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PAPURAU ATODOL

Pwyllgor	PWYLLGOR CYNLLUNIO
Dyddiad ac amser y cyfarfod	DYDD MERCHER, 14 AWST 2019, 1.30 PM
Lleoliad	YSTAFELL BWYLLGORA 4 - NEUADD Y SIR
Aelodaeth	Cynghorydd Jones (Cadeirydd) YCynghorwyr Lay, Ahmed, Asghar Ali, Driscoll, Goddard, Gordon, Hudson, Jacobsen, Jones-Pritchard a/ac Sattar

9 Sylwadau hwyr 14.8.19 (*Tudalennau 3 - 14*)

Davina Fiore
Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
Dyddiadd: Dydd Iau, 8 Awst 2019
Cyswllt: Kate Rees, 02920 872427, krees@caerdydd.gov.uk

Mae'r dudalen hon yn wag yn fwriadol

LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE –14TH AUGUST 2019

PAGE NO. 1	APPLICATION NO. 19/00017/MNR
ADDRESS :	160-166 STRATHNAIRN STREET, ROATH, CARDIFF
FROM:	109 Strathnairn Street
SUMMARY:	Resident requests that a pre-commencement condition requiring a Demolition/Construction Management Plan is attached to the permission given that Strathnairn Street and Cottrell Road themselves are already pretty dangerous for cyclists/pedestrians. Construction, if not appropriately managed has the potential to be quite dangerous in this location given the extremely constrained nature of the site and the intensity of development.
REMARKS:	<p>Transportation have not requested a pre-commencement condition requiring a Construction Management Plan in this instance. However, a permit would be required from the Council's Highway Authority to place hoardings/scaffolding on a public highway during construction to ensure safety to pedestrians and highway users. An additional advisory recommendation is therefore included to require any necessary licenses/permits to be obtained as follows:</p> <p>RECOMMENDATION 6: The applicant is advised to contact Asset Management (029 22 330954 assetmanagement@cardiff.gov.uk) to obtain any necessary licenses/permits for hoardings/scaffolding on the adopted highway. Any necessary remedial works arising as a consequence of the development being implemented shall be carried out to the satisfaction of Asset Management.</p>

PAGE NO. 23	APPLICATION NO. 19/01339/MNR
ADDRESS:	238 PANTBACH ROAD, RHIWBINA
FROM:	Mr Colin Grimes
SUMMARY:	<p>The following points are submitted on behalf of members of the Beulah United Reform Church :</p> <ol style="list-style-type: none"> Misleading Design and Access Statement The submitted Design and Access Statement (DAS), which is supposed to accurately reflect the proposed scheme submitted for planning permission, has a number of misleading statements, along with an inaccurate drawing of the proposal showing the viewpoint from the Beulah Community Garden. Firstly, on page 9, the author of the DAS lists the Appeal Inspector's conclusions, and then starkly proclaims that 'all the above concerns are acknowledged and appropriately resolved' by the design of the proposals. In respect of the impact upon the Community Garden, the author of the DAS has not understood the Inspector's comments, and assumes that 'amenity' relates only to privacy, and suggests that the obscure glazing of two windows addresses the issue of amenity. The Inspector's actual words were: "17. ... <i>The scale and massing of the</i>

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 in conflict with LDP Policy KP5, which states that new development should have no undue effect on the amenity of neighbouring occupiers.”

In the section on 'Pre-planning Advice', page 9 of the DAS, it includes the statement, 'The reduction of ridge height was acknowledged as being more 'sympathetic to the scale and height of the development in the area and which is more likely to be granted planning permission.' This appears to suggest that the proposal has been reduced in height by comparison with that of the previously failed proposals. It is, perhaps, not surprising that nowhere in the documentation (either DAS or submitted plans) is a dimension provided by the architect, other than drawings which include a scale line for comparison, because when the height of the building is measured using the scale line provided, it is conclusive that the ridge of the building would be 10.2 meters in height above ground level (i.e. GL immediately below the ridge.) This represents an increase of 1.2m above the height of the previously refused scheme. This is clearly not a reduction, and draws into question the validity of the DAS.

2) Incomplete/inaccurate assessment of the proposal in the Planning Officer's Report to Planning Committee The determination of this proposal hinges on the Case Officer's analysis and assessment of the proposal, and the interpretation of the Appeal Inspector's decision in relation to the previous application. The Inspector stated:

16. Turning to the amenities of users of the garden to the rear of Canolfan Beulah. Although not a residential building, it is evident that this garden is enjoyed by members of the community and I consider that users have a reasonable expectation of a pleasant, attractive environment in which to sit out.

At no point did the Inspector refer to the protection of privacy, and yet, the Officer's report seems to echo the erroneous DAS, even going to the lengths of imposing a planning condition for obscure glazing in the windows overlooking the garden. The garden is a publicly used space. What would be the purpose of protecting privacy?

Also, at the Member's Site Visit, on Monday 5th August, the Local Ward Members asked the Officer what the height of the building would be. The Officer's response was an approximation of '9.8 or 9.9 metres', however, as I have already mentioned, this is not correct. I am concerned that this information was missing from the Officer's analysis of the

proposed development, just as it was from the DAS, relying upon Members to take the trouble to measure the plans for themselves.

3) Unacceptable overbearing and obtrusive impact upon Beulah Community Garden The Officer's analysis misses the point about 'overbearing and obtrusive impact', and, I believe, has given too much credence to the applicant's DAS, in which the argument put forward is that the building is significantly reduced, instead of subjecting this proposal to a full critical analysis. I do not accept that the proposal is a significant reduction in either scale or massing in respect to the original proposal. The building (according to the submitted drawings) is higher by 1.2m than the originally refused scheme. The supposed 'significant reduction' in footprint, is really only in respect of the rear portion of the building, where it is marginally moved away from rear and northern boundaries (the northern boundary is shared with the Community Garden), but mostly in respect of its 'frontage' onto Heol y Bont. This latter alteration has little or no effect upon the overall bulk of the building as it affects the garden. The greatest impact is the overall height, and the proximity of the ridge to the Community Garden, which would suffer the same, or worse, 'unacceptable overbearing and obtrusive impact' as that of the dismissed proposal.

Also, I take issue with the Officer's assessment of the rear of the building being moved away from rear boundary by a dimension of 'around 2 metres', especially since this is considered by the Officer to be a *significant reduction* at the eastern end of the shared boundary. I have taken time to measure this properly, and the dimension is actually only 1.2m at its nearest point to the site boundary, and at that measurement, this would be approximately 5% of the total length of the shared boundary (with the church and garden). This, in my opinion, is not a 'significant' reduction in the scale of the building, and taken together with the increase to the ridge height, would not result in a significant reduction in massing. Additionally, the distance of the eaves from the boundary with the Community garden, at this point, is less than 1 metre.

I fully understand the time constraints in preparing reports for Committee, but this is not an accurate assessment or fair analysis, and furthermore, it seems to ignore a **material consideration**, that of the Inspector's concerns for the adverse impact upon the amenity of users of the Community Garden, and, again, doesn't meet the requirements of Policy KP5 of the LDP.

I would therefore urge Members to ask the Officers to produce a report with reasons to refuse planning permission.

<p>REMARKS:</p>	<p>1. Although the applicant has chosen to submit one, a development of this type does not actually require a Design & Access Statement. The document has not been considered as part of the application and it has not influenced the assessment of the proposals by planning officers.</p> <p>2. Privacy is an aspect of amenity – the perception of being overlooked from an adjoining flat may adversely affect the amenity of people using the garden. The officer’s report does not imply that privacy is the only amenity issue to be considered – it also addresses the issue of overshadowing and overbearing in relation to the church garden (paragraphs 8.8 and 8.9, and point 24, paragraph 8.11).</p> <p>The submitted plans show the height of the proposed building in comparison with the height of the existing building, which is more useful than stating a precise height as, in this case, due to the differences in ground levels around the site, this varies depending on which direction the building will be viewed from. The ridge height of the proposed building will be around 9.8m from the ground level of the existing building.</p> <p>3. Massing is an aspect of built form that can be significantly altered not by changing the size of a building but by using design features and materials that affect its visual impact. In this case, the massing of the proposed building has been reduced by the use of design features and contrasting materials. This is explained in paragraphs 8.5 and 8.6 of the officer’s report. The scale of the building has been significantly reduced from that of the refused scheme in that the previous proposal filled the entire site whereas the building now proposed is set back from Heol Y Bont and leaves gaps to the north east and north west boundaries.</p> <p>The material consideration of the impact of the development on users of the church garden is addressed in the officer’s report (paragraphs 8.9, 8.10 and points 5 and 24 of paragraph 8.11) and members of the Planning Committee have visited the site to enable them to assess for themselves the impact on the garden.</p> <p>The requirements of policy KP5 of the LDP (in this case part x, “Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities”) are considered to have been addressed in this application and are considered in the committee report.</p>
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PAGE NO. 23	APPLICATION NO. 19/01339/MNR
ADDRESS:	238 PANTBACH ROAD, RHIWBINA
FROM:	Alan Wilson
SUMMARY:	<p>Objects to the development on the grounds that :</p> <ul style="list-style-type: none"> - The proposed design is totally out of keeping with the prevailing aesthetic of Rhiwbina; - The building would dominate the village skyline in a visually destructive way.; - The new design which is unbecomingly modern and too large for such a restricted site; - The current proposal makes no reference to surrounding buildings or prevailing styles; - The site is close to several listed buildings and a conservation area and the development would significantly impact the way in which these buildings can be read relative to their surroundings.
REMARKS:	Noted. These issues are addressed in the Committee Report.

PAGE NO. 23	APPLICATION NO. 19/01339/MNR
ADDRESS:	238 PANTBACH ROAD, RHIWBINA
FROM:	Applicant's agent
SUMMARY:	<p>Petition in support of the application signed by 52 people stating "We the undersigned support the development and the Planning Officer's reasons and recommendation to Planning Committee to approve this application with relevant conditions all as set out in the Officer's report to Committee dated 17 July 2019 and posted on the Council's website.."</p> <p>The applicant's agent states that "This petition was obtained after the Planning Committee's site visit and signed by shop owners/shop keepers/shop assistants that were invited to express their opinion. In addition, the petition is signed by some local residents and by those who have specific interest in the future development of this locality. The Petitioners were presented with the facts as set out in your report to Committee dated 17 July 2017 as well as the attached design images showing the proposed development in context with the existing street scene."</p>
REMARKS:	Petition noted. The images mentioned by the agent above will be shown to the Planning Committee.

PAGE NO. 23	APPLICATION NO. 19/01339/MNR
ADDRESS:	238 PANTBACH ROAD, RHIWBINA
FROM:	Applicant's agent
SUMMARY:	Photographs of the site/building as existing at 07/08/2019. The applicant also requests that the Council is made aware that he had to remove offensive graffiti from the recently boarded up windows and door of the existing building prior to the Committee's site visit and that

	there have been a couple of other minor incidents where anti-development slogans were attached to the hoarding.
REMARKS:	Noted. The photographs show the site as the Planning Committee observed it at the site visit. The comments regarding the graffiti are not relevant to the determination of the planning application.

PAGE NO. 58	APPLICATION NO. 19/01370/MNR
ADDRESS :	FORMER THE TY GLAS, 75 TY GLAS AVENUE, LLANISHEN, CARDIFF
FROM:	Applicant
SUMMARY:	<p>With regard to Condition 7:</p> <p><i>Members of the public shall not be permitted to consume food and drink upon or be seated within the patio areas directly adjoining the north and west elevations of the building (as annotated with 'Keyblok paving - Patio' upon dwg. no. 7763-SA-8061-P004 G) between the hours of 23:30 and 09:00 on any day.</i></p> <p>The applicant has requested that the hours be varied to allow the patio area to be utilised from 07:30 hours on any day.</p>
REMARKS:	The hours included within the condition replicate those restricting the use of the previous premises. Having considered the request of the applicant with due regard to the context of the proposed use and the hours of activity within the area it is considered that the use of the patio area for consumption of food and drink between the hours of 07:30 and 23:30 would unlikely cause unacceptable disturbance to nearby occupiers. It is, therefore, recommended that the condition be varied as requested.

PAGE NO. 58, 90, 99 & 186	APPLICATION NO. 19/01370/MNR, A/19/00057/MNR, A/19/00058/MNR & A/19/00059/MNR
ADDRESS :	FORMER THE TY GLAS, 75 TY GLAS AVENUE, LLANISHEN, CARDIFF
FROM:	Cllr Shaun Jenkins
SUMMARY:	<p>Cllrs Jenkins, Lancaster and Parkhill oppose the applications.</p> <p>The opening hours are excessive, and not in keeping with the area, and will likely have a negative impact on the amenities of local residents.</p> <p>Further, we consider that the drive though will lead to excessive traffic movements that again, will have a negative impact on the amenities of local residents.</p> <p>We also feel that the advertising pole will have an overbearing impact</p>

	on local residents who live in the new retirement apartments just across the road from the development.
REMARKS:	Noted. These issues are addressed in the Committee Reports.

PAGE NO. 58, 90, 99 & 186	APPLICATION NO. 19/01370/MNR, A/19/00057/MNR, A/19/00058/MNR & A/19/00059/MNR
ADDRESS :	FORMER THE TY GLAS, 75 TY GLAS AVENUE, LLANISHEN, CARDIFF
FROM:	The Owner/Occupiers of 110 & 124 Ty Glas Road, Llanishen
SUMMARY:	Object to the proposal replicating reasons for objections summarised within the Committee Reports.
REMARKS:	Noted. These issues are addressed in the Committee Reports.

PAGE NO. 58, 90, 99 & 186	APPLICATION NO. 19/01370/MNR, A/19/00057/MNR, A/19/00058/MNR & A/19/00059/MNR
ADDRESS :	FORMER THE TY GLAS, 75 TY GLAS AVENUE, LLANISHEN, CARDIFF
FROM:	Cardiff and Vale University Health Board (Fiona Kinghorn Executive Director of Public Health)
SUMMARY:	<p>Cardiff and Vale University Health Board has responsibility for the health and well-being of the population, and as such our strategic intent is to work to ensure that the local environment is as conducive as possible to enabling people to make healthy choices. Through the local Public Services Board, we are working with a range of partners to develop this agenda and have committed to developing a healthy weight strategy for Cardiff and Vale.</p> <p>Whilst we understand that this building has planning permission for an A3 use already, and therefore we cannot object or comment on an application for a change of use, we want to raise our concerns about the location of such a facility in this area. There is evidence that locating fast food takeaways near to schools is linked to higher levels of childhood obesity. Childhood obesity is a key public health concern, and as this particular proposal is within close proximity to a primary school it is one that we would not support.</p>
REMARKS:	Noted.

PAGE NO. 118	APPLICATION NO. 19/01538/MJR
ADDRESS:	PARKGATE HOUSE, FORMER COUNTY COURT BUILDING AND ADJACENT LAND, WESTGATE STREET
FROM:	Head of Planning
SUMMARY:	<p>Following receipt of an email from the agent dated 13.8.19 commenting on draft conditions, the following additions/ amendments are proposed:</p> <p>1. Amend draft condition 17 (Cycle Parking) to read: <i>Cycle parking:</i> No above-ground development shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the LPA. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose. Reason: To ensure that adequate provision is made for the secure parking of cycles.</p> <p>2. Amend draft condition 12 (Drainage Scheme) to read: <i>Drainage scheme:</i> Excluding demolition works no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.</p> <p>3. Amend draft condition 15 (Entertainment noise from bars/ restaurants/ function rooms) to read: <i>Entertainment noise from bars/ restaurants/ function rooms:</i> No noise emanating from the hotel bars/ restaurant / function rooms (measured in the LAfmax, 5 minutes parameter) shall exceed the ambient background noise level (LA90, 5 minutes) outside windows of any noise sensitive rooms at the adjacent 2 Park Street (Cardiff Civil and Family Justice Centre) during the hours 07:00-19:00 Monday to Friday. Reason: To ensure that the amenities of occupiers of the adjacent noise sensitive premises are protected in accordance with Policy EN13 of the Cardiff LDP.</p>
REMARKS:	<p>The draft entertainment noise condition has been amended to make it more precise and enforceable. It should be noted that none of the hotel's bars, restaurant or function rooms share a party wall with no. 2 Park Place.</p> <p>The cycle parking and drainage scheme conditions have been</p>

	amended to adjust trigger points.
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PAGE NO. 118	APPLICATION NO. 19/01538/MJR
ADDRESS:	PARKGATE HOUSE, FORMER COUNTY COURT BUILDING AND ADJACENT LAND, WESTGATE STREET
FROM:	Head of Planning
SUMMARY:	<p>The committee report makes reference to an associated Conservation Area Consent (CAC) application (19/01539/MJR). Please note the CAC application was formally withdrawn by the agent in an email dated 13.8.19 for the following reason:</p> <p>A CAC application is only required in the event of substantial demolition of a building in a conservation area. It is not required for demolition (or partial demolition) of listed buildings as this is covered by the listed building consent (LBC) application. In this case the only element of demolition works that is not covered by the LBC application is the aerial link from Parkgate House to the Stadium Tower, and this does not constitute substantial demolition. The aerial link is within the application red line boundary and the description of development includes partial demolition. CAC is not therefore required.</p> <p>Please note the LBC application will be determined under delegated powers and referred to CADW because the application includes substantial demolition works.</p>
REMARKS:	None

PAGE NO. 118	APPLICATION NO. 19/01538/MJR
ADDRESS:	PARKGATE HOUSE, FORMER COUNTY COURT BUILDING AND ADJACENT LAND, WESTGATE STREET
FROM:	Head of Planning
SUMMARY:	<p>A late representation dated 13.8.19 has been received from Mr. Frank Davies objecting to the proposals on design grounds, as follows:</p> <p><i>I find it very difficult to understand how an architect can design a hotel frontage so out of keeping with its surrounding buildings and the council approve the design, the question is Why!</i></p> <p><i>A QUOTE in The Western Mail Word on the web.10/08/19 "I have no issue with another hotel, Cardiff needs it. But that white monstrosity looks like it was designed by somebody who normally just makes buildings out of Lego. It looks totally out of place, does not blend in with the existing buildings and as a result, it is just an eyesore" Robert Snare</i></p> <p><i>I tend to agree with this gentleman's comments. Surely the council should look at the hotel frontage design and ask Rightacres to come</i></p>

	<i>up with a better design. I hope it not too late to for you and your planning department to appeal to Rightacres for a better blend of hotel frontage that will fit with its surrounding buildings. The current design is cheap and nasty and will be an eyesore for years to come</i>
REMARKS:	The issues raised are addressed in the Officer's report (paras 8.4-8.14)

PAGE NO. 118	APPLICATION NO. 19/01538/MJR
ADDRESS:	PARKGATE HOUSE, FORMER COUNTY COURT BUILDING AND ADJACENT LAND, WESTGATE STREET
FROM:	Air Quality Officer
SUMMARY:	<p>The following consultation response dated 13.8.19 has been received from the AQ Officer:</p> <p><i>I have reviewed the attached document which corresponds to the suggested ventilation strategy to alleviate air quality concerns depicted at the façade of the proposed development, Westgate Street facing. Notably the concern lies with receptors R4 & R5 whereby the nitrogen dioxide (NO₂)1-hour mean air quality standard was projected to be breached for an opening year of 2021. It is noted that the receptors R4 & R5 are modelled at a height of 1.5m on the ground floor and do not represent a receptor of a residential nature. The ventilation strategy confirms that ventilation for the ground floor will be sourced via the rear of the proposed development. The attached assessment assesses the extracted air at the rear of the development noting this location as receptor R6 & R7.</i></p> <p><i>The attached assessment suggests that the NO₂ 1-hour objective at R6 & R7 will not be exceeded. Although I agree that the air quality levels proposed for use as part of the ventilation system will not exceed the 1-hour objective for receptors R4 & R5, the applicant must ensure that the any windows or openings for receptors R4 & R5 are closed. The attached assessment does state the following;</i></p> <p><i>“As the front of the building will have closed windows and an automatic door it is likely that air from the mechanical ventilation system will dominate the ground floor areas of the hotel.”</i></p> <p><i>I can confirm that I am satisfied by the proposal, however I would reiterate the urgency to ensure that any windows or openings at the façade (Westgate Street facing) are permanently closed to ensure that the 1-hour NO₂ objective is not breached. Perhaps this would require a condition?</i></p>
REMARKS:	No AQ condition required.

PAGE NO. 186	APPLICATION NO. 19/01733/MJR
ADDRESS :	PHASE 2, LAND EAST OF CHURCH ROAD AND NORTH AND SOUTH OF, BRIDGE ROAD, OLD ST MELLONS
FROM:	Head of Planning
SUMMARY:	<p>Paragraph 8.20 should state that:</p> <p>“46 of the proposed dwellings have 2 car parking spaces each on driveways. In addition 11 of the dwellings would have detached garages and 7 would have integral garages. All the 2 bedroom dwellings would have 1 parking space each.....”</p>
REMARKS:	That the amendment to the report be noted.