

PETITION AND LOCAL MEMBER OBJECTION

COMMITTEE DATE: 18/03/2020

APPLICATION No. **19/02291/MNR** APPLICATION DATE: 19/08/2019

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Cashin

LOCATION: 36 BEDA ROAD, CANTON, CARDIFF, CF5 1LY

PROPOSAL: GROUND FLOOR REAR EXTENSION, REAR & SIDE DORMERS
AND CONVERSION FROM TWO TO THREE FLATS

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

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
 - CEZ1/3/a
 - CEZ1/4
 - CEZ1/5/b
 - CEZ1/6/e

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Prior to the beneficial use of the property as 3 self-contained flats 6 undercover and secured cycle parking spaces, as indicated on the approved site layout plan, shall be provided within the curtilage of the property and shall thereafter be retained and maintained for as long as the use hereby approved remains in existence.
Reason: To ensure that secure cycle parking facilities are provided to encourage other modes of transport over the private car.

4. Prior to the beneficial use of the property as 3 self-contained flats a refuse storage area, as indicated on the approved site layout plan, shall be provided within the curtilage of the property. The refuse storage area shall thereafter be retained and maintained at all times for as long as the use hereby approved remains in existence.
Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Cardiff Local Development Plan 2006-2026.

5. The windows in the dormer roof extension situated within the rear annex facing 38 Beda Road shall be glazed with obscure glass and non-opening below a height of 1.7 metres above internal floor level and thereafter be so maintained and retained.

Reason : To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

RECOMMENDATION 2: As the site is located within a flood risk area future occupants/owners are advised to sign up to the Environment Agency's Flood Warning service. Additional guidance can be found on the following website: <https://naturalresources.wales/flooding/flood-warning-service/?lang=en>

RECOMMENDATION 3: The owner be advised that since 27th July 2015, the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on **029 20717500**.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1 This application seeks planning permission to erect a ground floor rear extension, two small side dormer roof extensions with a small flat roof dormer to partially link the two dormers to provide additional headroom when exiting the stairs to enter the attic room and a rear dormer roof extension to facilitate the change of use of the property from two self-contained flats to three self-contained flats.
- 1.2 Internally the resultant accommodation would comprise a two bedroom flat on the ground floor together with an internal cycle store off the communal lobby to serve the two upstairs flats; a two bedroom duplex flat on the first floor and within the rear dormer roof extension and a two bedroom duplex flat in the rear annex and within the side dormer roof extension. Access for the flats would be through the existing communal entrance from Beda Road. An amenity space is presently provided for the ground floor flat only. Following the development the ground floor flat will still have access to the amenity space. The two upstairs flats will not have any access to the rear amenity space.

2. RELEVANT SITE HISTORY

90/666W – Use of Ground Floor as Crèche – Planning permission granted.

3. POLICY FRAMEWORK

- 3.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016.

3.2 Relevant National Planning Guidance:

Planning Policy Wales (2018)
Planning Policy Wales TAN 11: Noise
Planning Policy Wales TAN 12: Design
Planning Policy Wales TAN 21: Waste

3.3 Relevant Cardiff Local Development Plan Policies:

Policy KP5 : Good Quality and Sustainable Design
Policy KP8: Sustainable Transport
Policy KP13 : Responding to Evidenced Social Needs
Policy H5 : Sub-Division or Conversion of Residential Properties
Policy T1 : Walking and Cycling
Policy T5 : Managing Transport Impacts
Policy W2 : Provision for Waste Management Facilities in Development

3.4 Relevant Supplementary Planning Guidance:

Waste Collection and Storage Facilities (2016)
Residential Extensions & Alterations (2017)
Managing Transportation Impacts (Incorporating Parking Standards) (2018)
Flat Conversions (2018)

4. INTERNAL CONSULTEE RESPONSES

4.1 Waste Management have advised that the proposed storage areas have been noted and are acceptable. Each flat will require the following for recycling and waste collections:

- 1 x 140 litre bin for general waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

They have also requested the owner be advised that since 27th July 2015, the developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on **029 20717500**.

4.2 Transportation have advised that the proposed cycle parking facilities within the rear garden for the ground floor flat are considered acceptable. With respect to the cycle parking facilities within the communal lobby for the two upstairs flats they have enquired if some of the spaces can be provided horizontally as opposed to all being vertical hanging spaces in the interest of accessibility for all users.

5. EXTERNAL CONSULTEE RESPONSES

- 5.2 Natural Resources Wales have been consulted and have examined the submitted Flood Consequences Assessment and have advised that they have no objections to the proposal as submitted.

5. REPRESENTATIONS

- 5.1 Neighbours have been notified and an objection has been received from the adjoining occupier at 34 Beda Road and 72 Beda Road. A petition of 57 electors has also been received objecting to the planning application. The objections can be summarised as follows:

1. Impact on current car parking availability;
2. Additional waste and the impact/problems this will have when rubbish is not presented/stored correctly;
3. Anti-social behaviour associated with rented accommodation;
4. Additional noise and vibrations associated with more occupants and kitchens adjacent to adjoining property's bedrooms;
5. Potential smell issues;
6. Loss of privacy as a result of the dormers;
7. Potential loss of light as a result of the extension.

- 5.2 Councillors Elsemore, Patel and Cunnah object to this application. Their objection is as follows:

On behalf of my fellow ward councillors, Cllrs Ramesh Patel and Stephen Cunnah, I hereby write to support the objections of our residents to the application for proposed development at 36 Beda Road.

You will already have received a Petition lodged on Friday, 27th September and signed by 56 signatories opposing the planning application.

In addition you will have received a letter of objection dated 25th September from immediate neighbours, Tim and Isabelle James of 34 Beda Road.

In view of both the Petition and the letter from Tim and Isabelle James, we request that this matter is listed for hearing before Full Planning Committee for the following reasons:

Negative Impact on the Community

1. This Victorian street once full of family homes is now witness to the creeping intrusion of conversion into flats or HMOs: the following properties on Beda Road have already been converted – 71, 49, 84, 38, 16; with a further application for conversion into multiple units in respect of 67 Beda Road
2. The demand for parking on Beda Road already outstrips supply, and any potential further development will lead to a greater negative impact on

- the ability of residents to park near to or in the area surrounding their homes
- 3. The proposed development seeks planning permission to convert what was a family home, from the current two to three flats thus having a significant impact on the street environment in terms of waste storage and presentation (many complaints have previously been logged with the Council against presentation of waste for the current 2 flats at the property)
- 4. Residents, especially the immediate neighbours at 34 Beda Road, will no longer have quiet enjoyment of their homes, given that the current 2 flats have caused significant issues of noise, loss of privacy, and more serious issues of anti-social behaviour requiring multiple call-outs to South Wales Police

Negative Impact on the Amenities of Immediate Neighbours

- 5. In view of the special family circumstances of Tim and Isabelle James, so well described in the letter of application dated 25 September, any such further development at 36 Beda Road would have a significant impact on the quality of life of the entire family, but especially their 23-year-old son who is severely disabled

Living Condition of Future Occupiers

- 6. The proposed development does not provide adequate quality in terms of the living conditions of future occupiers, especially in terms of light, size of premises and access to outdoor space

Flood Risk

- 7. The application site lies partially within Zone C1. Natural Resources Wales Flood Map confirms the site to be within the 0.1% (1 in 1000 years) annual probability fluvial flood outlines of the River Ely
- 8. Flood risk is a material planning consideration and Natural Resources Wales has previously refused permission for similar developments on Beda Road in view of its location in terms of the Flood Plain
- 9. Any such risk of flooding is exacerbated by the over development of such properties
- 10. Given the Climate Emergency and the concomitant risks which are manifestly increased to this and neighbouring properties, further development at this location is not justified

For all the above reasons we believe that this application should be refused, and look forward to the listing of this application at Full Planning Committee.

6. ANALYSIS

- 6.1 This application was deferred by Planning Committee at its meeting on 22nd January, for additional information. The information related to the height of the living accommodation within the roofspace of the attic conversion. This

additional information has now been received and the application is therefore reported back for determination.

- 6.2 This application seeks planning permission to change the use of the property from two self-contained flats to three self-contained flats. In order to facilitate the change of use a ground floor rear extension, two small side dormer roof extensions with a flat roof link and a rear dormer roof extension are proposed.
- 6.3 **Policy Considerations** - The creation of self-contained flats in this location is supported by Policy H5 of the Local Development Plan. Further guidance can also be found in the adopted Flat Conversion SPG.
- 6.4 Policy H5 of the LDP is considered to be a prescriptive policy whereby as long as the relevant criteria is met there is unlikely to be any objection to such proposals. It advises that:

"Proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where:

- i. The property is of a size whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.*
- 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."*

- 6.5 The approved Supplementary Planning Guidance on Flat Conversions further expands on this policy and aims to provide background information on for how the Council will assess planning applications for the conversion of buildings into flats. It recognises that conversions of older properties into flats offer unique challenges that warrant their own policies whereas new build flats tend to benefit from less 'constraints', most notably in terms of space restrictions that the existing building encompasses.

Cardiff has a housing shortage, and this includes the provision of family accommodation. There is a need for all sizes of family accommodation, both in the affordable and market housing sectors. Whilst it is recognised that conversions to flats can result in an increase of smaller, denser accommodation being provided, it can often be at the expense of family accommodation as a larger single residential unit makes way for several smaller flats. A significant loss of family housing can erode the character of an area, including diluting mixed and sustainable communities, as outlined in Policy H5 of the LDP.

In addition to maintaining a supply of family housing, the council needs to protect the character and amenity of an area. As such, where an existing C3 Use Class family home is lost to conversion, the council would favour the provision of a range of flat sizes, especially two bed flats, which are more versatile in terms of occupiers and can serve as small family accommodation.

The most appropriate location for a two-bed flat is on the ground floor, which is typically better positioned to benefit from any ground floor amenity space. It is understood that in some cases a two bed flat may not be possible within the confines of an existing building, or without extensive, and possibly unacceptable, extensions.

- 6.6 In this particular instance the property presently contains a two bedroom flat on the ground floor and a two bedroom flat on the first floor. As a result of the proposal an additional two bedroom flat will be provided resulting in the provision of three x two bedroom flats. The internal volume of the flats satisfies the minimum floor space requirement of 45 square metres at an internal height of 2m or more for the ground and first floor and 1.5m or more for the rooms contained within the converted roofspace. The outlook from all living areas is considered adequate.
- 6.7 **External Alterations** - In respect of the external alterations to the property to facilitate the additional flat a ground floor rear extension, a side dormer roof extension and a rear dormer roof extension are proposed.

Ground floor extension - The ground floor extension originally proposed a monopitch roof however this has been reduced to a flat roof due concerns over its height and resultant impact on the adjoining neighbouring property. The roof as revised has now been reduced by 1m at its highest point. The proposed extension, as amended, is now considered acceptable in regards to its scale and design and will provide a subservient addition to the property and will not prejudice the general character of the area. The scale of the extension and its relationship with the existing property and that of neighbouring properties is considered acceptable. It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern for the Local Planning Authority.

Side Dormer Roof Extension - With respect to the side dormer roof extension this has since been reduced in size due to concerns over its impact. Originally a flat roof box dormer was proposed. This has now been reduced to two small dormers with a gabled roof design. The dormers are set up the roof slope and finished in hanging slate to match the existing roof covering in line with advice contained within the Residential Extensions and Alterations SPG. A small flat roof dormer is also now proposed which will partially link the two dormers to allow for additional headroom when exiting the stairs to enter the attic room. The proposed structure will for the most part be concealed from view by the pitched roof dormers being set back up the roof slope.

It is noted that the windows in the side will be facing directly onto 38 Beda Road and for this reason condition 5 has been imposed to ensure that they are obscurely glazed and non-opening below 1.7m above internal floor level in the interest of ensuring the privacy of the adjoining occupiers are protected. It is not considered that this will result in an unacceptable level of living accommodation for future occupiers as one window serves a bathroom and the other window serves a bedroom which also has a window facing the rear garden which is to be clearly glazed and opening providing both outlook and

ventilation.

Rear Dormer Roof Extension – With respect to the rear dormer roof extension this is to be set up the roof slope and finished in hanging slate to match the existing roof covering in line with advice contained within the Residential Extensions and Alterations SPG. This dormer does not raise any issues of concern for the Council and the windows do not directly overlook the gardens of neighbouring properties.

6.8 **Amenity Space** - In respect of amenity space, the existing amenity space will still be available for the ground floor flat only and will also be used for the storage of their waste receptacles and cycles. In respect of the two upstairs flats the Flat Conversion SPG does not identify a minimum amount of external amenity space required for flat conversions. The SPG also identifies that whilst it would be desirable for as many flats within the converted building to have access to external amenity space it is not always viable or desirable and it is recognised that not all flats will have such access space. Ultimately this is a matter for individual residents in choosing where to live. In this respect whilst it is noted that no amenity space is provided for the two upstairs flats the proposal is not considered unacceptable on this ground alone.

6.9 **Waste** - In respect of waste storage facilities each flat will require the following for recycling and waste collections:

- 1 x 140 litre bin for general waste
- 1 x 25 litre kerbside caddy for food waste
- Green bags for mixed recycling (equivalent to 140 litres)

Details have been submitted which are considered acceptable and condition 3 has therefore been included to ensure such provision is provided. It is noted that concern has been raised over previous issues with respect to the occupiers not managing their waste correctly. Unfortunately, this is not something that can be covered under planning legislation. If it is found that the waste is not being stored or presented correctly and subsequently causing anti-social issues this would be a matter for Waste Enforcement to action.

6.10 **Transportation** - Policy KP8 of the LDP seeks to reduce travel demand and dependence on the car. It identifies that to accommodate the planned growth levels predicted for the city, existing and future residents will need to be far less reliant on the private car and seeks to ensure that more everyday journeys are undertaken by sustainable modes of transport. Policy T5 of the LDP also identifies that all new development for which planning permission is required will contribute to reducing reliance on the private car, in line with national planning policies and the strategic transport objectives of the LDP.

The Council's approved Supplementary Planning Guidance on Managing Transportation Impacts (Incorporating Parking Standards) supplements the LDP in this respect and sets out the Council's approach to assessing and managing the transport impacts of developments within the City. Section 6 of the SPG refers to parking standards and is therefore an important tool to be

used in managing demand for travel by car and encouraging a shift to sustainable transport modes.

In respect of car parking the SPG identifies that for a two bedroom flat there is no minimum off street car parking space requirement and a maximum limit of two off street car parking spaces. In this instance no off street car parking spaces are proposed. However as there is no minimum requirement then the proposal is still compliant with the SPG with no off street car parking provision.

With respect to cycle parking the SPG identifies that 1 cycle parking space is required per bedroom. As the proposal seeks planning permission for three x 2 bedroom flats then 6 cycle parking spaces will be required. The applicant has submitted plans which indicate that that this can be provided at the property – two stored horizontally within the rear garden for the ground floor flat and four within a cycle store accessed off the internal lobby for the two upstairs flats which are to be stored vertically. Whilst it is noted that 100% vertical cycle storage is proposed within the internal store as opposed to a mix of vertical and horizontal cycle storage in the interests of accessibility for all users, in this particular instance it is considered that it would not be feasible given the particular context without compromising the internal layout and level of accommodation provided, the character of the area or the amenity of neighbouring occupiers. As such the cycle storage facilities proposed are considered acceptable. Condition 3 has been imposed to ensure such provision is provided.

- 6.11 **Flood Risk - TAN 15 Flood Risk Assessment Criteria** - It is noted that the proposal is already in use as two self-contained flats and located in an area which is already developed and served by significant infrastructure and flood defences (Zone C1 of the DAM).

The property is located in a sustainable location and supports the Cardiff Local Development Plan strategy which states that Cardiff has a significant need for new homes including family homes, affordable homes together with catering for the whole range of needs. It also states that the subdivision of a residential building into smaller residential units can be an important source of housing.

The site meets the definition of previously developed land and concurs with the aims of Planning Policy Wales i.e. the presumption in favour of sustainable development. The property is already in use as two self-contained flats and is located in a long established residential area.

A Flood Consequences Assessment has been submitted and Natural Resources Wales have analysed its content and do not object to the development on the grounds of flood risk.

Due to the sites location in a C1 flood zone Recommendation 2 has also been attached to ensure future occupants are made aware of the issue.

- 6.12 **Neighbour Representations** - In respect of the objections and petition

submitted opposing the development the following should be noted:

1. Impact on current car parking available – This issue is covered in paragraph 6.10 of this report;
2. Additional waste and the impact/problems this will have when rubbish is not presented/stored correctly – This issue is covered in paragraph 6.9 of this report;
3. Anti-social behaviour associated with rented accommodation – This is not a matter that can be covered under existing planning legislation;
4. Additional noise and vibrations associated with more occupants and kitchens adjacent to adjoining properties bedrooms – This is a matter that would be covered under Building Regulations and Shared Regulatory Services (Pollution Control) if a statutory noise nuisance is witnessed;
5. Potential smell issues – This would be a matter for Shared Regulatory Services (Pollution Control);
6. Loss of privacy as a result of the dormers – This has been overcome by the imposition of condition 5 in respect of the side dormers. With respect to the rear dormer roof extension this is not considered to raise any issues in respect of privacy as the windows do not directly face onto neighbouring properties on Beda Road;
7. Potential loss of light as a result of the extension – The design of the ground floor extension has since been altered to reduce its impact on the adjoining neighbouring property at 38 Beda Road by altering the design of the roof from a monopitch to a flat roof thereby reducing the overall height by 1 metre. This is now considered acceptable and is covered in paragraph 6.7 of this report.

6.13 Ward Member Representations - In respect of the ward member objection submitted opposing the development the following should be noted:

1. Negative Impact on the Community –Issues such as loss of family homes, car parking noise, loss of privacy and anti-social behaviour are covered in paragraphs 6.3 - 6.7 and 6.9 of this report. Condition 5 has also been imposed in respect of the side dormer roof extensions. Anti-social behaviour is not a matter that can be covered under planning legislation;
2. Negative Impact on the Amenities of Immediate Neighbours – Whilst the personal circumstances of the adjoining neighbour are noted this in itself is not a reason to refuse planning permission;
3. Living Condition of Future Occupiers – This issue is covered in paragraph 6.6 - 6.8 of this report;
4. Flood Risk – This issue is covered in paragraph 6.11 of this report.

7. RECOMMENDATION

- 7.1 Having taken all of the relevant factors into consideration it is concluded that in this particular instance there are in sufficient grounds to refuse this application and it is therefore recommended that planning permission be granted subject to conditions.



SITE LOCATION PLAN 1:1250

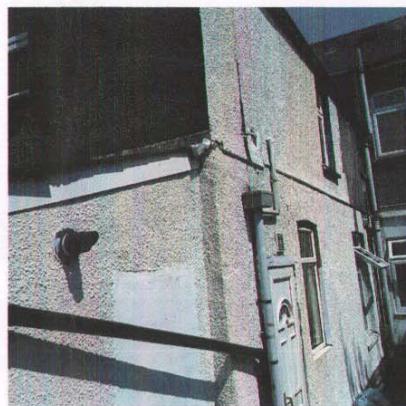
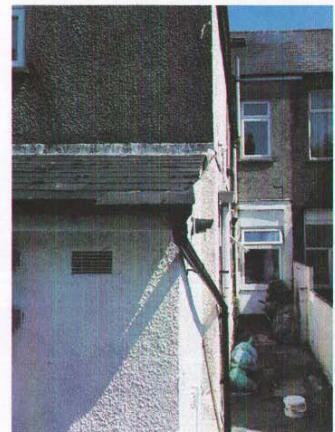
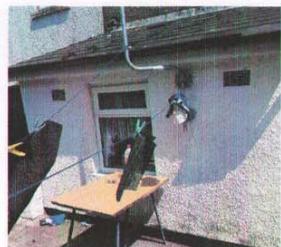
NORTH



**DEVELOPMENT AT
36 BEDA ROAD
CARDIFF**



EXISTING ELEVATIONS



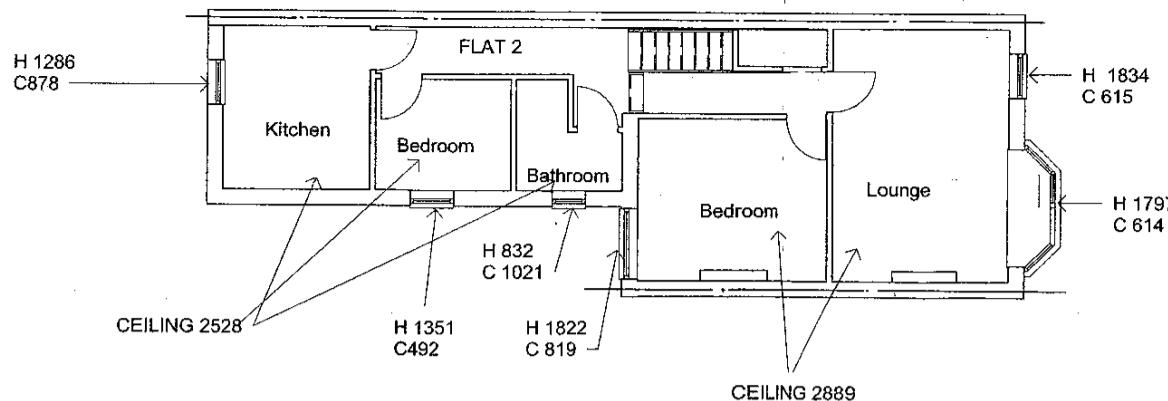
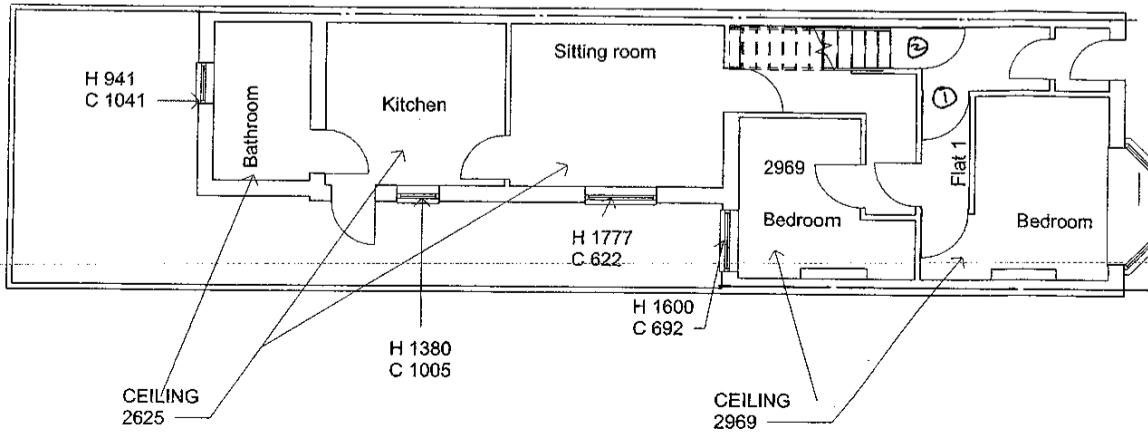
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TP

DTB DESIGN
TEMPLE COURT 13a CATHEDRAL ROAD
CARDIFF CF11 9HA
TEL 029 2035 0365

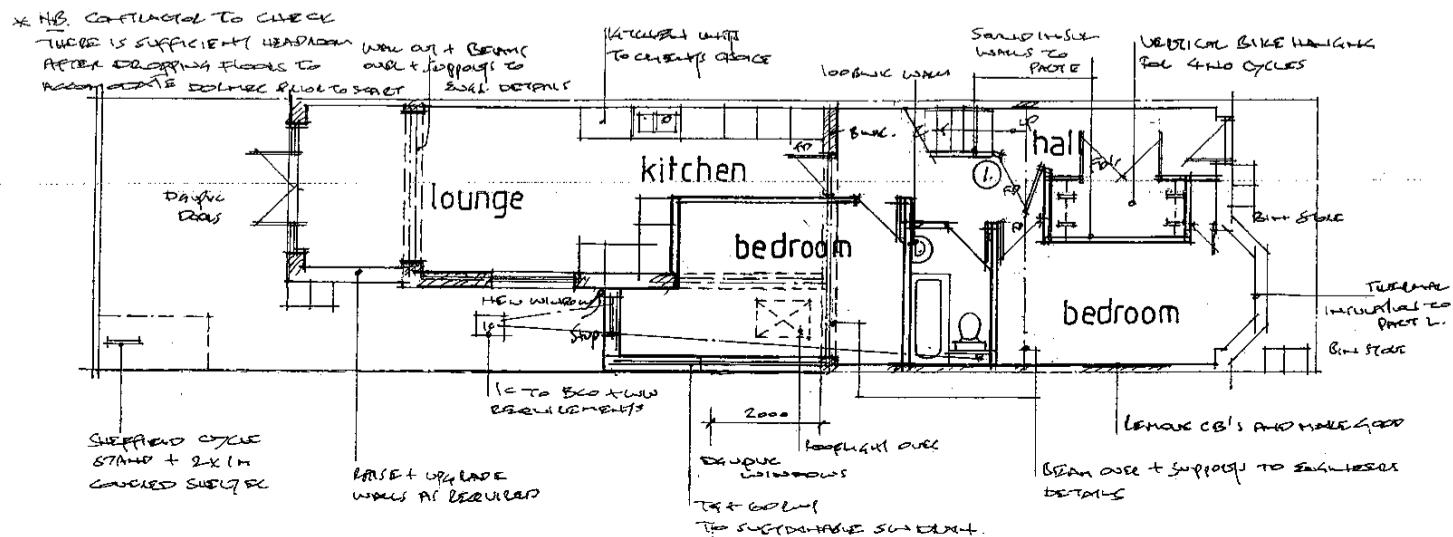


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DEVELOPMENT AT 36 BEDA ROAD CARDIFF			
	DATE JULY 2019		PLAN NO: CEZ1/1



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REVISIONS	DATE	REVISIONS	DATE
DEVELOPMENT AT 56 BEDA ROAD CARDIFF			
DATE JULY 2019 PLAN NO. CEZ1/2			

GROUND & FIRST FLOOR EXISTING 1:100 at A3

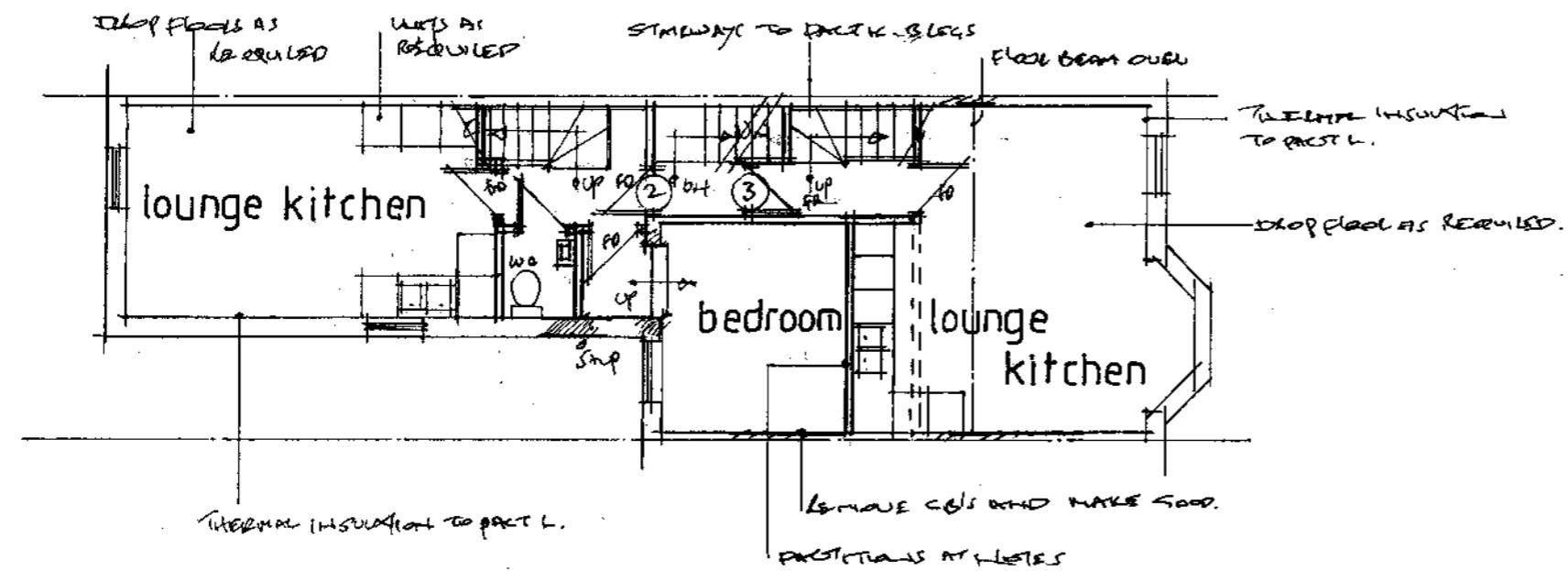


GROUND FLOOR PROPOSED 1:100 at A3

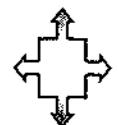
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TEMPLE COURT, 13a CATHEDRAL ROAD
CARDIFF CF11 9HA
TEL 029 2035 0365



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DEVELOPMENT AT 56 BEDA ROAD CARDIFF			
DATE JULY 2019 PLAN NO. CEZ1/3 1a			



DTB DESIGN
TEMPLE COURT 13a CATHEDRAL ROAD
CARDIFF CF11 9HA
TEL 029 2035 0365

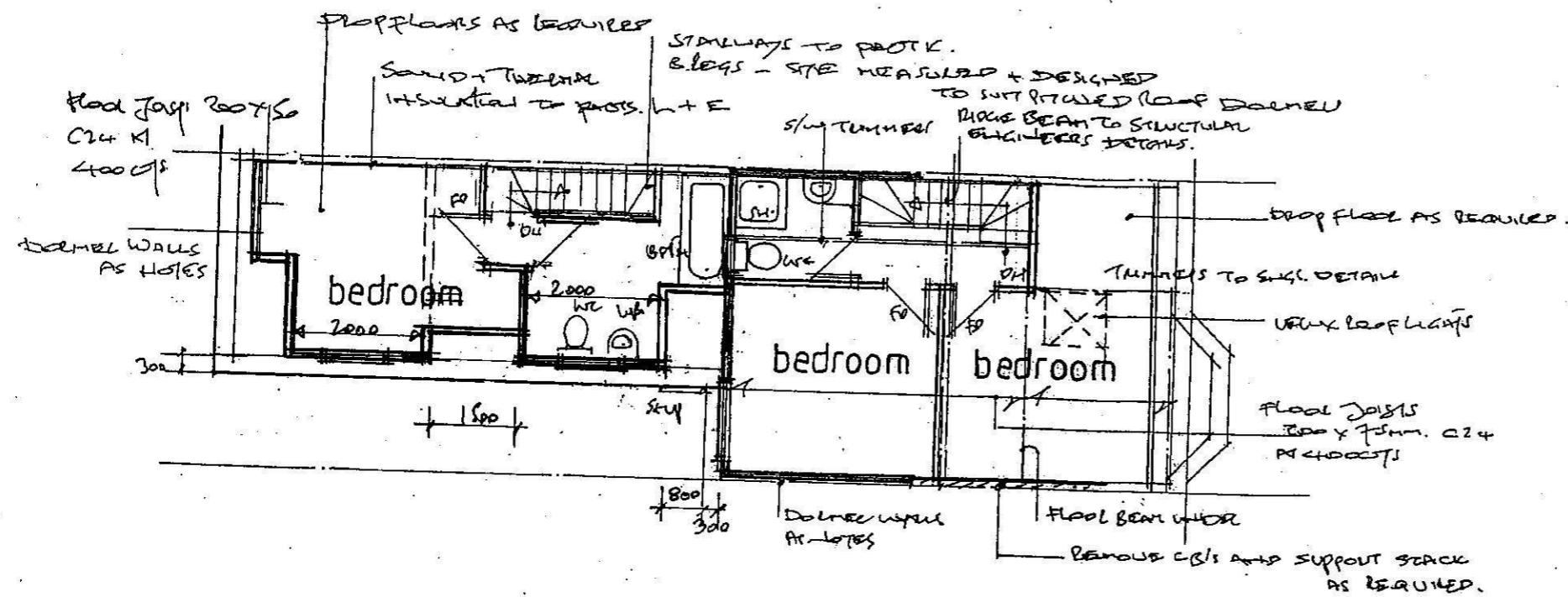


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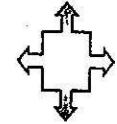
**DEVELOPMENT AT
36 BEAD ROAD
CARDIFF**

DATE JULY 2019	PLAN NO. CEZ1/4
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FIRST FLOOR PROPOSED 1:100 at A3



DTB DESIGN
TEMPLE COURT 13a CATHEDRAL ROAD
CARDIFF CF11 9HA
TEL 029 2035 0365

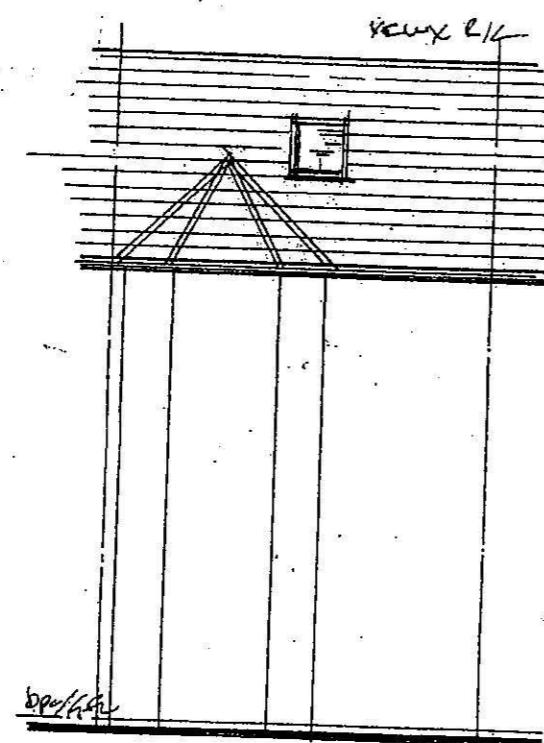
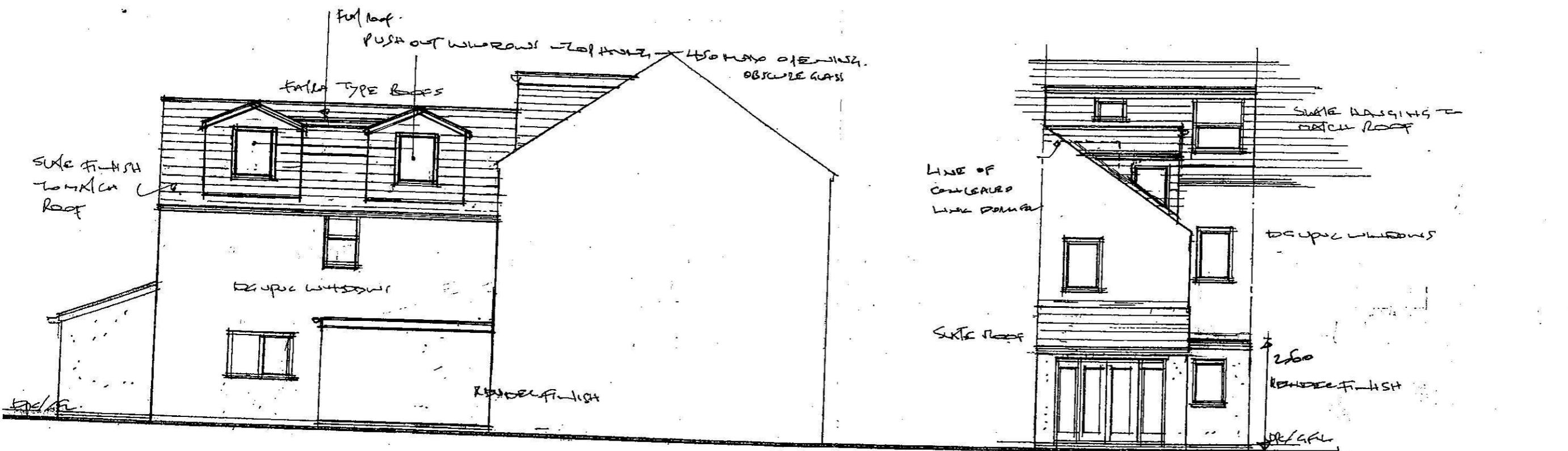


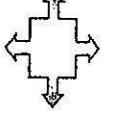
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7/10/19	10/19		
1/11/19	11/19		

DEVELOPMENT AT 36 BEDA ROAD CARDIFF	
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DATE JULY 2019 PLAN NO. CEZ1/5/a/1

SECOND FLOOR PROPOSED 1:100 at A3



DTB DESIGN TEMPLE COURT 13a CATHEDRAL ROAD CARDIFF CF11 9HA TEL 029 2035 0365			
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" " 2/19			
DEVELOPMENT AT 36 BEDA ROAD CARDIFF			
DATE JULY 2019 PLAN NO. CEZ1/6 /a/b/d/			

FRONT, REAR AND SIDE ELEVATIONS PROPOSED 1:100 at A3