took place on 9th December, and the application is reported back for determination.

- 1.2 A 2.6m long 1.8m wide single storey infill extension is proposed alongside an existing single storey extension, it would have a flat roof 2.9m high and be finished in render.
- 1.3 The application seeks planning permission to convert a two storey end of terrace dwelling from two to four flats and to erect single a storey rear extension.
- 1.4 A 2.6m long 1.8m wide single storey infill extension is proposed alongside an existing single storey extension, it would have a flat roof 2.9m high and be finished in render.
- 1.5 Two roof lights would also be inserted in the rear roof slope of the main roof.
- 1.6 Internally the accommodation would comprise of a flat (30m²) within the ground floor front, a flat (32m²) within the ground floor rear, a flat (43m²) within the first floor front and main roof space and a flat (30m²) within the first floor rear. All flats would be accessed via an existing entrance from Alexandra Road.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey end of terrace building accommodating two flats with an external area at the rear.

3. **SITE HISTORY**

- 3.1 10/01316/DCH – planning permission granted for retention of single storey rear extension.

3.2 Related History:

02/02748/W – planning permission granted and implemented for conversion of no. 48 Alexandra Road to two flats.

90/00276/W – planning permission granted and implemented for use of no. 53 Alexandra Road as two flats.

12/00037/DCO – planning permission granted and implemented for conversion of no. 66 Alexandra Road to two flats with rear dormer extension single storey extension part first floor and part two storey extension.

16/01363/E – planning permission granted and implemented for conversion of no. 67 Alexandra Road to two flats with single storey side extension to the rear annexe and balcony to rear.

4. **POLICY FRAMEWORK**

4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 10, 2018)

Technical Advice Note 12: Design
Technical Advice Note 15: Development & Flood Risk

4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy KP5 (Good Quality and Sustainable Design)
Policy EN14 (Flood Risk)
Policy H5 (Subdivision or Conversion of Residential Property)
Policy T5 (Managing Transport Impacts)
Policy W2 (Provision for Waste Management Facilities in Development)

4.3 Relevant Supplementary Planning Guidance

Flat Conversions (2019).
Managing Transportation Impacts (Incorporating Parking Standards) 2018.
Waste Collection and Storage Facilities (2016).
Residential Extensions & Alterations (2015).

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Transportation – There would be 4 x secure cycle parking spaces to the rear of the property. The rear amenity space (inc bins & bikes) can only be accessed by all flats from the public highway off Eton Place. There is an existing drive/vehicle access to the rear of the property, but as this is to be removed and fails to provide a dropped kerb access across the footway, this will not need to be rectified. On-street car parking could be available near to the property. The cycle parking numbers are adequate to satisfy the minimum requirements although confirmation that the facility offers covered/sheltered parking is required.

5.2 Waste Management – The proposed storage area has been noted and is acceptable. Each flat will require the following for recycling and waste collections: 1 x 140 litre bin for general waste; 1 x 25 litre kerbside caddy for food waste; Green bags for mixed recycling (equivalent to 140 litres). The storage of which must be sensitively integrated into the design. Please advise the owner/applicant that since 27th July 2015, the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Natural Resources Wales – initially requested a Flood Consequences Assessment (FCA) to demonstrate the risks and consequences of flooding can be managed to an acceptable level in accordance with Technical Advice Note 15. The planning application proposes high vulnerable development (2 flats into 4 flats). This represents the retention of a highly vulnerable development. Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be wholly within Zone C1 of the Development Advice Map (DAM) contained in

TAN15 and the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff.

Further to the submission of an FCA, NRW have advised as follows: The submitted FCA (Residential Development at 29 Alexandra Road, Canton, Cardiff, CF5 1NS, Flood Consequence Assessment by W M Clarke Ltd) shows that based on the Finished Floor Levels (FFL) of 8.7868m AOD the site is predicted to be flood free during both the 1% (1 in 100 year) flood event plus climate change allowance (CCA), and during the 0.1% (1 in 1000 year) flood event. We therefore we have no objection to the application as submitted.

7. **REPRESENTATIONS**

7.1 The application was publicised by letter. A petition of objection was received, signed by 69 residents with addresses in Cardiff, all of which are within the vicinity who could reasonably be affected by the matter. Full details are viewable online.

7.2 Objections have been received from the following addresses:

- nos. 27, 29, 32 Alexandra Road
- 19, 24, 40A Penllyn Road
- 49, 50 Theobald Road
- 15 Eton Place
- 20 Brecon Street.

Full details are viewable online, their comments are summarised as follows:

- a) *Overdevelopment/Internal Floor Areas of Flats;*
- b) *Parking;*
- c) *Loss of family accommodation;*
- d) *Noise/Sound Insulation;*
- e) *Refuse Storage;*
- f) *Standard of Amenity Space;*
- g) *Strain on Utilities/Sewerage System;*
- h) *Planning permission not gained for Existing Flats;*
- i) *Future use of the flats;*
- j) *Precedent for Further Conversions.*

7.3 Cllrs Stephen Cunnah, Susan Elsmore and Ramesh Patel object to the application, as follows:

The Canton Councillors are objecting to this application because we consider it an overdevelopment. The proposal is to convert two flats into four with a single-storey extension and loft conversion. We clearly see this an over development for a house of this size. The flats are very small and barely meet the minimum space standards (Policy H5i of the LDP). If this development is approved it will have a detrimental effect on parking in the vicinity, which is already at maximum levels. The street has 75% residents parking. Canton clearly needs more family homes and not very small studio flats and two-bed

flats. The SPG states (Section 5.1) that Cardiff has a high shortage and this includes the provision for family accommodation. Converting this property into four flats will necessitate more bins. The bin collections are done from Alexandra Road and not Eton Place, and the front gardens are too small to accommodate all the bins on collection days. This would cause an obstruction on the highway (Alexandra Road). We also have a concern regarding the safety of the tenants and neighbours, as no fire exit has been provided for the upstairs flats or for the loft and there will be a kitchen upstairs. Please take this safety issue as a serious concern from the Canton Councillors. We would be grateful if the Planning Committee would consider refusing this application for the reasons given.

7.4 Mark Drakeford AM & Kevin Brennan MP have commented as follows:

We are aware of objections from local residents and local councillors to this planning application. In addition to the points which they will have already made, we are particularly concerned at the quality of accommodation which would result from the proposed intensification of use involved in this application. We hope the planning committee will consider very carefully the desirability of allowing space standards of this sort to become part of redevelopment in what is already one of the most densely populated areas in the whole of Wales.

8. **ANALYSIS**

8.1 Policy

Subdivision of residential properties is supported by Policy H5 of the Local Development Plan, the subdivision of a residential building into smaller residential units can be an important source of housing. National Planning policy encourages the provision of additional housing stock within previously developed or existing residential land. Paragraph 4.2.17 of Planning Policy Wales states that *'Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.'* It is noted that other residential dwellings within Alexandra Road have been subdivided to flats, however Policy H5 does not identify a threshold at which subdivision of residential dwellings is considered to reach saturation level. In this case it is noted that building is already in use as two flats. Accordingly, it is not considered that subdivision from two to four flats would adversely affect the general character of the area.

8.2 Residential Amenity

It is not considered that the single storey extension would be overbearing or un-neighbourly to justify concern for the Local Planning Authority. The extension would be positioned alongside an existing single storey structure adjacent to the adjoining highway at Eton Place, having no impact upon the amenity of adjoining dwellings.

8.3 Design

The scale of the single storey extension is considered acceptable, it would not be out of character to the locality and will provide a subservient addition to the building. The roof lights to the rear roof slope are considered visually acceptable.

8.4 Internal/External Space

The internal floor area of all flats satisfies the minimum requirements recommended by the Flat Conversions SPG at an internal height of 1.5m or more, and the outlook from all living areas is considered adequate. An external amenity area of approximately 23 square metres (excluding the cycle store) would be retained at the rear, accessible by all flats.

8.5 Waste Management

Refuse storage can be satisfactorily accommodated within the external area to the rear as confirmed by Waste Management, condition 3 is considered necessary to ensure storage is provided prior to beneficial occupation of the flats and thereafter retained.

8.6 Transportation

The Managing Transportation Impacts (Incorporating Parking Standards) SPG identifies no requirement for off street parking, and provision of cycle parking at a minimum ratio of 1 space per bedroom. The proposal is therefore considered to be car parking policy compliant with no off street parking spaces. The site is also in a sustainable location near to bus routes. Details of satisfactory secure and sheltered cycle storage have been submitted indicating provision of independently accessible cycle storage externally to the rear. Condition 4 is considered necessary to ensure the cycle storage is provided prior to beneficial occupation and thereafter retained.

8.7 Flood Risk

Natural Resources Wales have reviewed the submitted Flood Consequences Assessment and have no objection to the application as the site is predicted to be flood free during both the 1% (1 in 100 year) flood event plus climate change allowance (CCA), and during the 0.1% (1 in 1000 year) flood event. Having regard to the above is not considered that occupants would be subject to unacceptable flood risk, therefore the development is considered justified in accordance with section 6 of TAN15.

8.8 Representations

The representations received from the neighbouring residents, Cllrs Stephen Cunnah, Susan Elsmore, Ramesh Patel, Mark Drakeford AM and Kevin Brennan MP are noted. Specific issues are addressed as follows:

- a) Overdevelopment/Internal Floor Areas of Flats. It is considered that the provision of four flats is acceptable as detailed within the above amenity analysis. The proposed floor plans indicate that the internal floor area of all flats satisfies the minimum requirements recommended by the Flat Conversions SPG of 30 square metres for a studio flat and 35 square metres for a one bedroom flat.
- b) Parking. The proposal is compliant with the Access, Circulation and Parking Standards SPG with no off street parking spaces subject to provision of cycle parking as detailed within the transportation analysis.
- c) Loss of family accommodation. There is no planning policy/guidance in terms of thresholds/saturation of flat conversions. Although the Flat Conversions SPG recommends a range of flat sizes including two bedroom flats on the ground floor, this could not be relied on to support a refusal, particularly as in this instance there is an existing one bedroom flat at ground floor
- d) Noise/Sound Insulation. It is not considered that the proposal would result in adverse noise consequences. The proposal does not involve any material change of use as the existing use is residential. Planning Policy Wales Technical Advice Note 11 (Noise) advises that *'The Building Regulations impose requirements for sound insulation between dwellings, and were extended to cover sound insulation between converted flats by including provisions that are as close to new build as is practical. The Government considers that the Building Regulations are the most appropriate means of control for sound insulation in such conversions, and should be used in preference to planning condition'*. There are also statutory powers to control noise under the Control of Pollution Act 1990.
- e) Refuse Storage. It is considered that refuse storage containers could be suitably accommodated within the external area at the rear enclosed behind the boundary as detailed within the waste management analysis. It is also noted that refuse storage containers for the existing flats and other dwellings within this street are accommodated within the front forecourts, enclosed by front boundary walls/railings.
- f) Standard of Amenity Space. It is considered that the proposal would provide an adequate standard of amenity for future occupiers as detailed within the above amenity analysis. A private external amenity area would be retained at the rear, accessible by all flats. The provision of flats with mutual overlooking from their shared external amenity area is not uncommon, and is consistent with the existing scenario at this site.
- g) Strain on Utilities/Sewerage System. Connections would be considered by the building regulations procedure, it is not considered that the proposal would cause 'demonstrable' harm to the infrastructure. There is no policy or specific supplementary planning guidance which the Council could rely on to support a refusal.
- h) Planning permission not gained for Existing Flats. Although formal planning permission was not granted for the existing flats, it was established in 2009 that the flats were lawful due to the passage of time.
- i) Fire Exit from Upper Flats: Means of escape is considered by part M of the Building Regulations. Part M is not applicable where there is no material change of use (subdivision of an existing dwelling to flats is not a material change of use), and in such cases requires that any material alterations

must not make the building less satisfactory than it was before. Therefore, provision of a separate fire escape is not required in this instance.

- j) Future use of the flats. Selling or renting of flats is not a material planning matter, there is no planning control upon the length of a tenancy.
- k) Precedent for Further Conversions. All planning applications are considered on their own merit.

8.8 Other Legal Considerations

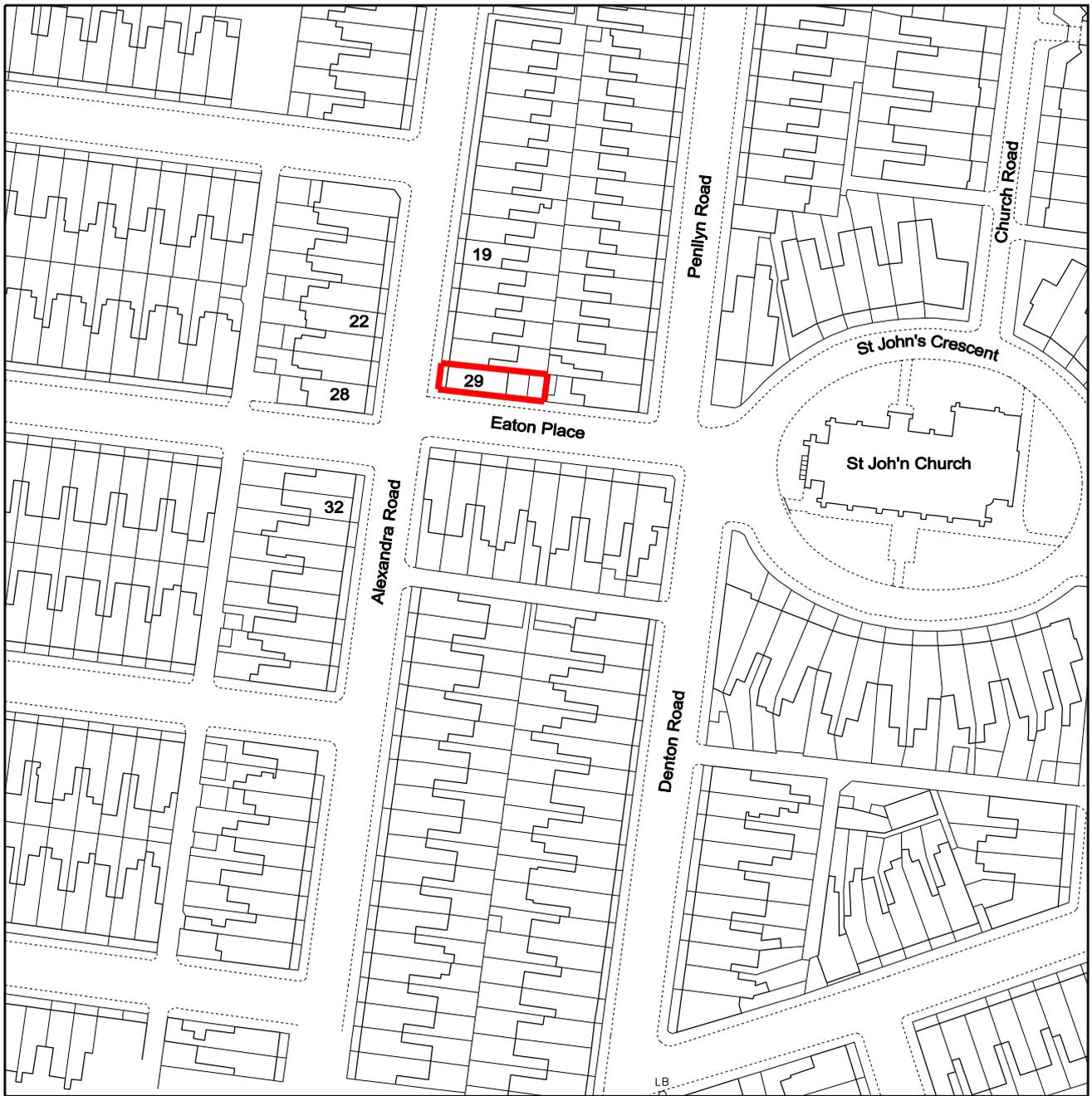
Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder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

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

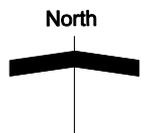
Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability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

8.9 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.



Location Plan



Site: **29 Alexandra Road,
Cardiff. CF5 1NS**

Title: **Location Plan**

Scale: 1:1250 @ A4
Date: July 2019

Revision:

Drawing No: **L 00**



Proposed Site Plan



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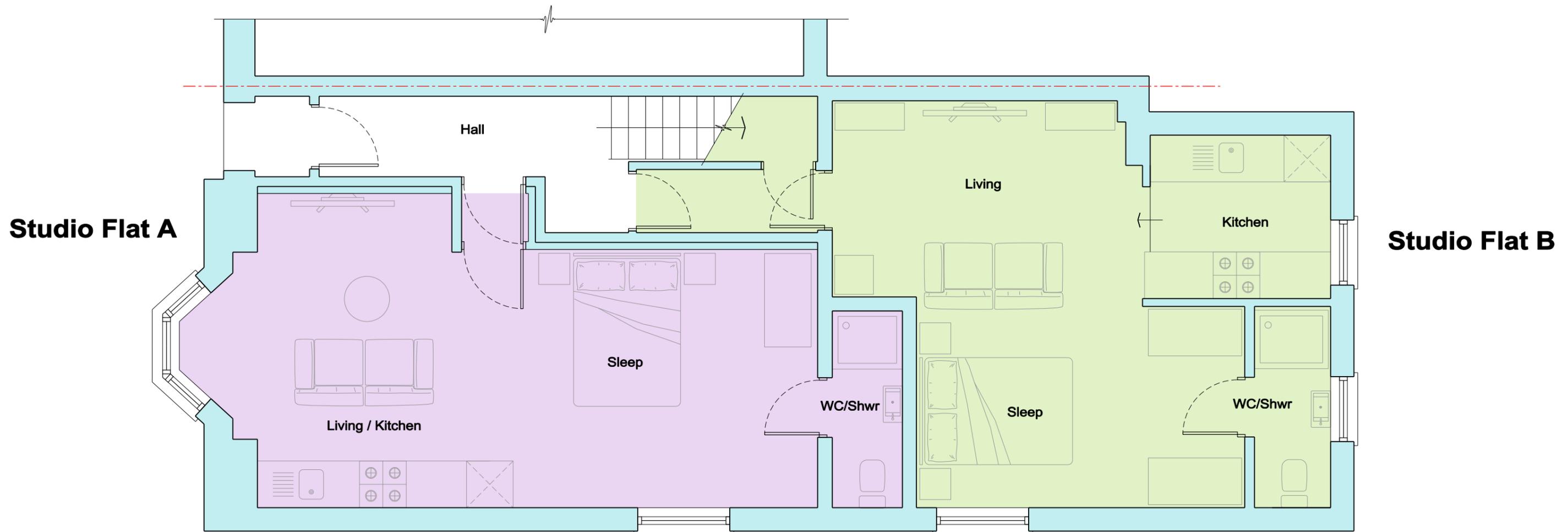
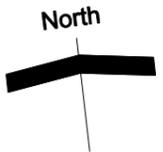
Scale:
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Date:
 July 2019

Revision:
 A

Title: **Proposed Site Plan**

Drawing No: **483 - P 06**



Proposed Ground Floor Plan

Unit:	Designation:	GIA: M ²
A	Studio Flat	30.8
B	Studio Flat	32.8



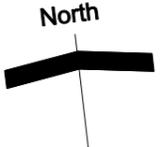
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Site: **29 Alexandra Road,
 Cardiff. CF5 1NS**

Scale: 1:50 @ A3
 Date: June 2019

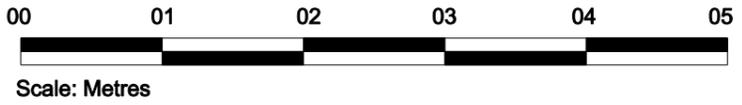
Title: **Proposed Ground
 Floor Plan**

Drawing No: **483 - P 07**



Proposed First Floor Plan

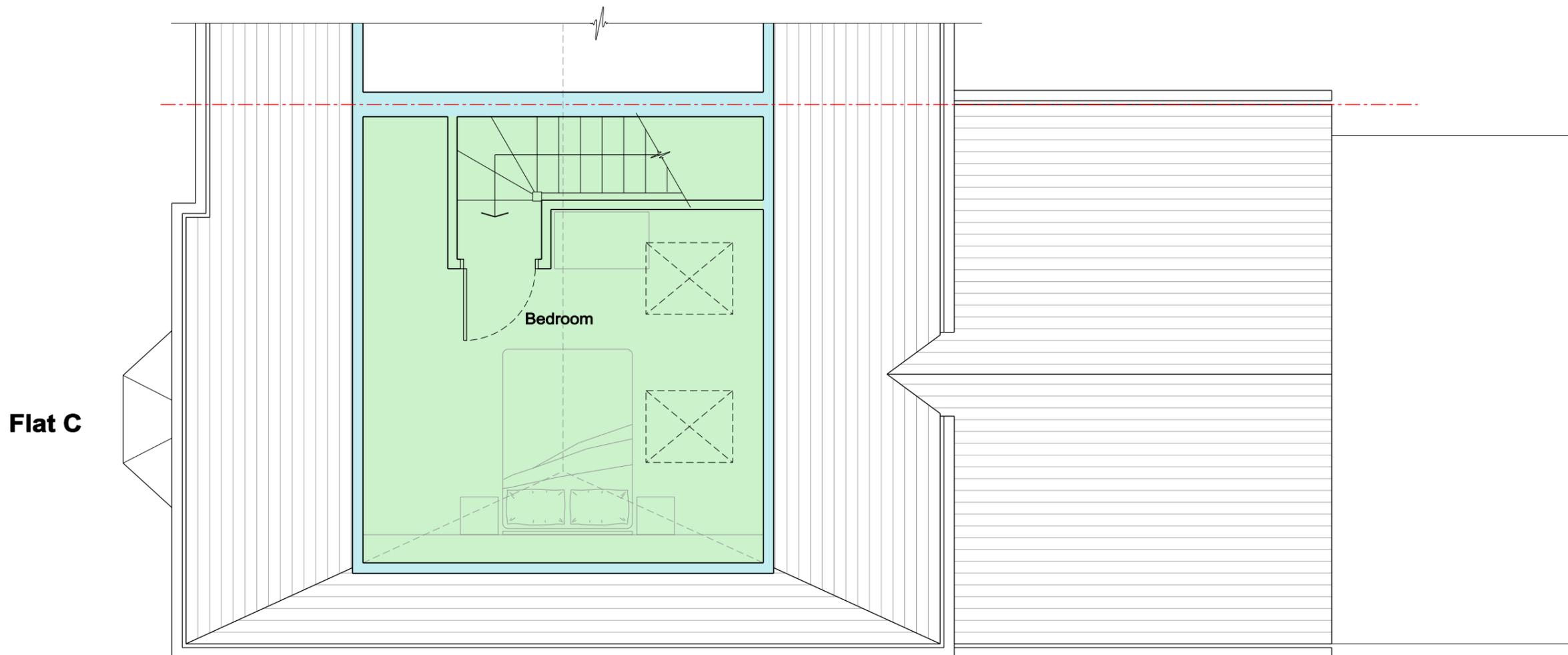
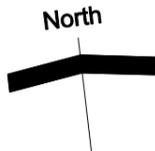
Unit:	Designation:	GIA: M ²
C	1B Flat	43.5
D	Studio Flat	30.3



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Site: **29 Alexandra Road,
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 Scale: 1:50 @ A3
 Date: June 2019
 Revision:

Title: **Proposed First
 Floor Plan**
 Drawing No: **483 - P 08**



Proposed Second Floor Plan

 = Roof window over



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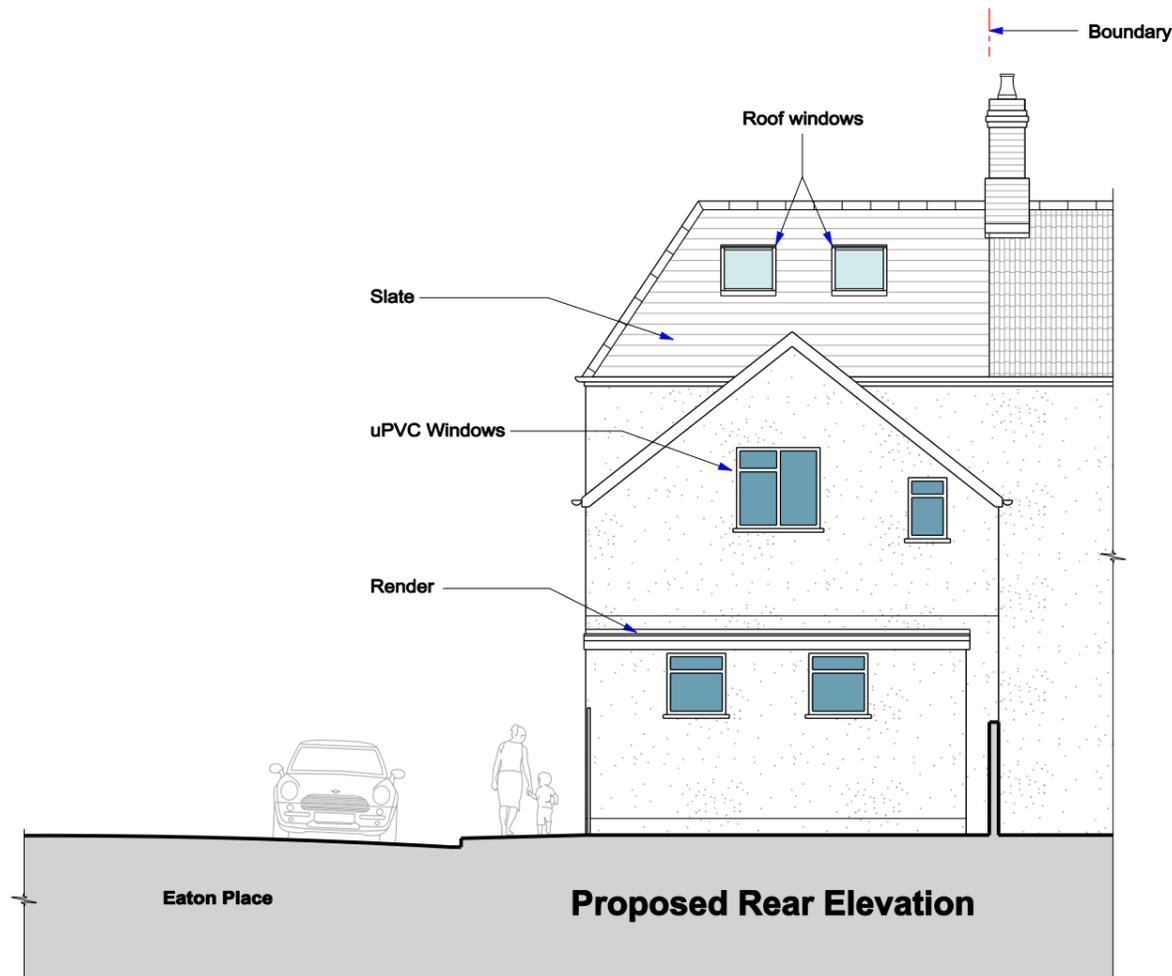
Site: **29 Alexandra Road,
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Scale: 1:50 @ A3
Date: June 2019

Revision:

Title: **Proposed Second
Floor Plan**

Drawing No: **483 - P 09**



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Site: **29 Alexandra Road,
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Title: **Proposed Elevations**

Scale:
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Date:
 July 2019

Revision:

Drawing No: **P 10**

