

LOCAL MEMBERS, A.M. AND M.P. OBJECTIONS

COMMITTEE DATE: 18/12/2019

APPLICATION No. **19/02825/MNR** APPLICATION DATE: 24/10/2019

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: WPI Estates

LOCATION: 217-223 NEWPORT ROAD, ROATH, CARDIFF

PROPOSAL: PROPOSED DEMOLITION OF EXISTING REAR
OUTBUILDINGS TO 217-223 NEWPORT ROAD AND
CONSTRUCTION OF TWO 15 BED HOUSES OF MULTIPLE
OCCUPANCY WITH ON-SITE AMENITY, PARKING, CYCLE &
REFUSE STORES

RECOMMENDATION 1: That planning permission be **GRANTED** subject to the following conditions:

1. C01
2. The development shall be carried out in accordance with the following approved plans and documents:
 - AL(01)02 - Plots A & B ground floor plan
 - AL(01)03 - Plots A & B upper floor plans
 - AL(01)10 - Proposed elevations
 - AL(090)01 - Location plan

Reason: For the avoidance of doubt as to the extent of the permission.

3. The internal layout of the development shall be constructed strictly in accordance with the approved plans and no future alteration shall be made to the internal layout, including the conversion of any rooms to self-contained flats.

Reason: To protect the amenities of future occupiers and the surrounding area, to ensure that car/cycle parking facilities and amenity space are appropriate to the development, and to ensure that any additional need for contributions under Section 106 of the Town and Country Planning Act 1990 that may arise as a result of such changes are properly assessed, in accordance with policies KP5, KP6, KP7, H3 and T5 of the Cardiff Local Development Plan.

4. Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made to the 225mm combined sewer between manhole reference number ST19777503 and ST19777401 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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, in accordance with policy EN10 of the Cardiff Local Development Plan.
5. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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, in accordance with policy EN10 of the Cardiff Local Development Plan.
6. Prior to the construction of the buildings above foundation level, samples of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.
7. No development, including demolition works, shall take place until details of tree protection boxes for the protection of the street trees adjacent to the development on Roath Court Road have been submitted to and approved in writing by the Local Planning Authority. The approved tree protection boxes shall be erected prior to the commencement of development and shall be retained in situ for the full course of demolition and construction. Any excavations / demolition close to the protected trees shall be undertaken under arboricultural supervision and tree roots shall be dealt with in accordance with section 7.2 of BS 5837:2012.

Reason: In the interests of visual amenity and tree protection, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.
8. Prior to the construction of the buildings above foundation level, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The submitted details shall include, but not be limited to, proposals for walls with railings and/or hedges along the Roath Court Road frontage and lockable gates to prevent access to the rear of the site by unauthorised persons. The installation of the boundary treatment and gates shall be completed as approved before the buildings are occupied.

Reason: In the interests of visual and residential amenity and site security, in accordance with policies KP5 and C3 of the Cardiff Local Development Plan.

9. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- A landscaping implementation programme.
 - Proposed finished levels;
 - Hard surfacing materials;
 - Proposed and existing services, lighting, CCTV and drainage above and below ground level to demonstrate there will be no conflict with proposed landscaping;
 - Scaled planting plans prepared by a qualified landscape architect;
 - Schedules of plant species, sizes, numbers and densities, prepared by a qualified landscape architect;
 - Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume for each tree;
 - Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil is appropriate for the landscaping type proposed and not only meets British Standards, but exceeds them in terms of suitability for the proposed end use. The specification shall be supported by a methodology for handling, amelioration and placement;
 - Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the Local Planning Authority to confirm compliance with the approved plans and specifications.

The details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, to mitigate against the effects of climate change and to protect and conserve green infrastructure, in accordance with policies KP5, KP15 and KP16 of the Cardiff Local Development Plan.

10. Any trees, plants, or hedgerows included in the approved landscaping scheme which, within a period of five years from the completion of the

development, die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, to mitigate against the effects of climate change and to protect and conserve green infrastructure, in accordance with policies KP5, KP15 and KP16 of the Cardiff Local Development Plan.

11. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity, in accordance with policies T5, T6 and EN13 of the Cardiff Local Development Plan.

12. Notwithstanding the details shown on the approved plans, prior to the commencement of development plans showing details of secure and covered cycle parking spaces at a rate of at least one space per bedroom shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.

13. Notwithstanding the details shown on the approved plans, prior to the commencement of development, plans showing details of facilities for the storage of refuse and recycling containers within the site shall be submitted

to and approved in writing by the Local Planning Authority, and thereafter refuse and recycling containers shall only be stored in accordance with the approved details.

The storage area shall be large enough to accommodate the following –

Dry Recyclables:	2 x 1100 litre bulk bins
General waste:	2 x 1100 litre bulk bins

and shall also include a designated area for the storage of bulky waste.

RECOMMENDATION 2: The applicant is advised that to operate a House in Multiple Occupation (HMO) in this location, and of this size, they will need both planning permission and a licence. Both disciplines have different requirements, and the applicant should contact Private Sector Housing on 02920 871762 or privatesectorhousing@cardiff.gov.uk to discuss licence requirements at the first available opportunity.

RECOMMENDATION 3: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 4: The developer is advised that the site is crossed by a public sewer, with the approximate position being marked on the Statutory Public Sewer Record. The position of the sewer must be accurately located and marked out on site before works commence and no operational development should be carried out within 3 metres either side of its centre line.

RECOMMENDATION 5: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were

transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 6: The applicant is advised that a designated area for the storage of bulky waste is now a compulsory element of all communal bin stores. This area must have appropriate access to allow Council collection crews to remove the items. Waste Management do not accept keys to bin stores therefore either the gate would need to be left open on collection day or an access code would need to be provided. Communal bin stores should have double doors that open outward. Surfaces should be smooth and impervious and the floor must be laid to create suitable drainage. Adequate lighting must be provided - natural or artificial - and good natural ventilation if completely enclosed. It should also be noted that the collection method utilised by Cardiff Council will likely change in the future which could result in different/more receptacles being required for the storage of waste between collections. In light of this, the bin store areas should allow a degree of flexibility in order to be able to adapt to potential collection changes. As bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990 and these can be purchased directly from the Council. Please contact Waste Management's commercial department for further information on 02920 717504. Further relevant information can be found in the Cardiff Council Supplementary Planning Guidance "Waste Collection and Storage Facilities.

RECOMMENDATION 7: In the interests of security it is recommended that:

- Access should be denied to the rear of the development by unauthorised persons by installing lockable gates to the front building lines of each block.
- Audio and visual access control systems should be installed on each communal entrance door.
- PAS24 2016 compliant entrance/exit doors should be used for the residential blocks.
- PAS24 2016 compliant ground floor windows should be installed.
- Every individual dwelling unit door should be PAS24 2016 compliant.
- An adequate fire risk assessment should be in place in relation to fire prevention, detection and evacuation.
- A premises management plan should be put in place.
- The premises should meet "Secured by Design" standards and be inspected by the police (to minimise crime risk).

RECOMMENDATION 8: The developer is advised that bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats

and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are known or found to be roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found during works, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result..

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24
0TP, 0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845
1300228

RECOMMENDATION 9: The developer is advised that nesting birds are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), and it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. Any work involving the alteration or removal of trees or hedges should ensure that no nesting birds are disturbed. Any such works should be avoided between the months of March and September if possible; however, if the works are essential then any vegetation to be cleared should be inspected by a competent person prior to operations to identify the location of any active bird nests. If active nests are encountered, these should be protected by a 5m ring of vegetation around the nest. Work should not recommence within this exclusion area until the young have fledged and the nest vacated. Birds also use buildings and other structures as nesting sites and some species breed all year.

RECOMMENDATION 10: Contamination assessments and the effects of unstable land are considered on the basis of best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts; however you are reminded that the responsibility for –

- i) determining the extent and effects of such constraints and

- ii) safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 11: On the 7th January 2019 Schedule 3 of the Flood and Water Management Act 2010 was enacted. This affects all new developments where the construction area is of 100 square metres or more. Cardiff Council is aware that your application for planning permission was validated after the recent legislative change in which Schedule 3 of the Flood and Water Management Act was enacted and therefore may be subject to surface water drainage proposals under the SAB application process. It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. Cardiff Council are aware that this is new legislation and as such we are offering a free pre-application service for the first year. To arrange discussion regarding this please contact SAB@cardiff.gov.uk

In the meantime if you require further information please review our website: <https://www.cardiff.gov.uk/ENG/resident/planning-and-suds/suds-approval-body/>

Or, alternatively you can review the legislation set by Welsh Government here: <https://gweddill.gov.wales/topics/environmentcountryside/epq/flooding/drainage/>

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks full planning permission for the demolition of existing garages and outbuildings at the rear of 217 to 223 Newport Road and the construction of two detached 3 storey Houses in Multiple Occupation, each containing 15 bedrooms, on the site to the rear of 221 and 223 Newport Road, fronting onto Roath Court Road.
- 1.2 The two blocks will each have 3 floors containing 5 kitchen/bed/living rooms and shared bathroom facilities. Access into the buildings will be via the Roath Court Road frontage. There will also be gated access for residents to the rear of the site where there will be approximately 112 sq.m of outdoor amenity space (including clothes drying areas), a 9 space car park, a bin store and a bicycle store, accessed via the adopted lane that runs along the rear of 187 to 223 Newport Road linking Roath Court Road and Oakfield Street.

- 1.3 The buildings will be set back from the highway behind a wall and a narrow strip of planting and will be finished in red brickwork and painted render with grey synthetic slate pitched roofs. There will be two flat roofed 2 storey projecting bays on the front elevation of each building (finished in brick), located either side of the central entrance door, and three roof gables. Windows and doors will be grey UPVC double glazed units and fascias, bargeboards and downpipes will be coloured UPVC.

2. **DESCRIPTION OF SITE**

- 2.1 The application site covers 0.09 hectares and is situated on the corner of Newport Road and Roath Court Road, extending behind 217, 219, 221 and 223 Newport Road as far as the rear access lane which links Roath Court Road and Oakfield Street.
- 2.2 223 Newport Road is a detached, stone faced, gabled and slate roofed Victorian building with stone bays to the front elevation. 217 to 221 Newport Road are terraced buildings of the same design, which have been converted to flats/HMOs. The side and rear walls and the rear annexes are faced in concrete render. Each has a substantial rear garden and there are also a number of single storey garage outbuildings which adjoin the rear lane.
- 2.3 Further to the west and on the opposite side of Newport Road there are more semi-detached and terraced Victorian villas, many of which have been converted to such uses as flats, offices, care homes and guest houses. To the east the houses on Newport Road are of a smaller scale, finished in red brick and render, and date from the early 20th century. To the north and east of the site along Roath Court Road are two storey hipped roof semi-detached and terraced dwellings faced in red brick, set back from the highway behind low red brick boundary walls.
- 2.4 The site to the rear of 217, 219, 221 and 223 Newport Road is overgrown and largely unused, and is bounded by a tall concrete block wall. There is a gap in the wall and an existing vehicular access onto Roath Court Road.

3. **SITE HISTORY**

- 3.1 18/01669/MJR – Proposed demolition of existing annex to 223 and rear outbuildings to 217-223 Newport Road, construction of two 15 bed HMO's & one 6 bed HMO with onsite amenity, parking, cycle & refuse stores. Refused – the site area met the threshold for the provision of affordable housing but the proposal did not include appropriate affordable housing on site, an acceptable scheme for alternative off-site provision, confirmation from the relevant parties that they were willing to provide a financial contribution in lieu of such provision, or a satisfactory viability appraisal setting out how the developer was unable to meet the full policy requirements.

- 3.2 08/01551/C – Demolition of all buildings on site. construction of 47 self contained apartments with on site car and cycle parking, bin stores and amenity facilities. Permission granted 21/09/2011. Development commenced September 2016.
- 3.3 03/262R – Permission granted for conversion of 217 Newport Road from 2 to 5 flats.
- 3.4 93/1875R – Permission refused for a change of use of the site to a drug dependency unit.

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
 - KP5 (Good Quality and Sustainable Design);
 - KP13 (Responding to Evidenced Social Needs);
 - KP15 (Climate Change);
 - KP16 (Green Infrastructure);
 - EN8 (Trees, Woodlands and Hedgerows);
 - EN10 (Water Sensitive Design);
 - EN13 (Air, Noise, Light Pollution and Land Contamination);
 - T5 (Managing Transport Impacts);
 - C3 (Community Safety/Creating Safe Environments);
 - W2 (Provision for Waste Management Facilities in Development).
- 4.2 *Supplementary Planning Guidance:*
 - Houses in Multiple Occupation (October 2016).
 - Waste Collection and Storage Facilities (October 2016).
 - Cardiff Residential Design Guide (January 2017).
 - Cardiff Infill Sites (November 2017).
 - Green Infrastructure (November 2017).
 - Managing Transportation Impacts (Incorporating Parking Standards) (2018).
- 4.3 *Planning Policy Wales (Edition 10 – December 2018):*
 - 2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.
 - 2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.
 - 3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.
 - 3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

3.6 Development proposals must address the issues of inclusivity and accessibility for all.

3.7 Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process.

3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

3.47 Higher densities should be encouraged in urban centres and near major public transport nodes or interchanges, to generate a critical mass of people to support services such as public transport, local shops and schools

3.51 Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated.

4.1.8 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.

4.1.11 It is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles.

4.1.13 The sustainable transport hierarchy must be a key principle in the preparation of development plans, including site allocations, and when considering and determining planning applications.

4.1.30 Planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling.

4.1.33 In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as

providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.36 Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

4.1.53 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high quality places. 4.2.22 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links. 4.2.23 Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.

4.4 *Technical Advice Note 12 - Design (March 2016).*

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation:* The proposal is for 9 car parking spaces in the rear area (same number as for the refused application) and whilst there are now proposed to be 6 fewer HMO's and thus technically car parking spaces should reduce pro-rata, given the existing situation at the rear where cars could park, I would accept 9 car spaces with this application.

5.2 A 30 bed HMO development should have a minimum of 30 cycle parking spaces, whilst 56 are shown on the submitted plan and 'over 70' referenced in the DAS. It is not clear if the proposed cycle store is to also cover provision for the existing units at the front of 217-223 or for the remaining future redevelopment of those units (allowed under 08/01551). However, if the latter, the additional cycle parking proposed (above the 30 required for this application) would need to conform (as a minimum) with the details set out in 16/01701. In any case, with regards this application, the proposed cycle stands need to have minimum horizontal spacings of 1m and minimum aisle widths of 1.8m. In addition there needs to be a door/gate for the cycle store to allow appropriate security. Further cycle plan details should be supplied.

5.3 *Waste Strategy & Minimisation Officer:* The refuse storage area, shown in the site plans, has been noted and is acceptable, however Waste Management do not accept keys to bin stores therefore either the gate would need to be left open on collection day or an access code would need to be provided. The refuse storage area must be large enough to accommodate the following recommended provisions for 30 bedrooms: 2 x 1100 litre bulk bins for Dry Recyclables; 2 x 1100 litre bulk bins for general waste; 1 x 240 litre bin for food waste. Please note, the collection method utilised by Cardiff Council will likely change in the future which could result in different/more receptacles being required for the storage of waste between collections. In light of this, the bin store areas should allow a degree of flexibility in order to be able to adapt to potential collection changes. A designated area for the storage of bulky waste is now a compulsory element of all communal bin stores. This area will prevent unwanted waste being left in the communal bin store or other areas, thereby improving the aesthetics of the site. Communal bin stores should have double doors that open outward. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided- natural or artificial, and good natural ventilation if completely enclosed. The developer is advised; as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required

where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990. Refuse storage, once implemented, must be retained for future use

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Welsh Water*: Request conditions to ensure there is no detriment to the public sewerage system - only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made to the 225mm combined sewer between manhole reference number ST19777503 and ST19777401 (as indicated on the extract of the Sewerage Network Plan provided), and no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Records also indicate that the proposed site is crossed by a public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The required protection zone of 3 metres either side of the centre line of the sewer may impact upon new build dwellings and it is recommended that this is given appropriate consideration during the design and determination process.
- 6.2 *Police Crime Prevention Design Advisor*: The plans for the new build at 217 -233 Newport Road will potentially increase the number of vehicles in the street and potentially have an adverse effect on other residents already living in the area. The plans show a cycle store. As incidents of theft of bicycles are high within the Cardiff area, if a cycle store is to be installed it needs to be a secure store which can be locked and adequately lit.
- 6.3 On the basis of the above evidence South Wales Police would not object to this application. However high density of HMO'S are a significant contributory factor to the high levels of crime and disorder and as Plasnewydd does have a high number of HMO, an increase in capacity in this area is likely to exasperate the existing problems. However, if the Authority is mindful to grant this application South Wales Police would recommend the following:
- PAS 24: 2016 ground floor windows
 - PAS 24:2106 external entrance doors
 - An access control system on the main entrance door
 - Lighting above the main entrance door
 - Secure rear garden with a minimum of 1.8 m fencing/ walling/gating
 - Secure cycle storage facility which is overlooked.
 - Each individual room should have lockable doors
 - Appropriate Fire Risk Assessments are in place and include adequate fire warning and prevention measures.

South Wales Police would ask that the above recommendations be considered by way of condition.

7. **REPRESENTATIONS**

7.1 The application has been advertised by press notice, site notice and neighbour notification. 24 individual objections have been received. The grounds for objection are summarised as follows:

1. The neighbourhood already has too high a density of HMOs. The development will cater for a transient population and will change the character of the area which is currently made up of family homes. There will be an adverse impact on community cohesion.
2. The residents will create disturbance and noise nuisance.
3. Loss of privacy to existing properties.
4. Concern about the type of tenants the accommodation will be offered to. The risks of crime and anti-social behaviour are likely to increase. There will be a danger to surrounding residents.
5. There will be inadequate outdoor amenity space for the residents and outdoor amenity space for the existing buildings will be lost.
6. Poor quality of accommodation - the rooms will be too small, individuals will have little opportunity to socialise, they will have shared bathroom facilities which could lead to disagreements between residents, it is not clear how clothes washing and drying will be managed or how food waste will be disposed of when the collection caddy is normally kept outside by most households. There is also little attention to the 'green design' of the space outside.
7. The current property, especially its garden, is badly maintained. It is unlikely that the proposed development will be properly maintained once built.
8. Inadequate parking facilities. Inconsiderate parking and competition for parking spaces in Roath Court Road already causes problems. There is no evidence that an assessment of the parking impact has been made.
9. The proposed development is of poor quality. The design is out of keeping architecturally with the existing properties. The development does not respect the character of the area as it introduces three storey development onto a street characterised by traditional two-storey residences and does not follow the building line of frontages of houses on the street. The buildings will be too close together and too tall.
10. The development will place significant strain on existing local services and infrastructure.
11. There will be an increase in traffic using the rear lane and surrounding streets, which will adversely affect the safety of pedestrians and current road users.
12. There will be increased congestion on the surrounding roads, leading to gridlock at peak times.
13. During the development works there will be problems with construction vehicles blocking access etc.
14. The floor areas given on the plans are inaccurate and misleading.

15. The application wrongly states that no trees are affected. There are trees and hedges on site which would need to be removed, and building too far forward would compromise the health of the street trees.
16. There will be an increase in air pollution caused by the extra traffic.
17. The value of existing properties in the area will be affected.
18. There are insufficient school places in the area for any children accommodated in the development.
19. If the development is intended for students, there is already too much student accommodation in the area.
20. The site should be kept for parking and bin storage for the existing properties.
21. The site should be developed for family houses.
22. A precedent has been set for refusing development that would be out of character with Roath Court Road (an extension to 40 Princes Street).
23. The developer has made no effort to contact or speak to immediate neighbours about this new application. Their behaviour suggests a disregard for the feelings and amenity of local residents.
24. The applicant submitted then withdrew an appeal against the refusal of the previous application at the same time that they submitted this new application. This was probably done to create confusion amongst local residents.
25. The application does not comply with the Cardiff Residential Design Guide in that the drawings do not show the scale of the proposal in comparison with the existing neighbouring housing on Roath Court Rd. The context has not been addressed.
26. The application states the scale and massing is in line with the permission granted in 08/01551/C in 2011. However, this predates the council's infill policy which was approved in November 2017. Up to date policy should be used to assess this application. There are significant differences between this proposal and the previous scheme – the density is higher, the application is for HMOS rather than flats and the context is different – in early 2016 a major new development was completed at 158-164 Newport Rd containing 37 flats, directly opposite 217-223 Newport Rd, which has changed the parking and traffic levels in the surrounding vicinity.
27. The developer claims that planning permission granted on the site in 2011 (case 08/01551/C) has established the scale and principle of development on the site. This was for an entirely different scheme and involved the demolition of all buildings on the site and the construction of 47 new self-contained apartments. Moreover, in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, that permission was only applicable for five years. It was given on 21 September 2011 and thus expired in 2016. An application was made to remove the five-year limit in 2016 (16/00742/MJR) but it was withdrawn.
28. The building should be designed to be carbon neutral. Even if this is not yet enshrined in Building Regulations, a city that has declared a climate emergency should be mindful of this aspect.

29. Students have caused trouble in this area due to antisocial behaviour, parking and issues with refuse and rubbish dumped in gardens and the YMCA on Oakfield Road has already proved to be an issue at times.
- 7.2 Ward Councillors Peter Wong, Dan De'Ath, Mary McGarry and Sue Lent have submitted the following objections on behalf of a number of residents living in the surrounding area.:

Overdevelopment and change of character to the area.

The proposal is for the construction of two 15 bed HMOs. This is a 30 bed HMO development in a very small site accessed through a quiet residential street in the Plasnewydd area. Plasnewydd already suffers from a saturation of HMOs in the area including Newport Road, Oakfield Street, Connaught Road, Claude Road. This development is a clear over-intensification, breaching the saturation point guidance within the SPG on Houses of Multiple Occupancy.

Concentrations of HMOs clustered in small geographical areas detract from the character of those areas and actively contribute towards a reduction of community cohesion. This massive development, on the back of planning permission for multiple flats, will have a significant cumulative impact that will adversely affect the amenity and character of the area.

Additionally as per KP5 of the LDP, none of the proposed development's scale, form, massing, height, density, colour, materials, detailing could be described as in keeping with the distinctive Victorian residential houses in the area, and certainly not in keeping with the local character and context of the built and landscape setting. The proposed development bears no resemblance to the distinctive local Victorian architecture, heritage or fabric of the area.

Impact on Neighbours

It can be clearly seen from the submitted plans that the development faces both side on to houses on Roath Park Road, and the back gardens of Princes Avenue. The sheer size of the development will also have a detrimental impact on the privacy of the residential gardens on both Roath Park Road and Princes Avenue: the proposed flats on the higher levels will have a clear view into neighbour's gardens and rooms.

Paragraph 4.3 of the SPG on Houses of Multiple Occupancy notes that HMOs can lead to "Increased population density, leading to greater demand for infrastructure, such as waste collections and on-street parking." This is a massive HMO development in a residential area, and will create significant waste issues for the surrounding neighbours, and the lane next to it.

Paragraph 4.10 of the HMO SPG notes that "the concentration of HMOs as exists in parts of the city does not come without social or amenity costs. While any individual new HMO may not directly impact upon this, collectively, their concentration is something that the Council can justifiably feel may need management for the benefit of the community at large. In this respect, a concentration of HMOs may conflict with parts of policy KP13."

This massive 30 bed HMO development, on the annexe of an already huge development will directly impact on both the social and amenity of the local community.

We also note that the previous planning application 18/01669/MJR, was refused due to the failure of the applicant to include “appropriate affordable housing on site, an acceptable scheme for alternative off-site provision, confirmation from the relevant parties that they are willing to provide a financial contribution in lieu of such provision, or a satisfactory viability appraisal setting out how the developer is unable to meet the full policy requirements.”

This latest proposed development is identical to the previous application, with the exception of losing 6 bedrooms, and therefore also meets the affordable housing provision threshold set out in policy H3 of the Cardiff Local Development Plan. The plans do not indicate any provision of appropriate affordable housing on site or offsite or a financial contribution in lieu of such provision, and should also contravene policies KP6, KP7 and H3 of the Cardiff Local Development Plan and Cardiff Supplementary Planning Guidance “Planning Obligations.” The proposal should continue to be refused on these grounds.

7.3 Jenny Rathbone A.M. also wishes to object to this application as follows:

“I echo the comments that have been made by local residents in their objections.

The proposed development would increase the saturation of HMOs in the local area to a point that would breach the saturation point guidance of the Supplementary Planning Guidance on Houses of Multiple Occupancy.

This development, taken in combination with other planning permission granted in the area, would fundamentally change the character of the surrounding area. I note that this would mean the development would contravene the policies of the Local Development Plan.

Additionally, the parking provision provided for these flats is inadequate to the total number of houses. I believe that having only 9 parking spaces for what is effectively a 30-bed development is insufficient. When taken into account with the already severely stretched parking provision in the area, the proposed parking facilities would only exacerbate the current problem.

For these reasons, I believe that this application should be rejected.”

7.4 Jo Stevens MP objects to the application as follows:

“Overdevelopment and change of character to the area

The above proposal is to construct two 15 bed HMOs – equivalent to a 30 bed HMO on a small site, accessed through quiet residential streets in Plasnewydd. This local area already suffers from a saturation of HMOs, especially in the areas

surrounding Newport Road, Oakfield Street, Claude Road and Connaught Road. This development would breach the saturation point guidance within the Supplementary Planning guidance on Houses of multiple occupancy.

Policy H5 of the Local Development Plan also states: 'Proposals for any conversion to flats or Houses in Multiple occupation will be permitted where:

- ii. There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise or overlooking.
- iii. The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.
- iv. Does not have an adverse effect on local parking provision.

I believe this development, on the back of planning permission for multiple flats will have a significant impact that will only serve to adversely affect the character of the surrounding area.

Car parking and amenity space

The development provides for a mere 9 dedicated parking spaces. For a development of 30 bedrooms, this is clearly substandard and will only have a detrimental impact on local parking provision, which is already at a premium. I also have concerns about the lack of amenity space contained within the plans for a development of this size and scale.

Impact on neighbours

It is likely this development will have an impact on neighbours due to it facing on both sides onto Roath Park Road and the back gardens of properties on Princes Avenue. We must consider that the size of the development will result in a detrimental impact on the privacy of gardens on Roath Park Road and on Princes Avenue also.

For the reasons above, I write to object to the application”

8. **ANALYSIS**

8.1 A recent application for full planning permission for demolition of the annex to 223 and rear outbuildings to 217-223 Newport Road and the construction of two 15 bed HMO's and one 6 bed HMO on this site was refused on 18th April 2019 because the site area (more than 0.1 hectares) was large enough to trigger a requirement for the provision of affordable housing under policy H3 of the Cardiff LDP, and no such provision was offered, nor was the applicant willing to submit a viability appraisal setting out how the developer was unable to meet the full policy requirements.

8.2 The current application relates to a smaller site (0.09 hectares), the existing

buildings, including the annex of 223 Newport Road that was to have been demolished, having been omitted from the proposals, and the site area no longer meets the affordable housing policy threshold. The single reason for refusal of the previous application was the developer's failure to comply with the policy requirements relating to affordable housing.

- 8.3 It is for the Planning Committee to determine whether these revised proposals are acceptable, taking into consideration the design of the development and the impact on visual amenity and the street scene, the impact on the amenities of neighbouring occupiers and whether the development will provide a satisfactory standard of accommodation for future occupiers, which were considered previously.
- 8.4 In design terms the proposals are identical to the 2018 application except that the rear annex of 223 Newport Road will now be retained and two rather than three detached 3 storey blocks will be constructed. The 2018 application was considered to be an improvement on the previously-approved scheme for 47 apartments (08/01551/C, granted in 2011 and commenced in 2016) as the development now consisted of separate "villas" with the existing buildings on Newport Road retained. The 3-storey scale of the buildings is one storey higher than other buildings on Roath Court Road but the third storey is contained partly within the roof space and the height (approximately 10.5m to the ridge of the roof) is therefore little different to that of the nearby houses, is typical of similar Victorian villas and is similar in scale to the 2011 development on the Roath Court Road frontage.
- 8.5 The architectural style of the buildings is considered to be acceptable. The blocks make reference to Victorian villas with their characteristic symmetry around an entrance, gables and bays. They lack the richness of detailing of many of the nearby original homes (such as door and windows surrounds, banding, leaded lights and mock timbering) but it is not unusual for new homes to lack such details. The site is not within a conservation area or close to any listed buildings that might justify closer adherence to traditional detailing. The external materials of the development (brick and render) will reflect the materials used in neighbouring buildings and a planning condition can be used to ensure that these are of an appropriate quality and are suitable for the area.
- 8.6 The existing street is also characterised by front gardens with boundary walls and hedging. The proposed development will also be set back behind a front boundary, although this will not be as deep as the existing front gardens in the area, and a planning condition will be required to ensure that the front boundary treatment matches the local character of wall and hedge as far as possible as these details are not shown on the submitted plans. The existing mature street trees will be retained on the site frontage, which will also help to minimise the visual impact of the development.
- 8.7 The scheme currently lacks detailed proposals for landscaping. An area of shared

- amenity space is depicted on the plans but its treatment and usability is unclear. A planning condition is therefore required to ensure that suitable details of landscaping are submitted, including planting methodology, post-planting aftercare methodology and an implementation programme.
- 8.8 With regard to the impact on the amenities of neighbouring residents, there will be a distance of at least 21m between the habitable room windows of the new development and those of existing properties and more than 10.5m between the windows of the new development and the private outdoor amenity space of neighbouring houses. These distances are normally accepted as appropriate for the maintenance of privacy. The buildings will not be so tall and bulky that they will appear unacceptably overbearing and they will not overshadow the rear gardens of existing houses. Therefore it is not considered that there will be such an adverse effect on amenity as to justify the refusal of planning permission.
- 8.9 Regarding the living conditions of future occupiers of the development, the buildings are not typical HMOs both in terms of their design (with kitchens in the rooms rather than in a communal space) and size (having 15 bedrooms in each block) and there would be some concerns over what the maintenance and management arrangements would be. However, to operate an HMO in this location, and of this size, the applicant will need both planning permission and a licence, and matters such as management arrangements and the details of internal space standards would be dealt with by the Licensing system. HMO licensing also lays down fire safety requirements, applies standards relating to kitchen and bathroom facilities and sets maximum occupancy limits.
- 8.10 The room sizes would be unacceptably small if this were a development consisting of separate self-contained flats rather than HMOs. However, planning permission would be needed to convert the development to flats. For the avoidance of doubt, and to ensure that the standard of accommodation remains acceptable, a planning condition preventing changes to the internal layout is recommended.
- 8.11 The amount of outdoor amenity space – approximately 112 square metres - is acceptable for a development of this size. The Supplementary Planning Guidance “Houses in Multiple Occupation” (October 2016) requires a minimum of 95 square metres for this number of rooms. The amenity space would be shared between the 2 HMOs: ideally each would have its own separate amenity space but in this case, as the HMOs are within a self-contained development, this is considered acceptable. The amenity space will be south facing and will contain a drying area, and landscaping can be used to enhance its amenity value. It will be easily accessible to all residents. It should be noted that no Section 106 contributions relating to Public Open Space can be sought for this development as it relates to 2 individual residential units and therefore current policy does not permit the Council to request an open space contribution.
- 8.12 Adequate facilities for cycle parking can be provided for residents, although

amended plans are required via a condition as the number of proposed stands exceeds the minimum requirement and is acceptable but the horizontal spacings between the stands as shown on the current plans are not adequate, and also lockable doors would be required on the storage building for security purposes.

- 8.13 The number of car parking spaces proposed (9) is the same as for the previous, refused application. This exceeds the maximum standard set out in the SPG “Managing Transportation Impacts (Incorporating Parking Standards)” (2018), which, for a development of two HMOs, would be 2 spaces. However, 9 spaces was considered acceptable for the previous proposal for three HMOs and is acceptable for a development of two for the same reasons - the car parking facilities would be shared with the existing units (i.e. the 3 HMOs and 3 flats at 217 to 223 Newport Road) which would by themselves have a maximum car parking allowance of around 7 spaces, there are existing garages on the site that could already be providing parking facilities, and the existing 2011 consent, which remains extant, has a larger number of proposed on-site spaces. Whilst the current proposal is for a smaller development and therefore the number of car parking spaces ought to be reduced, Transportation officers are satisfied that the number of parking spaces proposed for this development is acceptable.
- 8.14 The concentration of HMOs in the area must also be considered. Concentrations of HMOs clustered in small geographical areas can detract from the character of those areas and actively contribute towards a number of perceived problems such as greater demand for infrastructure, less community cohesion and higher crime levels. This issue was considered when the previous application was determined, and Members did not consider the increase in the concentration of HMOs in the area to be unacceptable. The current application is for a smaller development, therefore it would be unreasonable to refuse planning permission on these grounds. The development will increase the concentration of HMOs in the immediate area above the 20% threshold set out in the HMOs SPG but developments of HMOs on brownfield sites, or developments of new HMOs that do not result in the loss of an existing C3 property, are viewed more favourably and in this case there will be no loss of any family dwellings, the development will be adjacent to existing HMOs and it will increase the housing stock in a sustainable location within a part of the city that already contains a mixture of uses such as flats, offices and care homes, as well as family houses. As such the principle of developing this site for HMOs remains acceptable.
- 8.15 With regard to the objections raised by local residents (as set out at paragraph 7.1 above):
1. The issue of the concentration of HMOs is discussed above. The character of Roath Court Road will remain as one of predominantly family homes. The development will not reduce the number of such properties and will be confined to the area within the curtilage of the existing HMOs close to the junction with Newport Road, where there is a wider mix of accommodation types.

2. Any noise generated by the residents of the properties would be domestic noise that would not be out of place in a residential area such as this. It cannot be assumed that the residents would generate high levels of noise and in any case excessive noise, causing a nuisance to others, is controlled under Environmental Health legislation and is not a planning matter.

3. This issue is discussed above. There will be adequate distances between existing and proposed windows and no overlooking of existing gardens.

4. It is not inevitable that residents will engage in crime or anti-social behaviour. Any such behaviour would be a matter for the police and would be dealt with under other legislation. South Wales Police have not objected to this application and had no objections to the previous proposals. The police have made several recommendations regarding security, and these have been incorporated into the suggested planning conditions and informative notes to the applicant.

5. The submitted plans demonstrate that an appropriate amount of outdoor amenity space will be provided for the new development. Little useable outdoor amenity space will be lost from the existing properties and 217 to 221 Newport Road will have direct access to the outdoor amenity space at the rear of the proposed HMOs as well as the new car parking, cycle storage and refuse storage areas, which will improve their amenities.

6. Internal space standards and bathroom facilities are controlled by the licensing regime. There will be no shared space for socialising other than the outdoor amenity space but this would also be true of a block of one-bedroom flats and does not constitute grounds for refusal of the application. It will be for the owner and residents to determine how clothes washing is managed, and there will be an outdoor clothes drying area within the shared amenity space. The food waste disposal needs would be the same as for a block of self-contained flats. Adequate facilities for the storage of waste and recycling containers will be provided and waste management officers have raised no concerns in this respect. Landscaping of the outdoor areas can be controlled via a planning condition to ensure that there will be "green space".

7. It cannot be assumed that the development will not be properly maintained. The licensing system will control issues around the management of the property.

8. The proposed development is not of a type or scale that requires the submission of a Transport Assessment or Travel Plan. The proposed parking facilities comply with the requirements of policy T5 of the Cardiff Local Development Plan, the adopted SPG and Planning Policy Wales (edition 10) which have no minimum standards for numbers of car parking spaces. The site is within the central area of the city, as defined in the SPG, where limiting the provision of parking is necessary to manage the demand for travel by car to central Cardiff and encourage travel by public transport, walking and cycling in order to achieve the Local Development Plan target of a 50:50 modal split. The SPG recognises that the availability of parking spaces and their location can influence travel choices and excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes. Planning Policy Wales (2018) advises that "good

design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys” and it is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles. Planning Policy Wales advises that the sustainable transport hierarchy must be a key principle when considering and determining planning applications and planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.

9. Issues of design are addressed earlier in this report. It is not considered that the design and scale are so out of keeping that refusal of the application would be justified. The design, siting and scale of the buildings remain the same as for the previous application, when these aspects of the development were considered acceptable, and there will now be only two buildings rather than three, which further reduces visual impact.

10. It would be unreasonable to refuse planning permission for a development on the grounds that the new residents will use the existing facilities and services in the area. If there is increased demand for services, this should be managed by the service-providers. Waste management officers have raised no concerns relating to waste collections, Welsh Water have no concerns regarding water and sewerage infrastructure and highways/transportation officers have no concerns regarding parking or increased use of the highway network.

11. Highways/transportation officers have raised no concerns regarding traffic or pedestrian and highway safety.

12. Highways/transportation officers have raised no concerns regarding traffic congestion. The site is in a sustainable, central location where it will not be necessary for residents to use private cars. Any future increase in private car usage could not be directly attributable to this development.

13. A construction management scheme can be required, which would minimise disruption caused by building works. It would be unreasonable to refuse planning permission on the grounds of the temporary disturbance that would be caused during construction.

14. The annotation on the floor plans indicates that all the rooms would have a floor area of 20.5 square metres. This appears to be reasonably accurate when the scaled plans are measured.

15. There are no trees or hedgerows on the site of a quality that would justify their retention. The Tree Preservation Officer has confirmed that the street trees on the Roath Court Road frontage will not suffer unacceptable harm subject to protection with tree protection boxes erected for the full course of demolition and construction, and any excavations/demolition close to them being undertaken under arboricultural supervision and roots dealt with in accordance with section 7.2 of BS 5837:2012.

16. The development will not increase the amount or nature of traffic in the area to such an extent that air quality would be affected. The site is not within or close to any existing Air Quality Management Area.

17. The impact of development on the value of other property is not a material planning consideration and cannot be taken into consideration in the determination of this application.

18. It is highly unlikely that any children will live in this development.

19. The application is not specifically for student accommodation, it is for Houses in Multiple Occupation, therefore the accommodation will be available to the general population. As with any other HMOs, there would be nothing to prevent students becoming residents.

20. The Local Planning Authority must consider the acceptability of the development that has been applied for, irrespective of whether others may prefer an alternative scheme. The site is privately owned and the Council cannot dictate what the owner applies for.

21. See above.

22. The issue of the impact on the character of Roath Court Road is discussed elsewhere in this report. The application referred to, relating to a property at 40 Princes Street, dates from 2001 and was for an extension to a dwelling – neither the policy context nor the nature of the development are comparable with the application for HMOs now being considered.

23. It is not mandatory for developers to carry out any pre-application consultation for developments such as this. The developer would have been aware of local residents' feelings following the submission of objections to the previous application.

24. The applications have different reference numbers and different descriptions therefore should not be easily confused. There is no evidence to suggest that the applicant deliberately tried to mislead the public. The appeal and the new application could have run concurrently but the applicant chose to withdraw the appeal and apply instead for a smaller development.

25. It is not necessary for the application to include drawings showing the scale of the proposal in comparison with the existing neighbouring housing on Roath Court Road, although it would have been helpful. The lack of such a drawing does not constitute grounds for refusal of the application. The scale of the existing and proposed buildings are evident and context can still be considered.

26. Up to date policy and Supplementary Planning Guidance has been used to assess the current application and is referred to in this report, and the current context has been considered.

27. The development approved under 08/01551/C has commenced and could be fully implemented subject to compliance with the Section 106 obligation attached to the permission. The permission did not expire in 2016 as it was established that works had commenced on 16/09/2016 and therefore, in accordance with Section 56(1) of the Town and Country Planning Act 1990, the permission remains "alive". The application that was made to remove the five-year limit (16/00742/MJR) was withdrawn because it was determined at that time that the development had commenced in accordance with the permission and all pre-commencement

conditions had been discharged prior to the commencement of development. 08/01551/C does not represent a precedent for the current proposals but it must be borne in mind that it is a “fall-back” position for the developer should this application be refused.

28. The Local Planning Authority does not have the power to insist that the development be carbon neutral. Energy efficiency is controlled under the Building Regulations, which requires developments to achieve certain CO2 emissions targets. This is separate to planning permission. The Local Planning Authority can, however, consider other aspects of sustainability such as green infrastructure and sustainable transport, hence the requirement for maximum rather than minimum numbers of car parking spaces for this development and the recommended conditions relating to landscaping, tree protection and cycle storage.

29. The application is not specifically for student accommodation, nor does it relate to a hostel or residential institution. The use applied for is “houses in multiple occupation.” It cannot be assumed that residents would engage in antisocial behaviour, which would in any case be a matter for the police, and it would be unreasonable to refuse planning permission on those grounds. The Planning Committee had no objections to the proposed use as houses in multiple occupation when considering the previous application (18/01669/MJR).

- 8.16 The objections raised by Councillors Peter Wong, Dan De’Ath, Mary McGarry and Sue Lent reiterate the concerns of local residents and are addressed above. With regard to their request for the application to be refused on the grounds that there will be no affordable housing contribution, it should be noted that the previous application triggered the need for a contribution not because of the number of bedrooms or the size of the buildings but because of the dimensions of the application site. Policy H3 of the LDP states that *“The Council will seek 20% affordable housing on Brownfield sites and 30% affordable housing on Greenfield sites in all residential proposals that:*
- i. Contain 5 or more dwellings; or*
 - ii. Sites of or exceeding 0.1 hectares in gross site area; or*
 - iii. Where adjacent and related residential proposals result in combined numbers or site size areas exceeding the above thresholds, the Council will seek affordable housing based on the affordable housing target percentages set out above.”*
- 8.17 The proposal does not contain 5 or more dwellings, it contains only two Houses in Multiple Occupation; the site area is below 0.1 hectares, and there are no adjacent, related proposals that would result in the combined numbers or site size areas exceeding the above thresholds. The Council is therefore unable to seek an affordable housing contribution in this case and the lack of such a contribution cannot reasonably form grounds for the refusal of planning permission.
- 8.18 The objections raised by Jenny Rathbone A.M. and Jo Stevens M.P. also reiterate the concerns of local residents, and are addressed above.

8.19 In conclusion, there would be no grounds for refusal of this application on the basis of the above considerations.

9. **OTHER CONSIDERATIONS**

9.1 *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.

9.2 *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, over and above any other person.

9.3 *Environment (Wales) Act 2016*The Environment (Wales) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

9.4 *Well-being of Future Generations (Wales) Act 2015*The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WBFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WBFG Act.



Site Plan 1:500

Revised Application



Site Plan 1:1250

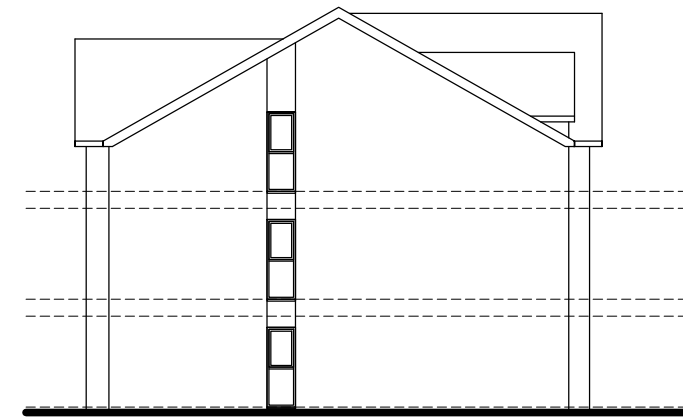
Residential Development at 217-223 Newport Rd WPI Estates	Job No. 2018-035 Dwg No. AL(090)01 Rev.
Title Location Plan	
Date 05/2018	Drawn Scale 1:250/1250 @ A3

Architects Town planners
Environmental & Urban design

Unit 1A, Compass Business Park,
Pacific Road, Cardiff, CF24 5HL www.cjarchitects.co.uk
tel: 029 20452100



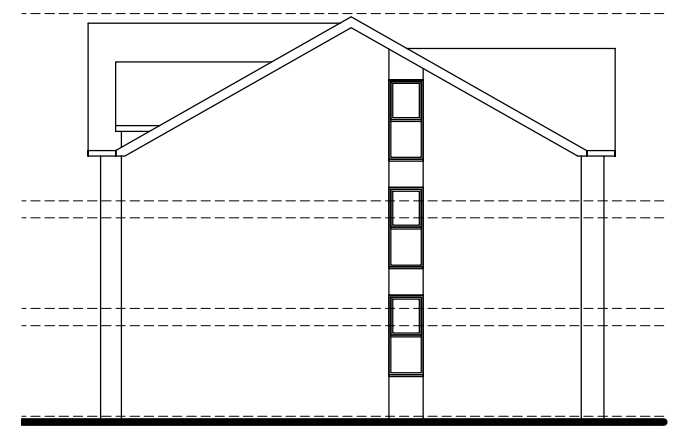
Front Elevation to Roath Court Rd - 1:200



Side Elevation Plot A/B - 1:200



Rear Elevation - 1:200




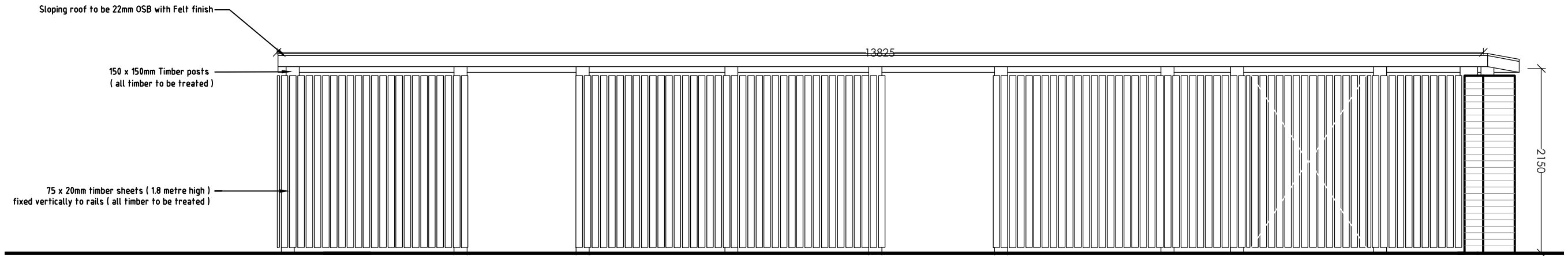
Side Elevation Plot A/B - 1:200



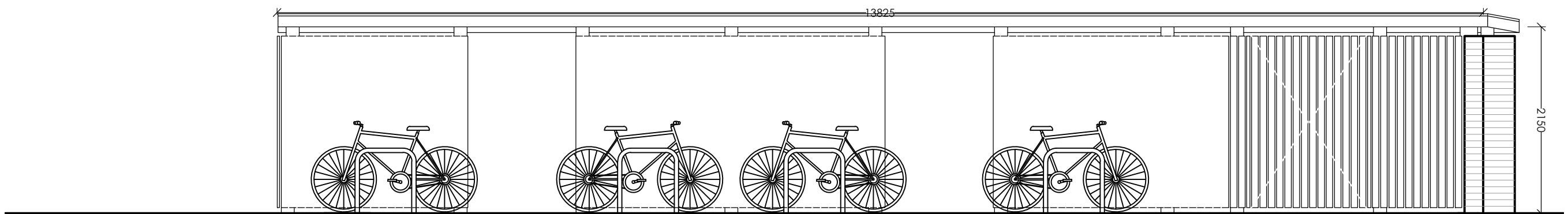
Side Elevation Plot C - 1:200

Revised Application

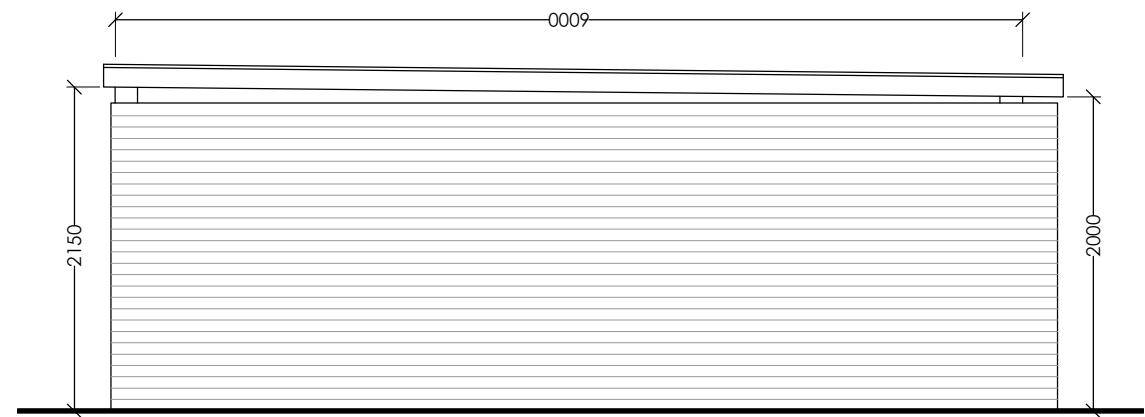
Residential Development at 217-223 Newport Rd WPI Estates	Job No. 2018-035 Dwg No. AL(01)10 Rev.
Title Proposed Elevations	
Date 05/2018	Drawn Scale 1:200 @ A3
 Architects · Town planners Environmental & Urban design	
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 5HL</small> <small>www.c2architects.co.uk tel: 029 20452100</small>	



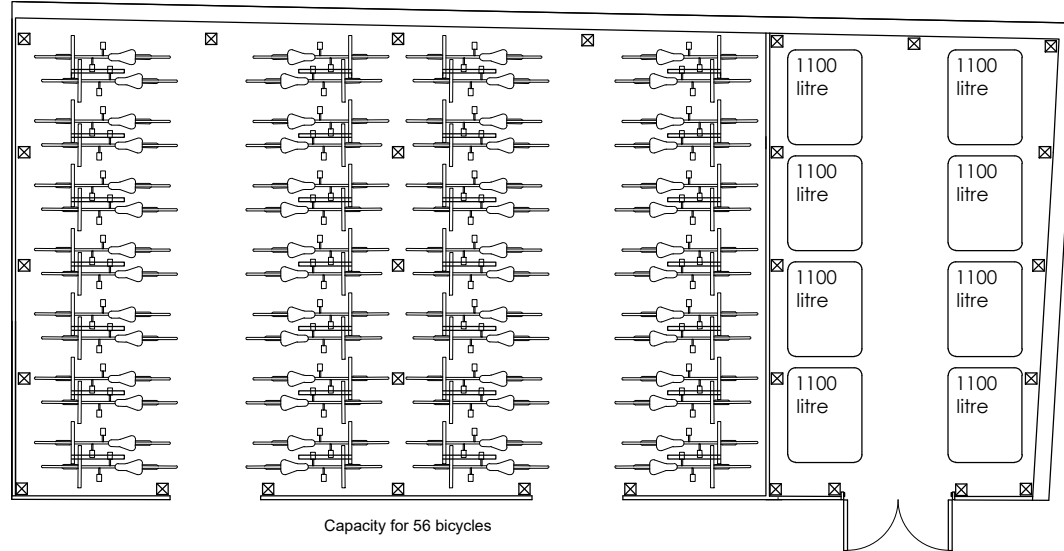
Front Elevation
1:50 @ A3



Front Elevation (Sectional)
1:50 @ A3



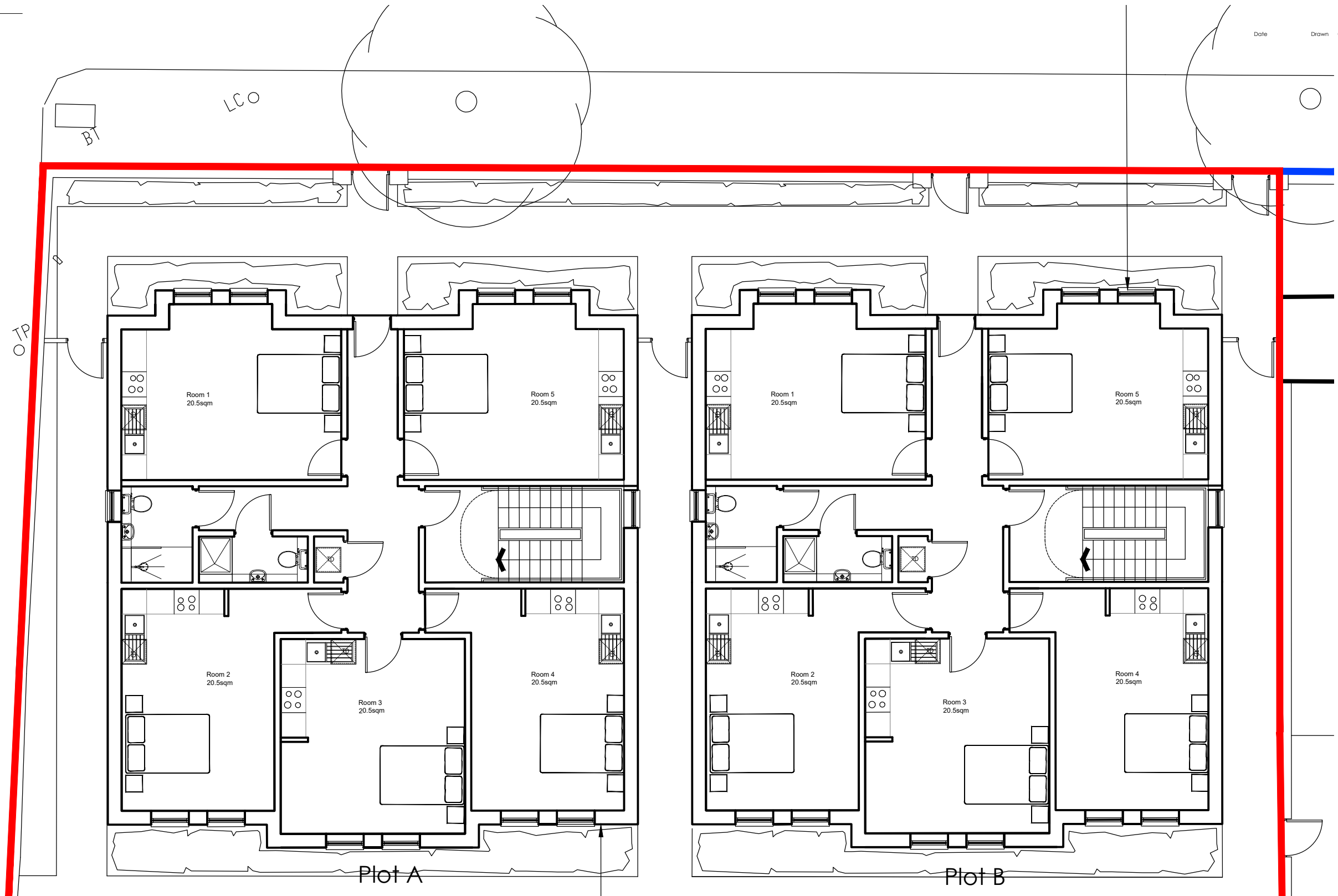
Side Elevation
1:50 @ A3



Floor Plan
1:100 @ A3

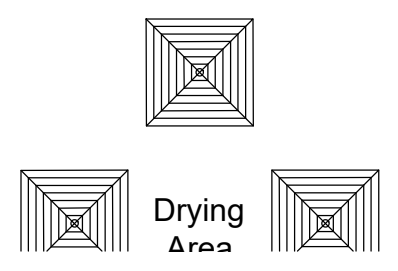
Revised Application

Residential Development at 217-223 Newport Rd WPI Estates		Job No. 2018-035 Rev. AL(02)01
Title Proposed Cycle and Bin Store		
Date 01/2019	Drawn WS	Scale 1:100 & 1:50 @ A3
 Architects Environmental & Urban design		Town planners
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small>		<small>www.c.jarchitects.co.uk tel: 029 20452100</small>



Plot A

Plot B



Drying Area

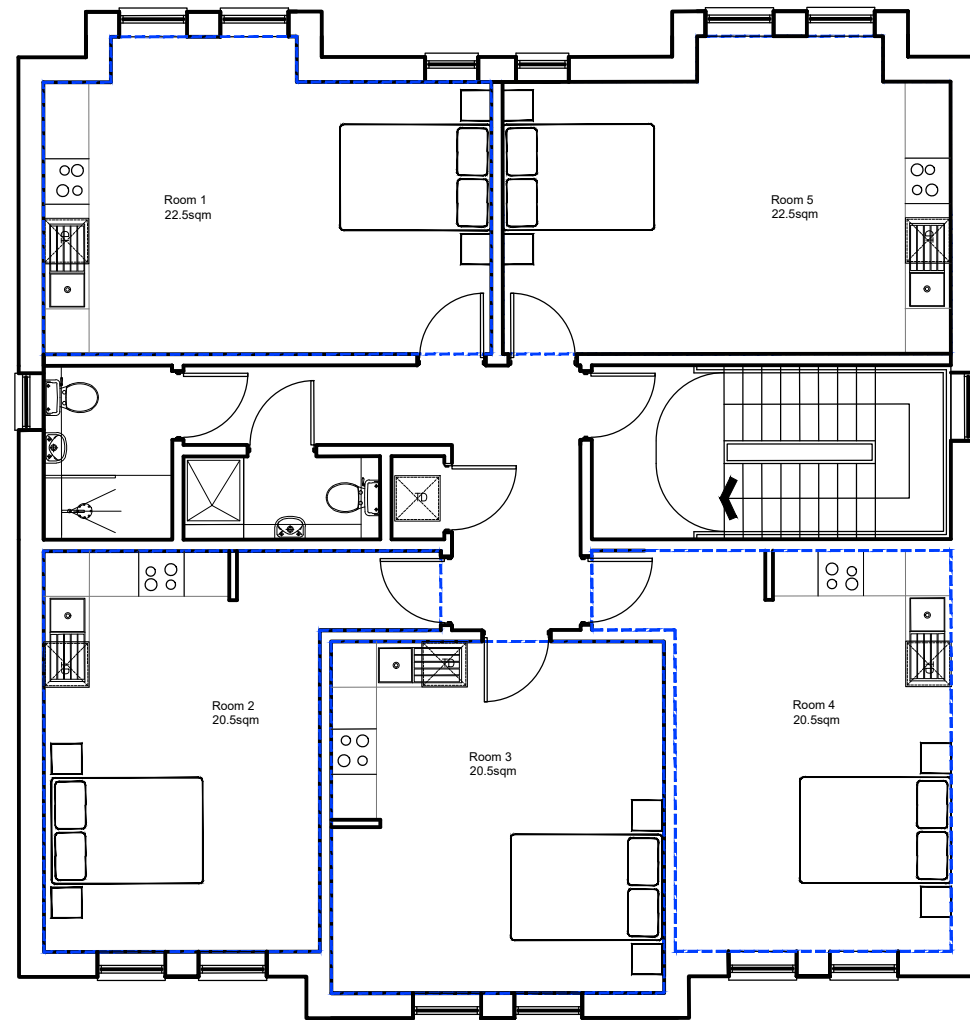
Ret

Plots A & B - Ground Floor Plan 1:100

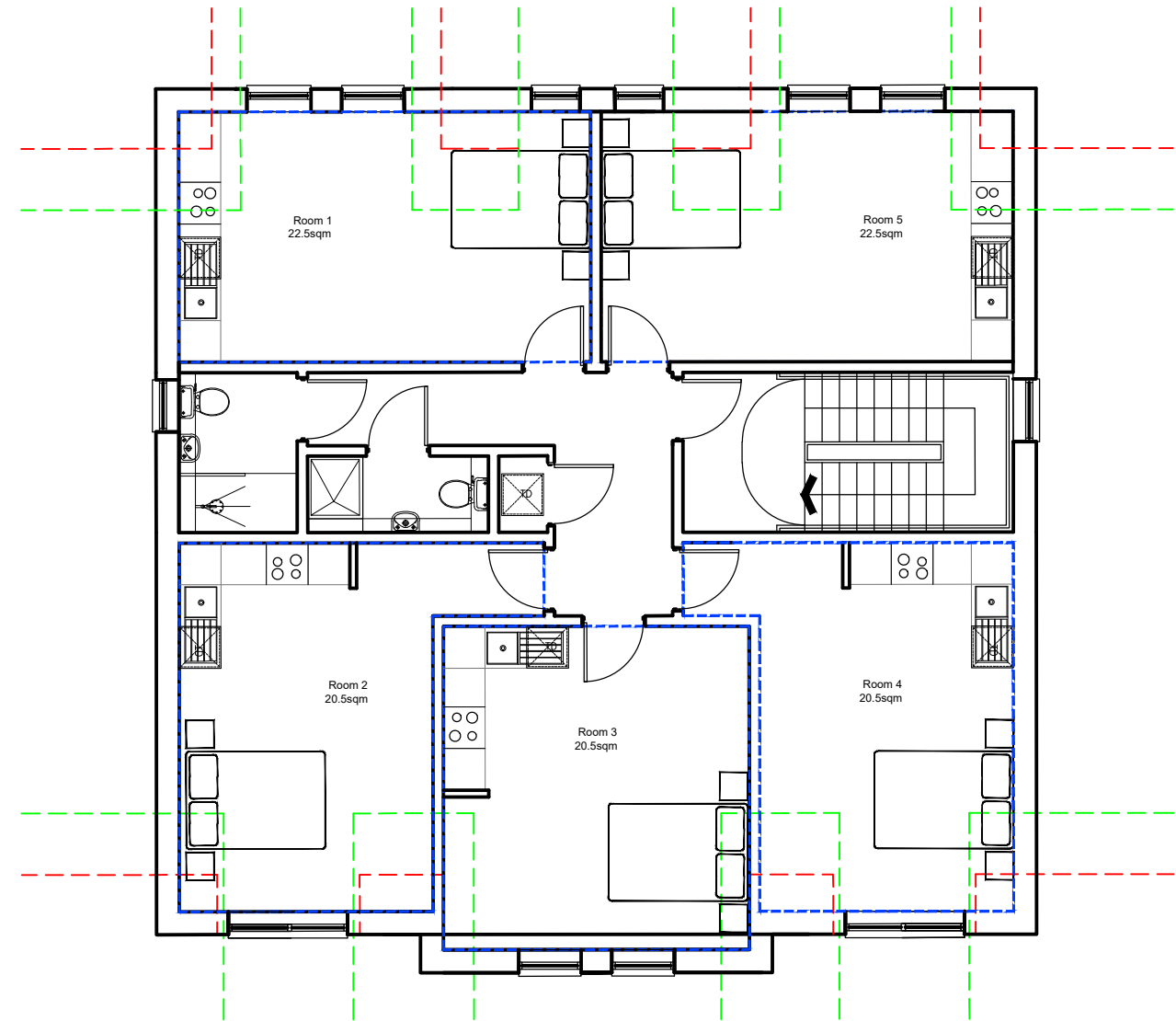
Revised Application

Residential Development at 217-223 Newport Rd WPI Estates	Job No. 2018-035 Dwg No. AL(01)02
Title Plots A+B Ground Floor Plan	
Date 05/2018	Scale 1:250/1250 @ A3
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small>	

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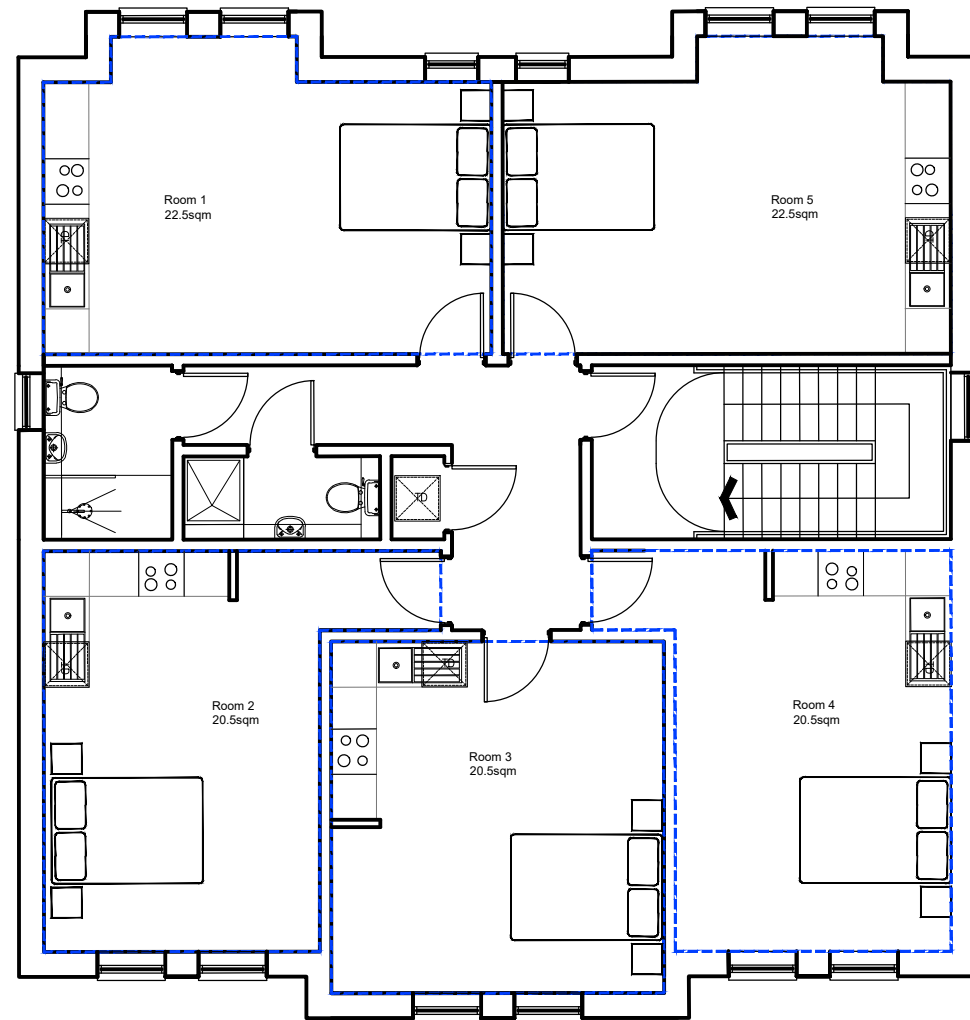
1st Floor Plan



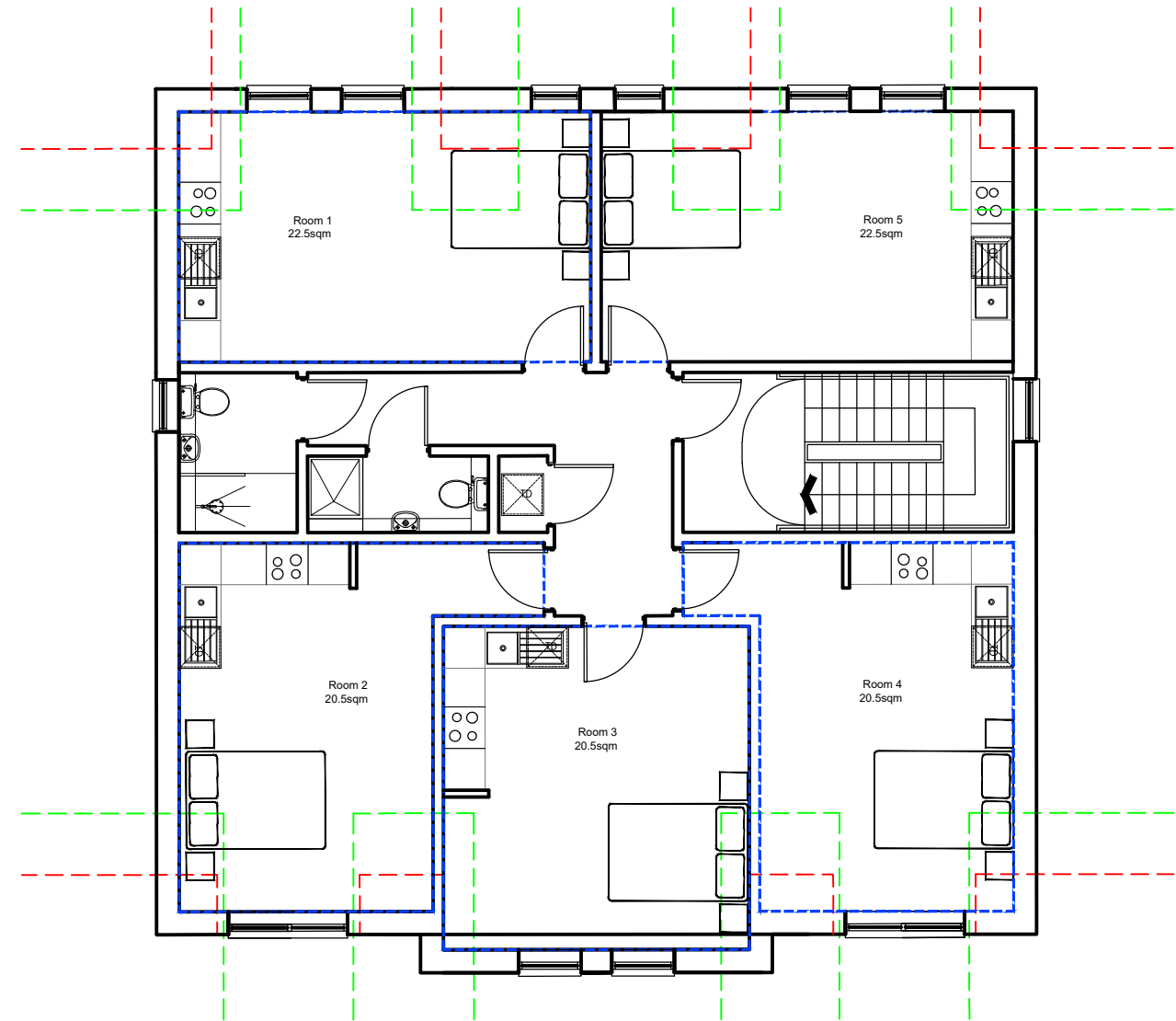
2nd Floor Plan

Plot A & B Upper Floor Plans
Revised Application

Residential Development at 217-223 Newport Rd WPI Estates		Job No. 2018-035 Dwg No. AL(01)03 Rev.
Title Plots A+B Upper Floor Plans		
Date 05/2018	Drawn	Scale 1:100 @ A3
 C² Architects		Town planners Environmental & Urban design
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small>		<small>www.c2architects.co.uk tel: 029 20452100</small>



1st Floor Plan



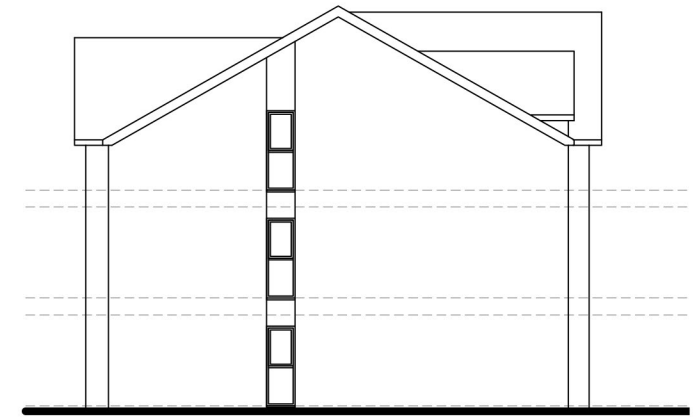
2nd Floor Plan

Plot A & B Upper Floor Plans
Revised Application

Residential Development at 217-223 Newport Rd WPI Estates		Job No. 2018-035	Rev. AL(01)03
Title Plots A+B Upper Floor Plans			
Date 05/2018	Drawn	Scale 1:100 @ A3	
 C² Architects		Town planners Environmental & Urban design	
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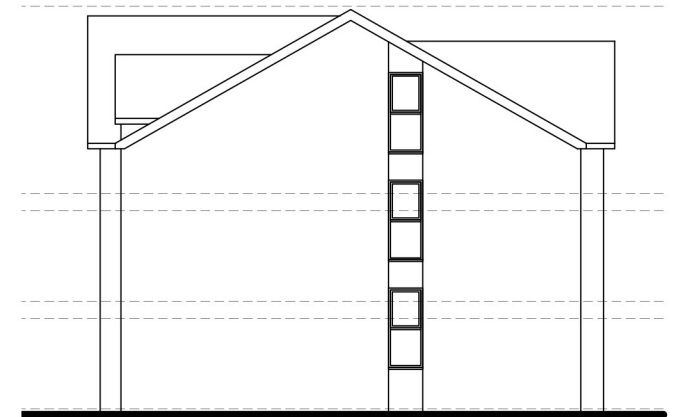
Front Elevation to Roath Court Rd - 1:200



Side Elevation Plot A/B - 1:200



Rear Elevation - 1:200



Side Elevation Plot A/B - 1:200



Side Elevation Plot C - 1:200

Residential Development at 217-223 Newport Rd WPI Estates	Job No. 2018-035 Dwg No. AL(01)10 Rev. A
Title Proposed Elevations	
Date 05/2018	Scale 1:200 @ A3

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tel: 029 20452100

8.8m



AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
 & ENVIRONMENT
 08/11/08
 DATE 12-11-08

Residential Development 217 - 233 Newport Rd. Richard Waters	Job No. 07-092 Dwg No. AL(0)01 Rev. B
Title Site Plan	Scale 1:200 @ A1
Date /04/08	Drawn ***

LB

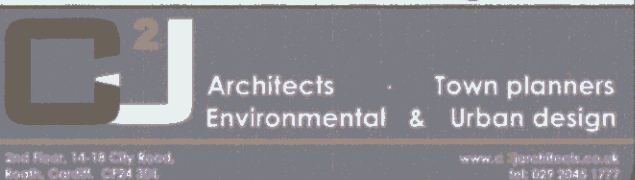


Elevation A



Elevation B

AMENDED PLAN
 CARDIFF COUNTY COUNCIL
 STRATEGIC PLANNING
 & ENVIRONMENT
 08/11/08
 DATE 12-11-08

Residential Development 217 -233 Newport Rd. Richard Walters	Job No. 07-092	Rev. AL(0)30 B
Title Elevations A and B		
Date 24/04/08	Drawn ***	Scale 1:100 @ A1
		

Architects Environmental & Urban design
 Town planners
 2008-2009: 14, 18 City Road, Cardiff, CF24 2JL
 www.architectsenviro.com
 TEL: 029 2084 1277