

## PETITION AND LOCAL MEMBER OBJECTION

COMMITTEE DATE: 18/08/2021

APPLICATION No. **21/00949/MNR** APPLICATION DATE: 27/04/2021

ED: **LLANISHEN**

APP: TYPE: Full Planning Permission

APPLICANT: BASE SUPPORT SERVICES

LOCATION: 19 TY GLAS AVENUE, LLANISHEN, CARDIFF, CF14 5DX

PROPOSAL: CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO C2 (RESIDENTIAL INSTITUTION - TO PROVIDE SUPPORTED ACCOMMODATION FOR CHILDREN UNDER 16). ALTERATIONS TO FRONT ELEVATION, PORCH AND CONVERSION OF GARAGE TO LIVING ACCOMMODATION WITH INFILL EXTENSION TO CONNECT TO MAIN HOUSE

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

1. C01 Statutory Time Limit
2. The development shall be carried in accordance with the following approved plans:
  - P05 Rev. A – Proposed Ground Floor Plan
  - P06 – Proposed First Floor Plan
  - P07 – Roof Plan
  - P08 – Proposed Elevations
  - Service Management Statement – Ty Glas – June 2021

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 5 undercover and secure cycle parking spaces shall be provided within the curtilage of the site and thereafter retained for the storage of bicycles.

Reason: To ensure that secure cycle parking facilities are provided to encourage other modes of transport over the private car in accordance with Policies KP8, T1 and T5 of the Cardiff Local Development Plan 2006-2026.

4. Notwithstanding the approved plans there shall be no beneficial use of the development, hereby approved, until such time as parking spaces to the side of the property are implemented in accordance with details which shall first be submitted and approved by the local planning

authority.

Reason: To secure an orderly form of development in the interests of the safe and efficient operation of the highway in accordance with Policies T5 and T6 of the Cardiff Local Development Plan 2006-2026.

5. Prior to beneficial use of the development, hereby approved, full details of soft landscaping shall be approved by the Local Planning Authority. These details shall include:
- A soft landscaping implementation programme. Scaled planting plans prepared by a qualified landscape architect/garden designer.
  - Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting.
  - Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect/garden designer.
  - Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect/garden designer that show the Root Available Soil Volume (RASV) for each tree.
  - Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
  - Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect/garden designer, including full details of how the landscape architect/garden designer will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

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

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with Policies K15 and KP16 of the Cardiff Local Development Plan 2006-2026.

6. The premises shall only be used for the provision of residential accommodation and care to people in need of care and for no other

purpose (including a hospital, nursing home, residential school, college or training centre) within Class C2 of The Town & Country Planning (Use Classes) Order 1987 or any order revoking, amending or re-enacting that Order with or without modification.

Reason: For the avoidance of doubt and as the implications of other uses have not been assessed and may not accord with the Policies of the Cardiff Local Development Plan 2006-2026.

**RECOMMENDATION 2:** South Wales Police would welcome opportunity to work with the developer and provide the following initial advice:

- A detailed management plan should always be in place. The plan should provide details of staffing levels, the number of staff to child ratios at all times, qualifications of staff to work with the children, criminal records checks and safeguarding issues, an agreed protocol with police should a child be absent from the home without permission. Details of regulatory framework and oversight. There should be an appropriate fire safety/evacuation plan in place. Consultation with the local Policing Inspector prior to opening would be key to ensuring the staff/ Police have a good working relationship.
- South Wales Police would recommend that an audio/ visual access control system is fitted on the main entrance door and exterior lighting is fitted outside the main entrance door which should be positioned at the front of the house. **Reason:** Both staff and residents can feel safe when entering the building at night and when opening the door.
- Each individual room should have lockable cabinet for individual person's possessions to be stored with a master key for staff. **Reason:** To prevent theft
- External doors and ground floor windows to PAS 24:2016 standards. **Reason:** To prevent burglary/ theft

**RECOMMENDATION 3:** Welsh Water advise:

The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the proposed block plan, it appears the proposed development (proposed porch) would be situated within the protection zone of the public sewers measured 3 metres either side of the centreline. We kindly request the applicant contact our Build Over Sewer Team on 0800 917 2562 to establish if a Build Over Sewer application will be required / likely to be approved. Alternatively, it may be possible to divert the sewers if the developer applies under Section 185 of the Water Industry Act or we recommend the proposed development is repositioned to accommodate for the required protection zone.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a

drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## **1. DESCRIPTION OF THE SITE**

- 1.1 The site comprises a two storey semi-detached dwelling on a corner plot on the periphery of a housing estate to the north east of the city.
- 1.2 The site is bounded by roads to the north and west including the main thoroughfare Ty Glas Avenue which lies across a secondary road a school lies directly opposite across the aforementioned road. The site is bounded by dwellinghouses to the east and south.
- 1.3 The existing dwellinghouse has previously been extended, at two stories in height, to its side elevation and represents a large dwelling within the context of the area. A detached garage lies in to the south in close proximity to the extended rear elevation of the dwelling. A car parking area accessed from the side road lies forward of the garage.

## **2. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- 2.1 Planning permission is sought for the change of use of the dwellinghouse (Use Class C3) to a Residential Institution (Use Class A2) to provide supported accommodation for children under 16.
- 2.2 The applicant is an organisation, which operates two similar facilities within Cardiff, that specialises in working with children and young people who have experienced local authority care who need a safe, nurturing environment that promotes development and supports preparation for independence. The proposal would provide accommodation, support and care for up to four children and young people who are looked after by the local authority who need a level of care and support to enable them to achieve lasting positive outcomes, safely and with confidence. The premises would be registered as a Children's Home under the Regulation and Inspection of Social Care (Wales) Act 2016 and would provide a high standard of accommodation, care and support

accordingly. The premises would be able to provide flexible accommodation, care and support for young people which is tailored to meet their changing needs over time. All referrals for placements come from Local Authorities and there is no predetermined categories of need or diagnosed condition, however, the remit is not for same day emergency placements.

- 2.3 The premises would be staffed by staff with specific experience, skills and knowledge, who are professionally dedicated, appropriately trained and properly supported to deliver on our commitment for quality care and support. An equivalent of 6.6 full time employees, including a manager, will be required to staff the premises with a typical rota comprising 2 staff members present at the premises over a 24 hour period covering day and night time shift with handovers at 9am and 5pm.
- 2.4 Small extensions are proposed to the existing building comprising a porch extension and a rear infill extension connecting the main building to the existing garage. The proposed porch would be to the front of the building measuring approx. 3.4m x 2.3m with a mono pitch roof extending to a maximum height of approx. 3.9m. The infill extension would take the form of the existing flat roofed garage and be extended to meet the rear elevation of the main building with roof lights provided over the extended area. Both extensions would be finished in materials that match the existing building.
- 2.5 Internal alterations would be undertaken to the property to provide a large open plan kitchen and dining room, a lounge, managers office, laundry room, staff room, shower room, WC and storage to the ground floor and four good sized bedrooms, a small sleepover room for staff, a shower room and WC to the first floor.
- 2.6 Principal access to the property would be via a path, through the proposed porch, to the front elevation off Ty Glas Avenue. A single crossover providing access to formal space for the parking of a car is located to the west elevation as existing and an informal second space appears available adjacent, however, the proposal fails to clarify future proposed parking provision with indication that parking would be totally lost and replaced by landscaped gardens, on-street parking is available within the area. The existing rear garden would be retained.

### 3. **RELAVANT SITE HISTORY**

Application No : 11/00658/DCH  
Proposal : 2 STOREY SIDE EXTENSION TO SIDE OF HOUSE. NEW LOUNGE/KITCHEN TO GROUND FLOOR AND NEW BEDROOM.SHOWER ROOM TO FIRST FLOOR  
Application Type: HSE  
Decision : PER  
Decision Date : 10/06/2011

### 4. **POLICY FRAMEWORK**

### **National Planning Policy**

- Future Wales: The National Plan 2040 (2021)
- Planning Policy Wales (11<sup>th</sup> Ed, 2021)
- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 11: Noise
- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk

### **Cardiff Local Development Plan 2006-2026 (2016)**

- Policy KP1: Level of Growth
- Policy KP3(B): Settlement Boundaries
- Policy KP5: Good Quality and Sustainable Design
- Policy KP8: Sustainable Transport
- Policy KP13: Responding to Evidenced Social Needs
- Policy KP14: Healthy Living
- Policy KP15: Climate Change
- Policy KP16: Green Infrastructure
- Policy H4: Change of Use of Residential Land or Properties
- Policy EN6: Ecological Networks and Features of Importance for Biodiversity
- Policy EN7: Priority Habitats and Species
- Policy EN10: Water Sensitive Design
- Policy EN13: Air, Noise, Light Pollution and Land Contamination
- Policy EN14: Flood Risk
- Policy T1: Walking and Cycling
- Policy T5: Managing Transport Impacts
- Policy T6: Impact on Transport Networks and Services
- Policy C3: Community Safety/Creating Safe Environments
- Policy W2: Provision for Waste Management Facilities in Development

### **Supplementary Planning Guidance**

- Managing Transportation Impacts (July 2018)
- Waste Collection and Storage Facilities (October 2016)

## **5. INTERNAL CONSULTEE RESPONSES**

- 5.1 Waste Management advise that the storage of waste within the curtilage of the property would be acceptable.
- 5.2 Traffic and Transportation have been consulted, no representations have been received.
- 5.3 Flood & Coastal Risk Management have been consulted, no representations have been received.
- 5.4 SRS – Pollution Control have been consulted, no representations have been received.

5.5 The Councils Planner (Trees and Landscaping) strongly supports the indicative provision for soft landscaping and new tree planting which is considered the sort of enhancement sought in respect of such development. A condition in respect of detailed landscaping is requested.

## 6. **EXTERNAL CONSULTEE RESPONSES**

6.1 South Wales Police note that young persons in care are a particularly vulnerable group in society who sometimes have complex support needs. The area has a reasonably high level of recorded crime and as not all crime is likely to be reported or recorded true level of criminal activity in the area maybe even higher. No objection is raised to the proposal. A detailed management plan should be put in place prior to occupation which should include staffing levels, ratios of staff to children, qualifications of staff, criminal records checks and safeguarding issues, an agreed protocol with Police, the LPA are in receipt of an equivalent document. Furthermore it is recommended that an audio/visual access control system and lighting is fitted at the main entrance, each individual room should be lockable and external doors and windows should meet current standards.

6.2 Welsh Water raise no objection to the proposal and provide general guidance notes.

## 7. **REPRESENTATIONS**

7.1 The application was advertised by way of neighbour notification letter.

7.2 A petition of 51 signatories has been received objecting to the proposal on the following summarised grounds:

- Increase in noise levels, disturbance, anti-social behaviour;
- Resulting traffic congestion
- Change in characteristics and dynamics of the area;
- Not a suitable location to have such a facility within a residential street.

7.3 Letters of representation from the owner/occupiers of 12, 17 and 21 Ty Glas Avenue have been received. Objections to the proposal are raised on the following summarised grounds:

- Risk of Anti-social behaviour, noise and disturbance;
- Change of the characteristics of the street;
- Increased traffic congestion and parking need;
- Lack of private external amenity space;
- Concerns regarding breaches GPDR;
- Increase in rubbish and litter.

Furthermore, letters of support from a support worker and doctor have been submitted on behalf of an objector with regard to their particular family circumstances and the resulting effect that any noise, disturbance or

dysfunctional communication could have on their health and well-being.

7.4 Local Ward Members for Llanishen Cllrs Jenkins, Melbourne, Lancaster and Parkhill object to the proposal on the following summarised grounds:

- No community engagement has been undertaken and this should lead the LPA draw an adverse inference on the applicants decision not to do so;
- Resulting negative impact upon the character of the area and community;
- Risk of anti-Social Behaviour, offending, noise and disturbance, particularly given the personal circumstances of a neighbouring resident;
- Effect upon traffic movements, congestion and parking.

## 8. **ANALYSIS**

### 8.1 Introduction

8.1.1 The application premises is within the defined settlement boundary and has no specific allocation or designation Policy KP3(B) indicates that there is a general presumption in favour of development within the settlement boundary subject to other material considerations.

8.1.2 Policy KP13 details that *'a key part of the successful progression of the city will be to develop sustainable neighbourhoods, tackle deprivation, and improve quality of life for all'* which will be achieved through measures including providing a range of accommodation and encouraging the provision of a full range of social, health, leisure and education facilities.

8.1.3 Policy H4 permits the conversion of residential properties to other uses where the proposal is for community use necessary within a residential area.

8.1.4 The proposed development would provide accommodation and care for persons in need within a sustainable location offering a good quality living environment and nearby facilities in an area with social cohesion and, therefore, the principle of the proposal is considered acceptable and to accord with the values of Policies KP3(B), KP13 and H4. The principal matters for consideration in respect of the proposal are:

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

### 8.2 Impact Upon the Character of the Area

8.2.1 Policy KP5 requires all new development to be of a good quality and sustainable design which responds to the local character and context of the built setting.

8.2.2 The proposal includes minor extensions of small scale which respond to the context of the existing dwellinghouse and general character of the area and



are of a good design.

8.2.3 The proposed use is intrinsically residential in nature and would not appear incongruous within the setting and, therefore, would not harm the character of the area.

8.2.4 Accordingly, it is considered the proposal accords with Policy KP5.

### 8.3 The Amenity of the Area, Neighbouring and Future Occupiers

8.3.1 Policy KP5 details that proposals for new development will be required to be of good design and ensure that '*no undue effect on the amenity of neighbouring occupiers*' results, this is further supported by Policies H4 and EN13.

8.3.2 The nature of the proposed use is effectively residential in nature whilst there would be some intensification and differences to a dwelling with regards to the use proposed it is considered unlikely that reasonable use of the premises would have any detrimental impact upon the amenities of neighbouring residents in terms of noise and disturbance. The premises would be staffed by two individuals caring for four children which is comparable to the extent of use which could be expected within a dwellinghouse. Increased noise and disturbance, or episodes of anti-social behaviour, cannot be considered an inherent feature of the proposed use, which will be a managed facility with 24 hour adult supervision contrary to what could be expected at a standard residential dwelling with teenage residents. Likewise, the range of accommodation is comparable to a standard dwellinghouse with what may be considered alien features such as a staff room or managers office having similarities to a lounge, kitchen or home office the reasonable use of these facilities would have no adverse impact. The staff room whilst on the party wall would have minimal occupancy and given the aforementioned comparisons could not be deemed to have any adverse impact.

8.3.4 The level of amenity to be provided for occupiers and users of the building are considered adequate.

8.3.5 The general space around buildings is considered adequate relative to the proposed use.

8.3.6 Accordingly, it is considered the proposal would not be of detriment to the amenities of neighbouring occupiers or the area and provides a good quality living environment for future occupiers and, therefore, accords with the principles of Policies KP5, EN13 and H4.

### 8.4 Transport Impact

8.4.1 Policies KP8, T1, T5 and T6 seek to ensure that new development accords with the principles of sustainable transport and do not impact upon the

existing transport network and services.

8.4.2 The proposed facility is in a sustainable location close to local communities and public transport networks.

8.4.3 Current policy requires that no minimum parking is required for new development in order to promote sustainability and in relation to the proposed use a maximum of one space is permissible in respect of the proposed four bed facility. It appears one formal car parking space is available for the existing dwelling. Given the nature of the proposed use it is considered that the loss of such parking could have some detriment to the safe and efficient use of the highway despite the level of on-street parking and aforementioned policy. The increased potential for vehicle movements and stays, even if only for short periods such as visits or staff changeover, has potential to have detrimental effect, therefore, retention of the existing car parking space would be of benefit. As it is evident that the existing car parking could be retained to facilitate the proposal a condition is recommended in this regard to ensure that car parking is provided.

8.4.4 In order to promote sustainable modes of transport cycle is required to be provided a condition requiring cycle storage space to be provided, in accordance with the relevant SPG, is recommended.

8.4.4 Accordingly, it is considered that the proposal would result in no adverse transport impact and accords the principles of sustainable transport in accordance with the principles of Policies KP8, T1, T5 and T6.

## 8.5 Other Matters

8.5.1 Policies KP15 and KP16 seek to ensure that green infrastructure and biodiversity is protected, enhanced and the effects of climate change mitigated. The proposal, given its nature and extent, raises no specific concern in this regard the enhancement of soft landscaping is of benefit to the proposal and a condition is recommended in this regard to ensure enhancement is achieved.

8.5.2 Policy EN10 details that '*development should apply water sensitive urban design solutions*' the process of integrating water cycle management with the built environment through planning and urban design. Furthermore, the purpose of Policy EN14 '*is to avert development from where it would be at risk from river, ordinary watercourse, coastal, surface water flooding or where it would increase the risk of flooding or additional run off from development elsewhere*'. With regard to Chapter 6 of PPW and guidance within TAN15 surface water drainage is a material planning consideration and consideration to flooding caused by heavy rainfall and runoff from development in areas of known flooding is required to be given on a case by case basis. The site is not in an area known for main river, sea, reservoir or surface water flood risk, therefore, on this basis it is considered the proposal is unlikely to have any adverse flood risk impact and given the nature and scale of development proposed, including the enhancement of soft landscaping, it is considered there would be no adverse impact and further

requirements are not justified in this regard.

## 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.

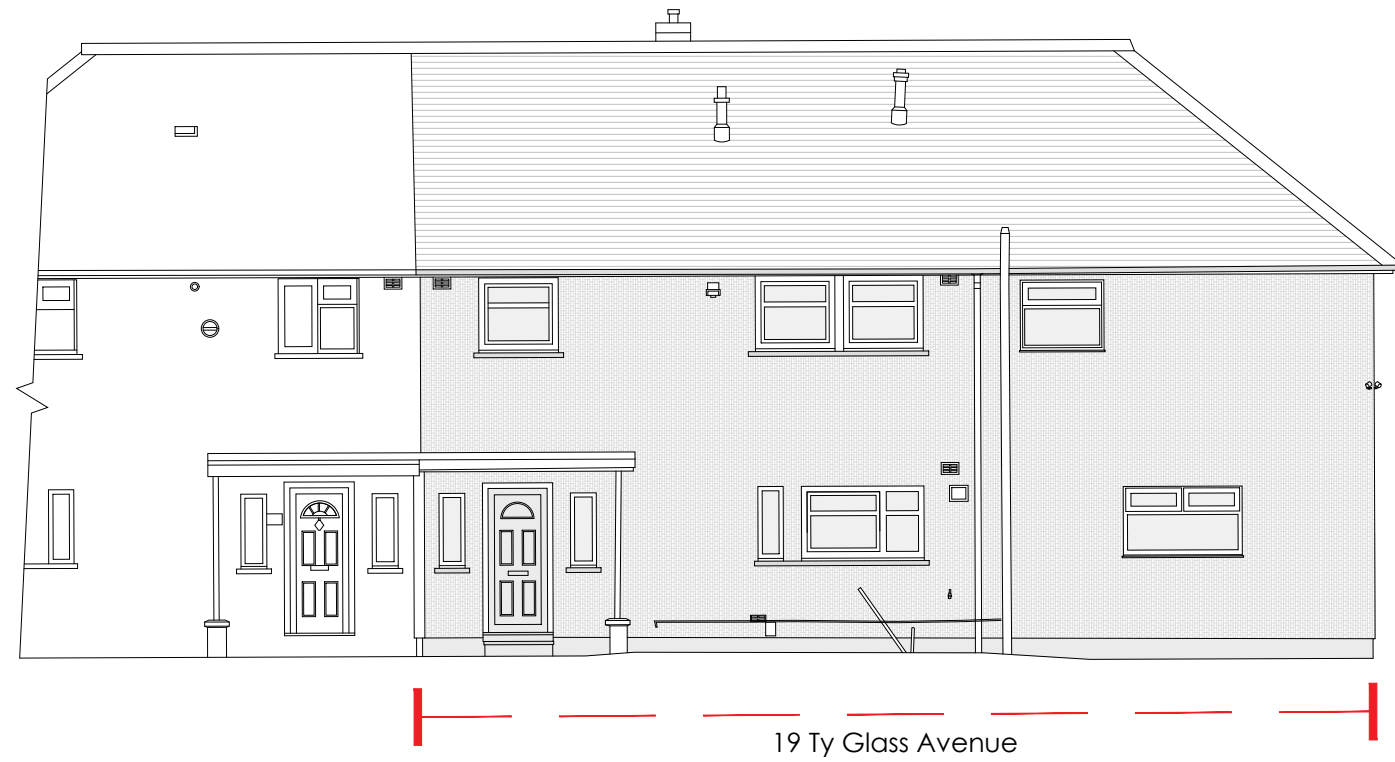
9.3 **Well-Being of Future Generations Act 2015** – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the 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

## 10. **RECOMMENDATION**

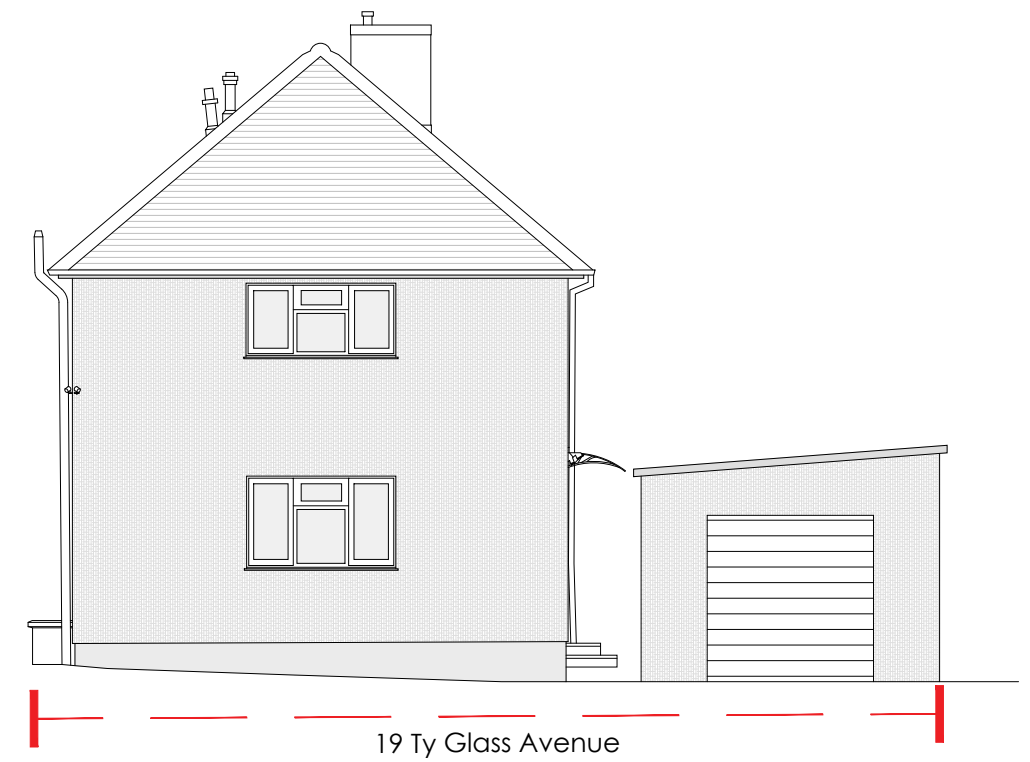
10.1 Having regard to the policy context above, the proposal is considered acceptable and it is recommended that planning permission be granted subject to conditions.



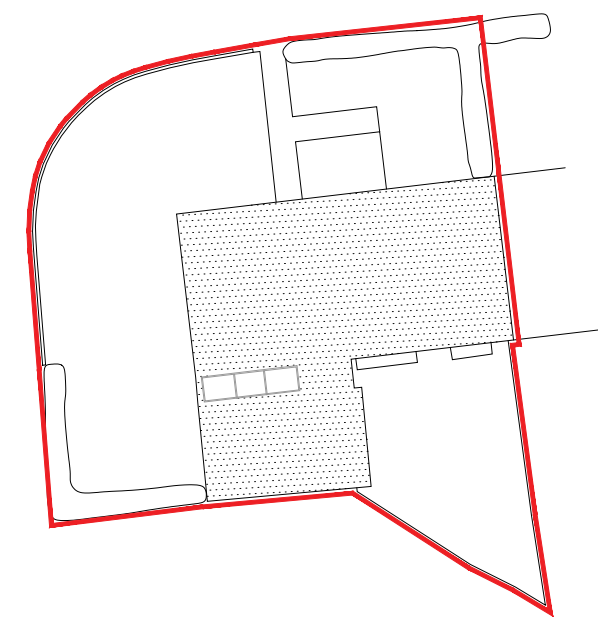
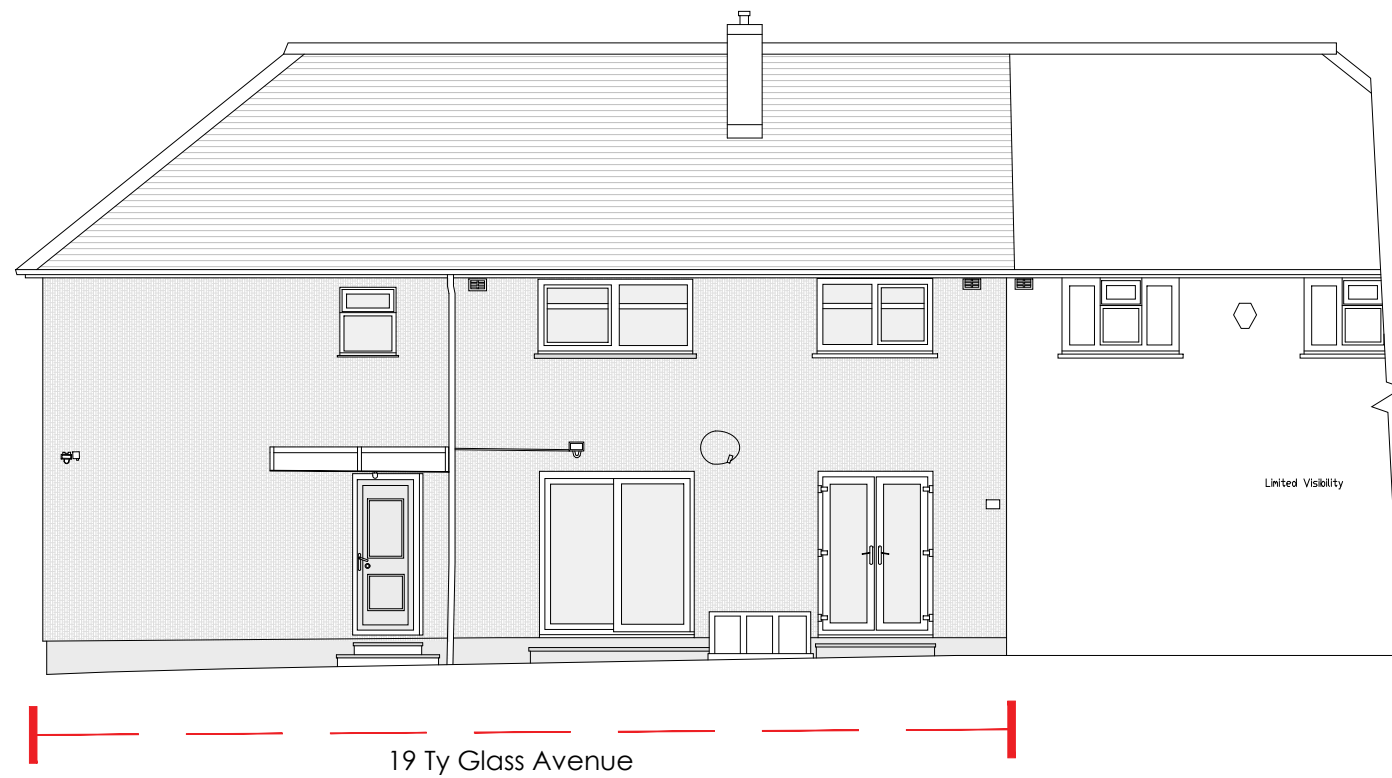
North Elevation



West Elevation

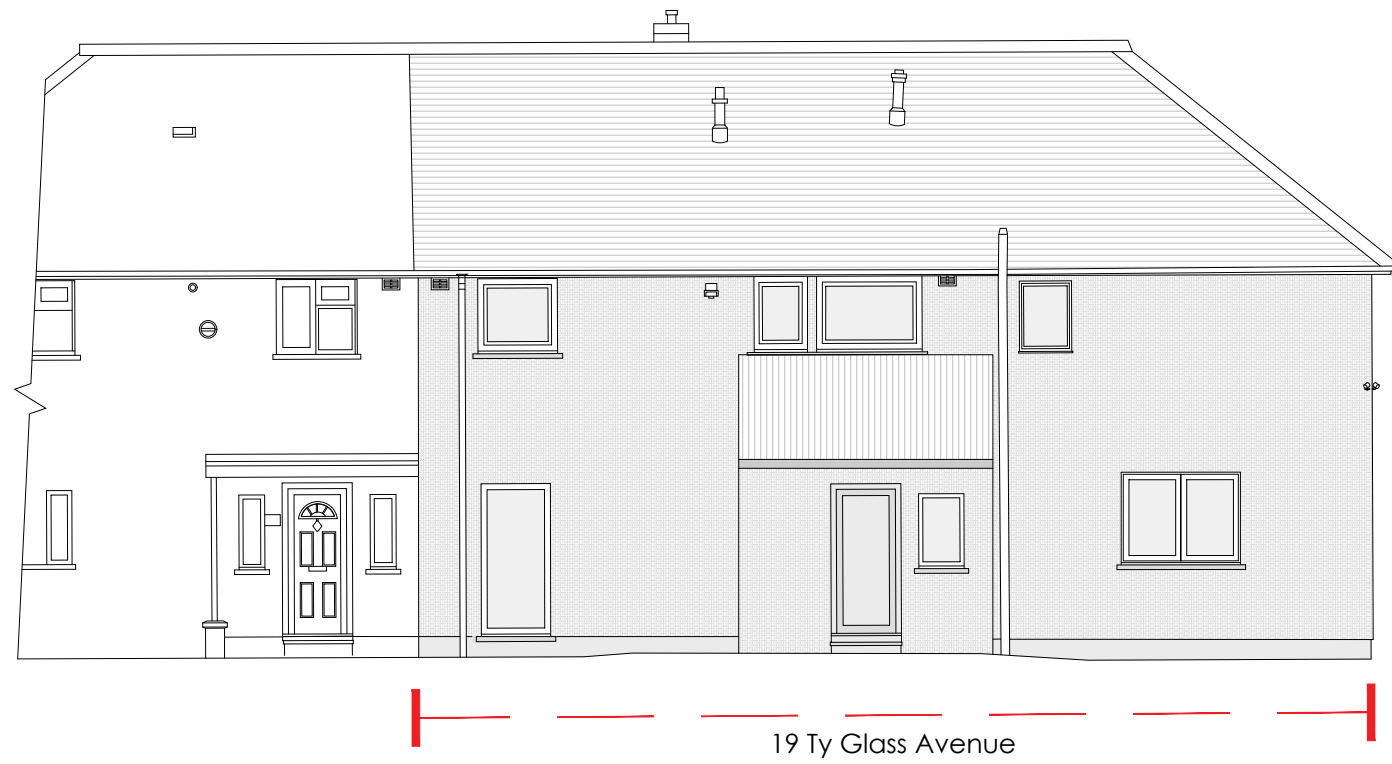


South Elevation



- Key
- Render wall
  - Slate roof
  - Site Boundary

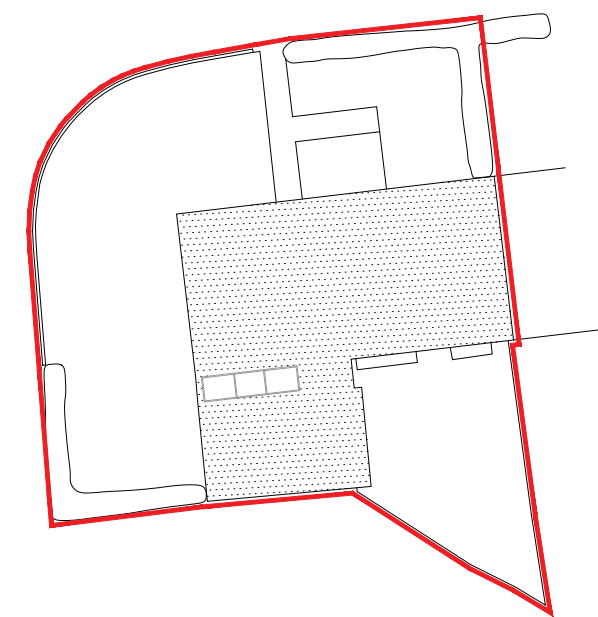
North Elevation



West Elevation



South Elevation



- Key
- Render wall
  - Slate roof
  - Site Boundary