

LOCAL MEMBER OBJECTIONS & PETITION

COMMITTEE DATE: 23/01/2019

APPLICATION No. **18/02674/MNR** APPLICATION DATE: 21/11/2018

ED: **LLANDAFF NORTH**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Henricksen

LOCATION: CARDIFF DEEP CLEAN SPECIALISTS LTD UNITS 1-4,
TY-MAWR LANE, LLANDAFF NORTH, CARDIFF, CF14 2AZ

PROPOSAL: SINGLE STOREY EXTENSIONS AND EXTENSION AT FIRST
FLOOR TO CREATE TWO STOREY UNIT

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

1. The proposed extensions would due to their height, length, scale and massing sited in close proximity to the adjoining boundaries, would have an unneighbourly and overbearing impact upon the amenities of the adjoining neighbours, contrary to Policy KP5 of the Cardiff Local Development Plan (2006-2026).
2. The proposed external balcony, staircase and first floor windows would due to their siting be positioned at a substandard privacy distance from the boundary with 8 Ty Mawr Road, and as a result would have a prejudicial impact upon the privacy of the adjoining occupiers, contrary to Policy KP5 of the Cardiff Local Development Plan (2006-2026).

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

1.1 Planning permission is sought to extend the existing commercial unit.

1.2 The proposal entails;

- i) Raising the height of existing building from 2.33m (eaves) with a pitched roof (total height 4.1m) to 5m at eaves level with a shallow sloped roof (total height 5.35m).
- ii) Add an extension on the eastern elevation facing the rear lane, 4.1m wide, 5.4m long and 5.35m high with a shallow pitched sloping roof.
- iii) The addition of a triangular extension to the southern elevation (adjacent 8 Ty Mawr Road), 3m wide, 2.5m deep and 5.35m high
- iv) Erection of a first floor balcony, 5.25m wide, 2.3m deep and 2.5m high with an external staircase, 2.5m long, 1m wide and 2.5m high.

1.3 The submitted plans show that the proposed development would include a store (with parking garage), reception and WC on the ground floor, with a

kitchen, meeting room, managers office, open plan office and WCs on the first floor.

2. **DESCRIPTION OF SITE**

- 2.1 The application property known as Units 1-4 Ty Mawr Lane is sited along a rear lane leading from Station Road through to Ty Mawr Road / Evansfield Road. The premises is a single storey 'L' shaped pitched roof building containing a store and offices with an adjacent hardstand area.
- 2.3 The surrounding area is mainly residential in character a combination of two-storey terrace and semi-detached residential properties to the North, South and West. To the East of the site is Station Road Local Centre, which contains a number of commercial properties.

3. **SITE HISTORY**

- 3.1 07/01431/W – Change of Use as Tyre Service Centre and temporary covered area to yard for 3 years – Planning permission refused.

4. **POLICY FRAMEWORK**

- 4.1 The application site is shown as part of an existing housing area indicated on the Proposals Map of the City of Cardiff Local Plan.
- 4.2 The following policies of the approved Cardiff Local Development Plan (2006-2026) are considered to be relevant to the proposal:
- Policy KP5 (Good Quality and Sustainable Design)
Policy T5 (Transport Impacts)
Policy W2 (Provision for Waste Management Facilities in Development).
- 4.3 Supplementary Planning Guidance: Managing Transportation Impact (Incorporating Parking Standards) (2018).
- 4.4 Supplementary Planning Guidance: Waste Collection and Storage Facilities (March 2007).
- 4.5 Technical Advice Note 12: Design.
- 4.6 Planning Policy Wales 2018.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation – No objections, states that the proposal is for a first floor (and minor ground floor) extension to the existing industrial unit, resulting in an additional 98m² of building area.

The premises has an existing yard area (adjacent to Ty Mawr Lane) which is presumably used for business/staff vehicles although current vehicle use is not

described or shown on the plans. As a result of the proposal, the total area of the yard would reduce, and the proposed plans indicate a new ground floor garage/parking space within the building, and a vehicle space behind it beyond the building. Whilst only two parking spaces are marked, it would appear there is room for at least one further space, although this arrangement would result in an apparent lack of room for vehicles to manoeuvre.

The Design Statement says that “Parking facilities will be increased by raising the office space to allow 2 cars to be parked in the ground level as well as the existing surface parking that is currently on the site.” Based on the submitted plans it does not appear there is an increase in parking at the site, although it may be there is an increase in marked/dedicated parking areas. This should be clarified.

The application form states that there are 32 Full Time Equivalent staff at the site, but it’s not clear if these generally work at the premises at the same time, or what level of staff would be employed with the increase in floor area.

According to our standards the application would need to include a minimum of 2 cycle parking spaces for staff, and this should be covered and secure. In addition one space for visitors should be provided. No cycle parking is marked on the plans. However, the requirements are based on the ‘General Industry’ category, although looking at the plans it seems that the new building areas may be more appropriate for the general ‘Business’ parking standards category (i.e. offices, meeting room), which would have different parking requirements.

Given that Cardiff Council has maximum vehicular parking standards we would not necessarily have an issue with the amount of car parking available being reduced, notwithstanding that full details on the existing/proposed traffic movements should be provided.

5.2 The Operational Manager, Environment and Public Protection has confirmed no objections.

5.3 The Operational Manager, Waste Management has confirmed no objection but advised that details of refuse storage facilities should be submitted and that a commercial waste collection contract is required.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Welsh Water – No objections.

6.2 Natural Resources Wales – No objections.

7. **REPRESENTATIONS**

7.1 Neighbours have been consulted, letters and e-mails have been received from the occupiers of 2, 8, 10, 12, 14, 16, 18 Ty Mawr Road and 14 Bedford Street, Roath, who object for the following summarised reasons;

- i) Proposal will lead to increased parking problems/highway safety issues
- ii) Potential noise/disturbance from construction works
- iii) Safety concerns from building works adjacent to existing domestic gardens
- iv) Previous application on site was refused
- v) Loss of light
- vi) Proposal is overbearing and unneighbourly.

7.2 A 53 name Petition has been received, objecting to the proposal for the following summarised reasons;

- i) Proposal would lead to reduced vehicular access and parking provision off a rear lane
- ii) Proposed extensions are large, overbearing and unsympathetic.

7.3 Councillor Dilwar Ali, objects to the proposal and requests that a Planning Committee site visit is undertaken.

8. **ANALYSIS**

8.1 The main planning issues relate to:

- (i) The impact of the proposal on the amenities of neighbouring occupiers.
- (ii) Highway safety/parking issues.

8.2 The proposed extensions entail raising the eaves level of the building by 3 metres from the existing height of the building (2.3 metres eaves level) (4.1m ridge height) to 5.35m high with a shallow sloping roof, for a length of approx. 19.2m adjacent to the boundary with 16 Ty Mawr Road, 15.5m adjacent to the rear boundaries of 10-14 Ty Mawr Road and approx. 4.5 metres along boundary with 8 Ty Mawr Road.

8.3 It is considered that due to the height, length, scale and massing of the proposed extensions it would have an overbearing and unneighbourly impact upon the amenities of the adjoining neighbours and be contrary to Policy KP5 of the Cardiff Local Development Plan (2006-2026).

8.4 Policy KP5 (Good Quality and Sustainable Design) states:

To help support the development of Cardiff as world-class European Capital City, all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by:

X. Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities.

8.5 The submitted plans show the provision of a first floor balcony, external staircase and first floor windows facing towards no 8 Ty Mawr Road. There are concerns that these elements would allow overlooking and a loss of privacy to the occupiers of no.8 Ty Mawr Road due to their close proximity. The staircase

is sited approx. 3m from the boundary, the balcony is approx. 4m from the boundary and the first floor office windows are sited approx. 5-7.5 metres from the boundary. All these elements are sited well below the Councils privacy standard of a minimum distance of 10.5m between first floor balconies and windows and adjoining residential boundaries and it is considered that these elements would lead to a loss of privacy and overlooking of the adjoining neighbouring property.

8.6 Planning Application Ref: 07/01431/W for the change of use as Tyre Service Centre and temporary covered area to yard for a time period of 3 years was refused for the following reasons;

1. *The use of the premises for a tyre service centre unacceptably harms the amenities of adjacent residents as a result of noise pollution. The proposal is therefore contrary to policies 2.24 and 2.64 of the deposit Cardiff UDP.*
2. *The proposed roof structure would be visually overbearing when viewed from the rear of adjacent houses and rear gardens and harm the visual amenities of adjacent residents. The proposal would therefore be contrary to policy 2.24 of the deposit Cardiff UDP.*
3. *The canopy would provide the potential for more intensive use of the premises to the detriment of the amenities of neighbours.*

8.7 In regards to comments made by neighbours and other interested parties, which are not covered above, the following should be noted:

- i) The Operational Manager, Transportation raises no objections to the proposal
- ii + iii) These issues are dealt with under separate legislation
- ii) Noted, each application is dealt with on its own individual merits
- iv + v) See paras 5.4 + 5.5.

8.8 **Conclusion**

Having regard to the policy context above, the proposal is considered to be unacceptable and refusal of planning permission is recommended for the reasons states above.

8.9 **Other Legal Considerations**

Crime and Disorder Act 1998 – 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.

Equality Act 2010 – 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.

Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement.



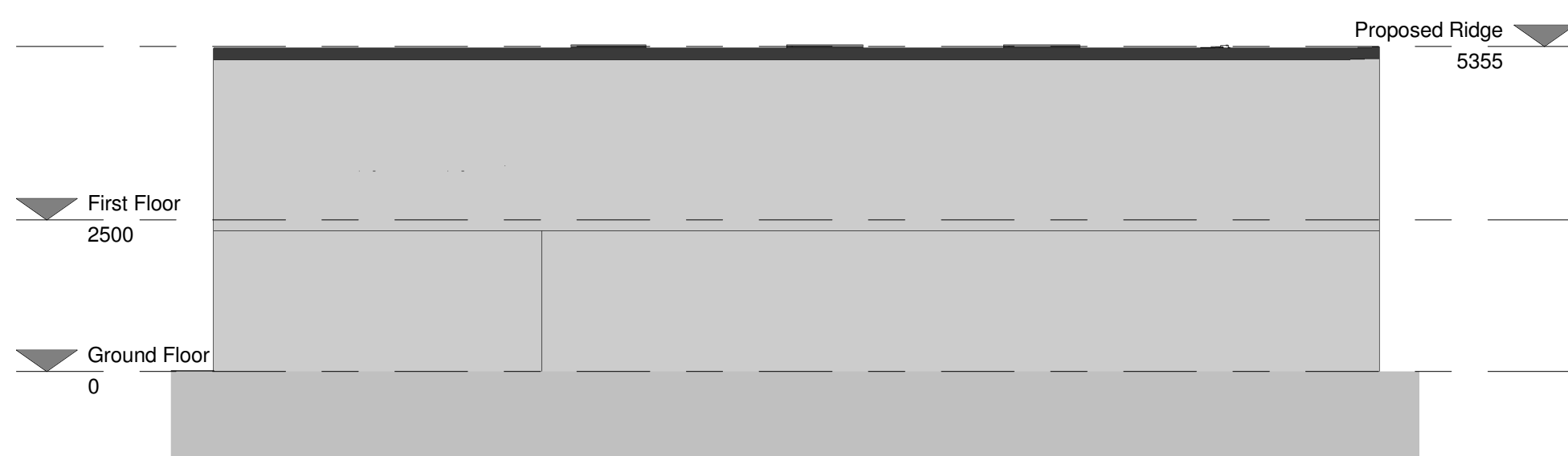
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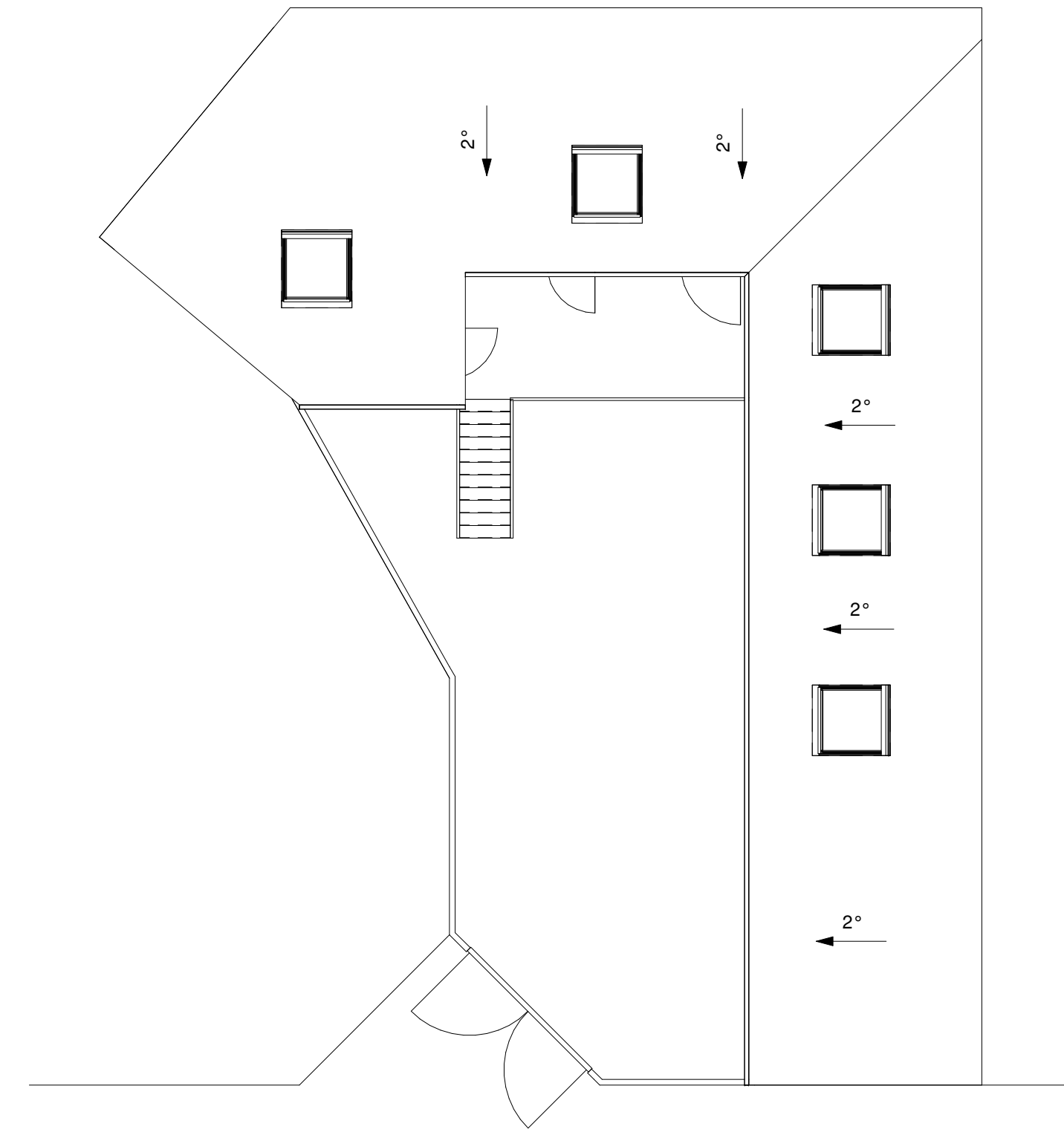
Proposed Rear Elevation
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Proposed Side Elevation 1
1 : 100



Proposed Side Elevation 2
1 : 100



Proposed Roof Plan
1 : 100



Location Plan
1 : 500

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Rev Date Check Description

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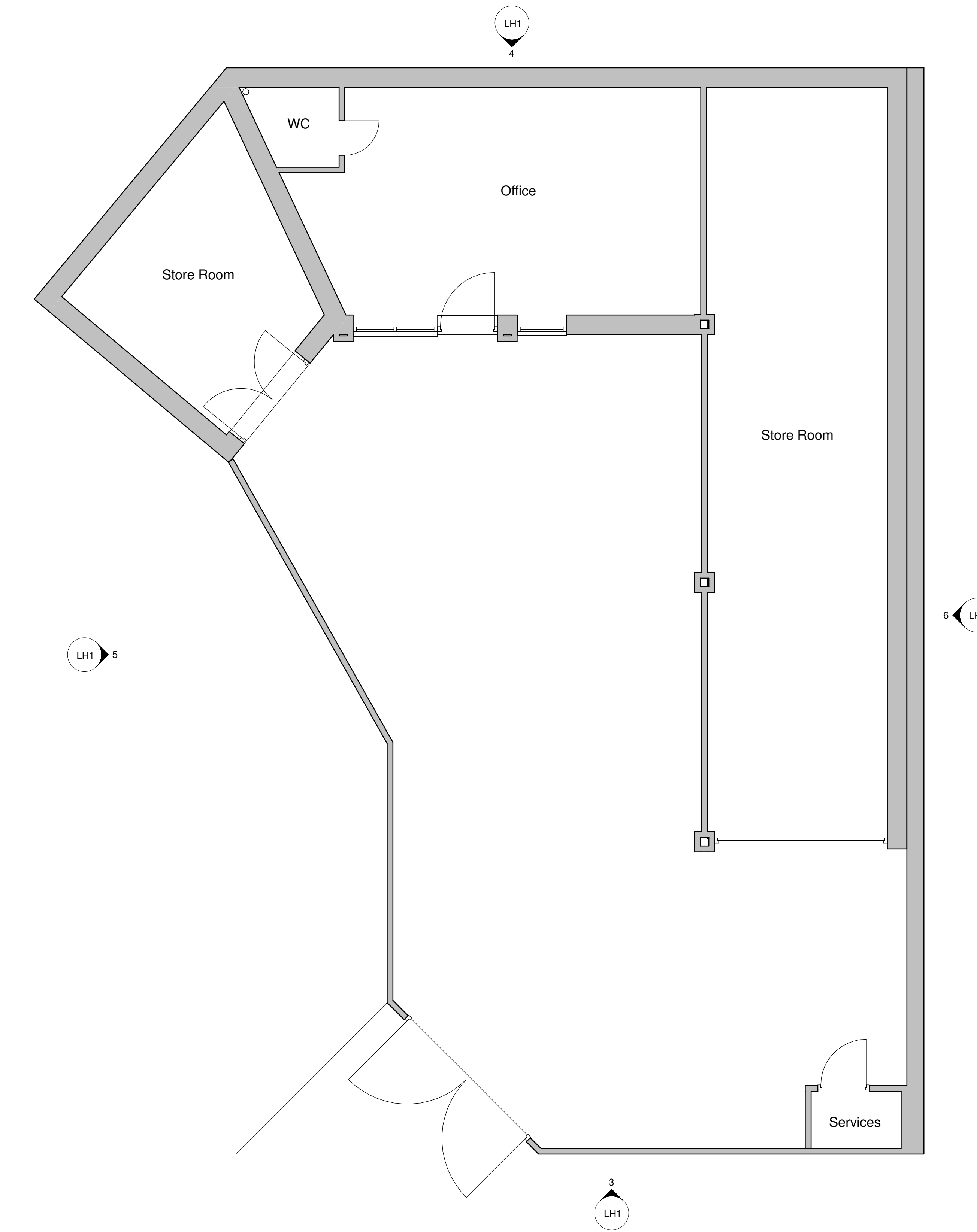
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Unit 1-4 Ty Mawr Lane, Llandaff North
CDC Specialists Ltd

Title
Proposed Elevations, Roof & Site location
Plan

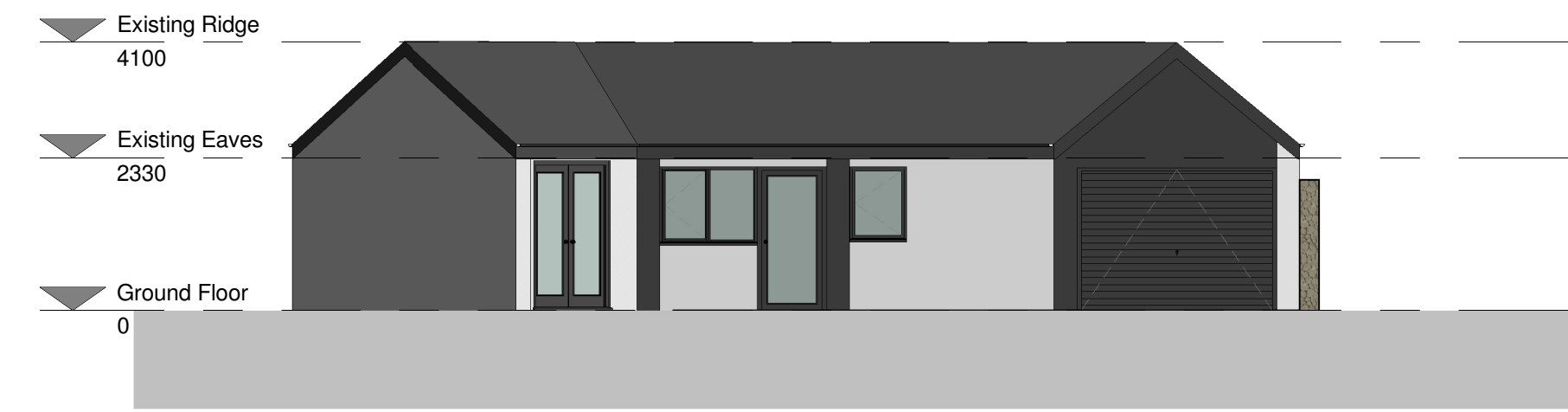
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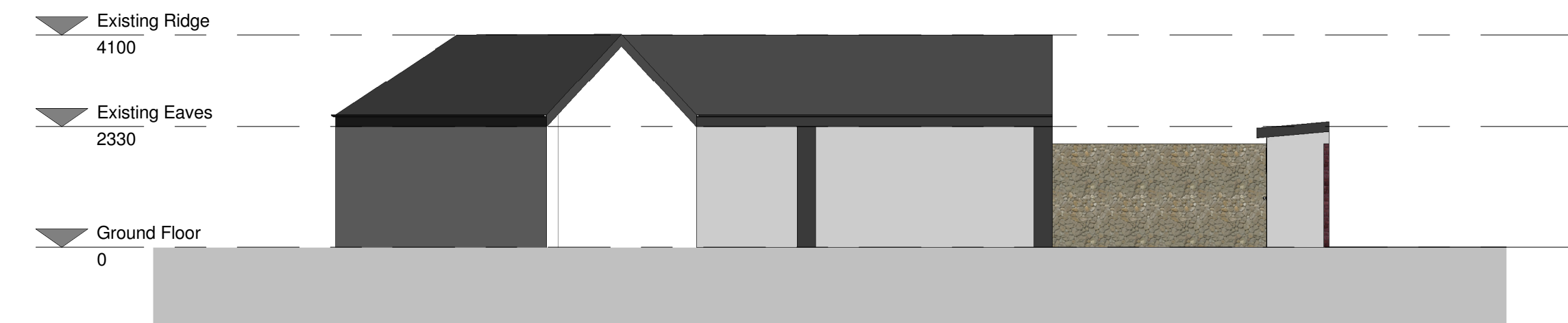
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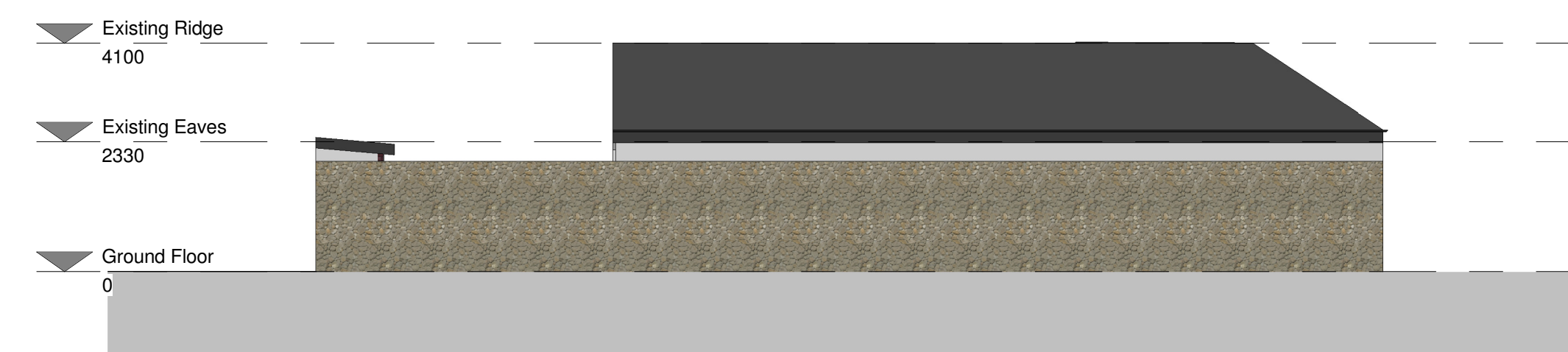
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Existing Rear Elevation
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Existing Side Elevation 1
1 : 100



Existing Side Elevation 2
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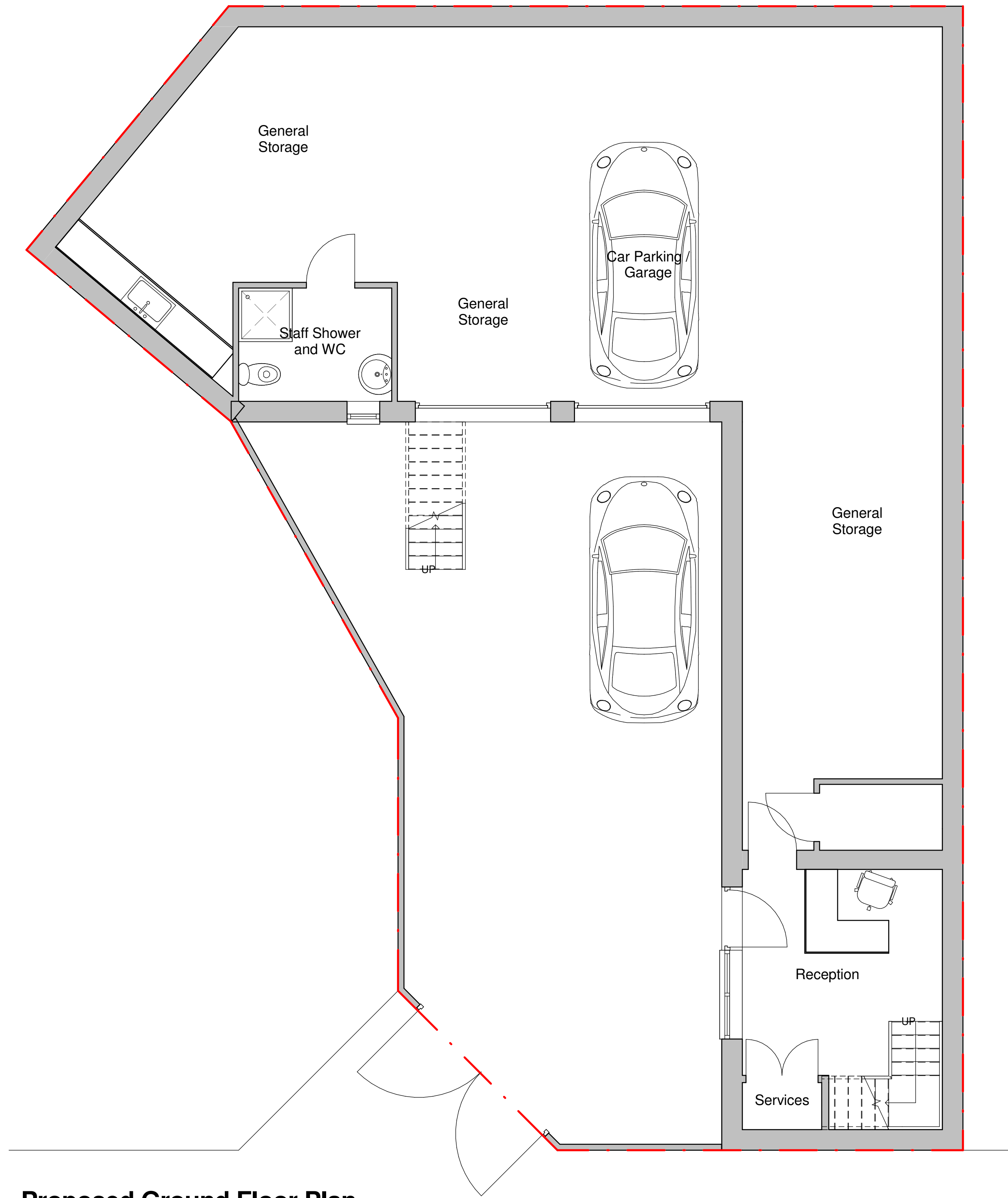
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Title
 Existing Plans and Elevations

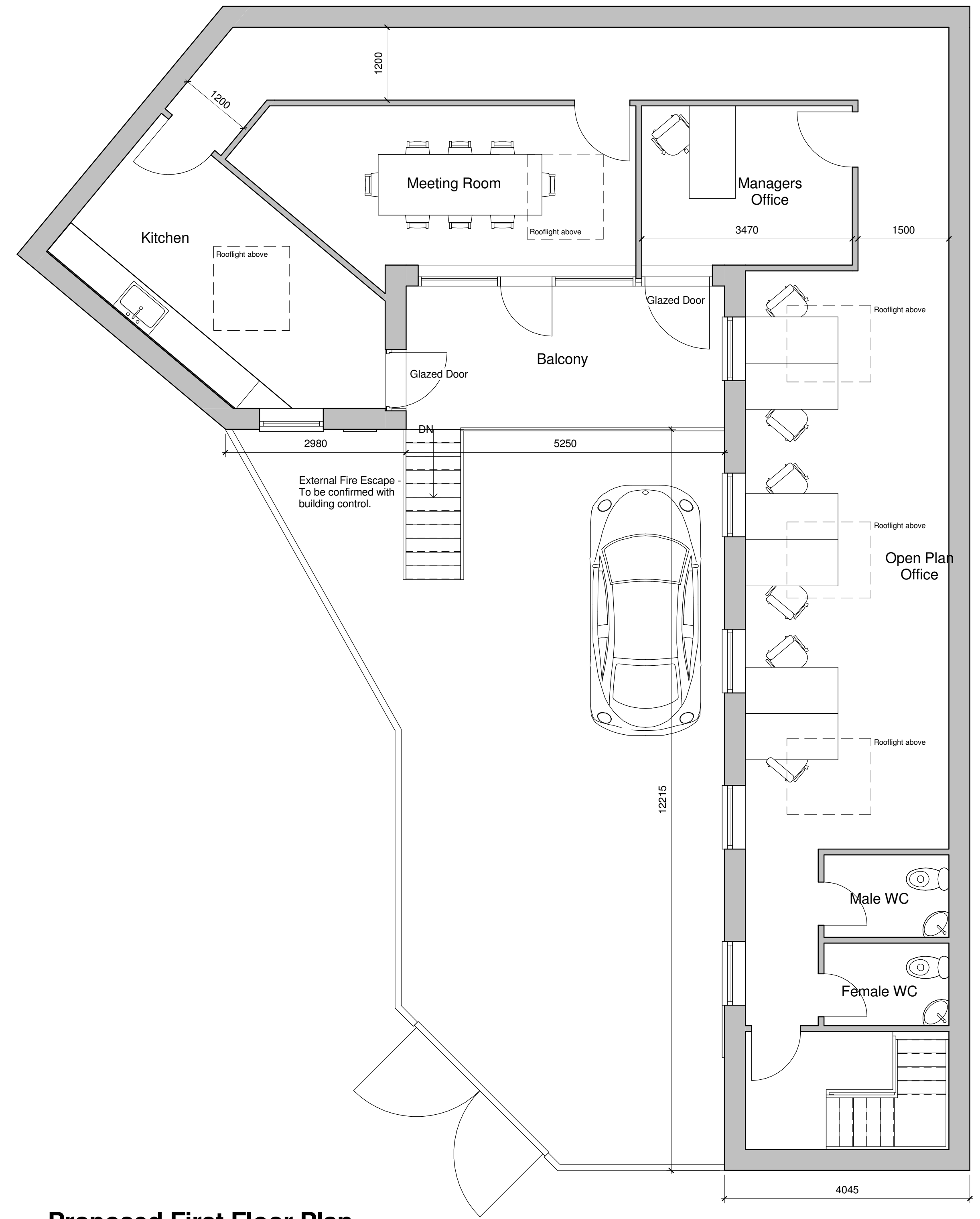
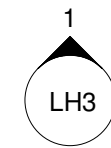
Status
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Job No	Zone	Sheet No	Rev
01		LH1	



Proposed Ground Floor Plan
1 : 50



Proposed First Floor Plan
1 : 50

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Rev Date Check Description
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Project
 Unit 1-4 Ty Mawr Lane, Llandaff North
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Title
 Proposed Ground & First Floor Plans

Status Scale at A1
 1 : 50



Job No	Zone	Sheet No	Rev
01		LH2	