

COMMITTEE DATE: 13/09/2017

APPLICATION No. **16/01867/MJR** APPLICATION DATE: 26/09/2016

ED: **ADAMSDOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Ashi

LOCATION: 4-6 BROADWAY, ADAMSDOWN, CARDIFF, CF24 1NF

PROPOSAL: PROPOSED CONVERSION OF PROPERTY TO FORM A3 RESTAURANT USE TO GROUND FLOOR, WITH 12NO SELF-CONTAINED FLATS TO UPPER FLOORS WITH ASSOCIATED EXTERNAL WORKS

RECOMMENDATION: That planning permission be **REFUSED** for the following reasons :

1. The proposal fails to provide on-site affordable housing or sufficient compensatory financial contribution in lieu of such provision, contrary to the provisions of Policies KP6 (New Infrastructure), KP7 (Planning Obligations) and H3 (Affordable Housing) of the Adopted Cardiff Local Development Plan 2006-2016; advice contained in the Councils' approved Planning Obligations SPG ([Jan 2017) or the aims of Chapter 9 of Planning Policy Wales Edition 9 (Nov 2016).
2. The proposal fails to provide for onsite open space or sufficient compensatory financial contribution in lieu of such provision, contrary to the provisions of Policies KP6 (New Infrastructure), and KP7 (Planning Obligations) of the Adopted Cardiff Local Development Plan 2006-2016; advice contained in the Councils' approved Planning Obligations SPG ([Jan 2017).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 A full planning application has been submitted seeking to convert the existing property into an A3 Restaurant on the ground floor with 12 self-contained flats (8 x 1 bed room, 2 x 2 bed room and 2 x 3 bed room) on the upper floors and two on the rear ground floor.
- 1.2 The accommodation will be accessed via a central core, with the main entrance doors set in the elevation to Broadway. An amenity space is proposed to the rear of the site that will also accommodate 15 bike stands and separate commercial and residential bin storage areas.

2. **DESCRIPTION OF SITE**

- 2.1 The site is an extended three storey end of terrace property. The property is in a poor state of repair with holes in the roof. There is no off street parking provision

for this site and there no on street parking restrictions in front of the site.

- 2.2 The site is located within an inner city area and is in close proximity to the Clifton Street District Centre.

3. **SITE HISTORY**

- 3.1 14/02473/MJR – Removal of existing rear roofs and replacement with one Mansard edges – approved;
- 3.2 13/01185/DCI - Removal of existing rear roofs and replace with one roof – approved;
- 3.3 07/02808/C - Change of use from gym on first floor to bed and breakfast and living accommodation for landlord and family on second floor and new windows on upper floor – approved;
- 3.5 01/00087/R - Alterations to existing snooker club to provide fitness club (members only) – Approved;

4. **POLICY FRAMEWORK**

- 4.1 The site is located within an area of existing residential use.

- 4.2 The relevant Local Development Plan Policies are:

KP5 Good Quality and Sustainable Design
KP6 New Infrastructure
KP7 Planning Obligations
H3 Affordable Housing
H6 Change of Use or Redevelopment to Residential Use
T5 Managing Transport Impacts
W2 Provision for Waste Management Facilities in Development
R8 Food and drink uses

- 4.3 Supplementary Planning Guidance

Locating Waste Management Facilities Jan. 2017
Planning Obligations Jan. 2017

- 4.4 Other Material Considerations;

The following Guidance was supplementary to the Cardiff Local Plan, now superseded by the Local Development Plan. However, it is considered consistent with National Guidance and Local Development Plan policies and is considered relevant to the consideration of this proposal.

Access, Circulation and Parking Standards 2010
Infill Sites 2011

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Transportation Manager** has no objection to the proposal,

5.2 **Drainage Manager** has been consulted and any comments will be reported to Committee.

5.3 **Waste Manager** advises the following:

Residential units

The bin storage area indicated within current site plans has been noted and is not ideal.

The refuse storage area needs to be large enough to accommodate the following recommended provisions for 12 apartments:

Dry Recyclables: 1 x 1100 litre and 1 x 660 litre bulk bins

Food waste: 1 x 240 litre bins

General waste: 1 x 1100 litres and 1 x 660 litre bulk bins

A new site plan needs to be submitted showing that the full bin provision can be accommodated. The main concern we have is the access. The Council collection crews are not permitted to enter the building to retrieve the bins on collection day. If the proposed bin store location is to be adopted, a member of site management would be required to present the bins on to the pavement on collection day. In order to make this possible the width of the doors and corridors between the store and pavement will need to be reviewed.

Ideally communal bin store surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided and good natural ventilation if completely enclosed.

Commercial units

The proposed storage area for the commercial unit is acceptable.

Please remind the agent/applicant that a commercial contract is required for the collection and disposal of all commercial waste

5.4 **Pollution Control Manager (Noise & Air)**

Having considered the documents provided to support the application, I am of the opinion that an acoustic report is required in order to establish:

1. The potential impacts of existing noise sources upon the development site.
and
2. The potential impacts of noise sources from the A3 aspect of the development on the residential aspect of the development site.

The acoustic report should consider the following:

- The existing daytime and night time noise levels from the nearby roads at

- each storey of the proposed building;
- An assessment of the expected impact the noise will have upon the future occupiers of the proposed building;
- The survey should also include existing plant noise in the surrounding areas and also any fixed plant associated with the proposed development to ensure a rating level of background – 10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS4142 2014
- Consideration of the internal noise insulation, paying particular attention to the insulation between the commercial premises planned and the habitable rooms.
- Details of any mitigation measures that may be required as a result of the noise impact assessment.

5.5 **Parks Manager** has been consulted and has advised the following:

Design Comments

No highway trees are affected by the proposals.

Open Space Provision

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children’s Play and Sport; KP16 Green Infrastructure; EN8 Trees Woodlands and Hedgerows), supported by policies set out in the 2008 Supplementary Planning Guidance for Open Space which set the Council’s approach to open space provision.

The Council’s LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 17.92. This generates an open space requirement of 0.043 ha of on-site open space based on the criteria set for Housing accommodation.

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of open space off-site, or the improvement (including design and maintenance) of existing open space in the locality.

Based on the above assessment the contribution payable will be **£18,354**.

5.6 **Housing Manager**

In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 12 units (2 units) is sought on this brown-field site.

Our priority is to deliver on-site affordable housing, in the form of affordable

rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord would be unsustainable. On that basis we would be prepared to accept financial contribution in lieu of on-site affordable housing provision.

On that basis of the above, we would seek a financial contribution of **£140,070** (in lieu of 2 units) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 **Dwr Cymru/Welsh Water** have no objection subject to conditions in respect of site drainage.

6.2 **South Wales Police** have provided advice regarding crime prevention and 'Secured by Design'.

7. **REPRESENTATIONS**

7.1 Adjacent occupiers have been consulted and the application has been advertised on site in accordance with adopted procedures.

Two comments have been received. Both the owners of 50A Elm Street and the owners of 1,5,7 Sapphire Street object on privacy grounds.

7.2 Local Members have been consulted and any comments will be reported to Committee.

8. **ANALYSIS**

8.1 **Land Use**

The site is located in the settlement boundary as defined by the LDP proposals map. The site has no specific designation or allocation but falls within a mixed commercial/residential area. The premises are currently vacant and in a state of disrepair having been formerly occupied by a gym.

Given this context and the site's location, adjacent to a number of commercial premises, the application raises no land use policy concerns subject to an assessment of the impact of the proposed A3 use on residential amenity.

8.2 **Impact Upon Neighbouring Properties**

8.2.1 Proposed Ground floor A3 use

Given the context of the site and its former commercial use the proposal of an A3 use at ground floor level would not, subject to conditions, harm the amenity of the adjoining neighbours.

8.2.2 Proposed Residential

The proposed flats would be within the confines of the existing building, therefore the proposal would not result in an overbearing or un-neighbourly form of development upon the adjoining properties.

The proposed upper floor layouts have a number of habitable room windows sited within the side elevations of the building. However having regard to the approval of planning permission 07/02808/C, which allowed a number of bedroom windows in the side elevations, the commercial nature of the adjoining properties at Broadway/Clifton Street, and the likely impact of the resulting relationship between buildings, it is concluded that the proposed side windows would not result in any undue harm to the privacy of the adjoining neighbours to such an extent as to warrant the refusal of planning permission.

In terms of the rear windows facing the properties at Sapphire Street, these would be sited at close quarters to these adjoining properties gardens (the rear annexes do not have any windows in their rear elevation). However, it is considered that a condition requiring the windows to be obscurely glazed and non-opening below a height of 1.8 metres above internal floor level would ensure for adequate privacy between neighbours.

8.3 Impact Upon Future Occupiers

The proposal is sited within an inner city area where it is not uncommon for properties to have no, or limited access to on site amenity space. However, this scheme does provide a limited level of amenity space that can be accessed by all residents and this is welcomed.

The internal space for each flat is considered acceptable for the number of bedrooms proposed in each unit.

The proposed flats are considered adequately provided with natural light and to have an acceptable outlook.

The proposal would accommodate a ground floor A3 (food and drink) use.

It is considered that subject to conditions on opening hours and appropriate sound insulation (which would be informed by a noise assessment) that the impact of the A3 use could be sufficiently mitigated, not detract from the amenities of occupiers of the flats above/ behind the A3 unit is unit unduly.

8.4 Highways / Parking Provision

The site is located within a sustainable location and is within close proximity to local shops and amenities and public transport links the city centre. Given the above, available levels of off street parking are considered sufficient to service the accommodation.

New residential occupiers would not currently qualify for permits under nearby

'Resident Only' parking permit schemes and the subdivision of the property into flats should therefore not adversely impact on the managed parking availability for existing residents in the area.

In terms of the A3 use, there are no restrictions to the front of the site and the Council's Highway Section has not requested any conditions to limit takeaway sale or any other restrictions. It is therefore concluded that A3 use would not result in any unacceptable impact on the use of the public highway.

8.5 Section 106 Matters / Financial Contributions

The development does not provide for any on site Affordable Housing or Public Open Space. As such the following financial contributions have been requested in lieu of such provision.

Parks – A contribution of **£18,354**. is requested towards the maintenance/provision of open space in the vicinity of the site.

Housing Strategy – A financial contribution of **£140,070** is requested (in lieu of 2 units).

These requests have been assessed by the Planning Officer and are considered to meet statutory Planning Obligation/ Community Infrastructure Levy tests in being relevant to planning objectives; necessary, relevant and proportionate to the development proposed.

The application has been the subject of a financial viability appraisal; which has been independently assessed for the Local Authority by the District Valuation Service.

The District Valuation Service has concluded that the proposed scheme is viable and could sustain the total requested financial contributions of £158,424.00

However the conclusions of the District Valuer are not accepted by the applicant, who has instead suggested that he would be prepared to pay a maximum of £18,000 to address the deficiencies of on-site provision of affordable housing and public open space provision.

8.6 Policy KP6 (New Infrastructure) of the adopted Local Development Plan states that:

"New development will make appropriate provision for, or contribute towards, all essential, enabling and necessary infrastructure required as a consequence of the development in accordance with Planning Policy Guidance."

Under Policy KP6, Affordable Housing and Open Space are confirmed as 'Necessary Infrastructure'.

- 8.7 Policy KP7 (Planning Obligations) of the adopted Local Development Plan states that:

“Planning obligations will be sought to mitigate any impacts directly related to the development and will be assessed on a case by case basis in line with Planning Policy Guidance”

- 8.8 Section 18 of the adopted Supplementary Planning Guidance ‘Planning Obligations’ Adopted in January 2017 provides for the assessment of development viability, and includes for the potential to accept a reduced level of contributions on a case by case basis.

Para. 18.5 states:

“Any reduction in contributions would be to the minimum necessary to make the scheme financially viable. The Council would need to determine whether a development would still be acceptable in planning terms with a reduced level of contribution(s).”

- 8.8 In the case of this application however, the viability of the scheme is not in question, and there would seem no justifiable reason for the local planning authority to depart from adopted planning policy.

The reduced contribution of £18,000 offered by the applicant is therefore considered to fail to meet the requirements of adopted planning policy, and the development considered unacceptable because of this.

9. **CONCLUSION**

Having regard to the objectives of Policies KP5, KP6 and H3 of the Adopted Local Development Plan and related supplementary planning guidance, it is recommended that planning permission be refused.



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