

PETITION & WARD MEMBER OBJECTION

COMMITTEE DATE: 14/10/2020

APPLICATION No. **20/01545/MNR** APPLICATION DATE: 06/08/2020

ED: **SPLOTT**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Qureshi

LOCATION: 171 RAILWAY STREET, SPLOTT, CARDIFF, CF24 2NB

PROPOSAL: CONVERSION OF PROPERTY TO FORM TWO
SELF-CONTAINED 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:
 - A100 Revision B

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 2 self-contained flats 4 secured cycle parking spaces, as indicated on the approved 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 2 self-contained flats the refuse storage areas, as indicated on the approved plan, shall be provided within the curtilage of the property. The refuse storage areas 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.

RECOMMENDATION 2: Please 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 C2C on 02920872087. Each flat will require the following for recycling and waste collections:

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

The storage of which must be sensitively integrated into the design.

The kitchen should be designed to allow the separation of waste into three waste streams; general, recycling and food waste, in order to encourage the correct disposal of waste.

Please refer to the Waste Collection and Storage Facilities Supplementary Planning Guidance (2016) for further relevant information.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the conversion of a property to two flats. A one bedroom flat on the ground floor and a two bedroom flat on the first and second floors.
- 1.2 No extensions are proposed as part of the application. External alterations including the replacement of windows and doors to the ground floor annexe are proposed.
- 1.3 Internally, the accommodation would comprise of the following;
 - **Flat 1** would be located on the ground floor and would have an approximate floor area of 45 square metres. The accommodation would comprise of a washroom, bedroom, and lounge/kitchen. Direct access onto a private amenity garden area of approximately 54 square metres at the rear of the property is provided that also includes the cycle and bin storage areas.
 - **Flat 2** would be located in on the first and second floors with access from the ground floor and would have a floor area of approximately 72 square metres. The flat would comprise of a lounge, bedroom, washroom and kitchen on the first floor and a bedroom and WC on the second floor. Cycle and waste storage is provided and located on the ground floor at the entrance of the property.
- 1.4 It should be noted that amendments have been received to address issues with outlook for the ground floor flat and the location of waste and cycle storage.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises of a mid-terraced dwelling house within a row featuring similar house types that are characteristic throughout the immediate area.
- 2.2 The site is in the Splott area of Cardiff and is not in a conservation area nor is it sited in a flood zone.

3. **SITE HISTORY**

None.

4. **POLICY FRAMEWORK**

National Planning Policy

- Planning Policy Wales (10th Ed, 2018)
- Technical Advice Note 11: Noise
- Technical Advice Note 12: Design

Cardiff Local Development Plan 2006-2026 (2016)

- Policy KP5 (Good Quality and Sustainable Design)
- Policy KP8 (Sustainable Transport)
- Policy KP12 (Waste)
- 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 T6 (Impact on Transport Networks and Services)
- Policy W2 (Provision for Waste Management Facilities in Development)

Supplementary Planning Guidance

- Flat Conversion (2018)
- Managing Transport Impacts (2018)
- Planning Obligations (2017)
- Waste Collection and Storage Facilities (2016)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager (Transportation) has been consulted. No representations have been received to date but will be reported to the Planning Committee if received prior to the meeting.
- 5.2 The Operational Manager (Waste Management) advises the storage area for waste and recycling is acceptable, general advice in respect of waste management has been provided.

6. **REPRESENTATIONS**

6.1 Neighbours have been notified. Objections have been received from 112, 116, 118 and 169 Railway Street. They are summarised below:

- 112 Railway Street object to the application due to the number of flat conversions already in the locality and the existing parking issues within the street.
- 116 Railway Street object to the application for the following reasons;
 - Number of flat conversions already in street
 - Existing issues with parking
 - Drainage issues
 - Waste management
 - The conversion started before submission of planning application
 - Lack of health and safety on site
- 118 Railway Street object to the application for the following reasons;
 - Health and safety at property
 - Poor workmanship
 - Number of flats that already exist in the street
 - Concerns for parking
- 169 Railway Street object to the application for the following reasons;
 - Building works carried out at property
 - Damage to property
 - Lack of health and safety measures at the site
 - Number of flats that already exist in the street

6.2 Representations have been received from the Local Ward Member for Splott, Leader of the Council Huw Thomas. Cllr Thomas objects to the application for the following reasons;

‘On behalf of my constituents who live in the surrounding properties, I would like to object to the planning application for 171, Railway St, reference 20/01545/MNR.

Residents are rightly and understandably concerned about the impact this development will have on the local area, not least because in their views and mine the application does not comply with local planning policy, as contained in Cardiff’s LDP 2006-2026.

Specifically

- section H5i of the LDP states that a conversion to a HMO will be permitted if “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.” In this instance, we do not believe the proposals that an adequate standard of residential amenity is achieved due to a) no external amenity space afforded to the first floor flat and

*b) waste storage space within the dwelling, which is both a fire and hygiene risk in the event of waste not being stored correctly. This also runs contrary to the Supplementary Planning Guidance on Waste Collection and Storage Facilities, chapter 4.3 which states “All residential developments are required to provide adequate storage for 4 dedicated waste streams; recycling, garden, food and residual waste. Provision must be made for the total volume of all waste streams produced over a 14-day period. This storage **must be separate from the dwelling it serves. It is not acceptable for waste to be stored for a long period of time within the dwelling**”.*

- section H5ii of the LDP states that a conversion to a HMO will be permitted if “There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise or overlooking.” In this instance, we believe that positioning a kitchen and living room on the first floor, and the inevitable noise arising from activities in these areas will have a material impact in terms of noise disturbance on the properties either side of the dwelling (whose bedrooms are on the first floor).

- section H5iii and H5iv of the LDP states that a conversion to a HMO will be permitted if “The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area” and “does not have an adverse effect on local parking provision.” In this instance, there is already a high density of flat conversions in the area. Within approximately 50 yds of 171 Railway St, there are 13 houses that have been converted into flats (numbers 108, 114, 120-HMO, 124, 126, 128, 151, 153, 155, 175, 179, 185, 187 Railway St). A number of these properties already generate regular issues in terms of incorrect waste presentation. There local parking provision is also under intense pressure, clearly demonstrating the cumulative impact that flat conversions in the area have already had, giving clear grounds to reject this application.

Furthermore, paragraph 5.19 of the LDP states “The Council requires all flat conversions and HMOs to be of a high quality and to be well designed”. As evidenced by other Objections to this application, the work carried out on the property thus far has fallen well short of the high quality the LDP demands. In fact, officers from Building Control and Shared Regulatory Services have had to attend the property on multiple occasions. I would like to request a site visit so that members of the Committee can see for themselves the level of quality associated with the property, as well as the other issues highlighted above.

As mentioned, there is a considerable number of flat conversions in the immediate area, and local residents are extremely concerned about the cumulative impact of a further conversion. They have organised a petition (gathered with due regard to hygiene and social distancing) from virtually all the properties in the immediate vicinity.’

- 6.3 A 46-signature petition objecting to the application has been submitted to the Council. The petition opposes the existing high density of HMOs in the area; impact on the amenity of the area, including car parking availability; proposed waste storage arrangements; and building control concerns.

7 **ANALYSIS**

7.1.1 The application site lies within the defined settlement boundary in an existing residential area. Policy KP13 details *that 'a key part of the successful progression of the city will be to develop sustainable neighbourhoods'* and defines that *'providing a range of dwelling sizes, types and affordability'* is a key factor in achieving such an aim. Policy H5 is a permissive policy which supports the sub-division of residential properties subject to other material considerations. The application site is located in a built up area served by necessary infrastructure and constitutes a sustainable neighbourhood. Accordingly, the principle of the proposed development is considered acceptable.

7.1.2 The principal matters for consideration are:

- the effect of the proposal upon the character of the area;
- the effect of the proposal upon the amenity of neighbouring occupiers and the area;
- the level of amenity provided for future occupiers;
- the transport impact.

Impact Upon the Character of the Area

7.2.1 Policy KP5 requires that all proposed development is of a high quality and sustainable design which responds *'to the local character and context of the build and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing, and impact upon the built and natural heritage are all addressed within development proposals'*.

7.2.2 It is considered that the proposal would accord with the principles of Policy KP5.

Impact Upon the Amenity of Neighbouring Occupiers and the Area

7.3.1 Policy KP5 seeks to ensure that *'no undue effect on the amenity of neighbouring occupiers'* results from development which is supported by Policy H5.

7.3.2 The property would remain residential in nature and matters of noise and disturbance are not inherent of flat use. If used reasonably the proposed properties are unlikely to result in any detrimental noise or disturbance. Other controls exist in respect of unacceptable noise from residential properties.

7.3.3 It is considered that the proposal would not have an adverse effect upon the amenity of neighbouring occupiers and would accord with Policies KP5 and H5.

Amenity of Future Occupiers

7.4.1 Policy H5 states that proposals for the conversion to flats will be permitted where *'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’.

- 7.4.2 The proposal would result in the provision of adequate sized units, the two flats have an acceptable layout and outlook and it is considered that the level of internal accommodation would be acceptable.
- 7.4.3 Paragraph 4.4.2 of the Councils Flat Conversions Supplementary Planning Guidance (March 2019) identifies that the Ground floor (or roof terrace) amenity space for flat conversions is different to amenity space for C3 dwellings or for HMOs, as it is less likely that upper floor residents would have direct access to any ground floor amenity space in converted flats. The council would favour developments that make every effort to provide access to external amenity space to as many dwellings as possible within the converted building. However, it is recognised that this may not always be viable, or desirable, and that a range of flats, some with sole access to amenity space, some with shared access and some with no access, is a matter for individual residents in choosing where to live. Amongst other considerations, a family dwelling on the ground floor with sole access to the amenity space can on balance be more beneficial than the same space being *accessed* by all flats within the building.
- 7.4.4 Accordingly it is considered that the proposed development would provide an adequate standard of amenity for future occupiers and would accord with the principles of Policies KP5, H5 and EN13.

Transport Impact

- 7.5.1 Policy KP8 seeks to achieve a 50:50 modal split between the car and sustainable journeys through reducing reliance on the car as a mode of transport. Policy T1 promotes walking and cycling. Whilst Policy H5 seeks to ensure that such conversions do not have an adverse effect on local parking provision. Generally, Policies T5 and T6 add further support to the aforementioned policies.
- 7.5.2 The Managing Transportation Impacts (Incorporating Parking Standards) SPG identifies a minimum requirement of zero car parking spaces to discourage the use of the private car as a mode of transport in favour of more sustainable options. The proposal is, therefore, considered policy compliant with the maximum off street parking spaces not being exceeded.
- 7.5.3 The application site is located within a sustainable location in close proximity to local facilities and public transport links and cycle parking spaces are proposed to encourage this sustainable mode of transport. A Shedstore Forest double door bike shed is proposed to the rear of the property for flat one. Two vertical bike racks are proposed for flat two, consideration is given to the user of these stands and that they will be living in a first floor flat. The proposed cycle storage provided is considered acceptable.
- 7.5.4 Accordingly, it is considered that the proposal could accord with the principles of Policies KP8, T1, T5 and T6.

Waste

7.6.1 The separate waste storage areas for both flats are considered acceptable. In respect of waste storage facilities, each flat will require the following for recycling and waste collections:

- Bespoke bags equivalent to 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 4 has therefore been included to ensure such provision is provided. 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.

Other Matters

7.7.1 A rebuttal from Varco Consultants Ltd was submitted on behalf on the applicant in response to representations. The letter also outlines relevant policy and considers the proposal to be policy compliant. A summary is set out below:

Flat Conversions SPG (adopted March 2019)

The introductory and opening paragraphs indicates that the Welsh Government supports the use of SPG's to set out detailed guidance in the way in which local development plan planning policies will be applied.

Section 2.1.2 provides further guidance on planning policy context and in turn quotes paragraph 3.1.4 of Planning Policy Wales (Edt 9, 2016)

"Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The planning system does not exist to protect the private interests of one person against the activities of another".

Under Section 3 which relates to minimum internal space standards in the design of flats, the table contained states the following standards are expected- 1 bedroom unit having a minimum gross internal area (GIA) of 30m², with a 2 bedroom unit at minimum 45m² gia. The drawings accompanying this application demonstrate that the scheme subject to scrutiny by the LPA exceed the minimum standards set above.

Section 4.2 of the SPG provides further guidance on room sizes and facilities, though notes that the council would not seek to be prescriptive in terms of individual room sizes, and merely requires that best practice be adopted. The plans accompanying this application would appear to satisfy all set criteria's of best practice design in so far as concerns internal space standards and facility provisions.

Section 4.3 refers to waste considerations in the design of flats, with p.4.3.2 making reference to the Waste Collection and Storage Facilities SPG (Oct 16) which indicates the following;

For houses converted into flats, the preferred option is for individual bin allocation managed by each flat with each flat allocated;

140L for General Waste

25L Kerbside caddy for food waste Green bags for recycling.

The above standards are considered to have been met in the proposed design scheme, with no prohibitions noted for the application of internal refuse storage to serve the first floor apartment, in this instance. The waste provisions are split between the communal lobby to serve unit 2 (not within a 'dwelling'), with unit 1 externally located.

Section 4.4 relates to amenity space provisions in flat designs. Section 4.4.2 quotes;

"Ground floor (or roof terrace) amenity space for flat conversions is different to amenity space for C3 Dwellings or for HMOs, as it is less likely that upper floor residents would have direct access to any ground floor amenity space in converted flats. The council would favour developments that make every effort to provide access to external amenity space to as many dwellings as possible within the converted building. However, it is recognised that this may not always be viable, or desirable, and that a range of flats, some with sole access to amenity space, some with shared access and some with no access, is a matter for individual residents in choosing whether to live."

There are a number of planning applications determined by the council with upper floor flats with no access to amenity space. Notwithstanding this, we would respectfully note that the current scheme appears to comply with guidance of the SPG evidenced above in our considered opinion.

Section 4.5 refers to parking provisions. Paragraph 4.5.2 refers to 'Managing Transport Impacts and Parking Standards SPG (2018)' and emphasises that minimum provisions are no longer sought for car parking spaces, and no maximum for cycle parking as the councils endeavours to promote sustainable means of transport. This section of the document reiterates the importance of providing secure and sheltered cycle provisions, and to this end, suitable provisions are deemed to have been provided in the scheme.

Section 4.6 refers to Noise, light and Outlook and suggests that consideration should be given to noise nuisance, light and outlook in the design of all flats. Whilst it could be argued that a number of planning applications have been determined by the council since adoption of this SPG with similar room allocation provisions on first floor, and in addition, mindful of the fact that there being no enforceable right to prohibit any upper floors being used as living rooms and kitchens to existing C3 premises; Section 4.6.2 acknowledges that specific details of sound insulation are not dealt with under planning legislation, though instead the Building Regulations 2010 (as amended).

All habitable rooms are considered to have ventilation and reasonable outlook and are therefore considered to satisfy the criteria's of the SPG. All other technical and safety concerns raised are subject and enforceable under separate legislation governed by the CDM Regulations and The Building

Regulations etc. As such, we would respectfully note that the scheme would appear to satisfy the criteria of noise, outlook and light, as set by the SPG

Section 4.7 relates to Access and promotes access direct from the street. This has been accommodated.

On the matters of density of flat conversions, we would respectfully note that there is nothing, in policy terms, that prohibits the conversion and number of flats within a defined radial distance or places requirements on cumulative impact for flat conversions. We feel the application, in conjunction with this letter, adequately demonstrates that all the pertinent material planning considerations for an application of this nature have been satisfied. I also note email communication between Mr Bannister and the applicant circa July 2020 following a complaint of work commencement (your ref SJB/E20/110), in which the applicant advised that the dormer and single storey rear extensions were developments exercising permitted development rights afforded to them as a householder. There were no intentions at the time to convert the property into flats; a matter which is the subject of this application for which the applicant is seeking consent.

Finally, matters of working hours are enforceable under separate legislation i.e. Control of Pollution Act 1974, though we have reiterated the requirements of the Act for reference to the applicant.

7.7.2 In respect of the objection submitted by the Local Member opposing the development the following should be noted:

1. Negative Impact on the Community – Issues such as impact of the amenity of the area, car parking and waste storage are covered in paragraphs 7.3.2, 7.5.2 and 7.6.1 of this report.
2. No amenity space for first floor flat – This issue is covered in paragraph 7.4.3 of this report.
3. Additional noise and vibrations associated with kitchens adjacent to adjoining property bedrooms – This is a matter that would be covered under Building Regulations and Shared Regulatory Services (Pollution Control) if a statutory nuisance is witnessed.
4. Cumulative Impact of the development – The Flat Conversion SPG, does not have a threshold for the conversion of residential properties into flats. The proposed use will still fall into Use Class C3 and will provide for much needed accommodation to help the Council meet its housing needs.
5. Building work carried out at the property – The quality of the building work would be a matter for Building Control to deal with and the appropriate officers have been made aware.
6. Layout of the flats – It is considered that the layout of the flats are well designed and the outlook from all habitable windows is satisfactory. This is also covered in paragraph 7.4.2 of this report.

7.7.3 In respect of the objections and petitions submitted opposing the development the following should be noted:

1. The local planning authority were made aware of building works at the property in June of this year. The matter was investigated by planning enforcement. At that point in time, as the property was used as a dwelling house, the works were considered to benefit from permitted development.
2. The health and safety concerns may be addressed under separate legislation via the health and safety executive and would not be a matter for planning control.
3. The standard of the building work carried out is assessed under separate legislation and is being considered by the Councils Building Control department.
4. The damage to the property of 169 Railway Street caused by the building works would be a civil matter between the owner/occupier and the applicant.

7.7.4 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes 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.

7.7.5 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.

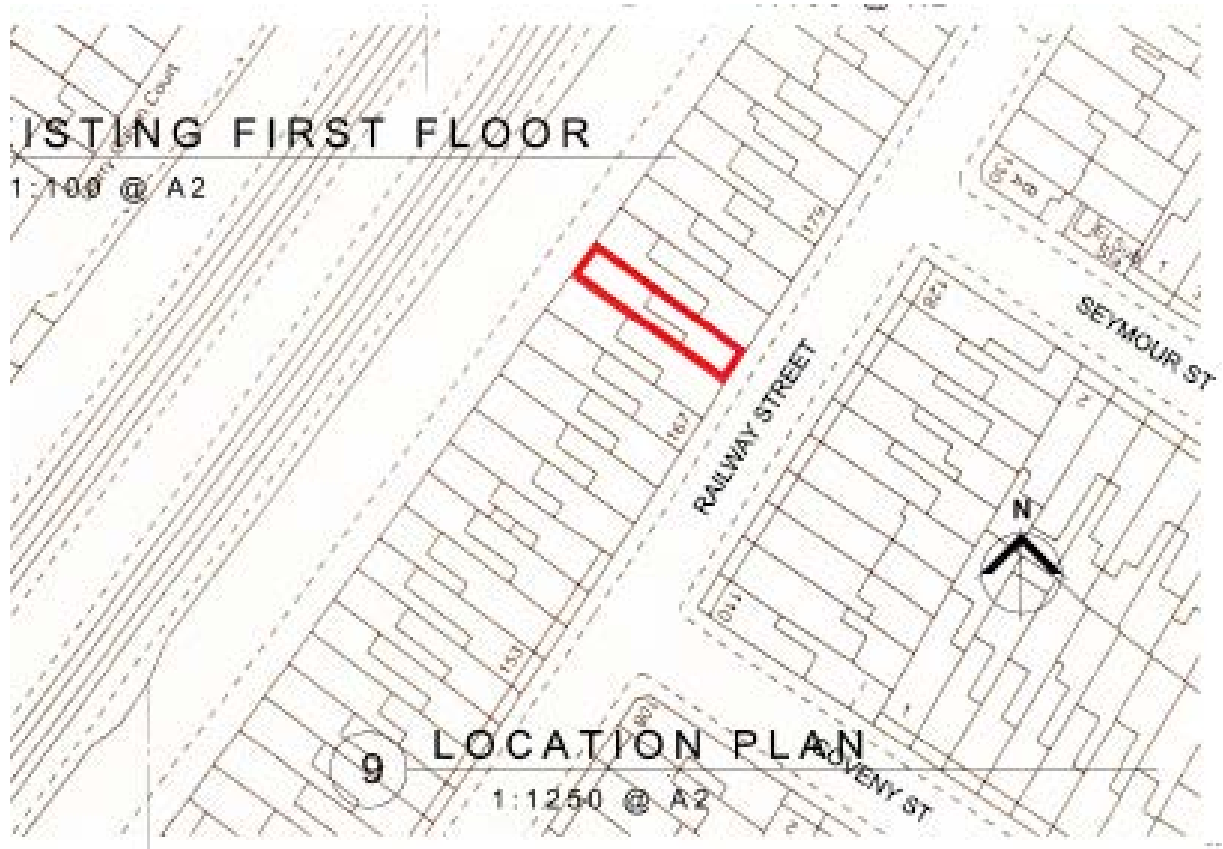
7.7.6 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the 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. **CONCLUSION**

8.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended that planning permission be granted.

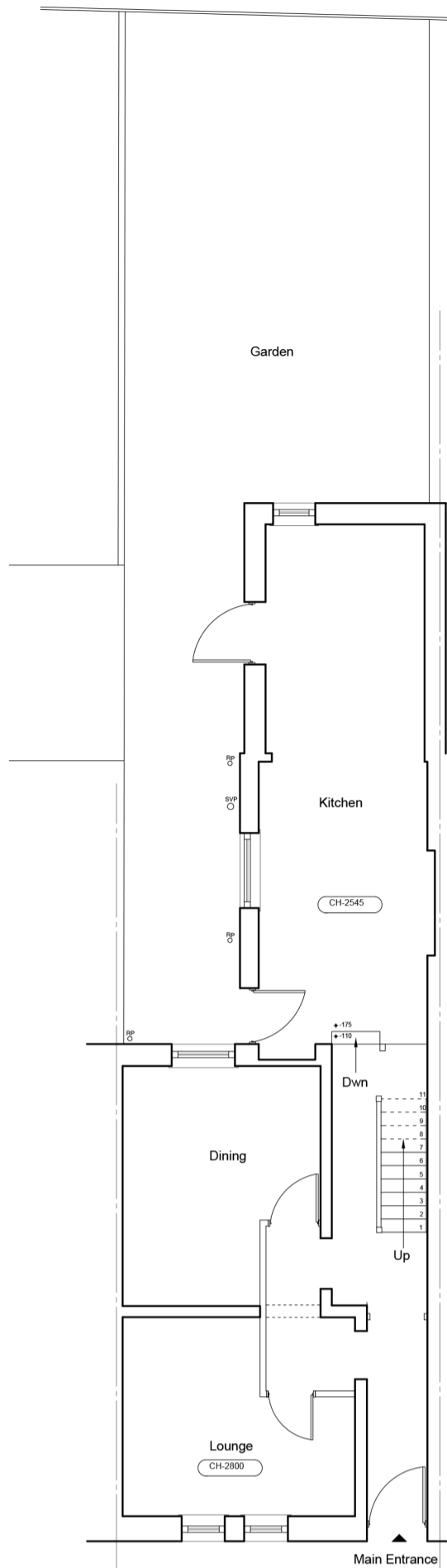
EXISTING FIRST FLOOR

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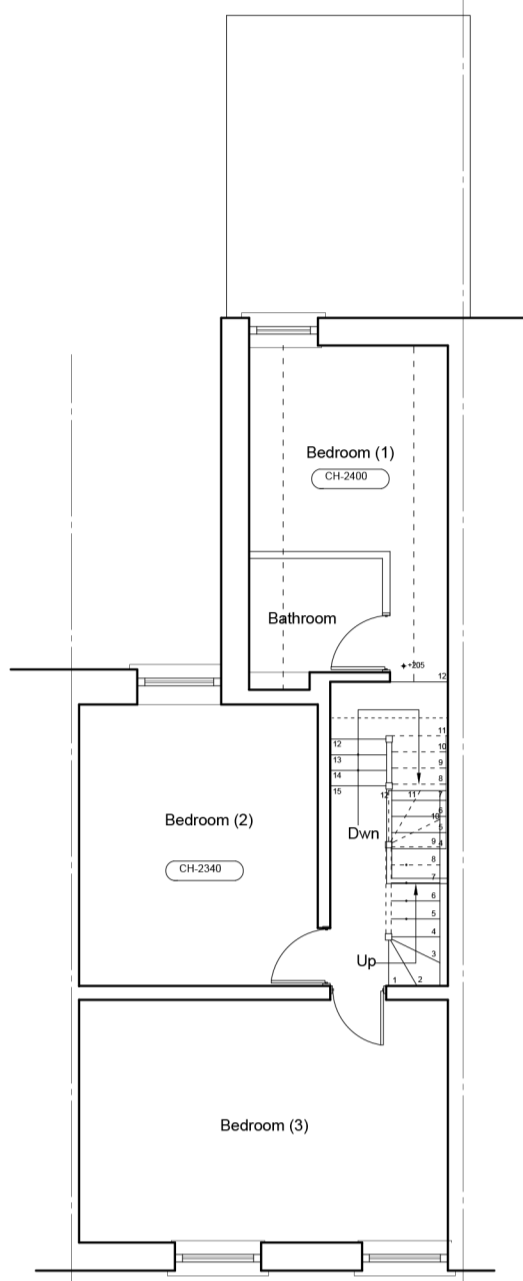


LOCATION PLAN

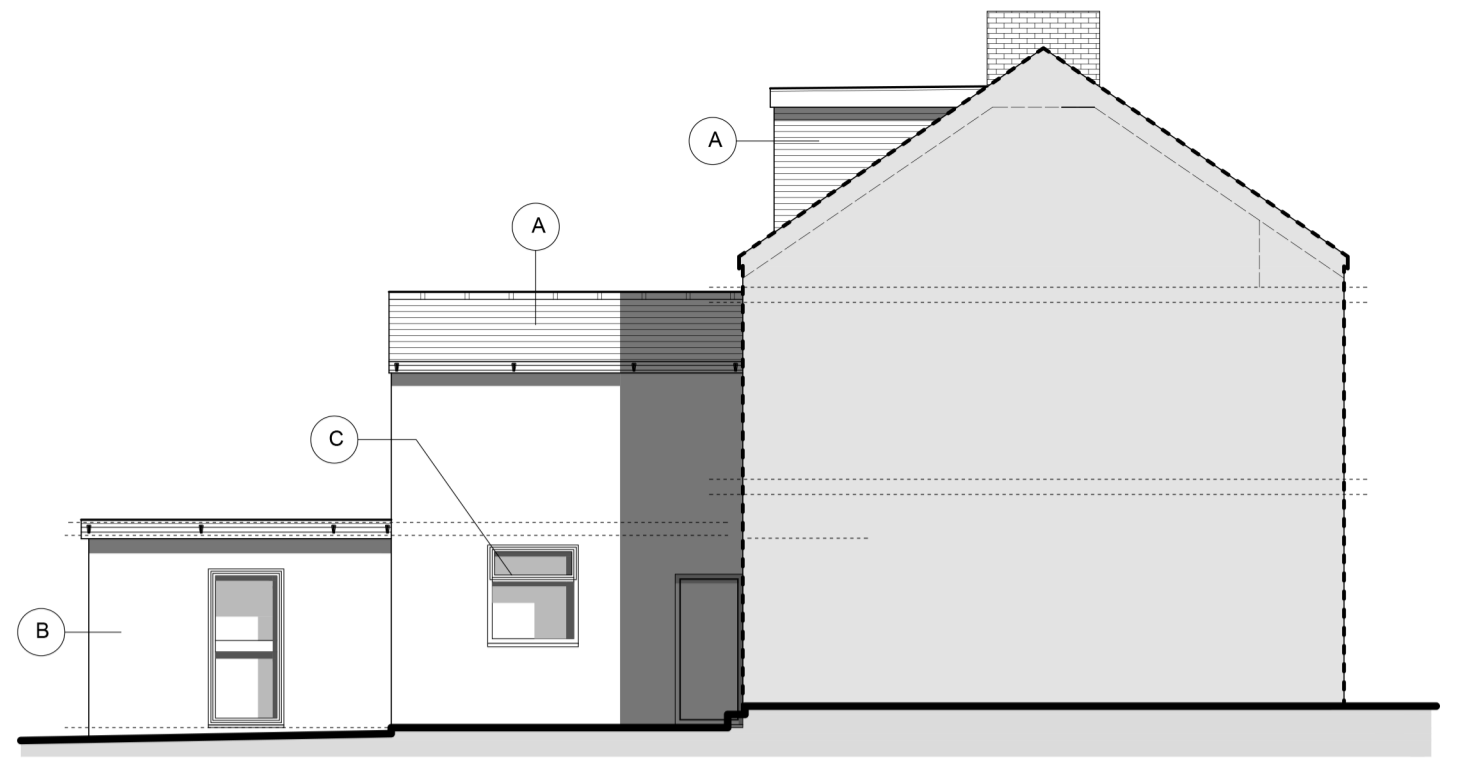
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2 EXISTING GROUND FLOOR
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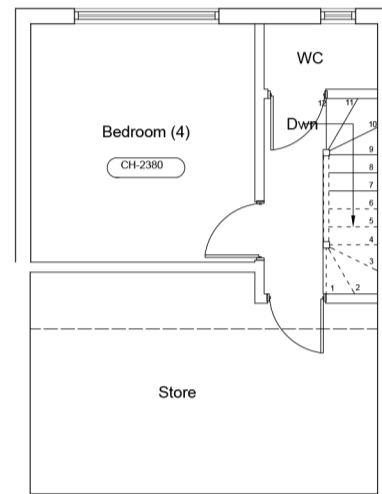
3 EXISTING FIRST FLOOR
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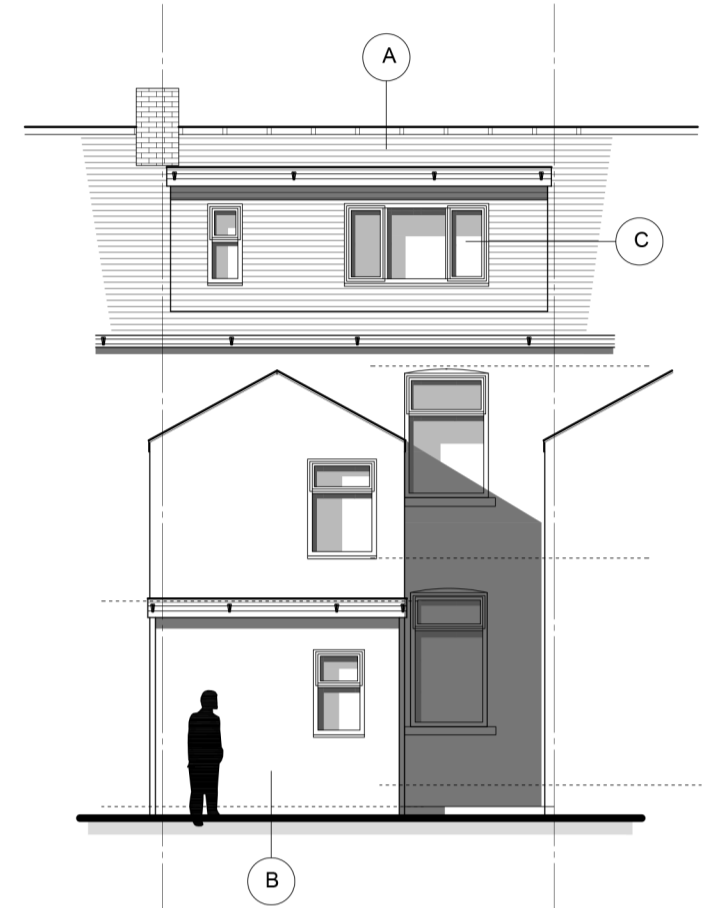
1 EXISTING SIDE ELEVATION
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Existing Material Specification

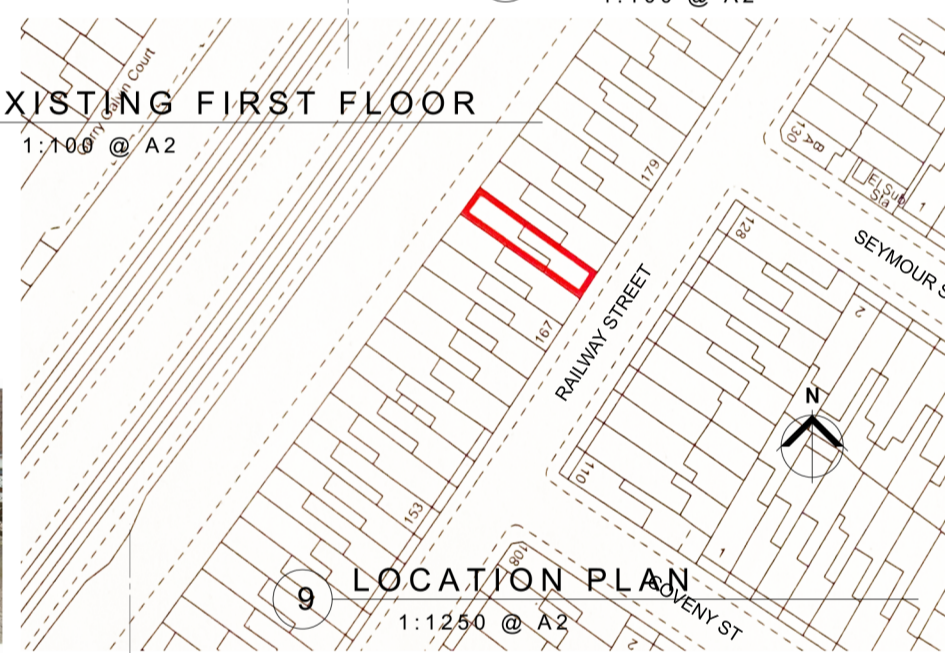
- (a) Synthetic Slate
- (b) Render
- (c) UPVC fenestration
- (d) PVC fascia and RWG's



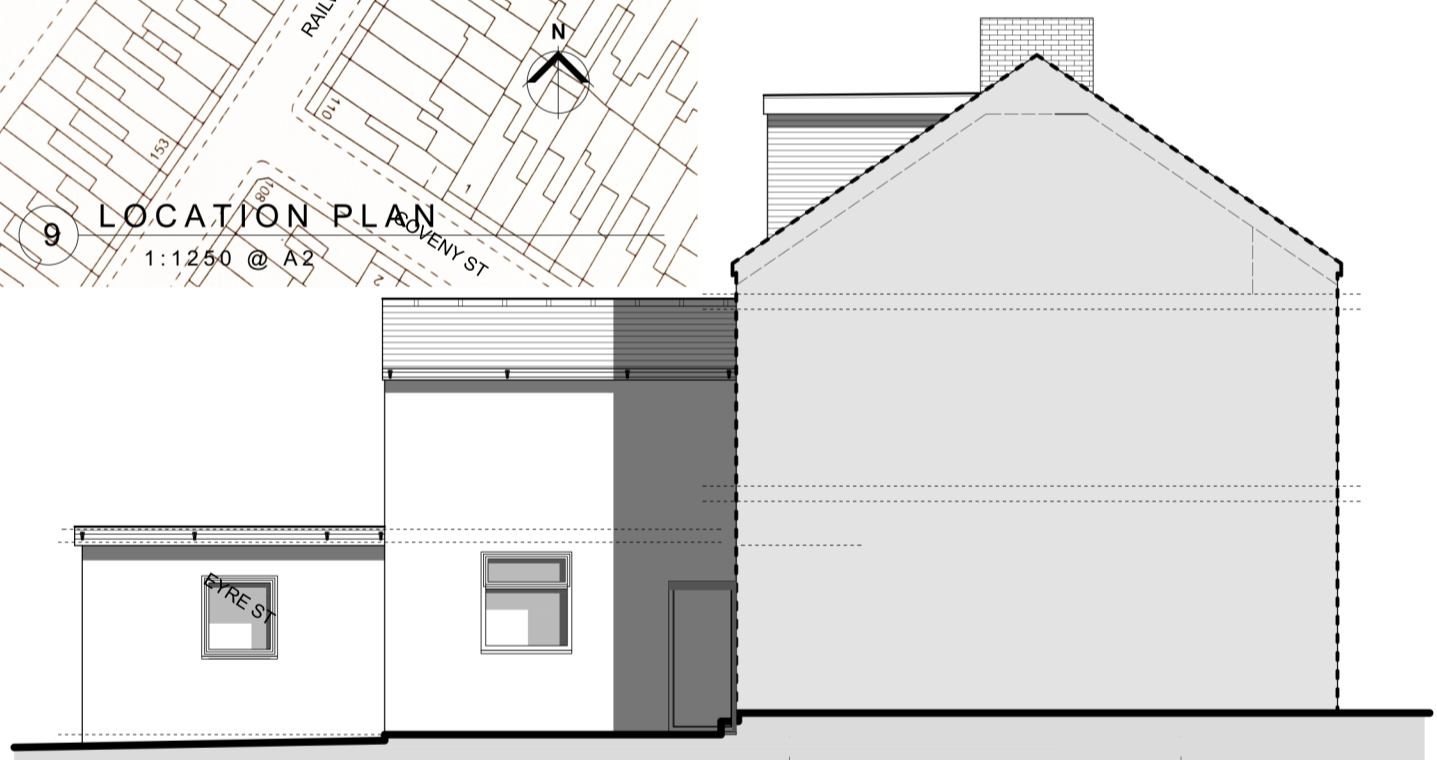
4 EXISTING SECOND FLOOR
1:100 @ A2



5 EXISTING REAR ELEVATION
1:100 @ A2



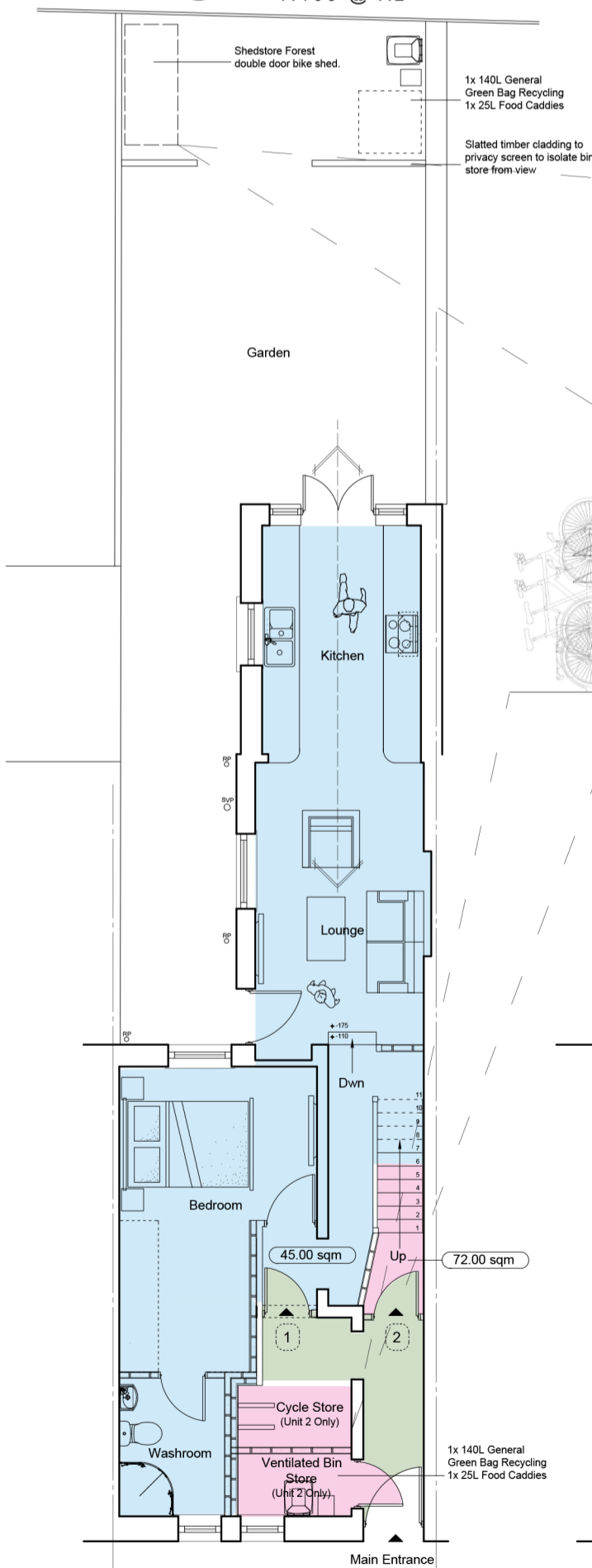
9 LOCATION PLAN
1:1250 @ A2



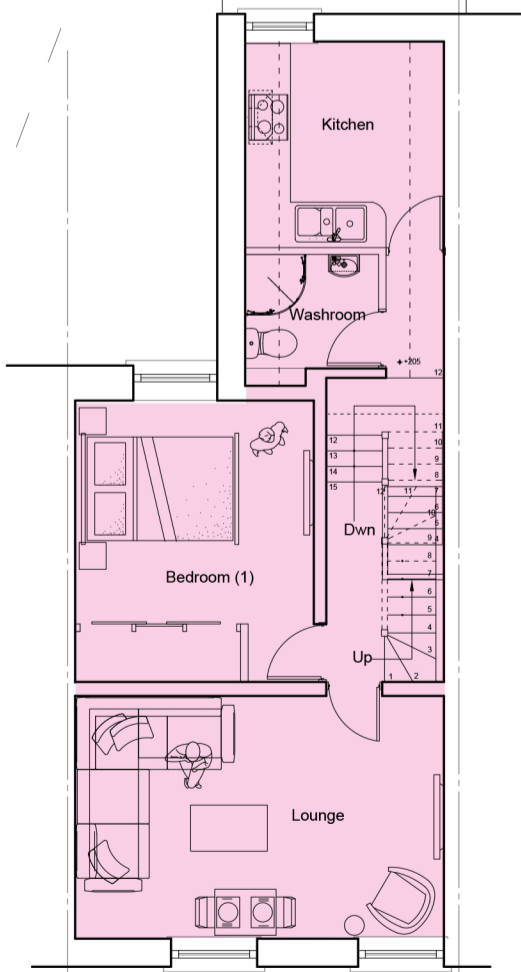
9 PROPOSED SIDE ELEVATION
1:100 @ A2



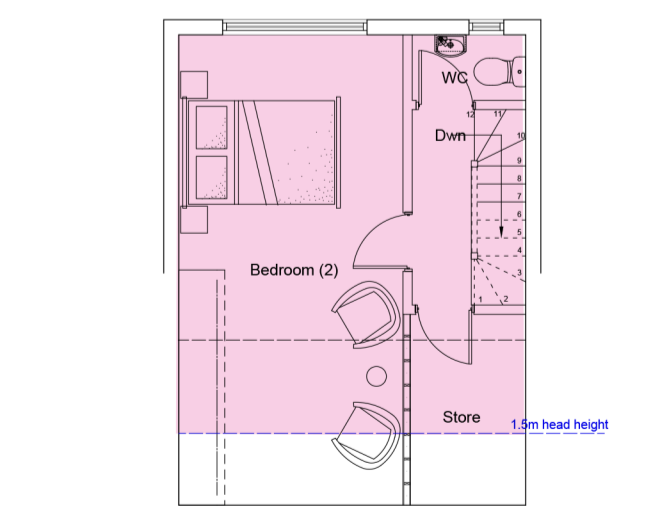
8 PROPOSED REAR
1:100 @ A2



6 PROPOSED GROUND FLOOR
1:100 @ A2



7 PROPOSED FIRST FLOOR
1:100 @ A2



8 PROPOSED SECOND FLOOR
1:100 @ A2

CLIENT
MR I. QURESHI ESQ.

PROJECT
171 RAILWAY STREET, CARDIFF, CF24 2NG

DRAWING TITLE
EXISTING AND PROPOSED PLANS AND ELEVATIONS

PROJECT NO.
1790

DRAWING STATUS
 CLIENT APPROVAL
 PLANNING
 BUILDING CONTROL
 TENDER
 CONSTRUCTION

DRAWN/CHECKED
BILAL VARMA / AV

SCALE
1:100 | 1:250 @ A2

DATE
AUGUST 20'

REVISION
A 100 B

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