

LATE REPRESENTATIONS SCHEDULE
PLANNING COMMITTEE – 11TH OCTOBER 2017

PAGE NO. 1	APPLICATION NO. 16/02934/MJR
ADDRESS:	WINDSOR BUILDINGS FERRY ROAD
FROM:	The Architect (in response to the Planning Officer's invitation to withdraw the application)
SUMMARY:	Has forwarded the attached letter
REMARKS:	<p>Noted. The Architect defends the concept of the scheme and the design process behind it; and cites a number of developments in Cardiff and London which have similar features, and also provides some theoretical layouts of alternatives for the Ferry Road site development if it were to encompass the area of the motor repair garage.</p> <p>The letter conveys a contrary view of the development proposals to that held by the planning officer, making particular reference to the single aspect nature of the development, the finned screen, the privacy implications of the entrance to the occupier of flat 1, the relationship with the adjacent site; and the relationship with the development in respect of the adjacent street trees.</p> <p>All of these issues raised are covered within the report, and none of the examples are the scheme before planning committee to determine, which has it's own particular site context / constraints.</p> <p>The Planning Officer's recommendation to planning committee remains unchanged.</p>

GILLARD ASSOCIATES

architecture and design

Mr R Cole
Development Management
County Hall
Room 201
Atlantic Wharf
Cardiff
CF10 4UW

6th October 2017

Dear Sir:

Planning Application
Windsor Buildings, South Clive Street, Ferry Road, CF11 0JL
Planning Application No: 16/02934/MJR

I am writing in response to your email sent to Andrew Bates on 29th September regarding the above application. Since a lot of the criticism concerns design matters I feel that I must respond also on behalf of the applicant, in an attempt to clarify what appears to be misunderstanding of our proposals.

Gillard Associates has a lot of experience in housing of all types, and whilst there are always things to learn, within the rather restricted area of designing social housing developments I consider that our proposals are sensible, appropriate, and of good quality, and respond to the challenge of providing good solutions to social housing needs in the urban environment.

In particular these phrases quoted from your email stand out as being misguided or incorrect, and will be addressed in the discussion below:

'I have never been convinced by the single aspect nature of the proposals'

'Alan Gillard has attempted to resolve issues of privacy and security with a finned screen'

'the repositioned entrance introduces a privacy implication for flat 1'

'I am not convinced of the relationships which would result with the adjacent site'

'the issue of the limes [trees] is still outstanding'

Far from being fundamentally flawed, as you have suggested, the design principles behind the proposals are well founded, and proven. In my opinion, the design would not differ fundamentally if the adjacent site was also available for simultaneous housing development. Taking each statement in turn:

/cont'd over

GILLARD ASSOCIATES LTD
Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY
Tel 02920 229133
e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522

A) Single Aspect Proposals

You imply that a single aspect design is unusual. For this sort of inner city development, single aspect flatted developments are actually the norm. The city of Cardiff has large numbers of these and they are proven to be the most efficient way of maximising views and natural light on the principal elevation, whilst providing easy legible access balconies on the reverse elevation. The most recent examples are being built near my own office in Watkiss Way.



New single aspect flats on Watkiss way

The deck access balconies on this block are longer than the ones we have designed on Windsor buildings. They are open, not enclosed, and allow a small balcony adjacent to each flat entry point, as our proposals do.

A single aspect flat is not something to be discouraged. Natural ventilation can be achieved by keeping access balconies open. The main aspect engages with the street to provide an active frontage and helps to achieve good street surveillance. The proposals are at a scale which is not overbearing, and provide attractive visual interest and improve the street scene.

B. Privacy and Security to Adjacent Site

Our proposals indicate a finned or slatted screen so that the open outlook (shown by the above example) would not impinge on the adjacent property, MoT garage. You originally suggested we enclose the access decks to prevent overlooking. It is difficult to see how this would be less claustrophobic and improve living standards, and it would lead to problems of light and ventilation to bathrooms and kitchens, and would necessitate artificial lighting and ventilation.

Another problem with enclosed circulation is overheating. Gillard Associates was a consultee in the Low Zero Carbon Hub's report on 'Overheating in Homes: The Big Picture' and is credited. In social housing, enclosed corridor access in flats tend to overheat due to the desire by occupants to keep heating bills down; the heating system the over compensates by delivering excess the corridors. This is an area not yet covered by Welsh Building Regulations, and we want to impart out technical knowledge in our designs so that when built, problems are not embedded in the design.

/cont'd over

GILLARD ASSOCIATES LTD
 Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY
 Tel 02920 229133
 e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522

In our opinion, the best solution is to have simple handrails and no enclosure. An open view does not compromise the adjacent site, which is merely a roof area. It does not preclude development of the adjacent site, and this will be discussed in a later section. All in all, a compromise was adopted which will allow light, air, and glimpse views, all of which will ensure that living standards reflect those widely adopted across the city.

The best way around this impasse, might be the granting of a planning condition so that the best solution, based on aesthetics, privacy, and building physics, is achieved by consultation, but it should not be a reason for refusal.

C. Privacy and Security to Road Frontage

If a single aspect solution is adopted, it is clear that the relationship of the living accommodation with its outlook must be carefully managed. If the outlook is onto a street, this is not necessarily a bad thing, although we would always suggest that a buffer zone be incorporated to avoid the somewhat compromised relationship illustrated by the new flats built opposite the application site. In these buildings the windows are directly onto the pavement. This is something which we would not suggest.



Examples of flatted developments with no buffer zones at street level opposite the application site



/cont'd over

GILLARD ASSOCIATES LTD
 Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY
 Tel 02920 229133
 e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522

Our original proposals incorporated open areas behind planting, a distinct improvement on the sort of developments already approved by the planning authority. After the first refusal, where open spaces were not considered acceptable, we adopted a radically different design approach, which is coincidentally the way in which an award winning housing project – Windmill Court in the London Borough of Waltham Forest - was designed. These flats are almost identical in size and outlook to Windsor Buildings. Since the scheme won the 2016 Housing Design Awards, it can be deduced that it provides excellent standards of accommodation for its occupants, and Mr Coles' concerns about light, which are subjective, are incorrect.

In our proposals, as with Windmill Court, the sunspace offers residents the chance to decide if they wish to slide the glazed screens open or keep them closed. They will help reduce noise and dust. They will provide opportunities for planting and furnishing. They will allow occupants to reach out, or retire inside. In a scheme where the ground floor flats are likely to be designated for less able tenants, this ability to engage with the world outside will be an advantage.



Award winning housing in London follows a similar approach with winter gradens and balconies



/cont'd over

GILLARD ASSOCIATES LTD
 Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY
 Tel 02920 229133
 e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522

This concept also applies in relation to another source of criticism: the window adjacent to the main entrance. You suggest that the proximity of the dining room window to the front door of the main entrance lobby will be a security and privacy problem. This is looking at the issue from one point of view, ie, the potential of the occupant to be disturbed by comings and goings to the main entrance.

Complete separation seems only to increase the isolation of the occupants. It is highly likely that the tenants of the ground floor flats may not be able bodied, and we are hoping, through the means of design, to allow active engagement **should the occupant wish it**, with passersby and other residents. The resulting casual social encounters can be life savers for those who suffer from mental health issues, particularly in single person accommodation. If the owner of the window wants privacy, blinds can be employed.

It should also be remembered that it will be the tenant who decides whether or not to occupy these ground floor flats. We are keen to build communities, not just buildings, and it is our experience that humans crave interaction with their fellows, and that we should be providing an opportunity for tenants to exercise this desire, **should they so wish**. We do not want to build isolated enclosed developments where privacy appears to be the LPA’s main criteria for judging what is or is not good housing design. Rather, we wish to build homes which can be manipulated and controlled by the residents according to their own feelings.

Our work in this area has been recognized nationally and we are creating models for housing which are sensitive to the creation of communal identities. Notwithstanding this, we have identified numerous examples of housing, both private and social, where privacy on streetside dwellings is much less considered than this application, and it is difficult to see why these standards are applied apparently in an inconsistent manner.

D Adjacent Site

It seems to me that the resistance of the LPA to this proposal is not based on the ‘fundamental flaws in the proposed design’: we have demonstrated that the design is attractive, responsive to the street scene, and will provide secure and spacious accommodation for its tenants. Rather, the resistance is because the LPA would prefer to see a combined application which includes the adjacent MoT garage site. Despite many efforts by the applicant it has not been possible to make a joint application for both sites.



aerial view of site

It is implied that the development of the application site on its own will prevent future development of the adjacent garage. In order to help his understanding of a future phase we provided an outline sketch or block plan indicating how a housing development here might proceed.

/cont'd over

GILLARD ASSOCIATES LTD
 Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY
 Tel 02920 229133
 e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522

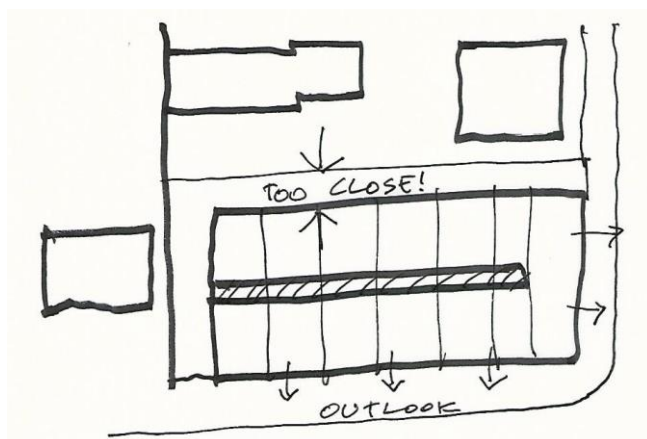
You have stated that you are not convinced by the sketch. We can demonstrate why this is not only an effective way of developing the site, but that it is probably the only feasible way (financially and practically) of developing it, given the site constraints.

If the application site can be labelled Plot 1, the adjacent garage site can be called Plot 2. Plot 1 is open to the street on the north and east boundaries. The south and west are enclosed by Plot 2. Let us consider what would happen if the site was completely levelled. Would the design proposal be any different for the two properties together? What sort of development could be envisaged?

It is almost inevitable that the sites, even if they were available to develop jointly, would become a site for social housing, in the form of 1 bed and 2 bed flats, for which there is an urgent and established need. Discussions with the planning case officer confirm that this is the preferred option for development. The following discussion or decision making logic is therefore one which a competent housing designer would engage in, at first principles.

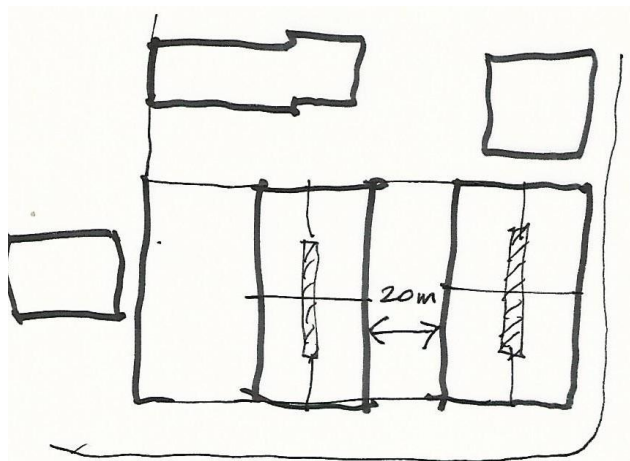
Since the land to the south and west sides are housing schemes with private amenity, no overlooking would be permitted on these boundaries (refer google earth site view). The combined plots are open only on the north and east sides, therefore, the only views permitted from the new development can only be

- outwards, ie, onto the street, or
- inwards, so long as minimum distances under the SPG for proximity of overlooking windows are followed.



Option 1: Dual Aspect

It can be seen immediately that this would require overlooking of the west boundary from a distance of around 4m and would be unacceptable.



Option 2: Two Blocks with courtyard gardens

/cont'd over

We could try turning the dual aspect flats through 90°, (fig 2). This would result in two blocks, with minimum 20m spaces between. This would allow 24 flats, but with a somewhat interrupted street scene, and open spaces which are not pleasant. There is no central access point, leading to ambiguity and decreased security.

GILLARD ASSOCIATES LTD

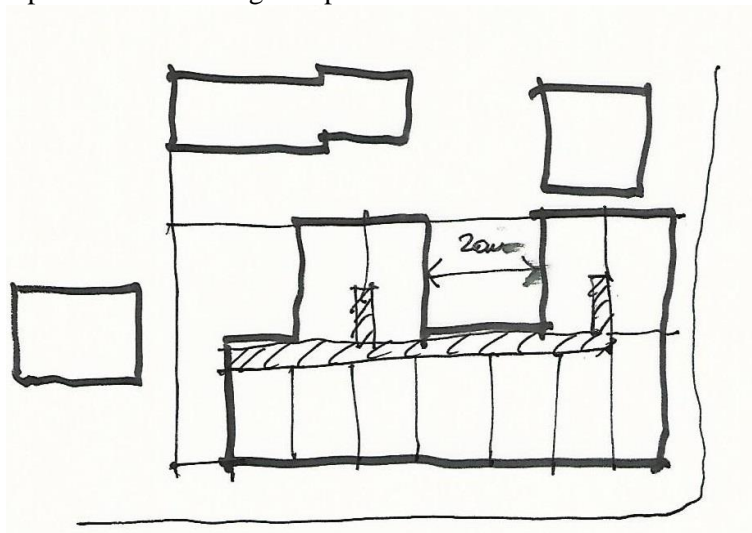
Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY

Tel 02920 229133

e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522

Option 3: Linear Single Aspect and Two Blocks



The best combination of forms, provides an uninterrupted street frontage, on the north and east boundaries, and another block inserted in the space between the main building.

In this way all 30 flats (18 in the frontage and 12 in the two blocks behind) can be accessed by a deck which are in turn accessed from a single node on the main road junction. This maximises light, views, increases vertical efficiency, leads to coherent and legible circulation, and provides residents with a safe secure and generous amount of space.

This option is the solution which Mr Coles remains unconvinced about, but it can be argued that it is the only viable solution given the current state of funding. In our opinion, it is immaterial whether the site is developed in one or two phases. Clearly, in terms of economy of scale, it is preferable that the site is developed in one operation. However, it is also clear that the design can be implemented as a whole, or in two parts. Plot 2 is accessible separately, but just as easily, provision could be made to link the circulation with Plot 1 at a future date, if that were considered desirable.

E Trees



Street trees in Clive Street



Pontcanna

It is stated that the issue of proximity of trees to the new building has not been resolved. This is not an omission but a deliberate policy on our part.

In our opinion, it is not sensible to prevent development adjacent to trees (so long as they are adequately protected during construction) using the argument that residents will agitate to have the trees removed. Trees are valuable assets when properly managed, they provide health benefits, and habitat for other species.

/cont'd over

GILLARD ASSOCIATES LTD
 Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY
 Tel 02920 229133
 e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522

Many parts of Cardiff have street trees, see photos above, and these streets are the better for them. In the examples we have identified, see photo, it seems clear that the health of the trees has been unaffected by the proximity of people living nearby. It has been shown that if residents relate to the trees around them, they will act as protectors and whistle blowers should anyone wish to harm them. Rather than seeing residents as a threat to trees, the LPA should consider that trees will thrive in a sort of symbiotic relationship with people which benefits humans, wildlife, and the trees themselves.

F Amenity

The scheme is criticized because of the lack of amenity, and the implication is that the development will provide a substandard place to live.

It is common for flats to have no shared external amenity space in the inner city, and the SPG supports this. The application design allows more than the minimum amenity in the form of balconies or winter gardens. The illustration below is of a newly completed social housing scheme on Cowbridge Road East which relies on balconies in a similar way.



Social housing on previous Canton police office building with balcony amenity space

Conclusion

When approaching any housing design, the architect must be aware of all the constraints and opportunities presented by the site, planning policy, and supplementary guidance. We must also be aware of the target market, and the way in which this may impact on the type, size, and disposition of the dwellings.

/cont'd over

GILLARD ASSOCIATES LTD
 Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY
 Tel 02920 229133
 e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522



In our opinion, the current design

- provides 18 generous single bedroomed flats in excess of DQR requirements to help meet a growing and urgent need for housing
- meets planning policy guidelines for amenity and exceeds the standards already approved on many other recent developments
- provides tenants with safe secure and generous standards of accommodation and has the facility to become a real community with its own identity and sense of place
- replaces a sub standard building with one which provides an elegant appropriate and attractive response to its urban location
- provides an efficient framework for the creation of a second phase if the adjoining site is ever presented

I trust that the above information will help convince you that, far from working hard and failing to resolve difficulties in the design, we have from the outset designed a building based on sound design concepts which make the most of a challenging inner city site. Any perceived difficulties appear to be the result of an adjoining landowner who is not keen to co operate with the applicant, a situation which, arguably, a planning consent will help to bring about.

Failure to grant a consent in principle for these dwellings would also, in my view, be an example of applying a different set of standards to those normally used to assess residential developments of this nature.

I would be pleased to discuss with you any issues which you are still not convinced about, but trust that this letter will have helped go some way to providing clarity.

Yours sincerely

Alan Gillard RIBA
Gillard Associates Ltd

cc Andrew Bates, Geraint John Planning
Chris Burrige, Roath Housing Ltd

GILLARD ASSOCIATES LTD
Quaypad Cardiff Marina Watkiss Way Cardiff CF11 0SY
Tel 02920 229133
e-mail alan.gillard@gillardassociates.co.uk

Company Reg No 7922522

PAGE NO. 1	APPLICATION NO. 16/02934/MJR
ADDRESS:	WINDSOR BUILDINGS FERRY ROAD
FROM:	The Applicant's Agent
SUMMARY:	Has forwarded the attached letter
REMARKS:	<p>Noted. The agent was advised of the Planning Officer's intention to recommend refusal of the application on the 29th Sept and was offered the opportunity to withdraw the application.</p> <p>The applicant has not chosen to do this and the application is therefore presented to planning committee for refusal.</p> <p>The agent reiterates a number of points made in the application submission as to why they consider the scheme to be a positive response to the previous refusal of planning permission and dismissed appeal. A number of other developments are also quoted where the Planning Officer has concluded a contrary view to those provided as reasons for refusal within the recommendation. The agent also responds to the reason for refusal in respect of the proposal being prejudicial to the future development of adjoining land by re-presenting a drawing showing how the adjacent site might be developed if the application were allowed.</p> <p>The agent disagrees with the planning officer's conclusions in respect of the quality of accommodation proposed. However nothing is contained in the letter which changes the Planning Officer's view.</p> <p>The agent argues that other developments have been granted planning permission with little or no amenity space provision. This is factually correct, but not considered a desirable precedent, and not to be the development applied for or development within the same context of development proposed in the application, and not to have been considered against more recently approved Supplementary Planning Guidance which would seek minimum standards of amenity space provision. (Residential Design Guide Jan 2017).</p> <p>The developer thereafter argues 6 benefits of the proximity and view of trees provided by the National Forestry commission. The Planning Officer concludes these are essentially generic benefits and not intended to apply to street trees with canopies indicated to be within 1m of the apartment balconies or wintergarden windows to principal living rooms.</p> <p>In respect of the potential of the development of adjacent land, the</p>

	<p>planning officer reconfirms that the application does not propose this development, the merits (or otherwise) of which have not been considered and are not before planning committee to determine.</p> <p>It is notable however that even in sketch form, that the combination of the two adjacent sites might provide for the repositioning of the building proposed, to allow for a defensible front amenity space, moving windows back from the footway, potentially within a landscaped enclosure, at greater distance from the existing street trees, with a private amenity area to the rear, and a slightly more generous length to the site that might allow for additional units or alternative access options to those proposed. However again, these are not the proposals before planning committee to determine.</p> <p>There is nothing within the agent's letter that would persuade the Planning Officer that the development is acceptable.</p> <p>The Planning Officer's recommendation to planning committee remains unchanged.</p>
--	--



Geraint John Planning

Andrew Bates
E: andrew@gjplanning.co.uk
T : 02920 660244
F : 02920 660243
M : 07807 800272

33 Cathedral Road
Cardiff
CF11 9HB

www.geraintjohnplanning.co.uk

8th October 2017

Mr R Cole
Development Management
County Hall
Room 201
Atlantic Wharf
Cardiff
CF10 4UW

Dear Sir,

Planning Application
Windsor Buildings, South Clive Street, Ferry Road, CF11 0JL
Planning Application No: 16/02934/MJR

I refer to your email of the 29th September 2017, which raised concerns regarding certain aspects of the above scheme and subsequently to the Committee Report which we discovered on the Council's website on 5th October 2017. I have extracted the recommended reasons for refusal and provided responses to the issues raised where appropriate below:

1. *'The development, by virtue of whole site coverage/siting and design, would realise a poor quality of living environment, outlook, and lack of amenity space provision for future residents, contrary to policies KP5: [GOOD QUALITY AND SUSTAINABLE DESIGN] and H6: [CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE] of the Cardiff Adopted Local Development Plan 2016'.*

The above recommended reason for refusal clearly encompasses a number of different issues, and for the sake of brevity we will only comment on what we understand to be the key issues:

Poor Quality Living Environment

The proposed affordable apartments far exceed the minimum floor area requirements of the Planning Authority. The applicant's intention is to provide a quality social housing development which will be "built out" and managed by a Registered Social Landlord. Accordingly, if the development is not of suitable quality then the scheme would not be brought forward by an RSL as it would fail to meet the strict requirements for an RSL and DQR and WHQS standards. It is worthy of note that the applicant has been advised by an RSL of their interest in developing the scheme.

Outlook

In paragraph 8.10 of the report it states: *'The principal outlook from the ground floor apartments, being the outlook onto South Clive Street would now be enclosed by the glazed winter gardens position at the back of footway'.* The applicant questions how this outlook would differ from the majority of terraced housing stock within the area which fronts directly onto the footway.

Amenity Space

Paragraph 8.5 of the Committee Report states in relation to the provision of winter gardens and balconies: *'The arrangement is considered poor in comparison to a truly defensible garden space, but is probably not objectionable on planning grounds'*. Accordingly, the reference to amenity space within recommended reason for refusal 1 should be deleted by the Officer's own admission.

Furthermore, we would question why the requirement for amenity space differs on this site to so many other sites within the City. There are modern developments within close proximity to this site which have been approved without any amenity space for some units, such as the former Plymouth Hotel, 171 Clive Street for a 3-4 storey building to provide 18no. flats, (Planning Permission No. 07/02356/C).

Application 16/00117/MNR – for the redevelopment of 12 Clive Road, to provide 9 flats was approved by Committee in November 2016. This scheme provides a very relevant comparison case study:

Paragraph 8.8 of the Committee Report states:

'The development will provide a reasonable standard of accommodation for future residents. All the apartments will have a floor area of more than 40 square metres and although no private amenity space would be provided as part of the proposed scheme, it is noted that eight of the nine apartments are 1 bedroom properties and would not therefore represent family accommodation. Also, the site is within a short walk of both Thompsons Park and Victoria Park. While the provision of some form of amenity space provision would generally be expected, it would on balance be difficult to sustain a strong objection to the proposal on this issue alone'.

The approved scheme for 12 Clive Road proposed no private amenity space whatsoever, nor did it provide any shared amenity space. The lack of any amenity space was justified as it was within a short walk of Thompson's Park (500 metres – 6 minute walk) and Victoria Park (600 metres – 7 minute walk) and because the majority of flats were 1 bed flats, not family accommodation it was considered the need for amenity space was not as great.

By way of comparison the scheme subject of this application before Committee today also predominantly consists of 1 bed flats (with only 3no. 2 beds), however this scheme benefits from an average of 8.15 square metres of private amenity space for each apartment, and is merely 98 metres (a 1 minute walk) from the Marl Park.

Please note that both the scheme referred to above which received planning permission and the scheme before you today have been assessed against the policies of the LDP and SPGs – there has been no change in adopted policy or guidance, either locally or nationally to explain the difference in the assessment of the amenity issue within these two applications.

The Inspector in assessing the previous appeal made the following points:

....'the scale of the proposed landscaping would be appropriate'. There was no direct commentary upon the provision of amenity space and the only other passing reference to this was in paragraph 19:

'The proposed development would result in a poor quality of amenity space (within paragraph 19 of the Inspector's report).

Following the Inspector's comments regarding the quality of amenity space provided as part of the previous scheme significant amendments were made. The winter garden idea evolved

out of a desire to provide secure amenity space, which would provide attractive space to spend time throughout the year, regardless of inclement weather. The winter garden design could be fitted with large opening (sliding) windows which would enable residents to enjoy fresh air in warmer weather but would still allow them high levels of security. In response to the comment regarding daylight now needing to pass through two sets of glazing to enter the living rooms we would suggest that the residents now effectively have two living rooms. The winter garden element can be used during the day time as a living area as well as an outside amenity area. After dark the residents would be more likely to retreat further into the flat. Therefore, residents will have the choice regarding where they want to locate within the flat and this will provide them with flexibility depending on their preference with regard to privacy, natural light levels or climatic temperature. Future residents would also of course have the opportunity to erect curtains across the front windows of the winter garden area if they wished to have more privacy etc.

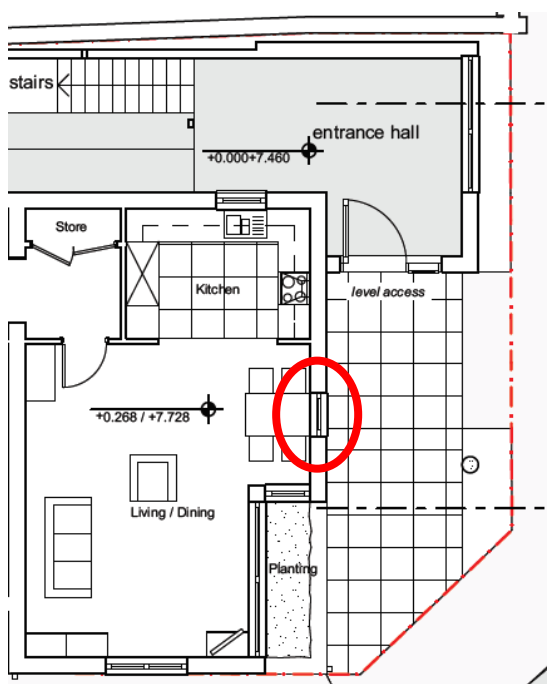
Access

Quality of the access to the development has not translated through to a recommended reason for refusal. However, paragraph 8.12 of the Committee Report states: *'The first floor accommodation, being accessed from a walkway similar in character to an American Motel model, is also considered compromised by the proximity of the boundary of the autocare repair centre'*. The applicant wishes to draw to the attention of Committee Members the Inspector's assessment of the access arrangements within the previous scheme (which remain largely unchanged):

'I consider that the internal access arrangements to the first and second floors to the proposed building would be acceptable and broadly similar to those of a number of recently constructed flatted developments in the wider locality'. This aspect of the scheme remains largely unchanged'.

2. *'The location of the principal entrance to the building would provide an unacceptable privacy relationship with the main living room window in ground floor flat unit 1 contrary to policies KP5: [GOOD QUALITY AND SUSTAINABLE DESIGN] of the Cardiff Adopted Local Development Plan 2016'*.

I have extracted part of the proposed floor plan for ease of reference:



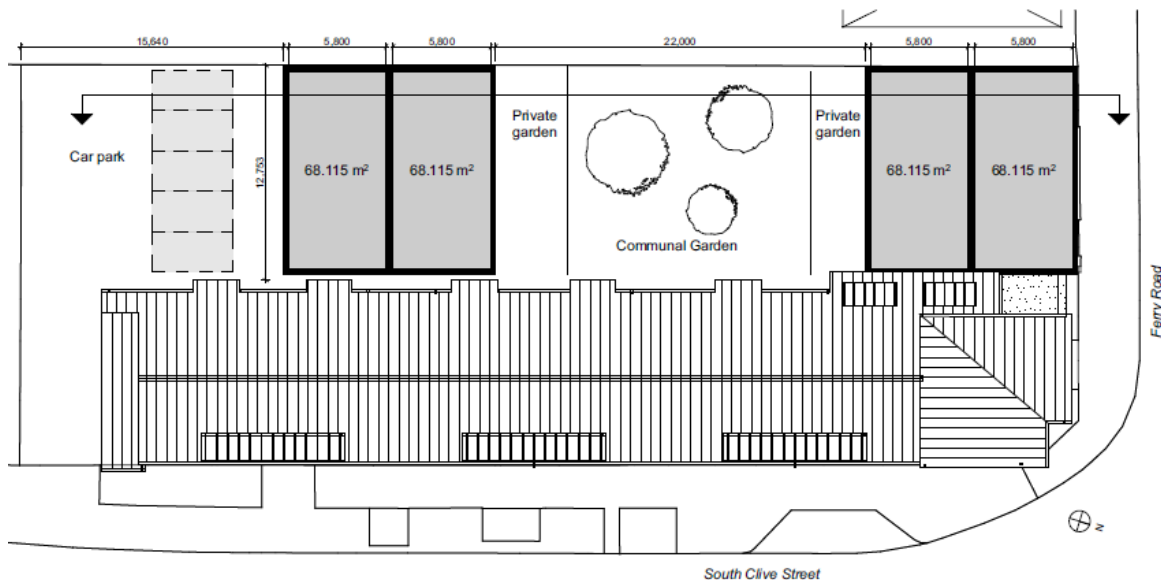
The open plan living/dining room and kitchen area of the ground floor flat is served by 4no. windows in total. 2no. windows are proposed within the side elevation, which face onto the footpath which accesses the development. The main window has been designed with a large planter box to the front so that no one could stand directly in front of the window and look into the flat and secondly, the planting within the planter could be managed and planted according to how much privacy the occupants of the flat desired. The secondary window which serves the dining area of the open plan accommodation is not considered to be necessary and could be either deleted from the scheme or should the LPA consider necessary be obscurely glazed.

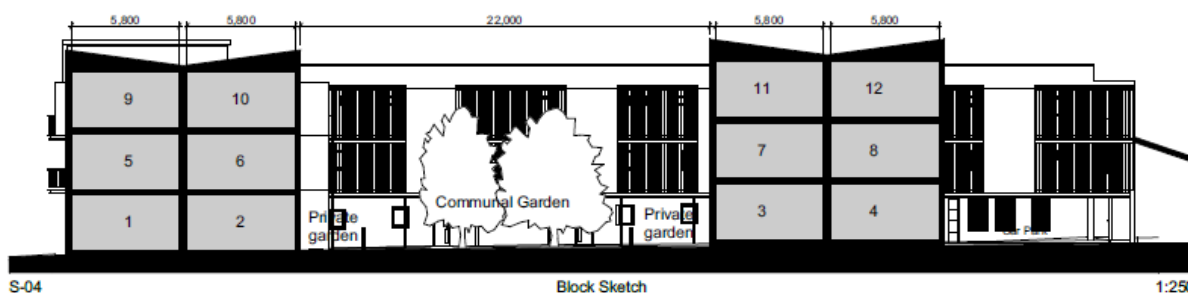
3. *'The development by virtue of whole site coverage and design is considered to be prejudicial to the future development of the land to the west, contrary to policies KP5: [GOOD QUALITY AND SUSTAINABLE DESIGN] and H6: [CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE] of the Cardiff Adopted Local Development Plan 2016'.*

The above reason for refusal is completely at odds with the conclusion of the Inspector for the previous appeal on this site. The Inspector concluded on this matter:

'Whilst I recognise that a comprehensive approach to the development of these sites might be desirable, it is clear from the evidence presented that the sites could, in principle, be developed independently'.

The site plan below is purely indicative, and has been drafted to show how the adjacent site could be developed at a future date alongside the development subject of this application. The scheme shown below, whilst only in sketch form complies with all adopted guidance regarding privacy distances etc.





Recommended reason for refusal no.3 is not only unreasonable and at odds with the view of the Inspector it unfairly effectively leaves the applicant entirely beholden to the owner of the adjacent property, who has repeatedly declined to enter into dialogue regarding the sale, or redevelopment of his site.

4. 'The development by virtue of the necessity to modify and repeatedly prune the three street lime trees would realise an unacceptably detrimental impact on the verdancy of the streetscape and likely requests to fell the trees from future residents given the proximity of the trees to primary living spaces within the building contrary to policies KP5: [GOOD QUALITY AND SUSTAINABLE DESIGN] and EN8 [TREES, WOODLAND AND HEDGEROWS] of the Cardiff Adopted Local Development Plan 2016'.

For clarity the Local Authority's Tree Officer has confirmed, (and this is contained within the Committee Report) that:

'Unacceptable harm should not result to the trees directly as a result of development'.

In addition we would like to draw to the attention of Members that the applicant has offered to pay for the provision of an additional tree to be planted at the Marl, for the maintenance of this tree for a period of 5 years and for any maintenance costs for the upkeep of the existing street trees adjacent to the site for a period of 20 years.

The required works to the street Lime trees would be very minimal, and would amount to nothing more than trimming the trees back slightly from overhanging the eaves of the existing building – which of course the applicant is currently legally entitled to do for maintenance purposes. In addition it is worthy of note that periodically the Council itself maintains and prunes back the trees.

The future occupiers of the units would have a choice as to whether they reside in accommodation which is within proximity to street trees, many people would actively choose to reside in apartments with a view of deciduous trees. Furthermore, and perhaps most importantly the Local Authority has the power to decline any such requests for tree work, if it is unreasonable or would result in harm to the quality of the trees.

Notwithstanding the above, there is significant and mounting evidence of the benefits of living within proximity to trees. The NHS Forest website provides useful information regarding research into the health giving benefits of trees within our environment. The website, should you wish to review and from which we quote directly is: <http://nhsforest.org/evidence> .

There is mounting research evidence which backs up the case that the NHS Forest will help sites to realise the following, proven health, social, environmental and financial benefits. The benefits of proximity to, and view of trees are outlined below:

- (i) Accelerated Patient Recovery - Research has shown that patient recovery rates improve even if they can only view trees from their hospital window. Studies of cholecystectomy patients in

hospital found that they recovered more quickly with a view of trees and nature from their windows. Ulrich, R.S.,1984.

- (ii) Improved Community Health - Trees and woods can have a restorative and therapeutic effect on the mind. Trees have been found to enhance mood, improve self esteem and lower blood pressure.
- (iii) Improved Air Quality - Trees and woodland have a measureable impact on air quality, in particular by adsorbing pollutants such as sulphur dioxide and ozone, intercepting harmful particulates from smoke, pollen and dust and releasing oxygen through photosynthesis, thus reducing the incidence of diseases exacerbated by air borne pollutants. The negative effects of air pollutants are proportionately greater in urban areas, where trees are close to sources of pollution and nearer to people who might be affected – yet tree cover in urban areas is under threat.
- (iv) Reduction in Noise – Trees can reduce urban noise through sound deflection and absorption and this can in turn improve the environment for patients and staff. High noise levels have been found to increase perceived stress levels in staff, and bring about anxiety and sleeplessness in patients. Ulrich, R. 2000: 'Effects of healthcare environmental design on medical outcomes', 'Design & Health:
- (v) Help Reduce The Impact of Global Temperature Rises - Trees and woods can reduce the impact of the 'urban heat island effect' which occurs when hard surfaces in summer act as giant storage heaters, absorbing heat during the day and releasing it at night.
- (vi) Reduced Energy Costs - By providing shade and shelter trees can contribute to a reduction in a building's energy budgets. Deciduous trees in particular provide shading during hot summer months, reducing the need for air conditioning, whilst allowing solar gain to buildings during the winter, reducing the need for heating.

Conclusion

Since the dismissal of the appeal for application 15/00966/MJR the scheme has been amended in a number of ways, not least to reduce the number of units from 19no. to 18no. and to include the winter gardens at ground floor level and a general increase in the size of windows throughout the development to ensure greater levels of natural light to the habitable accommodation. In addition a greater number of balconies are now provided on the frontage to South Clive Street and the second floor the roof overhang above the proposed balconies has been 'cut away' to provide greater light levels.

The application before you was validated by the LPA on 9th December 2016. The application has been considered by the Officer for 10 months, on the understanding that we were able to enter into dialogue with Officers and would have the opportunity to discuss, review and amend the scheme where appropriate in order to overcome any concerns. The applicant was advised on Wednesday 4th October that the application was already on the agenda for Committee for the 11th October with a recommendation for refusal. Accordingly despite Officers being provided with 10 months to assess the application (8 months in excess of the statutory 8 week determination period) the applicant has been afforded 4 working days to consider the comments and provide a response to the issues raised.

Yours Sincerely



Andrew Bates
Associate
Geraint John Planning Ltd.

PAGE NO. 37	APPLICATION NO. 17/00969/MJR
ADDRESS	FORMER TYMNEWYDD CARE HOME, 343 HEOL TRELAI, CAERAU, CARDIFF, CF5 5LJ
FROM:	Welsh Water
SUMMARY:	Further observations have been submitted requesting one condition and advisory notes if the Authority are minded to grant permission. The advisory notes have been forwarded to the applicant
REMARKS:	Delete conditions 13 and 14 replace with new condition:- 13. Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5 l/s. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and renumber conditions 15-19 accordingly.

PAGE NO. 37	APPLICATION NO. 17/00969/MJR
ADDRESS	FORMER TYMNEWYDD CARE HOME, 343 HEOL TRELAI, CAERAU, CARDIFF, CF5 5LJ
FROM:	Planning Officer
SUMMARY:	Add additional condition
REMARKS:	19. Prior to the commencement of development the slab levels of the buildings, finished ground levels and existing ground levels shall be submitted to and approved by the Local Planning Authority and then implemented as approved Reason: To avoid doubt as to the finished levels of this development.

PAGE NO. 62	APPLICATION NO. 17/1143/MNR
ADDRESS	11 STATION ROAD, LLANISHEN, CARDIFF
FROM:	Mark Drakeford AM
SUMMARY:	I write in relation to the above named planning application. The applicants have contacted my office, as their own AM, Julie Morgan, is unable to represent them due to a conflict of interest issue. I am therefore taking forward their concerns as a neighbouring AM.

	<p>I write this in order to urge that the Council's attention is brought to the supportive online petition and the applicant's arguments over the issue of litter.</p> <p>In relation to litter, the applicants tell me that they have been in direct correspondence with the Head Teacher of Llanishen High School, and that they have agreed to work together to minimise litter.</p> <p>I understand that the applicant's petition supporting the application has over 1000 positive responses.</p> <p>I write to draw attention to the supporting submissions made available through the consultation process, which I have no doubt the committee will wish to take into consideration.</p>
REMARKS:	Noted

PAGE NO. 101	APPLICATION NO. 17/01291MJR
ADDRESS:	38-48 Crwys Road, Cathays
FROM:	Councillors Weaver, Merry and Mackie
SUMMARY:	<p>I would like to submit late representations regarding planning application 17/01291/MJR, on behalf of myself, Cllr Merry & Cllr Mackie.</p> <p>We are aware that existing planning permission has been granted on the site (15/01137/MJR). We objected at the time (at that point, Cllr's Knight, Merry & I were elected members and submitted the objection), and were disappointed a development of this scale was granted approval. We are pleased the scheme now has a reduction in the number of beds from the previous application as this may reduce the likely increased noise and traffic in adjacent streets, though we do not feel it fully mitigates the inappropriate scale of the development.</p> <p>We believe that should this application be granted, the developer must take action to protect nearby residents from dust from any construction work, in accordance with Policy EN13 of the LDP. There should be a condition similar to this added to the report:</p> <p><i>"Prior to the commencement of development a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from construction activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be</i></p>

	<p><i>implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.</i></p> <p><i>Reason: To assess air quality and agree any mitigation measures that may be required to safeguard the amenity of nearby residents in the area in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006-2026)."</i></p> <p>We would also like the Committee to ensure that, if approved, during construction the developer should be mindful of residents need to access adjacent streets, and not block the highway on Lucas Street or Woodville Road with vehicles, materials, or equipment.</p> <p>Our objection to the scale of the development remains, but understand that the previous planning application was granted on a similar footprint with more beds.</p>
REMARKS:	<p>That the members' comments are noted.</p> <p>Committee's attention is drawn to Condition 8 of the officer's report regarding the submission of a Construction Management scheme.</p> <p>It is recommended that condition 8 be amended to include the following wording:</p> <p><i>No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved in writing by the Local Planning Authority, to include as required but not limited to details of site hoardings, sites access, wheel washing facilities <u>and dust suppression measures</u>. Construction of the development shall be managed strictly in accordance with the scheme so approved.</i></p> <p><i>Reason: In the interests of highway safety and public amenity</i></p> <p>Matters relating to the public highway are included in Condition 7 and 11, and are further captured in Recommendation 4 of the Committee Report.</p>

PAGE NO. 125	APPLICATION NO. 17/1438/MJR
ADDRESS:	LAND AT FORMER ATC CENTRE, CALDICOT ROAD, CARDIFF
FROM:	Mr Lawley, Owner of 7 Chepstow Close.
SUMMARY:	A 34 signature petition has been submitted objecting to the proposal.

REMARKS:	The petition does meet the requirements to speak at committee, for which the lead petitioner has been informed. The objection is general in nature and does not highlight any matters not already assessed
-----------------	--

PAGE NO. 144	APPLICATION NO. 17/1490/MJR
ADDRESS:	PART OF FORMER PHOENIX ESTATE, CAERPHILLY ROAD, BIRCHGROVE
FROM:	Councillor F Bowden
SUMMARY:	If Planning Committee is minded to grant this application, could they please request that the parking spaces that will be lost to residents of Caerphilly Road, to enable access to the Aldi development, be mitigated in some way? Aldi committed to residents during the consultation period that they would provide facility for free resident parking within the new car park area of the development. Can this be made a condition of planning consent, please?
REMARKS:	See paragraph 8.23. It is not considered that such a condition would meet the 'necessary' test. Any arrangement for overnight parking will be at the applicant's discretion and would be managed privately.

PAGE NO. 144	APPLICATION NO. 17/1490/MJR
ADDRESS:	PART OF FORMER PHOENIX ESTATE, CAERPHILLY ROAD, BIRCHGROVE
FROM:	Applicant
SUMMARY:	<p>Aldi is delighted that the Planning Officer is recommending approval for the proposal to develop the currently vacant, brownfield site. The application proposes to introduce a new high-quality discount food store to serve local residents in the Heath and Birchgrove area, and would deliver a multi-million pound investment in to the area which not only regenerates an eyesore site, but also creates approximately 40 new employment opportunities all paid at industry leading rates.</p> <p>They have received a significant level of support for their plans. After writing to local residents to inform them of the proposals and inviting them to a public exhibition which was held in June 2017, 221 of the 325 unique responses supported the plans. In addition, 74 individual letters of support from local residents have been submitted directly to Cardiff Council.</p>

	They enclose a briefing document which provides further information about the application and the extensive discussions which have taken place to refine and improve the scheme. They strongly believe that the proposal presents a real opportunity to visually enhance a long vacant, problematic brownfield site.
REMARKS:	Noted

PAGE NO. 144	APPLICATION NO. 17/1490/MJR
ADDRESS:	PART OF FORMER PHOENIX ESTATE, CAERPHILLY ROAD, BIRCHGROVE
FROM:	Agent
SUMMARY:	<ul style="list-style-type: none"> (i) Section 106 – They intend to submit a unilateral undertaking to cover the contribution; (ii) Condition 3 (Construction Method Statement CMS) – They consider that the submitted CMS adequately responds to this scope, the document can be added to the list under condition 2, and this condition is not required; (iii) Condition 4 (Drainage Scheme) – the drainage scheme and calculations are listed under Condition 2, so this condition is not required. If any further information is needed, the trigger point could be amended to ‘Prior to Commencement of Development (excluding any demolition or remediation works)’; (iv) Condition 10 (Scheme for Improvements to Caerphilly Road) – the trigger point could be amended to ‘Prior to Commencement of Development (excluding any demolition or remediation works)’; (v) Condition 14 (Details of Hard and Soft Landscaping) – Amend to state ‘Prior to Commencement of Development (excluding any demolition or remediation works)’; (vi) Condition 18 (Delivery Hours) (7.30am-10pm Mon-Sat & 9am – 5pm) – As discussed, these hours are considered unreasonably restrictive. The most important delivery for ALDI is before store opening, so I suggest that at the least, deliveries are allowed from 7am Mon-Sat. In Noise assessment terms, 7am onwards is considered to be ‘daytime’ and ALDI’s standardised delivery scheme will ensure there is no loss of amenity. This would also early deliveries to leave the site earlier and avoid peak traffic. (vii) Condition 21 (Lighting Hours) (8am – 10pm Mon – Sun & 10am – 5pm Sun) – We suggest amending these hours to 7.30am – 10.30pm & 10.00am –

	<p>5.30pm. This will allow staff to arrive and leave the store safely during the winter months. Additional illumination at these times is unlikely to result in loss of amenity to neighbours.</p> <p>(viii) Condition 24 (Remediation Strategy) – This was included within the Site Investigation, which is also listed in the approved documents (Condition 2), so this condition is not required;</p> <p>(ix) 278 Highways Works – Subject to securing planning permission, ALDI require the store to be opened in 2018, which leaves a limited period for construction. As such, any further delays in a decision are likely to threaten the 2018 opening. As previously discussed, following the Public Consultation, there was a significant level of public concern raised over the re-inclusion of the bus lane within the proposals, which resulted in our formal application submission omitting the bus lane. ALDI have worked with highways officers in order to progress the alternative highways layout. However, in the event that Members raise concerns over the inclusion of the bus lane, rather than any deferred decision, they would like them to be given the opportunity to approve the highways arrangement as originally submitted. In this scenario, the wording of Condition 10 would need to be altered, together with a further condition to require submission of a plan showing the additional layout and access features (drawing 120334 P(1)103F). Alternatively, Members could delegate authority to officers to approve such revisions.</p> <p>(x) Brick Details – they propose to use the ‘Hanson County Red Smooth’</p> <p>(xi) Response to Pegasus Objection on behalf of Co-Op – Pegasus’ concerns cover the following main areas:</p> <ul style="list-style-type: none"> • the adoption of a large catchment area, which covers Zone 1 (the city centre) and Zone 3 (the location of the proposal); • the use of the 2008 household survey and 2011 retail study update evidence base, together with adjustments made to this data; and • Judgments on trade diversion and impact made within the retail assessment. <p>The Catchment Area is consistent with those used for other recent discount foodstore applications, that were ultimately approved by Cardiff Council. The GVA assessment on behalf of Lidl, for the Llandaff North proposal (14/01338/DCO), covered Zones 2 and 3 and focused on the four nearest centres</p>
--	--

	<p>(Llandaff North LC, Gabalfa Ave LC, Llandaff LC, and Merthyr Road DC). The GVA assessment on behalf of Lidl, for the East Tyndall Street proposal (15/00280/MJR) covered Zones 1 and 5 and focused on the four closest centres (Clifton Street DC, Splott Road LC, Salisbury Rd LC, and Bute Street LC). As such the current ALDI application study covers Zones 1 and 3 and focuses on the four nearest centres.</p> <p>The 2008 Colliers Retail Study and updates from the evidence base for the adopted LDP and has been used as the basis for studies supporting the above planning applications. Population and expenditure figures were updated and recent foodstore developments were factored into the assessment to test cumulative impact. Pegasus are critical of other adjustments to the data, principally the decision to re-apportion general citywide 'Local shops' and 'other' trade, to estimate impact on smaller centres not named in the study. While other studies have ignored such impacts, we have sought to provide an indication of localised impact, using reasonable assumptions.</p> <p>In apportioning trade, Pegasus indicate that too little weight has been given to distance from the proposal and too much weight to store size. As noted within the P&RS, the trade diversion patterns of the proposal and commitments were apportioned using Planning Potential's judgement (including analysis of spending patterns) and informed by earlier studies (such as those referenced above). To call for an empirical approach to attributing trade appears to suggest use of a 'gravity model' (directly attributing trade diversion to survey preferences), which is an approach that has been criticised by Inspectors. Such a method would focus ALDI's trade diversion on ASDA Coryton (the dominant food shopping destination in Zone 3), rather than nearby supermarkets such as Lidl Caerphilly Road, and Morrisons Ty Glas, as shown in the study.</p> <p>Co-op forecast trade diversions of 10% from their nearby stores to the proposal. However, no evidence is provided. The level of trade diversion from stores of this nature estimated within the P&RS is entirely consistent with other retail assessments in support of discount foodstores in the area. For Lidl Llandaff North, GVA showed a c. £0.1m trade diversion from Merthyr Road District Centre (Iceland and Co-op (listed as Somerfield)). Merthyr Road District Centre</p>
--	---

	<p>is closer to the Lidl store than the proposed ALDI store. However, we estimate four times the level of trade diversion (c.£0.4m) from the centre. Even under this worst case scenario, cumulative impacts are low.</p> <p>Similarly, the ratio between the proposal's turnover inside and outside of the study area is entirely consistent with the comparable cases mentioned.</p> <p>The Pegasus report incorrectly states that no trade is predicted to be diverted from Merthyr Road District Centre, when diversions from and resulting impact on Co-op and Iceland within the Centre are clearly shown within the tables and commented on within the P&RS (Table 5 & paragraph 6.38).</p> <p>Turning to Local Centres, in their assessment, GVA considered the nearby Llandaff North Co-op (constructed in 2013/14). GVA note that this store caters for a 'top-up' shopping requirement and indicated that the Lidl Llandraff North proposal had a 'negligible' potential to compete with the Co-op store. No impact was shown in the retail tables and the Council concluded that the proposed store was likely to pose no adverse impact upon the vitality and viability of designated centres. This is a very similar trading relationship to that likely to establish between Co-op Birchgrove and the proposed ALDI store.</p> <p>On need, even if there is a marginal underestimation of certain benchmark turnovers as suggested, we do not consider that this would materially alter the resulting identified need.</p> <p>They therefore reiterate the conclusions of their P&RS: There is a need for retail floorspace in the area; the proposal is no threat to the vitality and viability of existing centres; and the ALDI store proposal would not act to deter investment in any of the centres. The assessment also concludes that there are no sequentially preferable sites in the catchment area of the proposed development.</p>
REMARKS:	<ul style="list-style-type: none"> (i) Noted. The contribution will be required on completion of the unilateral undertaking; (ii) The CMS was informally submitted via email on 28 September, giving insufficient time for officers to give full consideration to it. Therefore the condition is required;

	<ul style="list-style-type: none"> (iii) Condition 4 – condition requested by DCWW (see paragraphs 6.1-6.2) DCWW had sight of the Drainage Strategy and Calculations referred to in Condition 2 and still requested a condition; (iv) Condition 10 – amend to read “...commenced, except for any demolition or remediation works, until...” (v) Condition 14 – amend to read “...development, except for any demolition or remediation works, until...” (vi) Condition 18 – it is considered that delivery hours should remain as stated in the condition in order to protect residential amenity. A 07:30 start time Monday – Friday is consistent with similar permitted schemes in the vicinity. The delivery bay is in close proximity to neighbouring residents; (vii) Condition 21 – amend permitted hours to 07:30 – 22:30 Monday to Saturday and 10:00 – 17:30 on Sundays; (viii) Condition 24 – this condition was requested by the Contaminated Land team who had sight of the Site Investigation Report and still considered the condition was required; (ix) 278 Highways Works – it is not possible to present Committee with an ‘either/or’ development scenario. The Committee will determine the application on the basis of the amended plans showing the retention of the bus lane northbound on Caerphilly Road. Committee are advised to note that the retention of the bus lane was specifically required by Transportation Officers to gain their support for the application. (x) Brick details – noted however no sample has been provided therefore condition 6 remains; (xi) Response to Pegasus Objection on behalf of Co-Op – The Catchment Area used in the Retail Statement is considered to be consistent with those used for other recent discount foodstore applications, that were considered and approved by the Council. The Pegasus report states that no trade is predicted to be diverted from Merthyr Road District Centre, however, diversions from and resulting impact on Co-op and Iceland within the Centre are shown within the tables and commented on within the P&RS (Table 5 & paragraph 6.38). These figures are considered to be within acceptable limits. Co-op forecast trade diversions of 10% from their nearby stores to the proposal. However, there is no substantial evidence presented to support this claim. The Co-op store in Birchgrove is considered to provide predominantly ‘top-up’ shopping provision, and it is considered that
--	---

	<p>the impact of the proposed Aldi Store will have minimal negative impact on this Co-op store within this well-established successful local centre. The same conclusion was made in relation to a similar application case, when assessing the impact of Lidl Store, at Station Road, Llandaff in relation to Llandaff North Local Centre (application (14/01338/DCO).</p>
--	---

PAGE NO. 144	APPLICATION NO. 17/1490/MJR
ADDRESS:	PART OF FORMER PHOENIX ESTATE, CAERPHILLY ROAD, BIRCHGROVE
FROM:	Agent
SUMMARY:	<p>Submits amended site plan (revision G) to show a widened pedestrian crossing at the request of the case officer.</p> <p>Submits amended street elevation showing deletion of dwarf wall to boundary north of site access.</p>
REMARKS:	<p>The widened pedestrian crossing is welcomed and will avoid inconveniencing pedestrians passing the site. Amend condition 2 to refer to drawing nos. 103G and 106C. Also insert the following sentence to condition 11 "...Authority. The position of cycle stands shown on drawing no. 103G (Proposed Site Plan) is not approved. The approved..."</p> <p>Amend conditions 7, 9 and 12 to refer to drawing no. (P(1)103G.</p>

PAGE NO. 242	APPLICATION NO. 17/01765/MNR
ADDRESS:	225 ALBANY ROAD, ROATH
FROM:	Natural Resources Wales
SUMMARY:	<p>Comments received in response to the revised Flood Consequences Assessment (FCA) dated 29th September 2017.</p> <p>Natural Resources Wales recommend that planning permission should only be granted if a condition is attached to ensure that the finished floor levels of the rear portion of the building are set at 8.75m AOD and the front portion of building are set at 9.06m AOD. Without this condition, they would be likely to object to the application as submitted. They also recommend that the site owner signs up to their flood warning service.</p>
REMARKS:	Additional condition 8 to be imposed:

	<p>The finished floor level of the front portion of the building must be set at 9.06m AOD and the rear portion of the building must be set at 8.75 AOD. Reason: To ensure flood risk to the proposed development is minimised.</p>
--	--