

## WARD MEMBER OBJECTION

COMMITTEE DATE: 11/01/2017

APPLICATION No. **16/02301/MNR** APPLICATION DATE: 26/09/2016

ED: **GABALFA**

APP: TYPE: Full Planning Permission

APPLICANT: Gofal Cymru Care Ltd

LOCATION: 5 SOBERTON AVENUE, GABALFA, CARDIFF, CF14 3NJ

PROPOSAL: CHANGE OF USE FROM RESIDENTIAL TO CARE HOME.  
NEW GROUND FLOOR SINGLE STOREY REAR EXTENSION

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**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 following approved plans:

- PP/100/A, PP/200/A & PP/300/A

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 the beneficial use of the extension hereby approved a 1.8m high solid means of enclosure shall be erected along the boundary with 3 Soberton Avenue from the rear elevation of the property until the end of the extension hereby approved. This means of enclosure shall be retained at all times.

Reason: To ensure that the privacy and amenities of the occupier of the adjoining properties are protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026 in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

4. The care home shall be laid out in accordance with the submitted plans unless otherwise agreed in writing by the Local Planning Authority. No more than 5 bedrooms may be provided at the care home (inclusive of any overnight staff accommodation).

Reason: To ensure a suitable level of internal and external amenity space is retained for future occupiers of the care home.

5. The care home shall be laid out in accordance with the submitted plans unless otherwise agreed in writing by the Local Planning Authority. No more than 5 bedrooms may be provided at the care home (inclusive of

any overnight staff accommodation.

Reason: To ensure a suitable level of internal and external amenity space is retained for future occupiers of the care home.

6. Prior to the use of the property as a C2 Care Home as specified by the Town and Country Planning (Use Classes) Order 1987 a bin storage area shall be provided within the curtilage of the property which shall make provision for general waste, mixed recycling, food waste and hygiene/clinical waste. The bin storage area shall thereafter be retained and maintained at all times.

Reason: To secure an orderly form of development and to protect the amenities of the area.

**RECOMMENDATION 2** : That the applicant be advised that by law (Environmental Protection Act, 1990, section 47) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier.

Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact to commercial services department on **029 20717500**.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks planning permission to change the use of a two storey terraced building from a single residential dwelling into a 4 person care home together with the erection of a single storey rear extension.
- 1.2 Internally the property would accommodate two bedrooms, a bathroom, a utility room, a kitchen and a combined dining/living room at ground floor and two bedrooms, a bathroom, a staff sleeping room and staff office at first floor.
- 1.3 Externally four car parking spaces and an amenity space of approximately 80 square metres is to be provided to the rear of the property.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey building located within a terrace of two storey traditional dwellings.

## 3. **SITE HISTORY**

- 3.1 None.

## 4. **POLICY FRAMEWORK**

- 4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016

4.2 Relevant National Planning Guidance:

Planning Policy Wales (Edition 8, 2016)  
Planning Policy Wales TAN 12: Design  
Planning Policy Wales TAN 21: Waste

4.3 Relevant Cardiff Local Development Plan Policies:

Policy KP5 : Good Quality and Sustainable Design  
Policy KP12 : Waste  
Policy C1 : Community Facilities  
Policy H4 : Change of Use of Residential Land or Properties  
Policy T5 : Managing Transport Impacts  
Policy W2 : Provision for Waste Management Facilities in Development

4.5 Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)  
Access, Circulation & Parking Requirements (January 2010)  
Residential Extensions & Alterations June (2015)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 There is no policy objection to the change of use of the property from residential to a care home.
- 5.2 Waste Management have not objected to this application and have advised that the proposed waste storage arrangements submitted are acceptable. They also advise that the applicant be notified that a commercial contract for the collection of waste is required. Recommendation 2 has therefore been included to bring this matter to the applicant's attention.
- 5.3 Traffic and Transportation have advised that the car parking arrangement is policy compliant and therefore they have no objection to the application.
- 5.4 Pollution Control has raised no objections to the proposal

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police have advised that they have no grounds to object to this application but would highly recommend that it should be set as a condition that the applicant submits an appropriate management plan which shows how they will deal quickly and appropriately with any issues that arise which may have an effect on the neighbourhood or community as a result of permission being granted.

7. **REPRESENTATIONS**

- 7.1 13 letters of objection have been received from residential properties within the surrounding area. The letters of objection are mainly in the form of a generic

letter which has been circulated within the vicinity and are summarised as follows:

- (1) The plans are not dimensioned making it impossible to determine the height of the proposed extension
- (2) The rear extension is too big and out of character with the existing building and the surrounding area.
- (3) The formation of a four vehicle parking area is out of keeping with the surrounding area
- (4) Lack of landscaping/garden amenity area
- (5) Vehicle movements to the parking areas will create noise and light disturbance to surrounding residential properties. There are also highway safety issues with respect to the proposed car park layout and insufficient car parking spaces available for the proposed number of staff.
- (6) Parking congestion in the street as a result of staff and construction activities associated with the development
- (7) The proposal does not afford adequate privacy for adjacent residential properties.
- (8) The change of use of the residential property to a care home will impact the availability of residential housing stock in the area for use by families and will impact upon the character of the residential area.

7.2 Councillor Bridges also objects to the application for the same reasons as mentioned above.

## 8. **ANALYSIS**

8.1 The main issues which arise as a result of this planning application is the change of use of the property from a residential dwelling - Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended to a care home for 4 residents together with overnight accommodation for a member of staff - Use Class C2 of the Town and Country Planning (Use Classes) Order 1987; and the impact the proposed single storey rear extension will have on the adjoining residential properties.

Use Class C3 relates to the use of a property as a dwelling house but also allows for up to six residents to live together as a single household where care is provided such as those living together with learning difficulties or mental health problems. Use Class C2 relates to residential institutions such as residential care homes, hospitals, nursing homes etc. where the element of care is increased or where residents are not living together as a family. In this particular instance the applicant has advised that as more care and support is

provided then the use would sit more comfortably within the Use Class C2 as opposed to C3. It should be noted however that if the care and support was reduced then planning permission would only be required for the extension.

- 8.2 In respect of the change of use of the property from C3 (Residential) to C2 (Residential Institution) it should be noted that the property falls within the settlement boundary as defined by the Cardiff Local Development Plan and there is therefore no specific designation or allocation. As the surrounding area is residential in nature the proposal should therefore be assessed against Policy H4: Change of Use of Residential Land or Properties. Policy H4 allows for the conversion or redevelopment of residential properties to other uses where the proposal is for community use necessary within a residential area. Paragraph 5.16 acknowledges that there is a range of community uses that are appropriate in principle within residential areas, including residential homes.

Policy C1: Community Facilities of the Cardiff Local Development Plan is also relevant in this particular instance. This policy encourages new and improved community facilities where they are readily accessible to the local community by public transport, walking and cycling; where it would not prejudice the amenity of residential occupiers; detract from the character and appearance of the property or the locality and would not lead to unacceptable parking/traffic problems.

The property is sited on Soberton Avenue which is accessed off Whitchurch Road, one of the main routes into the city centre, and which is well serviced by public transport. The surrounding area is mainly residential although there is another care home situated at 16 Soberton Avenue which is owned and operated by the applicant. With respect to the suitability of the site for the proposed use whilst the concerns of the objectors are noted the proposal is considered acceptable in land use policy terms. It is also felt that the proposal takes into consideration the special needs of the sick and chronically disabled, the majority of whom are best housed in the community.

- 8.3 With respect to the extension this has been assessed against the Residential Extension and Alterations SPG 2015. The extension as originally proposed was to extend off the rear elevation of the original dwelling house by 8.8m. This was considered to be too long and unneighbourly for the adjoining occupier at 7 Soberton Avenue. Amended plans have since been submitted which has reduced the length of the extension to 5.2m in length. This is considered to have overcome officer's original concerns with respect to the length of the extension. With respect to the concerns over the height of the extension the submitted plans are to scale and show a height of 2.9m high which is considered acceptable. It should also be noted that an extension of 3m in height (or 4 m in height with a parapet wall) and up to 4m in length could presently be erected at the property using Householder Permitted Development rights which the Council would be unable to prevent being constructed.

With respect to lack of amenity space and adequate privacy for adjoining occupiers the comments of the objectors are noted. Revised plans have been

submitted which has reduced the length of the rear extension by 3m so that it will now only project off the rear elevation of the property by 5m. The applicant has also omitted a window in the side elevation of the extension which faces 3 Soberton Avenue and proposes the erection of a 1.8m solid means of enclosure along the side boundary with 3 Soberton Avenue to prevent any overlooking from both existing windows on the ground floor and the door proposed in the side elevation of the extension. With regard to amenity space a garden area of approximately 80 square metres will remain after the erection of the extension and the provision of the rear car parking area. This is considered to provide for sufficient space for residents to enjoy. It should also be noted that the present means of enclosures in this part of Soberton Avenue are relatively low and allow for direct overlooking into adjoining residential properties.

- 8.4 In respect to concerns over the car parking area and possible highways safety issues officers from Traffic and Transportation have raised no objection to the proposal. The Access, Circulation and Parking Standards SPG identifies a minimum car parking requirement of one space per resident and a cycle parking requirement of 0.05% per bedroom. Four car parking spaces are to be provided at the property and officers have requested that two secured cycle parking spaces also be provided at the property. The proposal is therefore in compliance with this policy.
- 8.5 Waste Management have not objected to this application and have advised that the applicant enter into a commercial contract for the collection and disposal of waste and that the waste should be separated into general waste, mixed recycling food waste and hygiene/clinical waste. Condition 7 has been imposed to ensure that suitable provision is made.
- 8.6 In respect of amenity space the Council's SPG on Residential Extensions and Alterations seeks to retain sufficient space to accommodate bin and cycle storage, a washing line and a useable form of amenity space. It is considered that after the extension is constructed and omitting the car parking area approximately 80 square metres of amenity space will be available which is considered sufficient for future occupiers to use. With respect to the possible loss of soft landscaping this would not be able to be controlled by condition as it could be removed without the need for planning permission at any time.
- 8.7 In respect to possible noise disturbance Pollution Control has not objected to the proposal and if any future noise disturbance occurs this could be controlled under the relevant Environmental Protection Legislation.
- 8.8 With regard to concerns raised that have not been previously addressed:
- (1) The plans are to scale;
  - (2) See 8.3 above;
  - (3) Planning Permission is not required to provide off street car parking;
  - (4) See 8.3 & 8.6 above;
  - (5) See 8.7 above
  - (6) See 8.4 above;

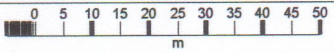
- (7) See 8.3 above;
- (8) The change of use is not considered harmful to the street in general as there is no policy objection and the unit will be retained for residential purposes.

8.9 In respect to the comments made by South Wales Police the applicant has confirmed that they already have in place a Security Policy and a policy for the Management and Reporting of Incidents and Accidents which it is hoped will allay any subsequent fears or concerns that may arise as a result of the change of use proposed

## 9. **RECOMMENDATION**

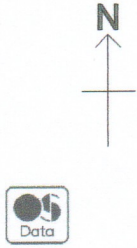
9.1 Having taken all of the relevant factors into consideration it is concluded that the proposal is compliant with the aims and objectives of the policies cited above and will not result in an unreasonable impact upon the residential amenity of the adjoining residential occupiers and planning permission is therefore recommended subject to conditions.





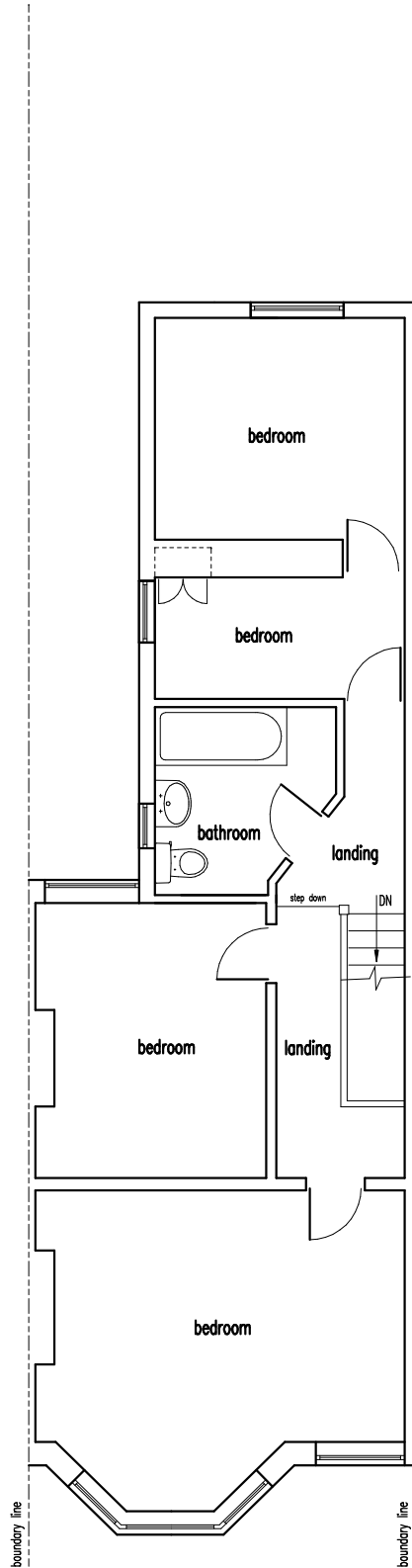
5 SOBERTON AVENUE  
 CARDIFF  
 CF14 3NJ

OS MasterMap 1250/2500/10000 scale  
 21 September 2016, ID: BW1-00562497  
 www.blackwellmapping.co.uk  
 1:1250 scale print at A4, Centre: 317525 E, 178882 N  
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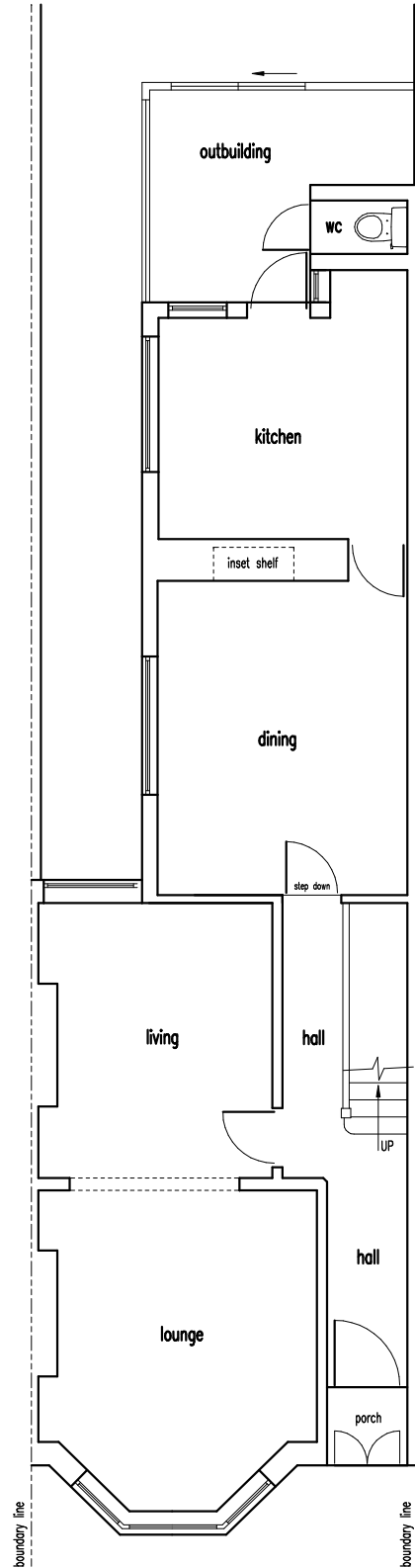


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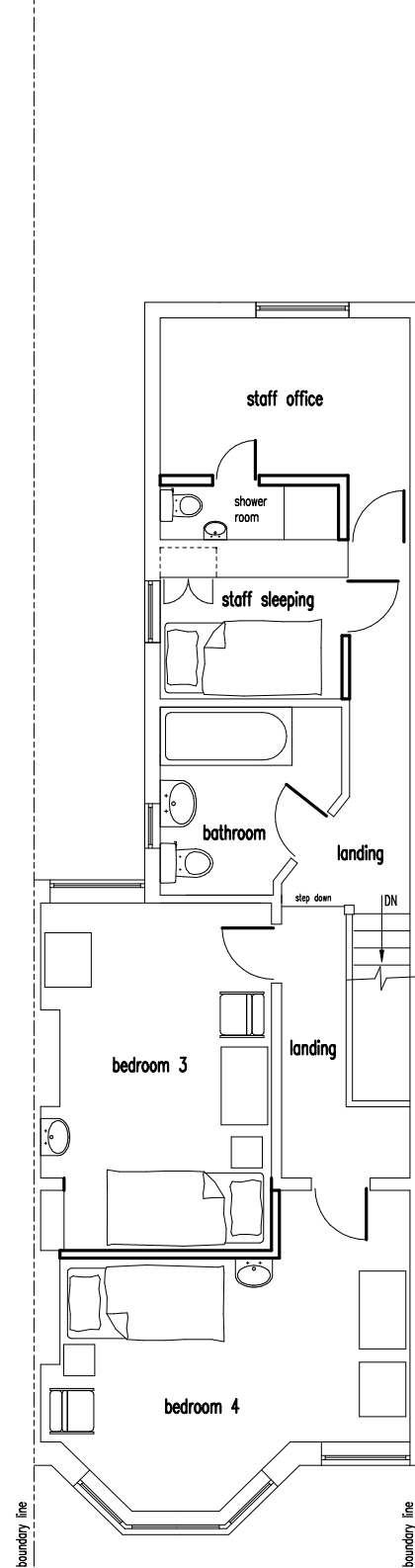




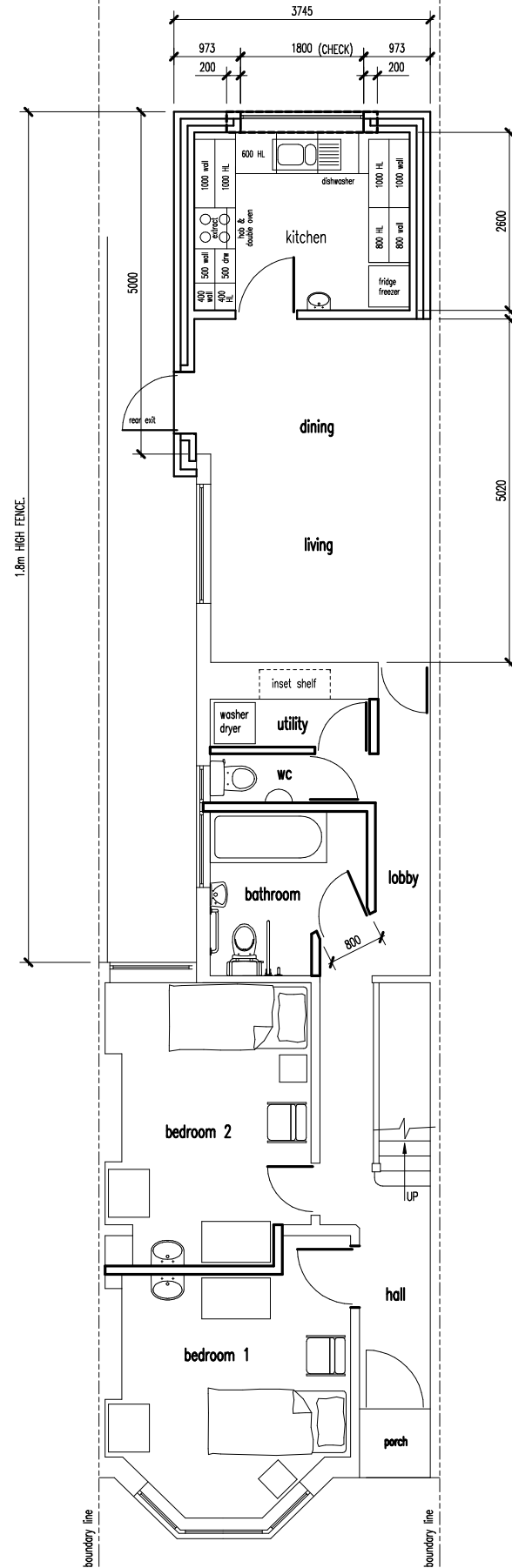
existing first floor plan



existing ground floor plan



proposed first floor plan



proposed ground floor plan

PP/100/A

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Phil Hughes  
PROFESSIONAL DRAWINGS

Proposed Care Home.

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