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## LATE REPRESENTATIONS

**Committee** PLANNING COMMITTEE

**Date and Time of Meeting** WEDNESDAY, 17 JULY 2019, 1.30 PM

Please see attached Late Representation Schedule received in respect of applications to be determined at this Planning Committee

**Late Reps 17.07.19** (Pages 1 - 12)

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**LATE REPRESENTATIONS SCHEDULE**

**PLANNING COMMITTEE –17<sup>th</sup> JULY 2019**

<b>PAGE NO. 1</b>	<b>APPLICATION NO. 18/01092/MNR</b>
<b>ADDRESS:</b>	<b>GREENMEADOWS, 102 Pendwyallt Road,Whitchurch</b>
<b>FROM:</b>	Councillors Mike Phillips and Linda Morgan
<b>SUMMARY:</b>	<p>Both Councillors advise that they intend to speak at Planning Committee indicating their support for residents' objections.</p> <p>Further to the site meeting held on 8th July 2019 they comment as follows:</p> <ol style="list-style-type: none"> <li>1. <i>Future Generation Act. There is a legal duty and expectation of that planning authorities take account of the FGA in regard to sustainable development. This is in particular regard to economic social, environmental and cultural well-being of Wales (and therefore its people). Over time the local residents have indicated strongly their objections, not just to planning matters but also the management of the site and its preparation for an expected approval to the application. Many of these cut across the consideration of the FGA, including:</i> <ol style="list-style-type: none"> <li>a. <i>Destruction of the natural woodland and mature trees</i></li> <li>b. <i>Disturbing of wild-life, including during breeding seasons. There are slowworms on the site</i></li> <li>c. <i>Significant negative impact on neighbouring residential properties during preparation, construction and post-construction</i></li> <li>d. <i>Impact on vulnerable individuals including one gentleman at 45 Coryton Rise with significant physical and emotional needs. Ignoring the detailed picture painted by the local residents would ignore the statutory guidance given by the Welsh Government and places the authority at odds with the expected culture change suggested.</i></li> </ol> </li> <li>2. <i>The site has an unacceptable level of impact on the amenities of the surrounding residential area. The site shares boundaries with a considerable number of properties upon which there would be considerable negative impact contrary to the relevant LDP policy KP5 and SPG.</i> <ol style="list-style-type: none"> <li>a. <i>Photographs have been submitted showing the mature woodland that existed and the amenity gained by neighbouring properties from this. This has been destroyed by applicants (and, we are informed, this includes one mature popular tree at</i></li> </ol> </li> </ol>

100 Pendwyallt Road, without permission). However, should permission be declined we would expect the site to return to natural woodland site and the return of wild life to it. This would also align with FGA considerations. The sites bio-diversity cannot be replaced with the replacement of a few new tree and one would question why the site was left untouched when the surroundings areas were developed (although we recognise it is difficult to give any accurate answer to this).

- b. The surrounding gardens are enjoyed for their tranquillity. The introduction of a construction site and beyond that the noise from vehicles movement and light will have an adverse impact on all.
- c. Noise and light impact will be particularly acute for the residents at 104 Pendwyallt Road and, due to the vulnerable nature of one of the occupants, for 45 Coryton Rise.
  - i. The noise impacts of 30-40 vehicle movements per day (once the houses are occupied) will intrude on the quiet rear aspects of the gardens, particularly at 104 Pendwyallt Road. This will include car door noise and engines revving, the more so in low-gears to climb the steep access road adjacent to this property. Light from car headlamps will also impact.
  - ii. Noise and light impacts will be particularly acute for the resident at 45 Coryton Rise. A separate letter from the parent of the vulnerable adult is available for review.
- d. The site is overlooked by the properties at 104, 106, 100, 98 Pendwyallt Road.
- e. The impact of the sewage pumping station and noise from it is unknown.
- f. The site is some 6m-8m below the access point and sewage pumping destination. There is concern with the level of site infill that extreme weather events will cause flooding of the site.

3. Access to the site

The planning committee visited the site on 8th July 2019. Immediately before this visit a contractor to the site struggled and failed turn into the site due to one, legally parked vehicle. The road is not suitable for heavy construction traffic and is too narrow to accommodate these. The minibus bringing the committee to site did not attempt to use the access road. It was questioned by the committee whether there were plans to open the access at the top of the service road directly on to Pendwyallt Road. The residents groups have assumed

	<p><i>this was due to a perception that access may need to be opened up to service the development site. There is considerable concern the emergency vehicle access to the construction site could be compromised and especially in cold weather where the access road could become unusable due to ice. We are mindful that other applications within Cardiff have failed due falling foul of due consideration to maintaining or improving the enjoyment of existing homes. These plans directly, significantly, impact on people who enjoy their outlook on the wealth of biodiversity of the site, the investment in their own homes and specifically their own garden environments. In particular we have to think carefully of the impact on vulnerable residents.</i></p> <p><i>In conclusion we object strongly to the proposed development. We ask the committee to refuse permission.</i></p>
<b>REMARKS:</b>	The Councillors' comments are noted. Members are referred to the analysis section of the Officer's report.

<b>PAGE NO. 106</b>	<b>APPLICATION NO. 19/01238/MNR</b>
<b>ADDRESS:</b>	<b>THREE ARCHES, HEATHWOOD ROAD, CYNCOED, CARDIFF</b>
<b>FROM:</b>	The Operational Manager, Pollution Control
<b>SUMMARY:</b>	The Operational Manager, Pollution Control, raises objection to the application as it is considered likely that it will create unacceptable noise and disturbance. Discussions have been had with the planning service over the potential to use conditions to mitigate the impact on local residents but that the conditions are not considered to be enforceable and therefore not able to be applied to any consent. Therefore an objection on noise disturbance grounds is made.
<b>REMARKS:</b>	The comments from the pollution control officer are noted. For clarity it is not that a condition restricting the hours of use is unenforceable, it is the applying of a condition that seeks to restrict the hours of use of part of the curtilage of the site on this particular application that is the issue. Paragraph 8.18 notes that conditions have to be reasonable and fair. Unlike licensing, planning conditions generally run with the site and are not tailored to a particular individual or specific occupier / user at the time. In this case the public house has unrestricted use for the external amenity space / outside drinking space. A condition could be imposed that restricted this area in terms of hours of operation but there would be nothing to stop patrons in planning terms simply moving along the frontage and sitting on other available

	tables. As no change of use is proposed a new condition could not be reasonably applied to the external space. The play area will have a condition that limits the hours of operation. Gates are proposed for the play area entrance / exit that enable the space to be closed off.
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<b>PAGE NO. 128</b>	<b>APPLICATION NO. 19/01339/MNR</b>
<b>ADDRESS:</b>	<b>238 PANTBACH ROAD, RHIWBINA, CARDIFF</b>
<b>FROM:</b>	Lisa Humphrey, 5 Heol Y Bont
<b>SUMMARY:</b>	<p>I am writing to bring your attention to the above planning application.</p> <p>Firstly I would like to start by saying how disappointed I am not to see my initial letter uploaded on to the planning portal. This was in response to your letter dated 15/05/2019.</p> <p>Secondly I want to let you know how further disappointed and frustrated I am that the applicant has had opportunity to respond to the objection of my Rhiwbina neighbours.</p> <p>Having read the agents letter I wish to respond to some points they make.</p> <p>1.) <b><u>Traffic flow for the previous NatWest Bank. These figures are ridiculous and pulled out of thin air.</u></b></p> <p><b>I request that the Agent be asked to submit the evidence on which the figures are based.</b></p> <p>Given the banks closure was due to falling customer numbers car park was rarely used by customers and did not add to the traffic congestion that Heol Y Bont Residents experience. Heol y Bont is reduced to single file traffic on at least four occasions per day. Work Commute and School run. This is exacerbated by visitors and residents parking along the street. Residents park along the street as our properties are family homes and most two or three cars.</p> <p><b>Three of the proposed flats are of such size they will be for families, not a starter home, it is quite obvious to me that these occupants too are highly likely to have more than one car at any given time. These additional cars will be parked along Heol Bont, the double yellow lines will prevent parking outside the proposed development. Further reducing Heol Y Bont to single file traffic.</b></p> <p>The double yellow lines will not add to improved traffic flow</p>

or lessen congestion. There are several times a day when these are lawfully used by Blue Badge holders visiting the village, particularly for services and events at Beulah Church, Canalfon Beulah and Margaret Whittaker Lounge. Indeed Mr Coray has himself parked on them proving they will not actively improve the traffic situation.



On this occasion I witnessed Mr Coray being issued a Parking Ticket & remonstrating with the Traffic Warden that it was fine for him to park here as it was his property!

2.) **Construction: This corner plot is not ideal for such large scale construction. Pedestrian safety would be compromised.**

For a development of such height and bulk the construction site is going to be considerable! Sizeable plant equipment will be needed to clear the site and as it is direct on to the public highway (both pavement & road) on two sides, a private driveway and a Church Hall Garden on the other two, I would expect the site to be boarded off, but there would be a need for vehicular access for material deliveries. This would obstruct the public highway on two sides and compromise pedestrian safety and with the pavement narrowed pedestrians including elderly and children could well be forced out in to a busy road.

**What plans/arrangements have been put forward to the Planning Department regarding site access, construction, plant equipment and delivery of building materials?**

**3.) The finished development is not in keeping with the immediate area.**

**Does this proposal sit within policy 2.24 of the deposit Cardiff Unitary Development Plan and the Cardiff Local Plan?**

The development would unacceptably harm the amenities of neighbouring occupiers, it would overshadow 1 Heol Y Bont and wider the predominantly residential area and the development would overlook the garden of Canolfan Beulah and have overbearing impact.

The agent states that this contemporary development will enhance the area. I strongly disagree!

A three storey development, built on the incline of a railway bridge will completely overshadow the immediate area and further that of Rhiwbina Village.

The Agent mentions 3 sites that they believe support this large scale design and situation.

1. Corals Bookmakers – now closed. A Block modular building. This is totally not comparable. It is single storey, set back on the pavement and suitable distances from neighbouring occupiers.
2. Planning Application 02/01226/N. Development of flats over the retail units on Heol Y Deri with pitched roofs. This again is totally not comparable. The footprint of the site was not increased. The first floor was already in existence. The addition of a pitched roof blended with those of neighbouring occupiers.
3. Planning Application 02/00597/N. The Monico Apartments Development. The agent is misleading by referring to this as a 5 storey development. The developments is actually comprised of a 5 storey central block that is book-ended by two 2 storey blocks. The two 2 storey blocks are nearest residential properties and the initial application was amended to reduce the number of floors nearest residential properties in order that they were not overshadowed.

*The consent relates to the application as amended by the revised plans numbered 20-100d, 20-201f, 20-202c, 20-203c, 20-204c, 20-205c, 20-206c, 20-207c, 20-230d, 20-231d, 20-237c, 1239-02f, 20-101c*

*attached to and forming part of this planning application.*

*Reason: The plans amend and form part of the application.*

**4.) Two retail units are not suitable for this predominantly residential area.**

Such a busy junction could not support the addition of two retail units. No detail is given to what businesses may occupy them. They impact on the amenity of nearby occupants with the comings and goings of deliveries and customers.

The junction of Heol Y Bont and Pantbach Road is predominantly made up of residential dwellings, those occupiers that are now businesses are in-fact dwellings that have been redeveloped to use part of the dwelling for business. Therefore historically the area was not designed to manage large volumes of traffic of retail outlets. The amenity of occupiers was very protected by this.

**This argument is supported by Planning Appeal Reference: Appeal Ref: APP/Z6815/A/14/2229891 Site address: The Wine Shop, 4 Beulah Road, Cardiff, CF14 6LX**

*The development proposed is a change from A1 business use to multiple business use (A1 and A3).*

*Decision*

*1. The appeal is dismissed.*

*Main Issue*

*2. The main issue in this case is the effect of the proposal on the living conditions of nearby residents.*

*Reasons*

*3. The appeal premises, whilst sited in a small group of commercial premises clustered just off the junction of Beulah Road and Heol y Deri, is located in a predominantly residential area. There are residential properties a short distance to the north east and to the rear along Heol y Bont. In addition a number of the commercial properties on both sides of the road, including the appeal property appear to have residential uses on their upper floors.*

*4. It is likely that the comings and goings of customers visiting the proposed A3 use, whether by car or on foot, would be a source of noise and disturbance. Despite the proximity of a large number of houses I would expect that a significant proportion of customers would*

	<p><i>travel by car. This would introduce additional noise from car engines, and the opening and closing of doors. The sudden, impulsive quality of these types of noises and the irregularity of their occurrence would increase their impact.</i></p> <p>5. <i>Parking outside the appeal premises close to the junction is restricted and there are a limited number of parking spaces outside the next door properties. It is likely that any customers visiting the proposed use would also park in the immediate area and adjacent streets thus extending any disturbance into those areas. Nevertheless, the focus of activity would be the entrance of the premises and the area immediately around it, and this is the main area of concern.</i></p> <p>Please can you ensure my concerns are uploaded on to the planning portal and are taken in to account when deciding this application.</p> <p>I understand the application is to be heard on 17<sup>th</sup> July, but would strongly urge that a site visit is undertaken before any decision is made.</p>
<b>REMARKS:</b>	Noted

<b>PAGE NO. 128</b>	<b>APPLICATION NO. 19/01339/MNR</b>
<b>ADDRESS:</b>	<b>238 PANTBACH ROAD, RHIWBINA, CARDIFF</b>
<b>FROM:</b>	John & Rhiannon Xerri, 1 Heol Y Bont, Rhiwbina, Cardiff
<b>SUMMARY:</b>	<p>I also would like the opportunity to comment on the agents recent letter who has reviewed all the objections and responded to them. Also, a number of my neighbours have said that their comments have yet to be uploaded to the planning portal despite being submitted prior to the deadline. I understand they are addressing this directly with yourself.</p> <p><b>In response to the agent's letter:</b></p> <p><b>Exacerbation of traffic and parking problems on Pantbach Road &amp; Heol Y Bont</b></p> <p><b>1a &amp; b.</b> With reference to the parking provision on site, the calculation offered is inaccurate as it is based on the idea that those using the car park were solely visiting the bank. It doesn't account for the many people using the car park to access other shops in the village and, therefore fails to address the wider traffic/parking issues which have dramatically increased in the village and Heol Y Bont. In particular, there has been a noticeable difference in the</p>

amount of vehicles parking and using Heol Y Bont since the Nat West car park was closed. This issue has been raised with the Police and local councillors as it has led to some very disturbing incidents and damage to vehicles, including a recent accident outside our house involving a commercial refuse van.

**1c.** Referring to the justification of the commercial/residential mix over an entirely commercial proposal; it would be totally out of character to develop the whole site as a commercial operation. Heol Y Bont is a residential street. It would be inappropriate and have an adverse effect on the amenity of neighbours to not keep it residential as it always has been, so how can this argument be used for justifying the current proposal?

**1d.** The four residential parking spaces, and the so called steps to be implemented, do not address the current traffic problem, let alone improve it as is suggested. The extension of double yellow lines is insignificant to the wider traffic issues causing much inconvenience.

#### **Not in keeping with the area**

The site is on the edge of a conservation area in the garden village, any development should be in keeping with the unique character of the village. This design is oversized, too high and looks out of place even on the drawings. The Monico apartments cannot be used as a comparison to this proposal as there was already a large cinema building there before the site was developed. This is not the case for the Nat West site – there is no large building there or anywhere in Rhiwbina village.

#### **Overdevelopment of the site**

The buildings and shops referred to on Heol Y Deri / Loft Deri were already existing before they were refurbished and are in the centre of the commercial hub. They are not high buildings. They are modest and the building structure was already in place; it was not added to other than installing a new roof. Infact, this development would be imposing with its three storeys, towering on the brow of a hill at the entrance to Rhiwbina Garden Village.

We would welcome a dialogue with the agent as we have yet to have one. In particular, we are concerned about the overbearing nature of the development next door to our home – with only a mere 5-6 metres separating us. The agent is welcome to visit our property to see the layout, which cannot be assessed from the roadside, and why we are so concerned about the negative impact it will have on

	<p>us.</p> <p>While I understand that each proposal is considered on a case by case basis, myself, and my neighbours, are concerned about the 'creep' effect of each new proposal which, without holistic and joined up thinking, will lead to the erosion of a unique village and community atmosphere that exists in and around the conservation area.</p>
<b>REMARKS:</b>	Noted

<b>PAGE NO. 128</b>	<b>APPLICATION NO. 19/01339/MNR</b>
<b>ADDRESS:</b>	<b>238 PANTBACH ROAD, RHIWBINA, CARDIFF</b>
<b>FROM:</b>	Julie Morgan AM
<b>SUMMARY:</b>	<p>I have been contacted about the planning application relating to 238 Pantbach Rd, Rhiwbina, Cardiff CF14 6AG. (19/01339/MNR) ie the plan to demolish the existing building and construct one ground floor flat, three duplex flats and two A1 commercial units. I am aware that a previous, very similar application was made in 2017 and refused and that although the developer appealed against that decision, they were not successful.</p> <p>Concern has been expressed to me about the size and density of the latest proposed development and this does not appear to have been changed significantly from the original application. The proposal to build 2 commercial units and a total of 4 flats for residential use does seem to be excessive for the location. The appearance is overbearing in that location and out of keeping with the surrounding area, particularly so close to the conservation area.</p> <p>Another concern relates to the traffic and parking in that area. The total number of flats is 4 but the total number of bedrooms will be 9 and if all of these are doubles, there could be 18 people living in the development, all of whom could be car owners, needing somewhere to park their cars. There will be only 4 parking spaces available for residents, leaving potentially 14 other residents to seek parking spaces on the streets nearby, where parking is already a problem. The two commercial units will also require staff, some of whom may drive to work, adding more pressure on limited parking possibilities.</p> <p>Traffic in that area is also already a significant problem, with the proposed development by a very busy corner, which gets jammed with traffic. This is a particular problem when events are taking place in the Scouts Hall opposite the side</p>

	<p>of the development, on Heol y Bont. This is often the case and many parents arrive by car to drop off or collect children from there. There is therefore reason to worry about the likely increase in traffic in that area if the proposed development goes ahead.</p> <p>I am aware that objections were raised previously about the loss of privacy and enjoyment of people using the garden behind Canolfan Beulah. I see that the new plans now have only one window on the back of the proposed building and that this will have obscure glazing and a restricted top opening. Although this is helpful, I still fear that the proposed development would have an unacceptable overbearing and obtrusive impact to the amenities of the users of the garden at the rear of Canolfan Beulah, as it would be larger, higher and closer to them than the current building.</p>
<b>REMARKS:</b>	Noted