

LOCAL MEMBER OBJECTIONS

COMMITTEE DATE: 22/07/2020

APPLICATION No. **20/00361/MJR** DATE RECEIVED: 13/02/2020

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Mr & Mrs McCloskey
LOCATION: 160-166 Strathnairn Street, Roath, Cardiff, CF24 3JQ
PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND
CONSTRUCTION OF 12NO. SELF CONTAINED
APARTMENTS WITH ON SITE AMENITY, CYCLE &
REFUSE STORES

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

- 1 The development permitted shall be begun before the expiration of three years from the date of this planning permission.
Reason: Planning permission is specifically granted based on the assessed current viability of the development.
- 2 The development shall be carried out in accordance with the approved drawings numbered AL(0)05I; AL(0)06E; AL(0)07G; AL(0)08H; AL(0)09G; AL(90)10H.
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 No development excluding demolition shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory finished appearance to the building, in accordance with Policy KP5 of the Local Development Plan.
- 4 No development excluding demolition shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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.

- 5 Prior to occupation of the flats hereby approved, refuse storage shall be provided externally and shall thereafter be retained.
Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Local Development Plan.
- 6 Prior to occupation of the flats hereby approved undercover and secure cycle storage shall be provided to accommodate at least 15 cycles in accordance with drawing numbered AL(90)10H and shall thereafter be retained.
Reason: To ensure that secure and undercover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.
- 7 The first and second floor windows in the south and west elevations shall be non-opening below a height of 1.7m above internal floor level and glazed with obscure glass, and thereafter be retained.
Reason: To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Local Development Plan.

RECOMMENDATION 2 : 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 3: 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 bats are found during works, or if any evidence that bats are using the site as a roost is found, work should cease and Natural Resources Wales should be contacted immediately.

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.

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 4: The applicant is advised that incoming residents will not be eligible to receive resident parking permits in the adjacent streets.

RECOMMENDATION 5: The bin store doors should open outwards with a clear opening of 1.5m.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This planning application was deferred at the Committee meeting on 17th June 2020 to enable officers to draft reasons for refusal based on the Committee's objections regarding Design. The planning application is reported back for determination, and it should be noted that comments have been received from the Ward Councillors since the Committee meeting, which are contained at Paragraph 7.2. The suggested reasons for Refusal are contained at Paragraph 8.12.
- 1.2 The application seeks planning permission to demolish four adjoining two storey terraced dwellings and a two storey coach house, and construct a new building accommodating 12 flats.
- 1.3 The proposed building would measure approximately 15m long by 10m deep along the Strathnairn Street elevation and approximately 20m long by up to 10m deep along the Cottrell Road elevation. It would have a pitched roof approximately 7m high at eaves and 10m at ridge facing Strathnairn Street, the Strathnairn Street elevation would incorporate a gable projecting 1m forward at its east end approximately 8m high at eaves and 10.5m at ridge. The building would have a pitched roof approximately 7.8m high at eaves and 10.5m at ridge facing Cottrell Road, the Cottrell Road elevation would incorporate a 2.5m step forward towards its south end and a gable projecting 1m forward at its south end approximately 7.7m high at eaves and 10m at ridge. Two 0.8m tall flat roofed dormer window gables are proposed in the Strathnairn Street elevation. The external walls would be finished in red facing brickwork at upper levels, timber boarding and painted render to the ground floor street facing elevations, the roof would be of slates.
- 1.4 A private communal external area would be provided at the rear, accommodating an external amenity area of 65 square metres, and cycle and refuse stores would be accommodated externally at the west side, accessible by all flats externally. Access to the external area would be provided by external side passages from Strathnairn Street and Cottrell Road, both enclosed by 2.3m high gate enclosures.
- 1.5 Internally the accommodation would comprise of four flats at each level. All flats would be accessed via a communal entrance from Strathnairn Street.

2. **DESCRIPTION OF SITE**

- 2.1 The site comprises four adjoining two storey terraced dwellings on the south side of Strathnairn Street adjacent to the junction with Cottrell Road, and a two

storey coach house on the west side of Cottrell Road.

3. **SITE HISTORY**

- 3.1 19/00017/MNR – planning permission granted for demolition of existing buildings and construction of 10 self contained apartments (7 x 1 bed / 3 x 2 bed) with onsite amenity, cycle & refuse stores.
- 3.2 18/01018/MNR – planning application for demolition of all existing buildings. construction of 9 self contained apartments over 3 storeys, on site refuse & cycle storage facilities, application withdrawn.

4. **POLICY FRAMEWORK**

4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 10, 2018)
Technical Advice Note 12: Design

4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy KP5 (Good Quality and Sustainable Design)
Policy EN13 (Air, Noise, Light Pollution and Land Contamination)
Policy H3 (Affordable Housing)
Policy T5 (Managing Transport Impacts)
Policy W2 (Provision for Waste Management Facilities in Development)
Policy KP5 (Good Quality and Sustainable Design)

4.3 Relevant Supplementary Planning Guidance

Infill Sites (2017)
Managing Transportation Impacts (Incorporating Parking Standards) 2018.
Waste Collection and Storage Facilities (2016).
Planning Obligations (2017).

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Transportation – previously advised that the submission has been assessed and is considered to be acceptable in principle subject to the standard cycle parking condition for a minimum of one cycle space per bedroom across the development. The adopted ‘Managing Transportation Impacts (Incorporating Parking Standards)’ Supplementary Planning Guidance allows for a maximum of one car parking space per dwelling (there is no minimum) for residential development in the central area, as such zero on-site provision as applied for is considered to be policy compliant. In considering any possible car parking requirement or moving traffic impact it must be borne in mind that the existing dwellings, to be demolished to accommodate the proposed development, provides a total of 15 bedrooms over four terraced houses (two and three story). In contrast the proposed ten flats are made up of smaller one and two bed units in a stand-alone three storey building, amounting to a total of 15 bedrooms. It

is also noted that there is a detached two storey 'coach house' garage associated with no. 66 Cottrell Road which is capable of being converted into an additional dwelling, potentially adding to the quantum of existing development. The site is also adjacent to a vibrant district centre with easy direct access to a range of shops, services, employment, entertainment, etc. opportunities that such a location affords. The site also has very good access to high frequency bus public transport services, located within 120m on Albany Road, and Cardiff's cycle network. The site is therefore considered to be in an extremely sustainable location in transport terms, reducing the reliance on private car ownership and use of the same for everyday trips. Given the Policy compliant nature of the proposals and sustainable location of the site I would conclude that any objection on parking or traffic grounds would be unsustainable, and any reason for refusal on these basis would not withstand challenge. I therefore have no objection to the application subject to the requested cycle parking conditions and noted recommendations.

- 5.2 Parks Services – Having reviewed the proposals the net increase in accommodation being provided is less than 9 units and therefore this fails below the threshold for an off-site public open space contribution.
- 5.3 Neighbourhood Renewal (Affordable Housing) – In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 10 units (2 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, we would be prepared to accept a financial contribution in lieu of on-site affordable housing provision. On that basis of the above, we would seek a financial contribution of £138,852 in lieu of 2 x 1 bedroom apartments) which is calculated in accordance with the formula in the Planning Obligations– Supplementary Planning Guidance (SPG)(2017).
- 5.4 Waste Management – The bin storage area indicated within current site plans is acceptable. Please ensure the refuse storage area is large enough to accommodate the following recommended provisions for 12 flats: Dry Recyclables: 1 x 1100 litre bulk bin & 1 x 660 litre bulk bin; General waste: 1 x 1100 litre bulk bin & 1 x 660 litre bulk bin; Food Waste: 1 x 240 litre bin. Communal bin stores should have double doors that open outward with retainers. 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. 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. 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 and can be purchased directly from the Council. Please contact the Waste Management's commercial department for further information on 02920 717504.

- 5.5 Ecology – previously advised that these buildings are a borderline case with respect to the criteria set out in our SPG, a reasonable approach would be to attach an advisory note to any consent, which warns the applicant of the potential for the presence of bats, and of what to do if bats are found during works. The applicant may take the view that, in order to protect themselves against a potential prosecution resulting from destruction of a bat roost, if one were present, then it would be prudent to seek professional advice and commission a preliminary bat survey.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water – We have reviewed the information submitted as part of this application and note that the intention is to drain both foul and surface water to the mains sewer for which we can only comment on the acceptability of the foul water proposal at this stage. In the absence of a surface water strategy in which an assessment is undertaken to explore the potential to dispose of surface water by sustainable means, we cannot support the application in full. Secondly a review of the public sewer record indicates 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. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the public sewer. Finally, no new connection shall be made to the 975x600mm in either Strathnairn Street or Cottrell Road. Therefore, request a condition that no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.
- 6.2 South Wales Police – Police.uk recorded the following crime figures for the immediate vicinity from August 2019- January 2020: 14 instances of antisocial behaviour; 3 criminal damage and arson; 3 vehicle; 5 public order; 2 bicycle theft; 1 drugs; 1 other theft; 3 burglaries; 1 robbery. Secure by Design principles are recommended with regard to perimeter security, recessed areas, access control, cycle storage, ground floor windows, external doors, lighting, fire risk assessment and parking.

7. **REPRESENTATIONS**

- 7.1 The application was publicised by letter. Objections have been received from the following addresses:
- 66, 84, 114, 150, 152 Strathnairn Street.
 - 26, 138, 146 Cottrell Road.
 - 123, 150, 161 Glenroy Street.
 - 80 Arran Street.
 - 51B Emerald Street.

- 103 Connaught Road.
- 56 Roath Court Road.
- 20B Plasnewydd Place.

Full details are viewable online, their comments are summarised as follows:

- a) *Overdevelopment/higher scale than surrounding streets, and increased height to the previous proposal;*
- b) *Effect on the character of the area;*
- c) *Inadequate parking and traffic impact;*
- d) *Loss of privacy/overlooking of adjoining properties;*
- e) *Loss of light to adjoining properties;*
- f) *Loss of historic buildings, the existing buildings could be converted to flats;*
- g) *Loss of family accommodation, there is no need for flats in this area;*
- h) *Faster turnover of tenants;*
- i) *Noise/air pollution during construction;*
- j) *Noise/smell as a result of bin storage;*
- k) *Inadequate cycle parking;*
- l) *Security of adjoining properties;*
- m) *Risk to pedestrians including school children who walk past the site during demolition/construction;*
- n) *Precedent for similar developments within the area;*
- o) *Devaluation of properties and effect on insurance premiums;*
- p) *Impact upon health and wellbeing;*
- q) *Notification/publicity of the new application is not transparent with residents who commented on the previous scheme.*

7.2 Objections have been received from Councillors De'Ath, Lent, McGarry and Wong, they are summarised below :

- Overdevelopment and changes the character of the area
- Proposal does not address key objections from previous submission and again attempts to increase the number of flats to 12
- Proposal significantly increases the height of the proposed development, overlooking gardens to the rear on Glenroy Street and houses on Cottrell Road
- Increased parking which will exacerbate already existing problems.

8. **ANALYSIS**

8.1 Policy

National Planning policy encourages the provision of additional housing stock within previously developed or existing residential land. Paragraph 4.2.17 of Planning Policy Wales states that *'Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.'* Policy KP5 of the Local Development Plan is applicable to all new development and the Infill Sites SPG provides advice and summary with regard to infill development. Explanation of how the proposed development

accords with policy and guidance is provided below.

8.2 Design

Policy KP5 of the Local Development Plan states that *'all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by: responding to the local character and context of the built and landscape setting so that the layout, scale, form, massing, height, density, colour, materials, detailing and impact upon the built and natural heritage are all addressed within development proposals.'* With regard to site redevelopment the Council's Infill Sites SPG paragraph 2.13 advises that *'It is important to strike a balance between maintaining the established positive character of a residential street and introducing additional housing. To avoid a 'town cramming' effect, any proposals must: Maintain a useable amenity space or garden for new as well as any existing dwellings/ occupiers. Maintain an established spacing between buildings that respects the pattern of layout in the vicinity of the site. Maintain appropriate scale and massing which respects buildings in the vicinity of the site. Respect the building line and be of a design which complements the existing street scene.'* Paragraph 3.8 advises that *'Infill development needs to be sensitive to its context.'*

It is considered that the proposed building would respond to the local character and context of the built setting by virtue of its scale, massing and height. It is noted the proposed building would be taller (approximately 1.7m) at ridge heights than the existing buildings facing Strathnairn Street and taller than the previously approved structure (approximately 0.5m facing Strathnairn Street and up to 2m facing Cottrell Road). It is also noted that prior to planning permission 19/00017/MNR being granted a taller building was proposed by a previous application (18/01018/MNR) which was withdrawn following advice that the proposal was likely to be unacceptable. However, whilst the current proposal is higher than the previously approved scheme, it is more visually coherent than the previously withdrawn scheme demonstrating an appropriate hierarchy between the primary and secondary elevations. The secondary elevation facing Cottrell Road would remain appropriately sub-ordinate to the primary elevation facing Strathnairn Street, respecting the street scene of Cottrell Road by having a lower eaves height at the central part of this elevation, and by the inclusion of hipped roof towards its south end featuring a gable end, not dissimilar to the existing coach house.

The proposed height relative to that of the existing buildings is supported, having regard that it would be detached from the existing terrace by 1.2m, and accordingly present itself as a 'bookend' feature to the terrace due to its setting at the end of the terrace. A limited height increase at corner locations is generally supported in this manner. It should be noted that within close proximity is a tall flat roofed building towards the north end of Cottrell Road and buildings with front facing gables towards the south on the east side of Cottrell Road. As such, it is considered that the proposed height would not represent a visually intrusive form that would dominate the area.

The proposed front facing dormer window gables to Strathnairn Street are considered appropriate having regard that they would be of minimal height in relation to the roof slope. The proposed materials are considered appropriate having regard that a mixture of stone, render and brick materials are used within the locality.

Taking the above into account it is considered that the proposal accords with Planning Policy Wales, Policy KP5 of the Local Development Plan and the Council's Infill Sites SPG, which seek good design that responds positively to the character of an area.

8.3 Residential Amenity

The proposed building would be set back from the boundary with no. 158 Strathnairn Street by a similar distance (1.2m) as the existing two storey rear annexe of no. 160 and would project by 1.3m less to the south than the existing two storey annexe. The main element would be set back from the boundary with nos. 153, 155, 157, 159, 161 & 163 Glenroy Street by 10m and the gable end of the element along Cottrell Road would be set away from the southern boundary by a greater distance (1.4m) than the existing two storey coach house which directly adjoins that boundary. In addition, there is an existing single storey garage adjacent to half of the southern boundary and the proposed building would be orientated to the north, therefore should not result in any unacceptable overshadowing to adjoining gardens to the south. The building would be positioned at least 13.5m from the front elevations of existing dwellings on the opposite sides of Strathnairn Street and Cottrell Road similar to the existing front window to window separation distances across the streets, and would not result in unreasonable loss of light in accordance with standard daylighting/overshadowing analysis techniques.

It is noted that the first and second floor south facing windows of the rear elevation would be sited approximately 10m from the boundaries with nos. 153, 155, 157 Glenroy Street and the first and second floor west facing windows of the rear elevation would be sited approximately 9m from the boundary with no. 158 Strathnairn Street. As these distances would be less than the minimum of 10.5m upper level window to boundary specified by the Infill Sites SPG condition 7 is considered necessary to ensure these windows are obscure glazed and non-opening below an internal height of 1.7m.

8.4 Internal/External Space

The internal floor area of all flats satisfies the minimum requirements with the smallest flats having an internal floor area of 45 square metres, and the outlook from all living areas is considered adequate. An adequate external amenity area of approximately 65 square metres would be provided to the rear, accessible by all flats.

8.5 Waste Management

Refuse storage can be satisfactorily accommodated within the external area to the rear without compromising the use/area of the amenity space, and the side entrance/path are of sufficient width for the bins to manoeuvred to the kerb. Condition 5 is considered necessary to ensure the storage area for containers is provided prior to beneficial occupation.

8.6 Transportation

The Managing Transportation Impacts (Incorporating Parking Standards) SPG identifies no requirement for off street parking, and provision of cycle parking at a minimum ratio of 1 space per bedroom. The proposal is therefore considered to be car parking policy compliant with no off street parking spaces. The site is also in a sustainable location near to bus routes. Details of satisfactory secure and sheltered cycle storage have been submitted indicating provision of independently accessible undercover cycle storage. Condition 6 is considered necessary to ensure the cycle storage is provided prior to beneficial occupation and thereafter retained.

8.7 Crime & Disorder

Paragraph 4.11.12 of Planning Policy Wales states that Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard must be given by local planning authorities in the preparation of development plans. They should be reflected in any supplementary planning guidance, and may be material considerations in the determination of planning applications. South Wales Police have no objection to the proposal, and have requested various Secured by Design standard security recommendations. The applicant has been made aware of these recommendations. Having regard to the above it is not considered that the proposal would have any unreasonable crime/disorder impact.

8.8 Other Considerations

Further to the request from Housing Strategy for a financial contribution of £138,852 in lieu of on-site affordable housing provision, the applicant has previously undertaken a viability assessment in connection with application 19/00017/MNR which indicated that the contribution would make the scheme unviable. The District Valuation Service has previously carried out an independent review of assessment, which concluded that the scheme is unviable after the provision of the contribution requested. The report concluded that in order for the scheme to have a profit level as low as 5%, without any financial obligation contributions, the scheme would require a substantial reduction from the development costs. As the application proposes a building of the same footprint as the previously approved scheme, only differing in terms of an extended second floor to accommodate two additional flats, it is concluded that the currently proposed scheme would not provide a profit based on the values of the flats previously agreed within the DVS report.

Housing Strategy have been advised of this and accept the findings of the DVS. In light of the above and having regard that the contribution could become viable in the future, a non-standard commencement condition has been imposed requiring development to commence within three years instead of five. It is for the Local Planning Authority to consider whether the failure to provide appropriate mitigations in the form of planning obligations is, in itself, grounds for refusal of planning consent. In this instance, the proposal is considered to be acceptable in planning terms for the reasons discussed above.

8.9 Representations

The representations received from the neighbouring residents are noted. Specific issues are addressed as follows:

- a) Overdevelopment/higher scale than surrounding streets, and increased height to the previous proposal. The proposal is considered acceptable in accordance with Policy KP5 of the Local Development Plan and the Council's Infill Sites SPG as detailed within the design analysis.
- b) Effect on the character of the area. The proposal is considered acceptable in accordance with Policy KP5 of the Local Development Plan and the Council's Infill Sites SPG as detailed within the design analysis.
- c) Inadequate parking and traffic impacts. The proposal is compliant with the Council's adopted Managing Transportation Impacts (Incorporating Parking Standards) SPG with no off street parking provision as detailed within the above analysis and confirmed by Transportation.
- d) Loss of privacy/overlooking of adjoining properties. It is not considered that the proposal would result in any unreasonable loss of privacy or overlooking to adjoining properties as detailed within the amenity analysis, subject to condition 7.
- e) Loss of light to adjoining properties. It is not considered that the proposal would result in any unreasonable overshadowing to adjoining properties as detailed within the amenity analysis.
- f) Loss of historic buildings. The existing buildings are not afforded any protection in planning terms as they are not listed or located within a conservation area.
- g) Loss of family accommodation. There is no planning policy to protect family accommodation and no policy or specific supplementary planning guidance in terms of thresholds/saturation which the Council could rely on to support a refusal.
- h) Faster turnover of tenants. Not a material planning matter, there is no planning control upon the length of a tenancy.
- i) Noise/air pollution during demolition/construction. Construction noise and dust can be controlled under the Control of Pollution Act 1990.
- j) Noise/smell to adjoining property as a result of bin storage. The location of the bin store is considered acceptable as detailed above.
- k) Inadequate cycle parking: Revised details have been submitted indicating that the minimum required cycle parking spaces cycle storage will be provided, as detailed in the above Transportation analysis.
- l) Security of adjoining properties. The responsibility to enclose the site by

- fencing/hoardings following demolition would rest with the developer, and replacement boundary enclosures are proposed where applicable.
- m) Risk to pedestrians including school children who walk past the site during demolition/construction. The responsibility to enclose the site by fencing/hoardings following demolition would rest with the developer as required by Highways. The parking of vehicles, skips and equipment on the footway/highway during development is not a matter which can be controlled under planning legislation, and would be subject to any necessary permits by the Council's Highways division.
 - n) Precedent for similar developments within the area. All planning applications are considered on their own merit.
 - o) Devaluation of properties and effect on insurance premiums. Not a material planning matter.
 - p) Impact upon health and wellbeing. It is not considered that the proposal would cause 'demonstrable' harm to health and wellbeing. Construction noise and dust would be controlled under the Control of Pollution Act 1990.
 - q) Notification/publicity of the new application not transparent with residents who commented on the previous scheme. Addresses adjoining and opposite the application site were notified by letter on 26/02/2020. Paragraph 12 (5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 is applicable to a non-major development of this category which states that: the application must be publicised by giving requisite notice— (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or (b) by serving the notice on any adjoining owner or occupier. There is no requirement for the Council to notify those who submitted comments on a previous application of a subsequent application if they are not given requisite notice as an adjoining owner or occupier. The Council has therefore complied with the legal obligation to publicise the application by sending letters to adjoining addresses in accordance with the statutory requirement.

8.10 Other Legal Considerations

Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

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

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

8.11 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.

8.12 If the Committee is minded to refuse the application, the following reasons for refusal are suggested to reflect the concerns expressed at the Planning Committee meeting of 17th June 2020 :

- 1) The development by virtue of its height, massing and scale would be out of keeping with other buildings in the surrounding area and detrimental to the visual character of the area, contrary to policy KP5(i) of the Cardiff Local Development Plan.
- 2) The scale and massing of the development, together with its close proximity to the boundaries with neighbouring properties, would result in an unacceptable overbearing and obtrusive impact which would be detrimental to the amenities of neighbouring occupiers, contrary to policy KP5(x) of the Cardiff Local Development Plan.

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*

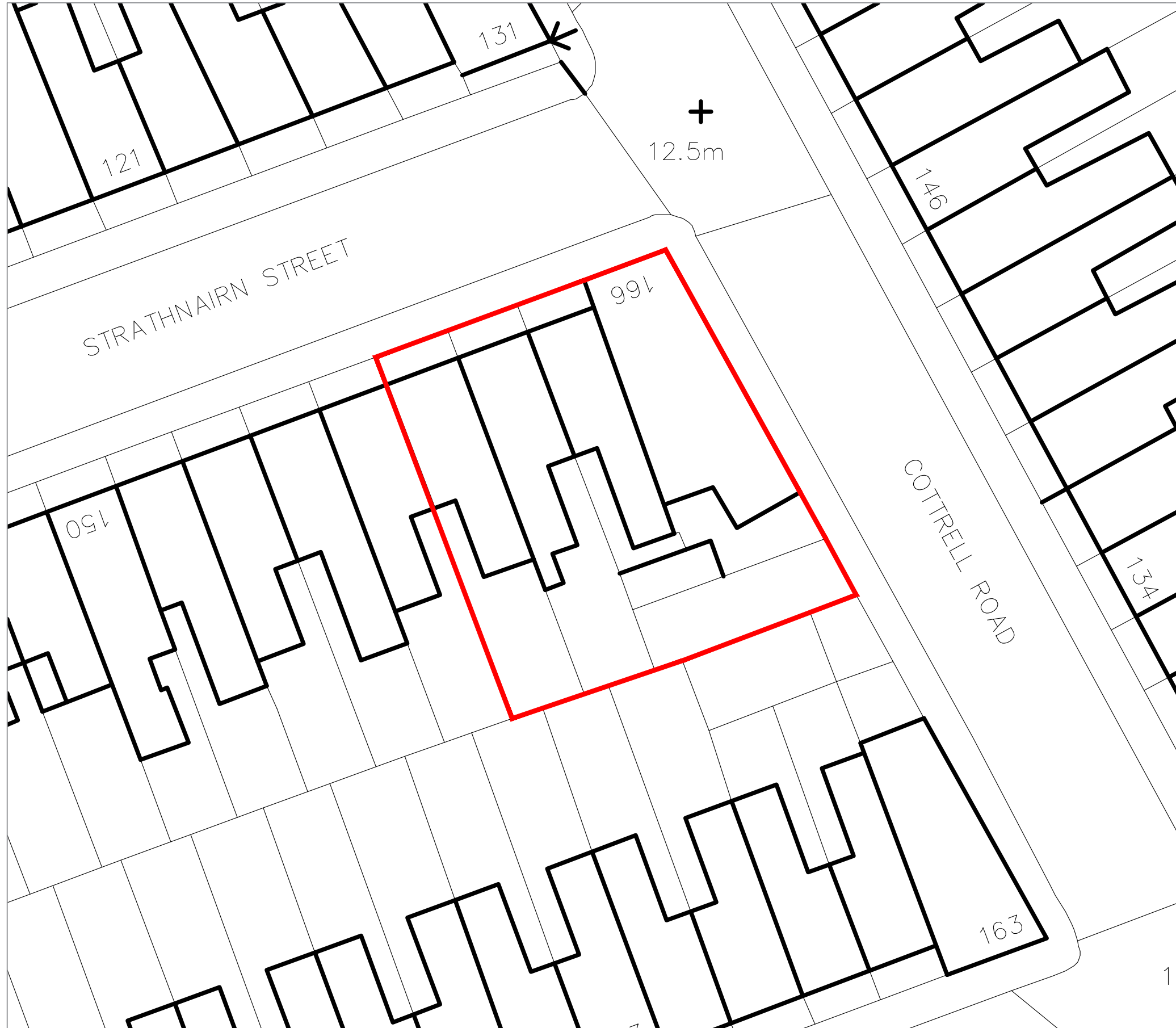
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in 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 *Flood and Water Management Act 2010*

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on risk management authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the determination of this application.




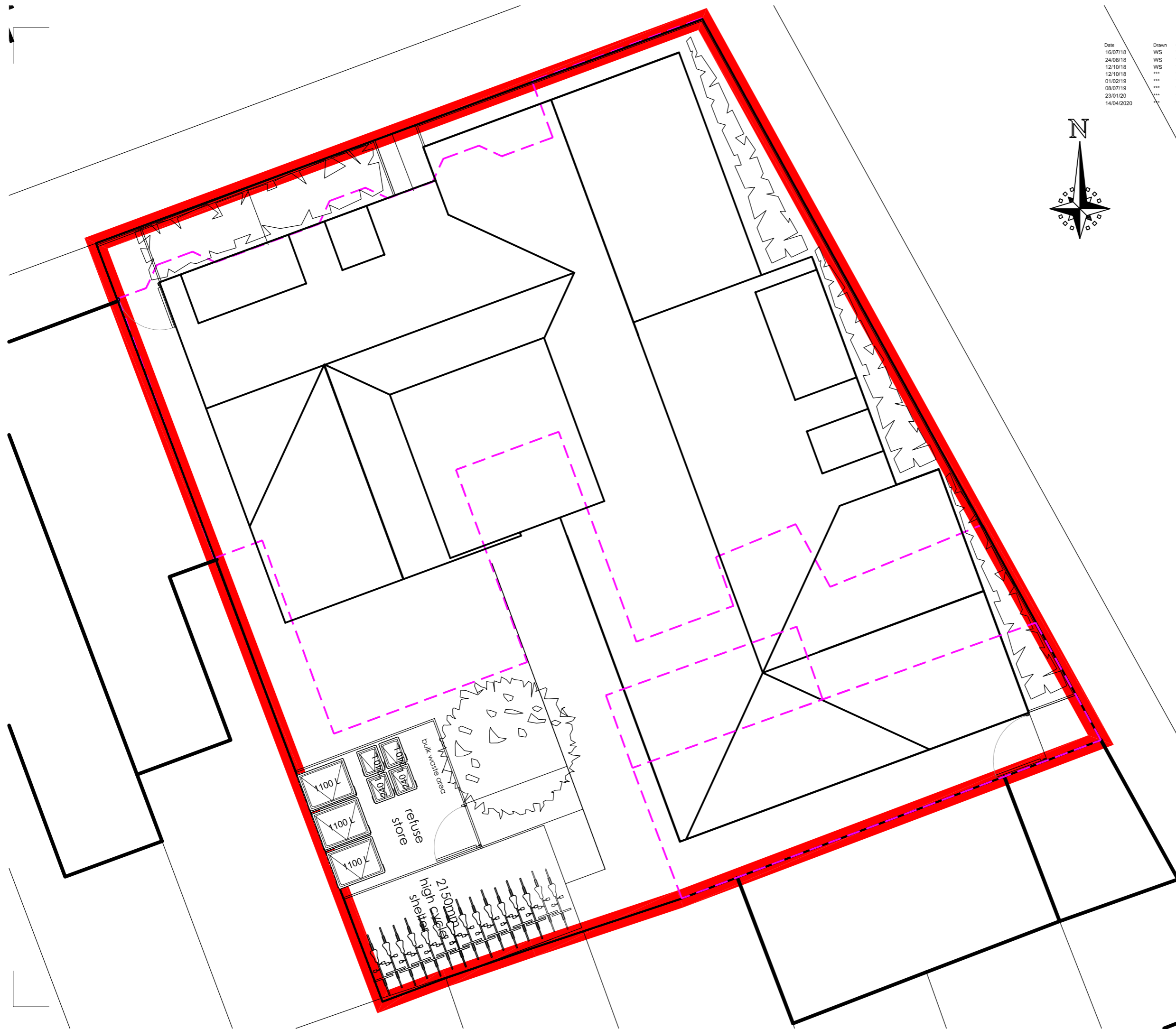
Location Plan
1:250



Location Plan
1:1250



Proposed redevelopment 160-166 Strathnairn Street Roath, Cardiff		Job No. 17_082
Title Location Plan		Dwg No. Rev. AL(90)01
Date 06/03/18	Drawn BK	Scale 1:250/1250 @ A3
 CJ Architects		Town planners Environmental & Urban design
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 5HL</small>		<small>www.cjarchitects.co.uk tel: 029 20452100</small>



Date	Drawn	Check	Description
16/07/18	WS	***	Parking changed to amenity space.
24/08/18	WS	***	Roof plan amended
12/10/18	WS	***	Roof plan amended
12/10/18	***	***	Plans updated following planning comments
01/02/19	***	***	Plans updated following planning comments
08/07/19	***	***	Plans updated following planning comments
23/01/20	***	***	Plans updated for planning resubmissions
14/04/2020	***	***	Cycle storage added

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--- Footprint of Original Buildings

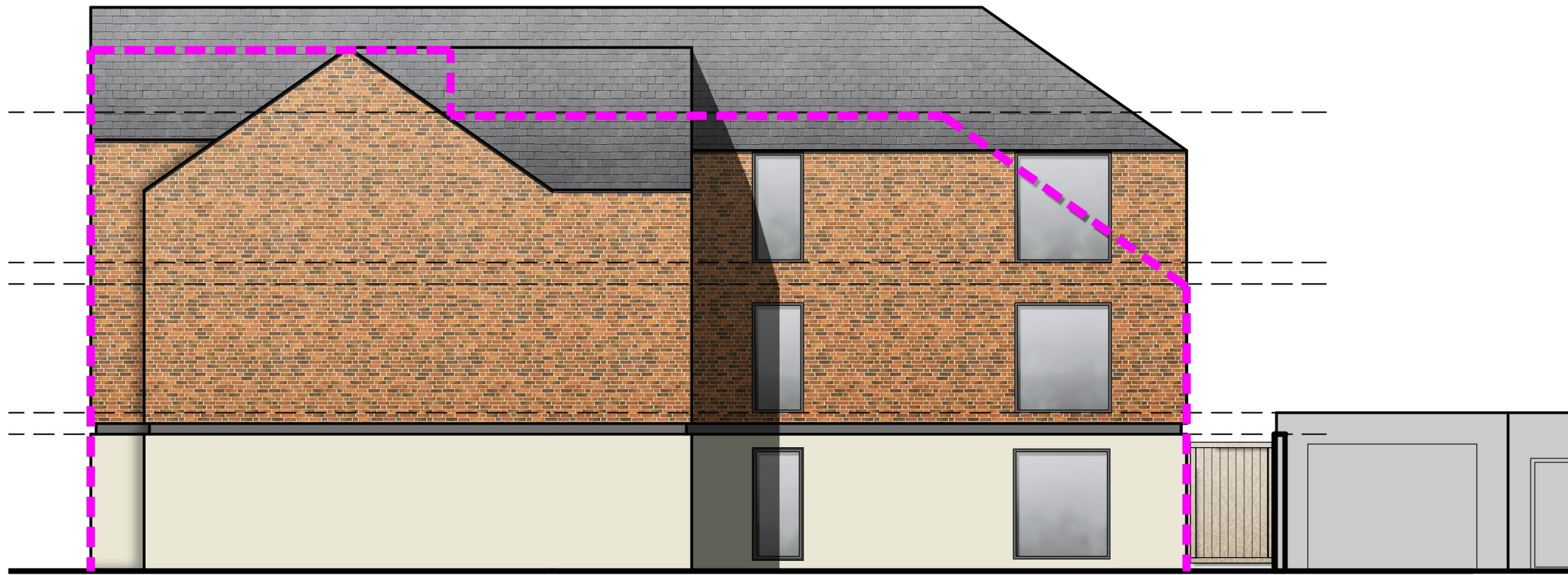
Proposed redevelopment 160-166 Strathnairn Street Roath, Cardiff		Job No. 17_082	Rev. H
Title Proposed Site Plan			
Date	Drawn IWJ	Scale 1:100	
		Architects · Town planners Environmental & Urban design	
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Date	Drawn	Check	Description
06/07/18	***	***	Context added to elevations
14/07/18	***	***	Building reduced in height
24/08/18	***	***	Building reduced in height
19/09/18	***	***	elevations updated following planners comments
12/09/18	***	***	elevations updated following planners comments
01/02/18	***	***	elevations updated following planners comments
23/01/19	***	***	Plans updated for plannign resubmissions

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Strathnairn Street Elevation



Rear of Cottrell Road Elevation

Profile of Approved Building

Proposed redevelopment		Job No.	17_082
160-166 Strathnairn Street		Dwg No.	AL(0)09
Roath, Cardiff		Rev.	G
Title			
Proposed Elevations Sheet 02			
Date	Drawn	Scale	
	IWJ	1:100	

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tel: 029 20452100

Date	Drawn	Check	Description
06/07/18	***	***	Context added to elevations
14/08/18	***	***	Building reduced in height
24/08/18	***	***	Building reduced in height
19/09/18	***	***	Plans updated following planning comments
12/10/18	***	***	Plans updated following planning comments
01/02/19	***	***	Plans updated following planning comments
18/07/19	***	***	Plans updated following planning comments
23/01/20	***	***	Plans updated for planning resubmissions

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Cottrell Road Elevation



Rear of Strathnairn Street Elevation

Profile of Approved Building

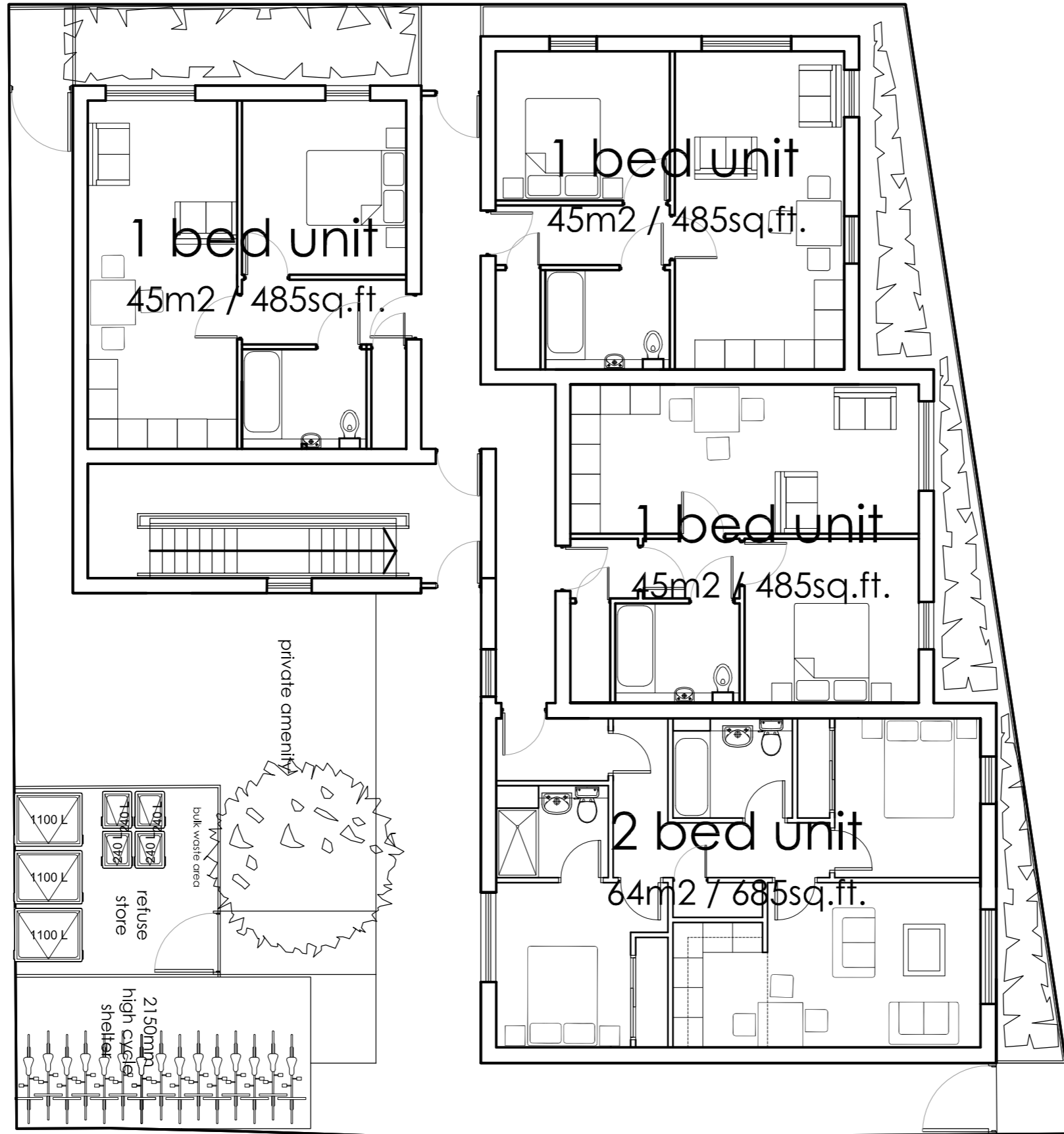
Proposed redevelopment 160-166 Strathnairn Street Roath, Cardiff	Job No. 17_082 Dwg No. AL(0)08 Rev. H	
Title Proposed Elevations Sheet 01		
Date	Drawn IWJ	Scale 1:100

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tel: 029 20452100

Date	Drawn	Check	Description
16/07/18	WS	***	Parking changed to amenity space.
19/09/18	WS	***	Plans updated following planning comments
12/10/18	WS	***	Plans updated following planning comments
01/02/19	WS	***	Plans updated following planning comments
01/02/19	WS	***	Plans updated following planning comments
08/07/19	WS	***	Plans updated following planning comments
18/07/19	WS	***	Plans updated following planning comments
23/01/19	WS	***	Plans updated for planning resubmissions
14/04/2020	IJ	***	Additional cycle storage added

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Ground Floor

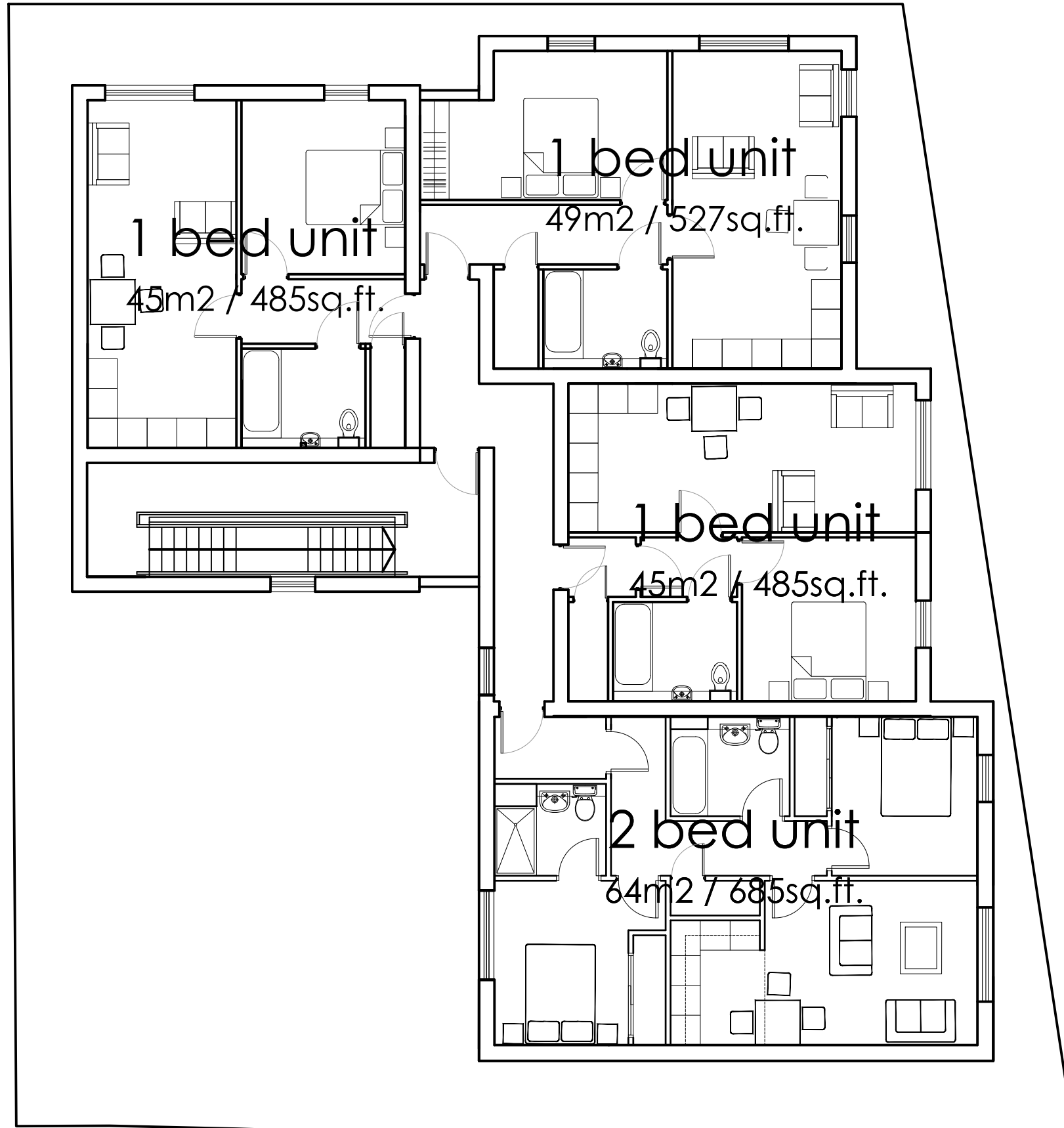
Proposed redevelopment 160-166 Strathnairn Street Roath, Cardiff		Job No. 17_082	Rev. I
Title Proposed Ground Floor Plan		Dwg No. AL(0)05	
Date	Drawn IWJ	Scale 1:100	

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tel: 029 20452100

Date	Drawn	Check	Description
19/09/18	***	***	Plans updated following planning comments
12/10/18	***	***	Plans updated following planning comments
01/02/19	***	***	Plans updated following planning comments
18/07/19	***	***	Plans updated following planning comments
23/01/20	***	***	Plans updated for plannign resubmissions

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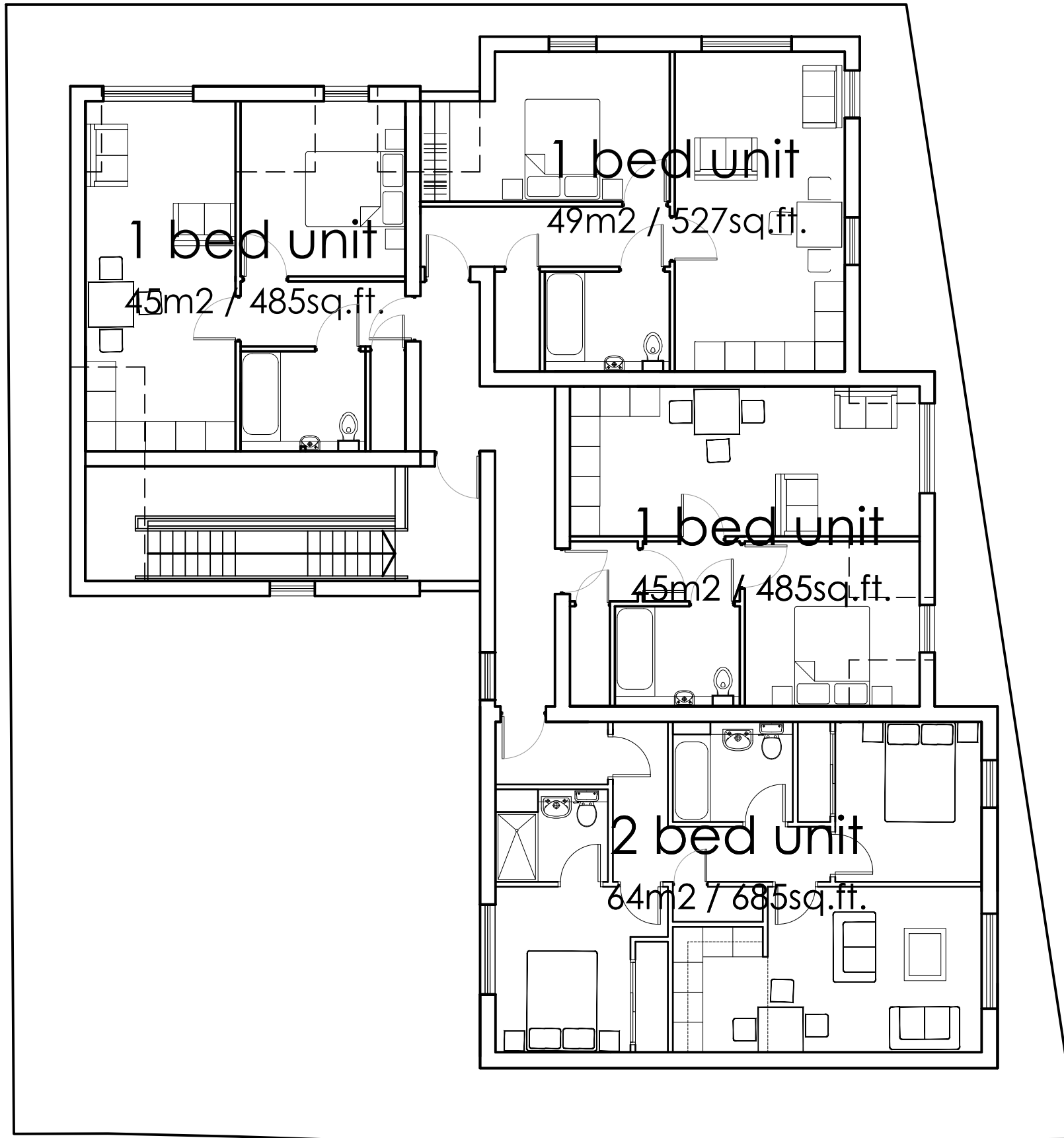


First Floor

Proposed redevelopment 160-166 Strathnairn Street Roath, Cardiff		Job No. 17_082	Rev. E
Title Proposed First Floor Plan		Dwg No. AL(0)06	
Date	Drawn IWJ	Scale 1:100	
 Architects · Town planners Environmental & Urban design		<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small> <small>www.cjarchitects.co.uk tel: 029 20452100</small>	

Date	Drawn	Check	Description
24/08/18	***	***	Roof levels dropped, dormers introduced
19/09/18	***	***	Plans updated following planning comments
12/10/18	***	***	Plans updated following planning comments
01/02/19	***	***	Plans updated following planning comments
01/02/19	***	***	Plans updated following planning comments
18/07/19	***	***	Plans updated following planning comments
23/01/20	***	***	Plans updated for planning resubmissions

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Second Floor

Proposed redevelopment		Job No.	17_082
160-166 Strathnairn Street		Dwg No.	AL(0)07
Roath, Cardiff		Rev.	G
Title			
Proposed Second Floor Plan			
Date	Drawn	Scale	
	IWJ	1:100	
 CJ Architects		Town planners	
		Environmental & Urban design	
<small>Unit 1A, Compass Business Park, Pacific Road, Cardiff, CF24 6HL</small>		<small>www.cjarchitects.co.uk tel: 029 20452100</small>	