

AM, MP & LOCAL MEMBER OBJECTION & PETITION OF OBJECTION

COMMITTEE DATE: 11/10/2017

APPLICATION No. **17/01183/MNR** APPLICATION DATE: 22/05/2017

ED: **ELY**

APP: TYPE: Full Planning Permission

APPLICANT: WINNERS CHAPEL INTERNATIONAL CHAPEL
LOCATION: UNIT 1, COWBRIDGE COURT, 58-62 COWBRIDGE ROAD
WEST, ELY
PROPOSAL: PROPOSED CHANGE OF USE FROM USE CLASS B1 TO D1
(PLACE OF WORSHIP)

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

1. The proposed hours of operation would have an unacceptable impact upon the amenities that the occupiers of the neighbouring residential properties currently enjoy due to noise and general disturbance that would occur predominantly weekday evenings and weekends contrary to the provisions of paragraph 13.15.1 of Planning Policy Wales (Edition 9, 2016), paragraph 8 of TAN 11 (1997) and Policies EN13, C1 (ii) and KP5 (x) of the Cardiff Local Development Plan (January 2016).
2. The application fails to demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed to justify the out-of-centre location contrary to provisions of paragraphs 10.1.5, 10.1.6 and 10.2.14 of Planning Policy Wales (Edition 9, 2016) and Policy Ci (i) of the Cardiff Local Development Plan (January 2016).
3. The application fails to effectively address the vehicular trip generation that is likely to occur from the proposed development and whether this can be satisfactorily mitigated against due to the lack of a submitted Transport Statement contrary to provisions of paragraphs 8.7.1 of Planning Policy Wales (Edition 9, 2016) and Policies T5, T6 and C1 (iv) of the Cardiff local Development Plan (January 2016).

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 The application seeks planning permission to convert an existing two storey office building (B1 Use) to a place of worship (D1 Use).
- 1.2 Internally the 132.61 square metres of ground floor area would be used to create a community room which would be used to accommodate the formal

worship space and the 132.61 square meters first floor area would be sub-divided into three meeting rooms, an office, a small kitchen and a store room. The stairway and surrounding area (approx. 28.49 square meters each at ground and first floor level) will be used to accommodate 4 WCs, of which one will be an Accessible WC. It is proposed to fit the windows with internal secondary glazing or a similar acoustic barrier and to acoustically line the internal party wall.

- 1.3 Externally the building has nine car-parking spaces allocated for its use. A new fire door is also located for the ground floor northern (rear) elevation of the building.
- 1.4 The application form states that the proposed hours of operation would be from 8:00am to 8:30pm Monday to Friday, 8:00am to 6:30pm Saturday and 8:30am to 4:30pm on Sunday. This is to allow for twice weekly services on a Wednesday evening and Sunday morning and for additional smaller services and group activities throughout the week. It is anticipated that the main services will average an attendance of 60 persons, peaking to 80 persons.
- 1.5 The supporting statement notes that there will be 2 staff members although none will be permanent at the site.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a two storey attached office building located within the Ely Ward of the city.
- 2.2 The office building is located within a courtyard site of four office buildings that are accessed directly from Cowbridge Road West. The application site is a two storey block located to the west of the site and is orientated to run north / south within the site. A similar block is orientated the same way to the east of the site; this is occupied by the Swan Family Centre. These two blocks are attached by offices that are orientated to run east / west within the site. These central offices form an archway that enables vehicle access to the parking spaces to the rear of the site.
- 2.3 The office block is set back from the front of the site by approx. 7.0m at its closest points to the adjoining footway on Cowbridge Road West and there are 8 parking spaces to the front of the building (3 of which are allocated to the office building the subject of this application). The remaining 18 parking spaces (of which 6 are allocated for this application site) are located to the rear of the site.
- 2.4 The office block site is surrounded by residential properties and its northern, eastern and western boundaries form shared boundaries with residential dwellings. The boundary to the front is the footway to Cowbridge Road West. Residential dwellings are located on the southern boundary of this carriageway facing the application site.
- 2.5 Directly to the south of the application site is a bus stop and approx. 38m west

of the western boundary of the site is the road junction with Heol-y-Felin. The St David's Church site lies approx. 35m to the south west of the application site.

- 2.6 The application site falls within the settlement boundary on unallocated white land as defined by the Adopted Cardiff Local Development Plan. The site is not within a Conservation Area and no Listed Buildings will be affected by the proposal. The site is on land that lies to the north of flood zone C1.

3. **SITE HISTORY**

3. 16339: Approval Granted June 1962 for Alterations to Ely Service Station
- 3.2 82/1405: Permission refused November 1982 for a change of use of the site to a car sales area
- 3.3 88/998: Outline approval July 1988 for a courtyard with small offices and car-park at former petrol filling station
- 3.4 89/55: Reserved Matters application withdrawn for a courtyard with small office and parking
- 3.5 89/00729R: Reserved Matters approval granted May 1989 for Small scale office development with ancillary parking.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016):

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*

- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.3 Planning policies, decisions, and proposals should (inter alia):

- *Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Foster improvements to transport facilities*
- *Foster social inclusion.*
- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

8.7.1 When determining a planning application for development that has transport implications, local planning authorities should take into account:

- *the impacts of the proposed development on travel demand;*
- *the level and nature of public transport provision;*
- *accessibility by a range of different transport modes;*
- *the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;*
- *the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);*
- *the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and*
- *the effects on the safety and convenience of other users of the transport network.*

10.1.4 ...Wherever possible, retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing. Such co-location of retail and other uses in existing centres, with enhancement of access by walking, cycling and public transport, provides the opportunity to use means of transport other than the car. This mix of uses sustains and enhances the vibrancy, attractiveness and viability of those centres as well as contributing to an increase in linked trips and a reduction of travel demand.

10.1.5 Although retailing (A1 uses) should continue to underpin retailing and commercial centres, it is only one of the factors which contribute towards their vibrancy. Policies should encourage a diversity of uses in centres. Other appropriate retail and commercial centre uses are...educational and other non-residential establishments (D1)...Mixed use development should be encouraged to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit retail and commercial centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.

10.1.6 These uses are complementary to the retail function of retail and commercial centres and should be subject to the sequential test (see 10.2.13 onwards) in consideration of development plan policies and development management decisions.

10.2.13 The sequential approach to development applies to all retail and other uses that are complementary to retail and commercial centres. Local planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications. The sequential approach supports the principle that retail and commercial centres are in the most readily accessible location, and promotes combined trips for shopping, business, leisure and services. The approach reinforces the vibrancy, viability and attractiveness of retail and commercial centres.

10.2.14 Adopting a sequential approach requires the application of a sequential

test whereby first preference should be for a site allocation or development proposal located in a retail and commercial centre defined in the development plan hierarchy of centres. The proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for this process...Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

13.13.1 Noise can affect people's health and well-being and have a direct impact on wildlife and local amenity. Noise levels provide an indicator of local environmental quality. The objective of a policy for noise is to minimise emissions and reduce ambient noise levels to an acceptable standard.

13.14.1 Policies should also be designed to ensure, as far as possible, that potentially noisy developments are located in areas where noise will not be such an important consideration or where its impact can be minimised.

13.15.1 Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer (see 8.5.5).

4.2 Relevant National Planning Guidance:

Planning Policy Wales (Edition 9, 2016)
Planning Policy Wales TAN 4: Retail and Commercial Development (2016)
Planning Policy Wales TAN 11: Noise (1997)
Planning Policy Wales TAN 12: Design (2017)
Planning Policy Wales TAN 18: Transport (2007)
Planning Policy Wales TAN 21: Waste (2014)
Development Management Manual

4.3 Relevant Cardiff Local Development Plan Policies:

Policy KP5: Good Quality and Sustainable Design
Policy KP 8: Sustainable Transport
Policy KP 12: Waste
Policy KP 13: Responding to Evidenced Social Needs
Policy EC1: Existing Employment Land
Policy EC 3: Alternative Use of Employment Land and Premises
Policy EN13: Air, Noise, Light Pollution and Land Contamination
Policy T1: Walking and Cycling
Policy T5: Managing Transport Impacts
Policy T6: Impact on Transport Networks and Facilities
Policy R5: Local Centres

Policy C1: Community Facilities
Policy C6: Health
Policy W2: Provision for Waste Management Facilities in Development

4.4 Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)
Access, Circulation & Parking Requirements (January 2010)

Prior to January 2016 the Supplementary Planning Guidance's were approved as supplementary guidance to the City of Cardiff Local Plan (1996). Although the City of Cardiff Local Plan (1996) has recently been superseded by the Cardiff Local Development Plan (2016), the advice contained within the SPG's is pertinent to the assessment of the proposal and remains consistent with the aims of both the Cardiff Local Development Plan Policies and guidance in Planning Policy Wales and are therefore afforded significant weight. Any Supplementary Planning Guidance approved since January 2016 are approved as supplementary guidance to the Cardiff Local Development Plan 2016.

5. INTERNAL CONSULTEE RESPONSES

- 5.1 The **Operational Manager, Transportation**, notes that the allocated number of spaces is in excess of the policy requirements stated in table 3.9 of the SPG and as such does not object to the proposal on Highways grounds subject to the inclusion of conditions securing disabled and cycle parking spaces. A further response is waited in regard to the objection comments received.
- 5.2 The **Operational Manager, Environment (Noise)**, recommends conditions in the event that planning permission is granted to restrict the noise from the building on neighbouring occupiers through sound insulation and plant noise conditions and to control the opening hours of the place of worship. The recommended hours of operation are as follows: 08:00-20:30 Monday to Friday, 08:00-18:00 on Saturday and 08:30-16:30 on Sunday. Outside of these hours no members of the public are to be admitted or allowed to remain on the premises.
- 5.3 The **Operational Manager, Waste Management**, notes that the plans do not make any reference to waste storage and that a plan must be submitted that details the refuse storage and the refuse storage must be retained for future use. They advise that commercial and domestic waste not be mixed and the waste must not be stored on the highway. They remind the applicant / agent that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by means of 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 the commercial services department on **029 2071 7500**. They refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information. The agent has confirmed

that existing facilities would be utilised and are happy to accept a condition to ensure Waste Management requirements are met.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 None

7. **REPRESENTATIONS**

7.1 A joint objection has been received from the Local Assembly Member (Mark Drakeford) and Local Member of Parliament (Kevin Brennan). Their objections are for the following reasons:

(a) Concern over-flow parking will be required and that this will occur on the closest neighbouring streets, such as Heol-y-Felin, which is often near capacity from existing residents.

(b) Concern that the immediate local population does not form the majority of the congregation and as public transport outside of the immediate locality is not sufficient on Sundays and evenings the likelihood is that the majority of the congregation will arrive by private car. They consider the Council's parking requirements are for local conditions and unless evidence that the majority of the congregation will be from the local population is provided, it is assumed that parking will be insufficient.

(c) Concern about the impact of noise from the chapel on local residents who already experience traffic noise from Cowbridge Road West.

7.2 An objection has been received from Councillor Goddard who also noted the strong opposition and objection petition being collected.

7.3 A valid petition of over 50 signatures (c. 83 signatures) has been received objecting to the application.

7.4 Four additional objection letters have been received from residents in Cherrydale Road and on Cowbridge Road West and a document entitled grounds of opposition amongst residents has been submitted. (This document has been written and signed by one resident on Cowbridge Road West.) The grounds for objection both on the petition and from the residents are summarised as follows:

(a) Traffic:

- (i) Concern the location is inappropriate due to the business of Cowbridge Road West and the number of obstructions that can prevent traffic coming from the east or the west from moving smoothly off the carriageway. These obstructions include volume of traffic, adjacent bus stop that frequently results in a blockage to Heol y Felin junction road layout and lack of available parking at neighbouring properties on Cowbridge Road West.
- (ii) Concern is raised that the additional traffic will coincide with additional Sunday traffic using Trelai Park for Sunday football matches and recreational use.

- (iii) There is further concern that roads will block emergency vehicles from moving through / within the area.

(b) **Parking:**

- (iv) Concern the parking provision is not acceptable and that the number of allocated parking spaces will not meet the needs of 90 attendees.
- (v) Concern the users will not be from within the local area and so car usage will be high. The result will be cars parked on neighbouring streets and in potentially illegal places, such as double yellow lines.
- (vi) The use of neighbouring streets as an over-flow parking is something the Council proposes for this proposal.
- (vii) Heol y Felin is already a heavily populated street with insufficient parking.
- (viii) Suggest moving the bus stop to outside the office units to enable residents on Cowbridge Road West to form driveways and so relieve some of the on-street parking.
- (ix) In addition the weekday hours are until 19:00 and so may mean neighbouring occupiers are not able to park outside their houses when returning from work and the knock on parking effect this will have on other residents within the wider neighbourhood.
- (x) Concern the area also has the over-flow of worshippers at the neighbouring St David's Church. This is accepted as the Church has been established for many years.
- (xi) Concern the additional cars will lead to less tolerance of additional cars parking in the area.
- (xii) Concern the parking is to the rear of the property and the confusion this will create with people trying to enter and exit the property not knowing the car-park is full.

(c) **Noise:**

- (xiii) Concern the building is not fit for purpose in terms of sound proofing and close proximity to residential properties especially due to the nature of the worship.
- (xiv) This is on top of additional noises within the area; St David's Church bells and the increasing use of motorcycles within the area.
- (xv) Concern is also raised regarding the increase weekend noise from people coming and going and the impact on neighbouring occupiers.
- (xvi) Concern that the use of the building will increase to beyond what is proposed with early morning services, special occasion services and additional specific meetings thereby increasing the duration of noise impact.

- (d) **Community:**
 - (xvii) Concern notification undertaken by the Council is insufficient in terms of number of people notified and lack of opportunity to meet with the Council to discuss concerns.
 - (xviii) Consider the offices were erected and have very little weekend use / traffic making the proposed use inappropriate for the building.
 - (xix) Concern the people using the building are not from within the community and will be coming from across Cardiff coupled with vigilance within the area due to crime there is concern the neighbourhood watch feeling of community will be difficult to maintain.

- (e) **Privacy:**
 - (xx) Concern the first floor windows will increase over-looking of neighbouring properties. This occurs during the week but to have it at the weekend leads to no privacy.

- (f) **Safety:**
 - (xxi) Concern the car-park will not cater for a large enough fire assembly point and that the additional traffic in the area will affect the nearby Fire Station and Ambulance Station from operating effectively.
 - (xxii) Concern that the location of the car-park will create unnecessary and dangerous congestion at the site entrance with cars trying to exit the site as the car-park is full while pedestrians are accessing the building.
 - (xxiii) Previous road fatalities have resulted in the relocation of the bus stop on Heol-y-Felin. The increased traffic flow could again result in road safety issues at the busy Heol-y-Felin / Cowbridge Road West junction.

- (g) **Future Use:**
 - (xxiv) Concern that if the Church is given approval and then leaves the site the D1 Use that the unit has been given could lead to further disruption for residents as another type of D1 use could take it over.

7.5 A petition in support of the application (c. 21 signatures) has been received from residents within the wider Ely area has been received. The signatories state that they are happy with the siting of the Church within the Ely community and consider that it will help bring members of the community together promoting values of multi-culturalism.

7.6 Two comments of support have been received from residents of Lougher Close and Greenland Crescent, both in Fairwater. The support is for the following reasons:

- (a) **Community cohesion:** a new church in Ely will be an opportunity to create better community relationships and integration and will be an opportunity to help children and needy within the local area
- (b) **Greater accessibility:** members from Ely that attend the church in Heath will be able to attend more easily.

8. ANALYSIS

- 8.1 The key issues for the consideration of this application are the principle of the change of use to Class D1 (Non-Residential Institutions), impact upon residential amenity and transportation considerations.

Principle of Development

- 8.2 The application site falls within the settlement boundary on unallocated white land as defined by the Adopted Local Development Plan (LDP) proposals map and has no specific allocation or designation. It should be noted therefore that the site does not fall within the scope of LDP Policy EC1 which identifies areas where B Use Classes will be protected. Giving regard to all factors it is concluded that there is not a policy or evidence base to retain the unit in business use.
- 8.3 Policy C1 of the LDP encourages proposals for new and improved community facilities, which include religious facilities subject to an assessment against criterion (i) to (iv). These criterion note community facilities should be (inter alia) readily accessible to the local community; not unduly prejudice the amenities of neighbouring and nearby residential occupiers; not detract from the character and appearance of a property or the locality and; not lead to unacceptable parking or traffic problems.
- 8.4 In order for the application to be considered acceptable in this instance, particular consideration should be given to criterion (ii) and (iv) whereby the development should not unduly prejudice the amenities of neighbouring and nearby residential occupiers; or lead to unacceptable parking or traffic problems.
- 8.5 Planning Policy Wales (PPW) notes the importance of finding the right location for any proposal. PPW states that non-residential (D1) uses are appropriate for retailing and commercial centres and these centres should be preferred for such proposals in terms of enhancing the viability of the centres and promoting sustainable development priorities.
- 8.6 Paragraph 5.307 of Policy C1 (of the Cardiff LDP) notes that Community facilities, health uses and religious facilities will be favoured within District or Local Centres where appropriate, however where such uses cannot be accommodated within centres, proposals on the edge of centres or within residential areas...will be favourably considered provided that issues of residential amenity...and transportation are appropriately addressed.
- 8.7 The application site does not lie within a retail or commercial centre and as such

is not considered as a preferred location. While the policy references the need to apply a sequential test to justify location a previous appeal decision noted that there is a need to distinguish between the rigour of the sequential search necessary for retail developers and that required by a modest community facility. While a full sequential test may not be justified no evidence has been submitted within the application to support the location of the proposal over other policy preferred locations.

Residential Amenity

- 8.8 LDP Policy C1 encourages proposals for new religious facilities, subject to five criteria, of which number (ii) places a requirement on such developments not unduly prejudicing the amenities of neighbouring and nearby residential occupiers.
- 8.9 There are windows in the ground and first floor rear elevations of the application site that face onto neighbouring residential properties. It is noted that concern is raised regarding additional over-looking however the distance from the windows to the rear boundary of the application site is approx. 10.5m and the distance to residential properties windows at the rear of the application site is in excess of the recommended 21m as stipulated in the Councils residential SPGs. As such the impact of over-looking is considered acceptable in privacy terms.
- 8.10 Policies EN13 and C1 note that development should not result in unacceptable harm to local residential amenity. PPW notes the need to consider the impact of noise from any proposed development and the impact it can have. TAN 11 notes that LPAs must ensure that noise generating development does not cause an unacceptable degree of disturbance. [And that LPAs] should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.
- 8.11 A previous application (82/1405) for a change of use from a petrol filling station to a car sales site was refused. The proposal was considered to be detrimental to the amenities and environment of nearby residential properties due to the intensification of the use in a predominantly residential area.
- 8.12 The current use of the site was approved (88/998R and 89/729R) without any conditions to restrict the hours of operation. Officers have undertaken site visits at various hours (weekday early morning, weekday late night and Sunday) and the neighbouring offices do not appear to be widely used, if at all.
- 8.13 While the office use is unrestricted in terms of hours there is a reasonable assumption (confirmed through site visits) that the offices do not operate significantly outside of the average weekday working day. Residential occupiers can reasonably expect limited disturbance on a week-night evening, afternoon and evening on a Saturday and at any time on a Sunday. The application proposes limited weekday use and is predominantly for an 'out-of-hours' use.

- 8.14 The pollution control officer notes conditions that can be included to mitigate the impact on residential amenity. However there is concern regarding noise that cannot be controlled, such as non-amplified noise and general external noise disturbance generated by the concentrated arrival and departure of members of the public.
- 8.15 It is not known how many employees previous occupiers of the unit have employed. Guidance regarding desks space suggests approx. 50 employees could be accommodated within the floor space of the proposed application site. The application states the number of worshipers will be approx. 60 – 80 persons. The additional number of people arriving and departing the application site and the likely concentrated times of this occurring will increase general disturbance caused. Cowbridge Road West is identified on the Welsh Government Strategic Noise Maps and when combined with noise that cannot be controlled by condition this raises further concern in regard to the location of the proposed development.
- 8.16 The supporting statement submitted with the application notes that an additional escape door is proposed for the rear elevation. This information has not been included on the submitted plans. This door could not be conditioned as non-opening and as such any sound insulation scheme could be compromised by the additional door.

Transportation Considerations

- 8.17 The Councils Highways Officer does not object to the application on parking grounds. Officers note that the allocated number of spaces is in excess of the policy requirements stated in table 3.9 of the SPG. The officer notes that there is a requirement for disabled parking provision and secure cycle stands. These can be secured through conditions and as such no objection to the proposal has been received.
- 8.18 It is noted that a number of the objections to the application are for reasons of Highway Safety. Any additional comments received from the Councils Highways Officers will be reported to Committee.
- 8.19 It is noted that additional information has been received regarding the addresses of some of the existing congregation living in the west of Cardiff. The information is for 39 (or 49) members who live an average of 1.24 (or 1.26) miles away from the application site. The supporting documents state that there are currently 60 members of the congregation and the bus stop outside the application site serves the west of Cardiff / Cardiff city centre with a regular continuous 10-15 minutes service and that a national hourly service is offered to the Vale of Glamorgan and Barry.
- 8.20 The application site exceeds the floor space threshold that requires a Transport Statement to be submitted with the application. However a Transport Statement was not submitted with the application. Given the concerns set out in relation to the principle of development, the lack of a supporting Transport Statement fails

to clearly demonstrate the acceptability of the scheme with regard to the policy context.

- 8.21 While the application site lies on a strategic cycle network route. It is noted that there are no dedicated cycle paths or dual cycle path / footway close to the site. The Ely trail lies approx. 325 m to the north of the site and worshipers would be required to use main roads, protected only by parking and loading/unloading restrictions to access the site by bicycle.
- 8.22 PPW promotes the principles of sustainability in any development. The proposed occupiers of the application site are a city wide congregation and consideration needs to be given to alternative transport options available. Around a third of the congregation identified by the applicant living within the western area would potentially have a minimum 15 minute walk plus bus ride. The nearest train station is approx. 900m away at Waun-gron, Fairwater.

Third Party Representations

- 8.23 In respect of the third party representations which have not already been addressed in the report:
- In regard to objections raised on parking and highway safety grounds. The Councils Highways Officers have confirmed the proposed on-site parking provision is acceptable. Any additional comments received regarding Highway Safety concerns will be reported to committee.
 - The level of publicity undertaken for this application meets the requirements of Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. LPA officers have met with the objectors' representative on, at least, two occasions and have undertaken telephone and e-mail dialogue when contacted.
 - In general the fact a development is for a specific religious body or religious purpose is not in itself a material consideration in determining a planning application. The need for a use that is considered as a community facility is a consideration and while a petition objecting to the application citing the lack of local community users as a reason is noted a further petition in support, citing the need for this community facility in the wider community has been received. The supporting statement references the use of the building for children and youth activities run by the Church although is not clear on the extent of wider community involvement. It is considered that a refusal could not be sustained on lack of need for an additional community facility.
 - The use can be restricted to a specific use within Use Class D1, in order to prevent further changes of use without proper assessment.

Other Considerations

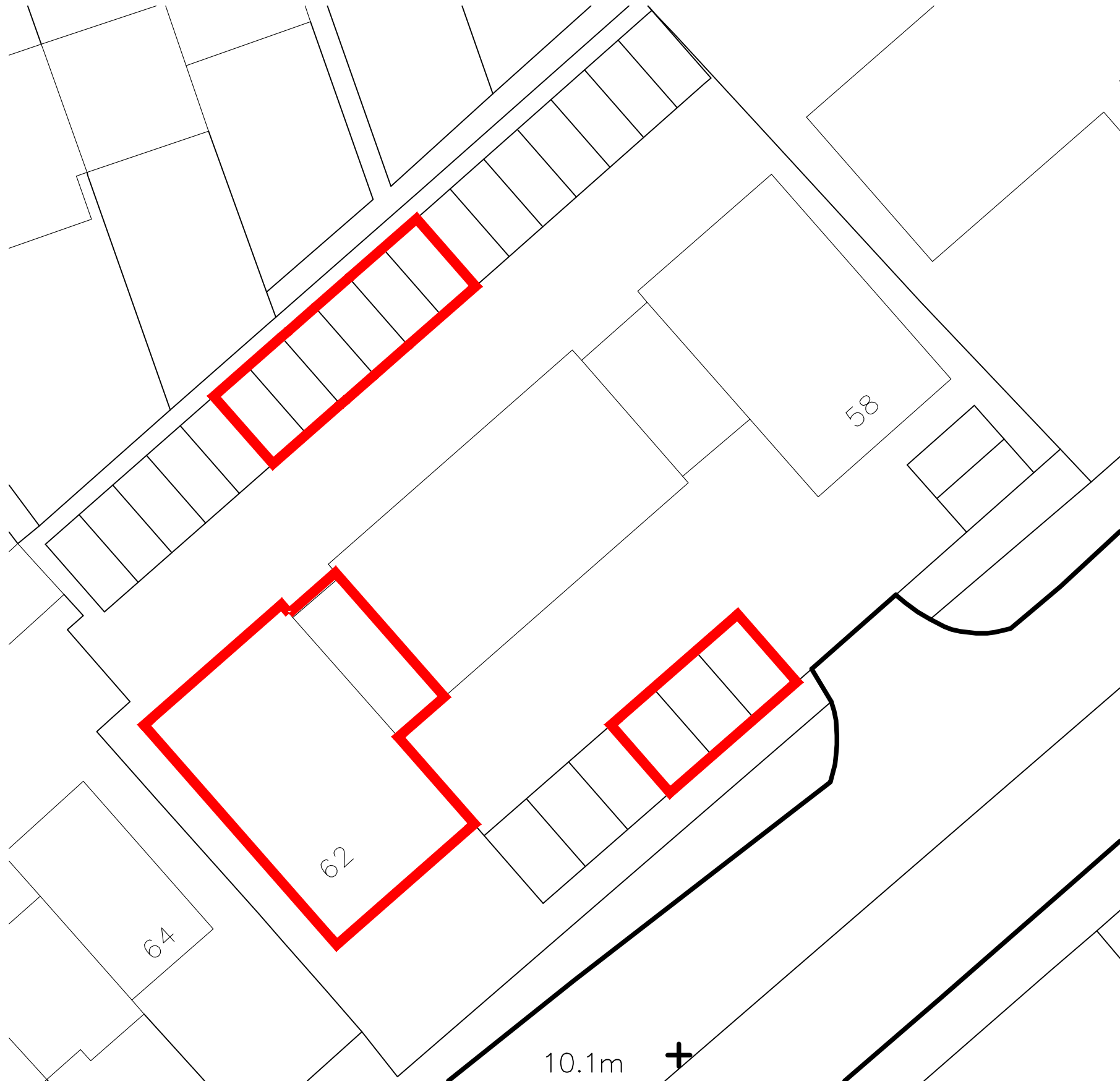
- 8.24 Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the

evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

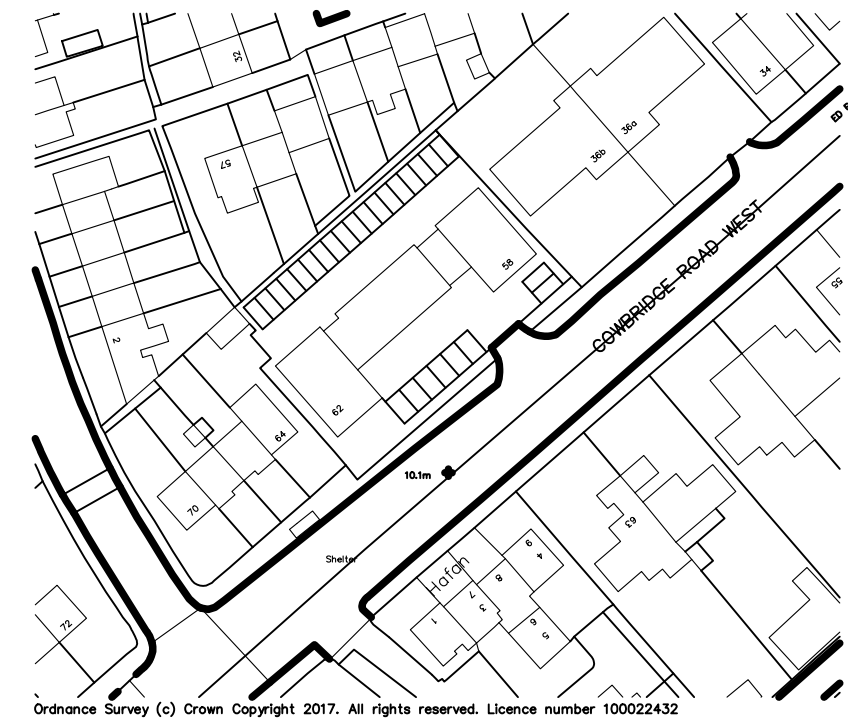
- 8.25 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

9. **RECOMMENDATION**

- 9.1 The principle of the change of use from B1 to D1 raises no objection in land use policy in terms of the loss of a B1 office unit. However, concern is given to the location of the unit out of the main centres and the impact of the use on neighbouring residential amenity and from the potential for traffic / parking issues arising and as such the application fails to meet provisions within paragraphs 8.7.1 and 10.1.6 of Planning Policy Wales (Edition 9, 2016) and criterion within Policy C1 of the LDP.



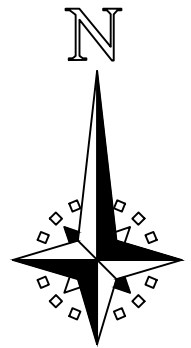
SITE PLAN
1:250




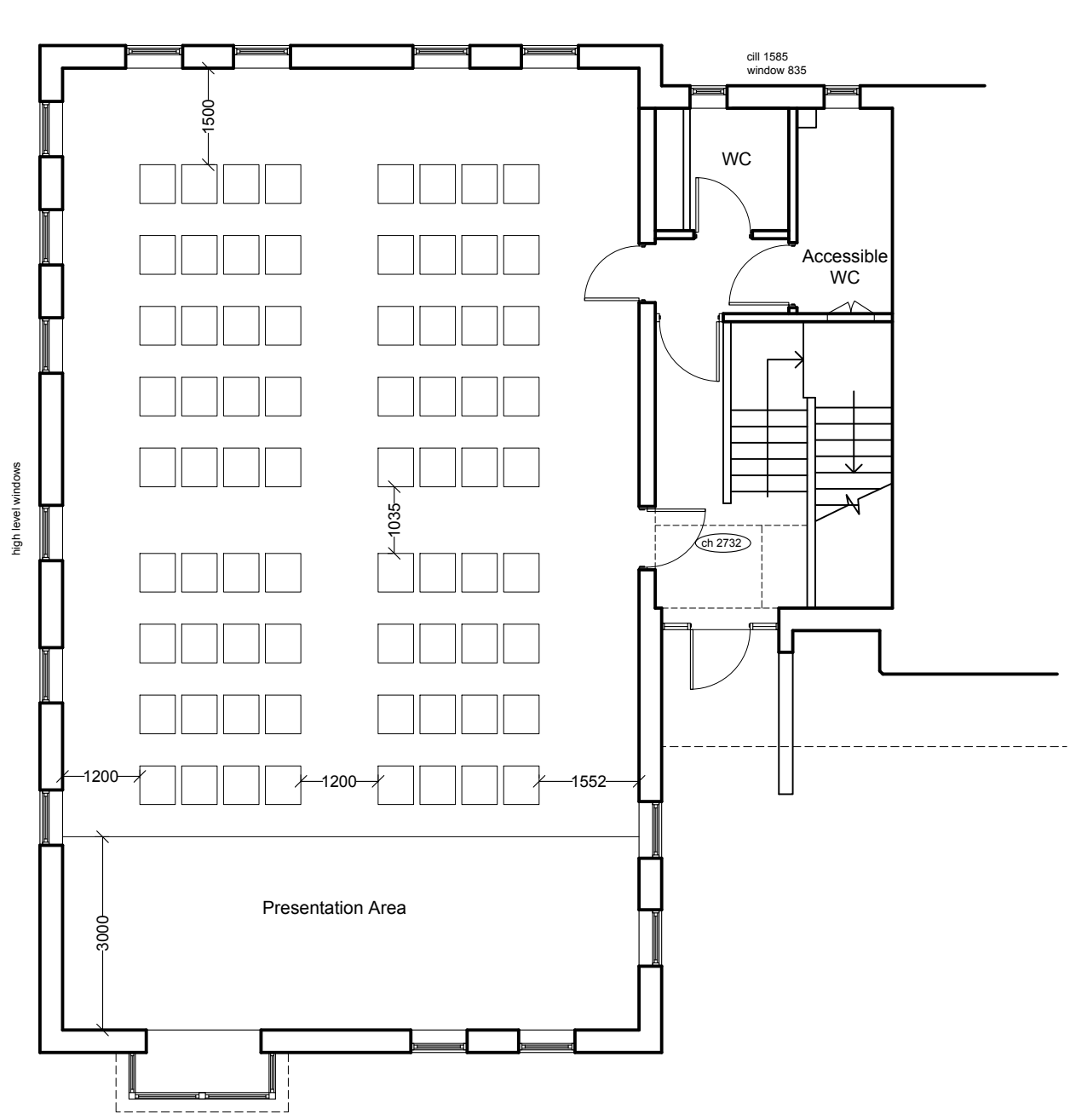
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LOCATION PLAN
1:1250

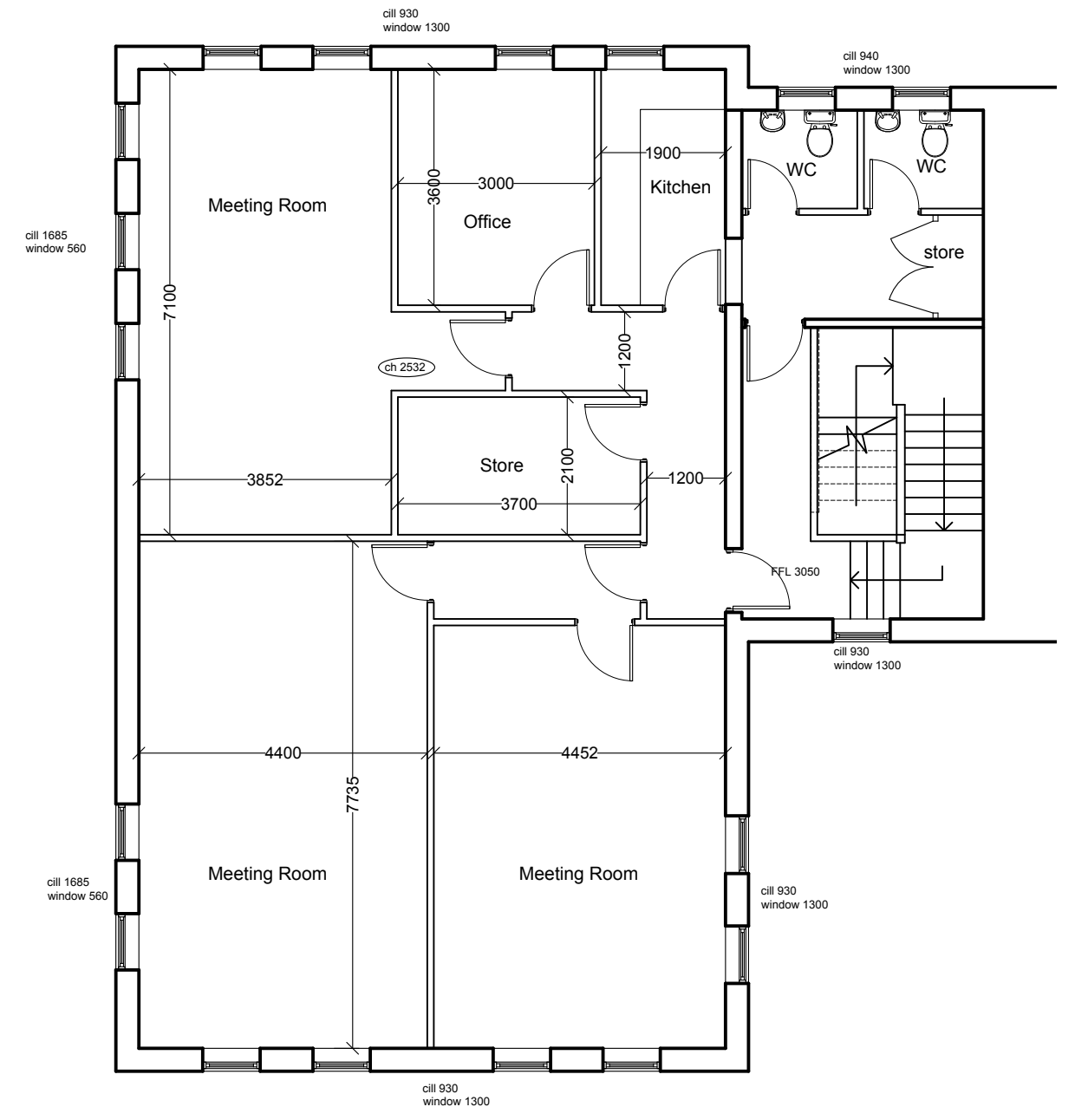
AMENDED PLAN
17/01183/MNR
19.06.2017




Unit 1, Cowbridge Rd West Cardiff		Job No. 17_020
Title Lease Plan		Dwg No. Rev. L(01)01 B
Date 26.04.2017	Drawn G.W.L.	Scale 1:250/1250 @ A3
 Architects · Town planners Environmental & Urban design		
Unit 1A, Compass Business Park, Pacific Road, Cardiff. CF24 9HL		www.c-architects.co.uk tel: 029 20452100



GROUND FLOOR



FIRST FLOOR

Unit 1, Cowbridge Rd West Cardiff		Job No. 17.020
Proposed Plans		Dwg No. Rev. AL(00)02 A
Date March 17	Drawn kp	Scale 1:100 @ A3
 Architects · Town planners Environmental & Urban design		
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small>		<small>www.cjarchitects.co.uk tel: 029 20452100</small>