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LATE REPRESENTATIONS

Committee PLANNING COMMITTEE

**Date and Time
of Meeting** WEDNESDAY, 3 NOVEMBER 2021, 1.30 PM

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

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LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 3rd NOVEMBER 2021

PAGE NO. 1	APPLICATION NO. 21/01806/MJR
ADDRESS:	CANTON COMMUNITY HALL, LECKWITH ROAD, RIVERSIDE
FROM:	The Applicant
SUMMARY:	<p>The Housing Development Team wanted to highlight some of the key messages and main benefits expressed in the planning application for the redevelopment of Canton Community Centre as a new mixed use community living scheme, as we recognise that these can sometimes get lost in all the various reports and plans that make up a complex application.</p> <ol style="list-style-type: none"> 1. History of the site – it's important to remember that the current location of the pay'n display car park was not long ago (circa 2012) an area of green public open space. The loss of the car park by way of this application is in some ways reverting the site back to its former use albeit with significant improvements that will create multi-functional uses for the community such as a MUGA and community garden overlooked by new and existing residential homes. 2. Investing in the local community – we must stress that the long-term future of the existing Canton Community Centre was in question for some time and had previously been considered for closure as part of Council cost saving measures. This could have led to the site being advertised for sale on the open market for its redevelopment potential. As long term stewards, the Council wanted to avoid this scenario and retain control of the site for the community. Housing Development were asked to explore options for keeping the site in Council ownership ensuring many of the existing uses could continue in a meaningful and sustainable fashion. This has meant a comprehensive approach working across Service Areas within the Council to ensure the benefits from a residential scheme can help sustain the longer term presence of good quality community facilities in the local area. 3. Testing options to deliver a sustainable outcome – a number of development options were considered and discussed with local Councillors. These included the relocation of the MUGA elsewhere within the Ward and the loss of the existing small community garden. Feedback from these different consultations made it clear to us that any new residential scheme on this site

must also include a new community facility, a MUGA and a community garden. We are also sensitive to the Council's wider aspirations for Cardiff to become a more sustainable city which is reflected through a policy framework and delivery programme setting out its commitments to the residents of the city. Reflecting on all of this we have considered a number of different options and it was clear that to deliver on all of the aspirations for the site the car park would need to be redeveloped. This was communicated to the community and other key stakeholders through a number of early consultation opportunities and was supported by the Ward Councillors. Since then and through thoughtful design development a preferred scheme has been brought forward that strikes a careful balance between all these (sometimes competing) interests.

The resulting scheme benefits from being in a central location in walking distance to public transport, shops and services. The layout has been carefully considered to prioritise the pedestrian and to encourage cyclists. It also ensures that a new community facility and MUGA can remain on site alongside an enhanced and much larger community garden. Not to be forgotten is the electric charging pool car for our residents.

4. A sustainable building – this development is for low carbon, low energy homes that are resilient to a changing climate and reduce energy demand and energy bills for our residents. Each home will be expected to achieve Welsh Government's 2025 energy performance standards achieving a SAP rating of A by using a high standard of fabric efficiency and low carbon heating. This means:

- Optimising solar gain – from scheme inception consideration must be made by our design teams to maximise the opportunities for solar gain, the integration of solar PV panels and the use on on-site renewable technologies.
- Adopting a Fabric first approach to ensure a highly energy conserving building.
- Design in renewable technologies including:
 - Integrated Photovoltaic panels
 - Communal batteries
 - Ground Source Heat pumps

5. Meeting local housing needs – our information on housing needs has identified a chronic lack of affordable housing for older persons in this part of Cardiff. This

scheme will go some ways in helping to meet these significant challenges by not simply building more units but also through thoughtful design creating the conditions to help residents gain a sense of belonging and fostering a sense of community and place – opportunities are therefore made for resident lounges, flexible spaces and communal gardens to help encourage social interaction. This new Community Living building will also provide a HUB of services for older people living locally to help tackle social isolation and promote and sustain independent living. This approach to older person community living is complimented by the community centre on site with the intention that many integrational services will be run from the building.

Put simply this is not a 'typical housing scheme' but one that cultivates a feeling of wellbeing, homeliness and allowing residents to effortlessly gain a sense of belonging and promote the connections with the wider community.

6. Community uses – the new community facilities will allow the majority of the activities that occur now to continue into the future. In particular the community facility comprises a main hall, which will allow for example, children's softplay and birthday parties to continue whilst the two flexible activity rooms can also be booked out and used by the local community as they do now for an eclectic mix of activities, events and classes. The council's Leisure team will continue to manage this part of the building and staff will be retained and be based in this building. Some sporting activities that were held in the centre such as badminton are to be moved to Fitzalan High School as part of the Council's wider schools investment programme.

As a result of these initiatives there will not be a net loss in community uses for this part of Cardiff. The new MUGA (better overlooked by residents and the users of the community facility) will be available as a resource for the community to enjoy whilst a larger and much enhanced community garden will be provided for a local community group to cultivate and maintain.

7. Responding to climate change – Sustainable Urban Drainage Systems (SuDS) has been made an integral part of the design from day one making sure the scheme reduces flood risk by working with the opportunities of the site. Our preference is for multi-functionality in

	<p>SuDS design and meet the requirements of the SuDS Approving Body (SAB) through a combination of rain gardens and green roof.</p> <p>8. Improvements beyond the boundary – we understand the anxiety and concern that the loss of the existing car park brings. Our surveys have demonstrated enough capacity locally for pay'n display parking that can mitigate its loss and 18 parking spaces are to be retained. However, we have committed to improving the condition of other car parks locally namely Grays Street and Seven Road car parks and the Council will be introducing new resident parking areas for neighbouring streets such as Picton Place.</p>
REMARKS:	The applicant's comments be noted

PAGE NO. 1	APPLICATION NO. 21/01806/MJR
ADDRESS:	CANTON COMMUNITY HALL, LECKWITH ROAD, RIVERSIDE
FROM:	Transport Officer
SUMMARY:	<p>The Transport Officer has submitted the following further comments:</p> <p>I have reviewed the revised TS in line with the points I made below. Further observations:</p> <ul style="list-style-type: none"> • 3.4.1 – the paragraph is unchanged, but the change I seek is covered by the lay-by planning condition (proposed condition 35). • Table 3.2 (and 3.6.6) – it seems that the reference to two spaces for community centre staff arguably means the public hall figure in Table 3.2 should be two higher, and the sports and leisure two lower, as the 360m2 for sports & leisure is relating to the MUGA? However, this is not a material issue. <p>Whilst I do not seek a revised version of the TS, given the above I would not want any Decision Notice to refer to the TS as an 'approved document'.</p> <p>The cycle layout has not changed, and thus the covered provision I was seeking is not shown. However, the cycle details condition can deal with this. I also note that the previous version of the TS did in fact refer to the 2 stands (4 spaces) at the Leckwith Rd side, although the constraints</p>

	<p>potentially arising from their layout would still have to be considered at the details stage.</p> <p>With regards your earlier question about the location of the off-site car parks that require works, I would anticipate this would be the Grey St and Severn Rd car parks.</p> <p>The Transport Officer also states: Further to previous comments, it would be appropriate for the off-site car park reference to also include Wellington St and Harvey St (in addition to Severn Rd and Gray St that I previously referred to, or for ease can it just refer to off-site car parks without specifying?), and for the works to potentially include off-site signing to each of those as well. The Transport Officer considers that this will require a contribution of £10,000.</p> <p>Para 8.34 - The TS indicates there will be 42 cycle parking spaces in total for the community hall/MUGA.</p> <p>Para 8.35 – Table 3.1 of TS shows there are 83 existing car park spaces.</p>
REMARKS:	That reference to “Transport Statement Lime Transport D2f – Oct 2021” be deleted from condition 2

PAGE NO. 1	APPLICATION NO. 21/01806/MJR
ADDRESS:	CANTON COMMUNITY HALL, LECKWITH ROAD, RIVERSIDE
FROM:	Councillor Susan Elsmore
SUMMARY:	In view of the significant community interest in this proposal, can I add my voice to that of my ward colleagues Cllrs Ramesh Patel & Stephen Cunnah in seeking a site visit.
REMARKS:	Noted

PAGE NO. 73	APPLICATION NO. 21/01785MJR
ADDRESS:	LAND OFF CHERRYDALE ROAD, ELY
FROM:	Housing Officer

SUMMARY:	The Housing Officer has submitted communication from the 3 local members positively commenting on the proposal.
REMARKS:	Noted

PAGE NO. 73	APPLICATION NO. 21/01785MJR
ADDRESS:	LAND OFF CHERRYDALE ROAD, ELY
FROM:	Agent
SUMMARY:	An amended site layout plan has been submitted incorporating knee rails in front of the SUDs features at the end of the driveway near and adjoining the visitor parking area to prevent vehicle turning movements by visitors encroaching into the adjacent SUDs features.
REMARKS:	Substitute drawing 2299(03)101D for 2299(03)101C in condition 2

PAGE NO. 73	APPLICATION NO. 21/01785MJR
ADDRESS:	LAND OFF CHERRYDALE ROAD, ELY
FROM:	Agent
SUMMARY:	At the request of Housing Wates are obtaining quotes for the construction of modular units as per the design submitted for planning.
REMARKS:	If these units are to be modular units they will be quicker to construct which should result in less disturbance. This relatively small scheme is considered acceptable whether constructed in a more traditional format or modular.

PAGE NO. 113	APPLICATION NO . 21/01813/MJR
ADDRESS	TRAMSHED, PENDEYRIS STREET, GRANGETOWN
FROM:	Michael Askew – Planning Agent
SUMMARY:	I would be grateful if you could take the following into consideration as part of the determination of this planning

application and as the application is taken to committee I would be grateful if the contents of this email could be including in the report in order to provide Members with a greater understanding of the merits of our proposal.

To reiterate our planning statement, you will note that planning permission was granted for a 12 month period to enable 31no late night events (up to 3am) to take place over a 12 month period under planning permission 19/03210/MJR. The purpose of this temporary planning permission was to provide a trial period in order to give the LPA the comfort to support a permanent planning permission once that temporary period had expired. However the pandemic meant that the applicant was unable to undertake any events during this period of time and therefore the late opening trail was unable to take place (indeed the premises were closed to the public during this time as required by the Government restrictions). The purpose of this planning application is to enable the trail to commence over the next 12 months (i.e. not to enable a second 12 months of events).

As a consequence, the previous planning approval of 19/03210/MJR is a material consideration in the determination of this planning application. That planning permission confirmed that a 12 month permission would be acceptable and granted planning permission on that basis. Since that permission was granted, there have been no material changes in planning policy or changes to the immediate surroundings which would indicate that planning permission for exactly the same proposal would warrant a refusal.

I would draw your attention to recent case law in the form of the Appeal Court judgement of Bates vs Maldon District Council (Case No: C1/2018/2847) dated 23 July 2019 considered the weight that should be attached to a planning permission that has expired. This judgement challenged the approval of planning permission (when that particular Council could demonstrate a five year housing supply) which took into account a previously expired planning permission on that site that would approved when the Council could not demonstrate a five year housing supply. This case confirmed that an expired planning permission can still be attached weight (albeit less than what can be applied a legitimate fall-back position) and re-affirmed that there is a public interest in applying a consistency in decision making. The weight that can be attached is of course a matter of judgement

for the decision maker which depends on the facts and circumstances of the specific case.

Turning now to the objections:

- The petition signed by residents of Mardy Street, Mardy Court, Merch Gardens, Pendyis Street and Clare Street and the 6 letters from residents raise the following issues:
 - Objections in respect of anti-social behaviour and disturbance. They draw attention to how quiet the area was during lockdown however it should be noted that planning permission exists for an events venue which can operate throughout the year under the extant planning permission (albeit without late opening) and as a result there is a legitimate fall-back position of the same number of customers arriving and leaving the premises during such events, albeit across a shorter and more concentrated period of time. The proposals would in fact reduce the concentration of customers arriving and leaving the premises on account of the longer period of time available to them. It is the applicant's experience from the venues that they operate elsewhere is that not all of their customers will stay until closing time and as a result they will leave across a more staggered period of time rather than all of the customers leaving on mass at 3am.
 - Claims of littering, public urination, noise until 4am – 5am, fighting and threatening behaviour, excessive drinking resulting in vomiting in the street – TramShed pride themselves how they manage the operations of this events venue, both within the premises (which is completely sound insulated) and outside via security staff who manage the queues. They work closely with the EHO and the police to ensure that their operations are acceptable and minimise disturbances. A Management Plan was issued as part of the previous approval and this has been updated to reflect the concerns raised by the petition. This has subsequently been updated (attached) to address the specific comments raised by the petition and letters. This includes the following:
 - The queue into the venue has been moved from Pendyris Street to Clare Road in order to

move it away from residents and utilise the wider pavements there.

- The queue is patrolled by security and venue staff to control noise and antisocial behaviour. There is also signage in place to reinforce the message of respecting local residents when arriving and leaving the venue.
- Once all guests have entered the building, we will then do a full sweep of the outside area and ensure the street is reset before continuing with the event. Once the show has ended, we are dedicating half of our security team to being out on the street and directing people left and right so that they don't pour out on to the street and obstruct the traffic.
- Taxis pickups are controlled and restricted to Clare Road.
- Dispersals from the event are managed so that they are staggered (and managed via venue staff)
- A member of staff is now dedicated to each event to be outside during ingress, collecting all waste from the guests and what has been left on the street
- Finally, once all the crowd has dispersed and the venue has been cleared, all of our bar staff are walking to the top of Pendyris Street and round to the bridge on Clare Road, collecting as much rubbish as we can find, and washing away any mess on the floor. This will now be extended to Mardy Street to address resident's concerns.

The applicant refutes the claims of anti-social behaviour connected to their operations and it is evident that the management plan that they have in place is effective by the absence of objections raised by the police and the EHO during the previous planning application. It should be recognised that the site is located on the edge of the City Centre and as a result the area is subject to many people returning from nights out in the city centre (from other locations) who travel through this area on their way home. The applicant can only realistically manage the customers from their events however their on-site presence also acts as a deterrent for other persons not connected with the events taking place to act irresponsibly. A case in point, is that claims have been made in the objections have been raised about littering around the venue; the applicant is aware that the these

	<p>issues have still been prevalent in the area during lockdown when the TramShed was closed to the public.</p> <p>To put the operations at TramShed into context see below the events that have taken place since restrictions were relaxed to enable the events venue to reopen again in August this year.</p> <ul style="list-style-type: none"> • August – 10 events – 4,920 attendees • September – 17 events – 4,598 attendees • October so far – 13 events – 6,936 attendees <p>This equates to a total of 40 wide ranging events (4 late license uses, 4 weddings, 3 drag shows, 2 charity/community events, 3 cinema hires, 1 market, 2 corporate hires, and 21 gigs). The total number of attendees since the TramShed has been open is 16,454. It is important to stress, that the TramShed is not a nightclub but operates as an events venue, which provides wide ranging events throughout its yearly programme.</p> <p>During these events there have not had any major incidents and only one complaint has been received since reopening. These figures should be considered a very positive performance by the venue demonstrating they are delivering on what we set out to do and clearly reinforces the venue’s reputation.</p> <p>Where complaints are received, the TramShed always follows these up robustly to seek a resolution. They work closely with the Police and EHO to ensure that their operations meet their expectations. Whilst we note that Councillor Thorne considers in her representations that the efforts taken by the applicant have failed to mitigate the concerns of local residents, the reality is anything but the case.</p> <p>The manager of TramShed has reached out to PC Stuart McDean, Local Policing Inspector for Cardiff Bay and Penarth, and invited him, or a colleague, to attend the venue on Friday Nov 5th when we have a gig and a late license use. We would like him to witness our operations and also make recommendations on how we can improve or how we can work together to mitigate issues.</p>
REMARKS:	Noted

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